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House of Representatives

The House was not in session today. Its next meeting will be held on Thursday, January 28, 2016, at 2 p.m.

Senate

WEDNESDAY, JANUARY 27, 2016

The Senate met at 11 a.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

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

Let us pray.

Spirit of God, who brought creation out of the void, light from darkness, and order from chaos, may Your Name be praised. Inspire our Senators. Use their daily experiences of joy and sorrow, pleasure and pain, victory and defeat for Your glory. Remind them that no evil can stop the unfolding of Your purposes and providence, as You work through them to bring harmony where there is discord. May they find joy in Your faithfulness.

Lord, lead them with Your merciful hands as You continue to provide for their needs. Protect them and their loved ones with the shield of Your love.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. SULLIVAN). The majority leader is recognized.

REMEMBERING U.S. CAPITOL POLICE OFFICER VERNON ALSTON

Mr. MCCONNELL. Mr. President, we were very saddened to hear of the loss of U.S. Capitol police officer Vernon Alston this past weekend.

Officer Alston served on the force for nearly two decades, working to protect all of us. Capitol police chief Kim Dine said that his passing, at the age of 44, was ''truly a tragic loss for the Alston family and for the United States Capitol Police, which in fact is actually one and the same.''

I know his fellow officers would agree. I know his service and dedication will be remembered by all who knew him. I know our colleagues will join me in holding his family in our thoughts.

ENERGY POLICY MODERNIZATION BILL

Mr. MCCONNELL. Mr. President, the Energy Policy Modernization Act is the result of months of hard work across the aisle. It passed committee with overwhelming bipartisan support. Congress hasn't passed legislation to update America's energy policies in nearly a decade. It is time we change that.

This broad, bipartisan energy bill offers a good way forward. It will help Americans produce more energy. It will help Americans pay less for energy. It will help Americans save energy. Not only will this bipartisan legislation help bring our energy policies in line with the demands of today, it will also position us to benefit from the opportunities of tomorrow. So let's work together and pass it.

The Senators from Alaska and Washington are proven bill managers. I ask our colleagues who have amendments they would like to be considered to bring them to the managers. Let's get going and pass this important legislation for our country.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

REMEMBERING U.S. CAPITOL POLICE OFFICER VERNON ALSTON

Mr. REID. Mr. President, Officer Alston was an exemplary police officer.

If his death accomplishes nothing more than the fact that people need to be very aware of what happens during times of exertion—there were 18 people who died during the snowstorm from shoveling snow.

Officer Alston was a picture of fitness. He was a weight lifter. He took care of himself as well as anybody could. It is such a shame that he is no longer going to be able to take care of his family. As Senator MCCONNELL said, our hearts go out to him.

But, as I said, if nothing else, please, everyone, focus on this: Be very careful. There is still lots of snow out there, and if there is not snow now, there will be at some subsequent time. Please be very careful. You may think that you are powerful and you lift weights and all of that stuff, but be

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

careful because that snow is very hard to shovel. It is very heavy, and it can create problems.

My condolences go out to the family of Officer Alston. He was a police officer, and we look out for our own. I am very sorry he passed away.

ENERGY POLICY MODERNIZATION BILL

Mr. REID. Mr. President, making America's clean energy future sustainable for our children and grandchildren has long been a priority for Senate Democrats.

Today the Senate will begin consideration of a bipartisan bill that makes progress doable on this important goal. We have long sought to pass a number of priorities included in this bill. Through the stimulus package, we made one of the largest investments in clean energy in the entire history of the country. In fact, let me just say it this way: It is the largest investment in the history of the country in clean air energy.

When Democrats were in the majority, we fought valiantly to pass a bipartisan piece of legislation called Shaheen-Portman. It was an innovative efficiency bill that would have reduced carbon emissions, would have saved families and businesses huge amounts of money, and supported 200,000 jobs in America.

We tried to get this done. The Senator from Ohio came to me and said: We need to get this done. I said: I agree with you; so what do you need? He told me what he needed, and we agreed to that. But I am sorry to report that on at least two separate occasions, my Republican friends chose obstruction that prevented the Senate from passing this bipartisan piece of legislation. Then, even the Republican sponsor of the bill wouldn't vote for it—his own bill. He voted against it.

Today we have another opportunity. This is the third or fourth time that we are moving to this. I hope we can get this done. I think there is no reason we shouldn't be able to, because we are a responsible minority. We want to get things done. We want to pass legislation. We don't want to obstruct everything.

Senators MURKOWSKI and CANTWELL have worked very hard to pass this bill called the Energy Policy Modernization Act. They did it through the committee they are responsible for leading. I commend both Senators for their sound leadership.

I am also happy—and I will just mention a few other things that this legislation addresses. Part of it includes permanent authorization of the Land and Water Conservation Fund. We did some very good things in the omnibus that we passed to take care of the Land and Water Conservation Fund. We funded it for 3 years, and that is more than we have done in a long time. But my Republican colleagues allowed the authorization legislation to expire last year for 3 months before we were able to finally renew it. So I hope we can pass this part of the bill untouched.

Most of the key provisions included in the Shaheen-Portman energy efficiency bill are in this bill. That is really important. There is $40 billion in energy authorizations, including for basic research, home energy efficiency, and clean vehicles. Those are just a few of the items. Through these provisions, this legislation will save consumers as much as $60 billion. And not only that, it reduces a significant amount of carbon pollution generated by dirty fossil energy sources.

It is estimated that passing the Energy Policy Modernization Act would reduce carbon emissions equal to taking every car and truck in the United States off the road for a year. That is a pretty big deal. Over the next 15 years, the energy sector will need to replace 2 million workers and hire an additional 1.5 million for new jobs. That is what this legislation will allow. This bill makes progress toward training a skilled workforce fully equipped to take advantage of high-paying job opportunities in the energy sector.

The Senate works best when Democrats and Republicans, the majority and the minority, work together on behalf of the American people. As written, the Murkowski-Cantwell energy bill could win bipartisan approval on the Senate floor, and we can do it right now.

As with all legislation, there is no question that the energy bill could be improved, and there will be efforts made to do that. I certainly solicit amendments, as did the Republican leader, but get them over here. It is my understanding the majority leader is now promising to allow amendments. That is what the Republican leader said a few minutes ago, and I am sure that is appropriate. Members of my caucus welcome opportunities to help strengthen the bill. However, we can't allow extreme Republican ideological amendments to poison this opportunity. The Murkowski-Cantwell energy bill must remain a bipartisan piece of legislation.

Clean energy, infrastructure, and conservation are priorities of the middle class and all Americans. So I urge my Republican colleagues to recognize the good work of Senators MURKOWSKI and CANTWELL and work with Democrats to pass this bipartisan legislation.

PUERTO RICO

Mr. REID. Mr. President, on another matter, the island of Puerto Rico continues to face billions of dollars of debt. I don't know the number—$17 billion. We hear all kinds of numbers. Puerto Rico is part of America. We must work together to address the severe economic and fiscal crisis that has gripped our fellow citizens.

I was in a meeting yesterday where I was told that on the island of Puerto Rico there is a shortage of suitcases—luggage—because people are leaving and most of them are coming to Florida. They are desperate. Many have said that the dire state of Puerto Rico's economy could become a humanitarian crisis, and that is really true.

The time to act is now. I joined Senator CANTWELL and all of my Democratic colleagues in calling on the Republican leader to advance legislation that gives Puerto Rico the protection it so desperately needs. We did send a letter to the Republican leader.

Any solution that doesn't provide Puerto Rico the ability to restructure debt would be an abject failure. Legislation that empowers Puerto Rico to adjust a significant portion of its debt would not cost the Federal Government a single penny. This is far from a bailout. It would save U.S. taxpayers from the growing cost of inaction.

Over 3 million Americans live on the island of Puerto Rico, and they are looking to Congress for help in their time of need.

I spoke to the Speaker myself, and he has made a commitment to address the economic emergency in Puerto Rico before the end of March. This has to be more than a hearing. We need to have something done substantively to help that territory.

Today Democrats call on the Republican leader to make the same commitment PAUL RYAN has made to address the economic emergency in Puerto Rico soon. There is really no time to spare. Republicans should join us in our commitment to assist our fellow Americans.

Earlier this month, I sent a letter separate and apart from the one all Democrats sent, outlining the steps the Senate can take to help Puerto Rico. If the Republican leader is unsure where to begin, he could heed what I have suggested and appoint a task force to find a bipartisan solution to this economic crisis. But as far as I am concerned, that is way down the list. I am not someone who favors task forces. I think the work should be done by committees and by our committee chairs and ranking members. I believe anything that one would try to do—that is, having another hearing, appointing a task force—is only an effort to stall the inevitable.

Puerto Rico needs help. They need to be treated as other American citizens and be able to file bankruptcy. It would not apply to any State. It would apply only to this territory. We must act now to relieve the hardships facing these people and avoid additional costs to taxpayers because there will be additional costs if we don't resolve this now.

Mr. President, I ask the Chair to announce the business of the day.

RESERVATION OF LEADER TIME

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

ENERGY POLICY MODERNIZATION ACT OF 2015

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

The legislative clerk read as follows:

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

The PRESIDING OFFICER. Under the previous order, the time until 2:15 p.m. will be for debate only.

The Senator from the great State of Alaska.

Ms. MURKOWSKI. Mr. President, it is good to welcome the Presiding Officer back to Washington, DC. This Senator knows that the Presiding Officer was back home in Alaska, and while they may not have had snow, they got everybody else's attention with a 7.1 earthquake. I know it was an interesting weekend for the Presiding Officer as well.

Mr. President, I am on the Senate floor this morning with a fair amount of excitement and enthusiasm. We are beginning the debate on energy reform legislation, S. 2012, the Energy Policy Modernization Act. This is the first time the Senate has debated energy policy reform in more than 8 years. It has been more than 8 years since we have had this kind of debate.

I was here yesterday morning and had an opportunity to open the session. I opened the session and Senator COLLINS was the Presiding Officer in the chair. It was one of those interesting mornings where everybody else seemed to be female on the floor, and the press has taken note of that. But that is not my point.

I left the floor and went out in the hallway where there was a group of eight or nine young kids with a fellow who works on the House side. I think he was giving them a little bit of a field trip, but I think he had kid duty because so many schools were still closed on account of the incredible amount of snow we got in Washington. I had a fabulous conversation with the kids who at that age are excited about being in the Capitol and understanding the difference between a House Member and a Senate Member.

They asked: Well, what are you working on?

I said: It is really exciting because we are going to be taking up energy reform legislation that we have not done in a long time.

I asked the kids when they were born, and one little girl said 2007. I said that 2007 was the last time we had energy legislation on the floor.

And since it sometimes helps to understand the passage of time in relation to our kids I said: Look what has happened to you in the 8 years since you were born. You have grown, gotten smarter, and been exposed to a lot of things.

Debate on energy legislation is long overdue on the floor of this Senate. This is a good bill, it is a timely bill, and it is a bipartisan bill. It deserves overwhelming support from this Chamber. I was encouraged by the minority leader's comments and his encouragement that through the process that we have built on the energy committee to move out a bipartisan bill, it should enjoy the respect of good debate as we move forward to again attempt to modernize our energy policies.

At the beginning, I acknowledge the good and strong and very cooperative work I have received from my ranking member Senator CANTWELL from the State of Washington and thank her for helping me craft this bill because it was truly a joint effort. It was a very collaborative effort. I also thank the other members of the Senate Energy and Natural Resources Committee for all the ideas they brought to bear and the support we have received from them bringing the bill to this point.

To give folks a little bit of a background on how we came to have this Energy bill—the first real substantive legislation we have had here in 2016—it is worthwhile to talk about the process of how we got it because that in and of itself is a little bit unusual nowadays.

To segue just a moment, because it was last year at this time that Senator CANTWELL and I were managing the floor when we had the Keystone XL debate. It was the first time in a long time we had seen regular order with a full-on amendment process. A lot of people did not even know how to process these amendments. We worked through some 40-odd amendments, and got everybody's attention that we can actually move a bill. It had some level of controversy. We did not obviously agree with many aspects of it, but we moved through a process.

Well, it is January again, and the women are back at work. I am hopeful the collaborative effort that got this bipartisan bill to the floor today will be reflected in the debate that goes forward. Senator CANTWELL and I sat down last January, when I became the chairman of the committee, and we talked about goals and priorities—what we were looking for. We both said it was well past time to update our energy policies, to do a scrub, to do an overhaul. We had a conversation about how we might go about it because there were a couple of ways we could proceed. I could have drafted my own bill with my own priorities and tried to get the votes that I needed to move it out of committee, but if you do not have the support beyond your side of the aisle, it is going to be tough to be able to advance it to the floor and get it enacted into law. Senator CANTWELL could have done the same. She could have moved her own bill. We could have done messaging bills, but we both agreed we are well past the time for messaging. We need to be legislating and governing in the energy space, and in order to do it, it is going to take some cooperation, collaboration, and conversation. That is where we started.

I went around to colleagues on the committee and began conversations with them about their energy-related priorities. These conversations continued between our staffs. Our staffs also held dozens of bipartisan listening sessions with stakeholders. We held them in Washington, DC. We held them in other parts of the country. We held one hearing in Kwigillingok, AK. The Presiding Officer knows where that is. Most others know it as only some faraway village in Alaska, but I mention this as it speaks to the level of outreach for which we strived.

After our listening sessions, we came back and really rolled up our sleeves. We held four oversight hearings and began with a 30,000-foot-look about where we are in different energy spaces. We had our oversight hearings.

Then we moved down to six legislative hearings on a total of 114 different bills. These were 114 different bills that were not necessarily introduced by just Members of the energy committee. These were bills that were introduced by Republicans and Democrats throughout the Senate and some House Members' bills that we had seen as well. We took the testimony that we received from experts, advocates, private citizens, administration officials, and from our home States and just about every other State. We gathered all the perspectives that we could about what Congress should do and what Congress needs to do to ensure that our Federal policies keep up with the years of change in energy markets and energy technologies.

One simple case in point that reminds us of this 8-year passage of time is this. Eight years ago when we talked about LNG, what we were talking about was seeing if we could structure our LNG terminals so they could be import terminals. Think about where we are now. We are talking about how we export our LNG, how we can move it to share our energy wealth with others. That is a prime example of making sure that what is happening within our energy markets, what is happening within our energy technologies is consistent with what our policies, our laws, and our regulations allow.

After we did all this gathering of information, we entered weeks of bipartisan negotiations to determine which bills should be incorporated into our draft text. From the 114 measures, we took 50 different bills. As one flips through the 400-some-odd pages of this Energy Policy Modernization Act, you will see bits and pieces of 50 different measures offered by colleagues—Republicans and Democrats—offered throughout the Senate.

Senator PORTMAN and Senator SHAHEEN have been leaders on energy efficiency and we were able to incorporate a number of ideas in the energy efficiency title of our bill. You will also see incorporated in it the critical minerals bill that I have been working on for years now. Again, we are not just taking the ideas from this Senator

from Alaska or the Senator from Washington and introducing a bill for consideration, we have solicited others for ideas and input as well.

The last step on the committee was when we went to markup. We held 3 days of markup, which is a pretty good time to spend in committee. We dispensed with nearly 59 amendments and because of that very collaborative process we solicited ideas from all sides. When it came to reporting the bill out of committee we ended up passing it out by a significant 18-to-4 vote. We agreed to report the Energy bill to the full Senate for further consideration, and that is how we got to where we are today.

I wish I could say we would see more of this type of collaborative effort in the Senate. We do not see this all the time. We did see it last year, and where we have seen legislative success is worth noting.

The Education bill that was shepherded by Senator ALEXANDER and Senator MURRAY was also a very collaborative process. I serve on the HELP Committee. I sat through the many hours of debate and oversight and markups. We were able to advance that bipartisan bill to the floor—a bill that moved out of the committee unanimously—and we were able to advance it to the floor where it enjoyed strong bipartisan support, went to conference with the House, and has now been signed into law.

Another area where the leaders worked cooperatively and collaboratively—I commend Senator BOXER and Senator INHOFE for what they did on the highway bill. They worked through the issues that were not easy but were absolutely necessary to get a longer term highway transportation bill. That does not happen if you just elbow your way through. It comes when you work together. I think we have demonstrated on the energy committee that we have done just that—working collaboratively.

I have said many times that the Energy Policy Modernization Act is not the bill I would have drafted if it were just up to me, and it is not the bill Senator CANTWELL would have drafted if it were just up to her. The bill is not exactly the way any one of us would have drafted it if it was up to just one of us. It is a bill we wrote together. We wrote it as a committee. We wrote it as a team and as a group of 22 Senators who care very deeply about our Nation's energy policies.

As Members are coming back, as they are looking at this bill, I urge them to look at what is in the bill and where we have been able to find the common ground. Look and analyze that because I can guarantee you are going to find things that are not in there that you wish were there and you are going to say: LISA, how come my X, Y, or Z is not part of this bill?

That is true. There is some X, Y, and Z that is not in this bill that I would really like. I know there are items the Presiding Officer would really like—the two of us being Senators from Alaska—but we do not have then opportunity to build a consensus on some of those issues right here, right now. So can we agree that what we have built with this bill advances our energy policies, brings us more up to speed, and loosens the choke hold we have in certain areas?

We spent months modernizing our energy policies and addressing both opportunities and challenges, and we found common ground in many areas. I think we found common ground in more areas than we actually expected when we started this process—certainly enough to write a good, solid bill. We ultimately organized our efforts into five main titles. We have efficiency, infrastructure, supply, accountability, and conservation.

We agreed to include the Energy Savings and Industrial Competitiveness Act. This is the efficiency measure which I mentioned just a moment ago which Senator PORTMAN and Senator SHAHEEN have been leading for years. I think it is very important that we were able to incorporate the good work of the Senators from Ohio and New Hampshire, along with the support of 13 other Members, for inclusion in this bill.

We also agreed to include the LNG Permitting Certainty and Transparency Act. This act was led by Senator BARRASSO, and 17 other Members joined with him on that very important measure.

We agreed to include my American Mineral Security Act, which is the critical minerals bill sponsored by Senator RISCH of Idaho, Senator CRAPO of Idaho, and Senator HELLER of Nevada. Again, it is a piece that I think many would agree is vitally important. Having greater control of these important minerals is critical to our country's energy security and we must not subject ourselves to complete reliance on others as sources for their supply. We do not want to go down the same road we have been down, for instance, with oil historically when we are talking about our critical minerals. This is a huge issue for us.

We agreed to promote the use of clean, renewable hydropower, which is a priority for Members from Western States, including Senator GARDNER, who helped lead, Senator DAINES, Senator CANTWELL, and me.

We agreed to expedite the permitting of natural gas pipelines without sacrificing any environmental review or public participation. This was an effort that was led by Senator CAPITO of West Virginia.

We agreed to a new pilot program for oil and gas permitting. This was one of many good ideas Senator HOEVEN of North Dakota advanced.

We took up a proposal from Senator COLLINS of Maine to boost efficiency within our schools. I think we all recognize this is an area where we can and should try to do a little bit more. It saves us in the long run.

Senator KLOBUCHAR of Minnesota had a measure to increase the efficiency of buildings that are owned by nonprofits.

We agreed to improve our Nation's cyber security—an issue we are all very keyed in on. This was from legislation that was originally presented by Senator RISCH of Idaho and Senator HEINRICH of New Mexico. We saw an amendment from Senator FLAKE on this topic as well.

We made innovation a key priority in our bill, with a recognition that there is a limited but very useful role for the Federal Government to play early on in the development of new technologies.

I just came from a meeting this morning, a summit on advanced nuclear technologies. We spent a good part of the summit recognizing that when you talk about nuclear and the future, innovation is key to what we are building.

We agreed to reauthorize many of the energy-related portions of the America COMPETES Act. You will recall that this was the measure Senator ALEXANDER has advanced in the past. We took those energy-related pieces and incorporated them in the bill.

In some of the areas of renewable, geothermal is one that I believe has enormous potential. We certainly have that potential in the State of Alaska, but we also have it in other Western States. This was a big priority for Senator WYDEN and Senator HELLER. Senator WYDEN's legislation and the ideas he has advanced have been key.

We agreed to promote vehicle innovation. This was a priority for Senator PETERS of Michigan, Senator STABENOW of Michigan, and Senator ALEXANDER of Tennessee so we were able to enhance that discussion on vehicle innovation.

We agreed to renew the coal R&D program at the Department of Energy. This was based on a proposal that was advanced by the Senators from West Virginia, Senator MANCHIN and Senator CAPITO, but Senator PORTMAN was also key to helping advance this.

We agreed to help protect reliability within the electric sector—an incredibly important part of what we do within this legislation.

We reform the Loan Guarantee Program at the Department of Energy. Many of us believe strongly that reforms were necessary, and we have done just that to ensure that we do not have taxpayers at risk with certain aspects of that program.

We agreed to reauthorize the Land and Water Conservation Fund. As folks will recall, that authorization expired toward the end of last year. Within the omnibus, we successfully advanced a 3-year extension, but what we did within the committee was we advanced permanent authorization of LWCF with some reforms—reforms that were endorsed by the full committee.

We have a provision in there as well that helps to address the maintenance backlog within our national park system. People understand that this year

is the 100th anniversary of the National Park Service. It is something worthy of celebration. Unfortunately, we have a real black eye when it comes to maintenance and upkeep of our parks, so we have reviewed that issue and said we need to make steps to help address that in a way that is constructive.

There is a section of the bill nobody will talk about. The press does not care to report about it, but I think it is a very good section. Recognizing the Presiding Officer's interest in regulatory reform, he will be pleased to know we cleaned up the United States Code. We delete dozens of provisions within the Code that are either obsolete or duplicative. We get these programs on the books, we put requirements for a study into law, and as long as they are still there—even though no one is reading that report anymore, even though those programs are now obsolete because of what has gone on, they are still on the books. So if you are worried about government spending and you are looking at the conservative reason to embrace what we are doing, take a look at some of the provisions we got rid of. They are old, they are outdated, and they are obsolete.

This is just a sample of the good work we have included within the bipartisan bill.

Many of the Members I listed are responsible for not just one provision but for multiple provisions throughout the bill. It was truly a team effort as we worked this through. We were counting up different parts of the bill on which we have seen Members contribute, and more than half of the Members of this Senate are sponsors or cosponsors of at least one provision in the bill as we stand here today. Again, I think that is representative of the process in which Senator CANTWELL and I have engaged.

You may say: OK, you had a very thorough process. What is in it? What good is it? What does it mean to me? How is this going to help our country from an energy policy perspective? How is it going to make sure that when we talk about energy security translating into economic security and national security—how does this all bind together? What does this do? How does this help our people?

There are many practical benefits to modernizing our energy policy, and I will start with the first obvious one. Every time you do upgrades, whether within your house or your business, you become more efficient. For example, we recently replaced the windows in our house. Not only did it make the house look a little bit better, but we are paying less on utility bills. My husband just found a good deal on LEDs, and he replaced all the lightbulbs in the house. He is all excited about it because it is going to reduce his costs. He is worried about costs. We should all be worried about costs. This bill helps us reduce our costs.

This bill also allows us a cleaner energy future because when you modernize your infrastructure, when you use less, you reduce much of your emissions. So for those who will be critical and say ''By gosh, you didn't fix the issue of climate change,'' look through this bill and tell me it does not make for a cleaner energy future for this country.

This bill helps us to produce more energy and to be less reliant on others. It helps Americans save energy. Again, when we save energy, we save money and there is a more efficient environment. It will help ensure that our energy can be transported from where it is produced to where it is needed. That is a big challenge we have nowadays. It will bolster our status as the most innovative Nation in the world. Why shouldn't we be the most innovative Nation in the world when it comes to energy? We have the resources here. Let us develop the technologies that will allow us to access them in a way that is responsible, with good environmental stewardship, that creates jobs, that creates economic opportunities, and that truly allows us to be more energy-resilient. Why shouldn't we be the innovators and the leaders? Let us not cede that to anyone.

Our bill will allow manufacturers to thrive without the fear of high costs or crippling shortages, and it will cement our status as a global energy superpower as we provide a share of our surplus to our allies and trading partners. Is not that a nice thing to know, that not only can our energy be good for us and for America, it can be good from a geopolitical perspective? That we can help our friends and allies?

When you think about the energy security, the economic security, and the national security that come with energy, that is where it all knits together. The Energy Policy Modernization Act will boost our economy, our security, and our international competitiveness all at the same time. It will help our families save money. It will help our businesses save hundreds of billions of dollars. It frees up budgets. It frees up our ability to place priorities elsewhere. It will help assure that our energy remains abundant and affordable, even as it becomes cleaner and more diverse in supply. And it will do all of this without raising taxes, without imposing new mandates, and without adding to the Federal deficit.

Again, we are getting great gains for our economy, good jobs, and security from a host of different ways. We are able to do this without raising taxes, without imposing new mandates, and without adding to the Federal deficit.

This is a good bill. This is a bill that is designed to go the distance. It is designed to make a difference. I am confident that we can proceed through this floor debate, and we can make it even better. For the half of the Senators who have participated in this one way or another, there is another half who want to weigh in, and I welcome that. I think that is part of this process. This is part of a commitment we are making to an open amendment process, but I hope we can focus on the good that is within this bill and work to make it better and avoid the gotchas and avoid the poison pills; avoid those things that are designed to do nothing more than to bring a bill down by perhaps making a political point. I ask my colleagues to treat this bill on the floor with the same seriousness that the Energy and Natural Resources Committee treated it throughout this month-long process. Let us come together as Senators in the United States Senate to truly help make a difference with our energy policies.

With that, I encourage Members to come down to the floor. We know there are a bunch of rumored amendments out there, and we welcome them. But we all know we have been delayed a couple of days by the snow, and we have work to do. So I would urge colleagues to come to the floor and file their amendments. I would also remind Members that if an amendment costs money, it is going to need to be paired with a viable offset.

I remind the Senate that we are considering Senate bill 2012. This is not a House shell. So we will need to table any tax amendments because we do not want to be in a situation where we have a blue slip that prevents us from advancing to conference. I am throwing that out there. You may have issues that you would like to bring up, but if it costs money, we have to have an offset. We simply cannot do tax amendments, and I know that because there are actually some that I am interested in as well.

I think Senator CANTWELL and I are both in the same situation. We know an open amendment process on an energy bill that hasn't seen floor action in a long time could have the effect of unkinking the hose. We know there are a lot of folks that have a lot of good ideas, and perhaps hundreds of ideas, that this bill could include. Our intent is to work as hard as we can and as fast as we can to process as many of these bills as possible.

Tomorrow we expect to have a busy day. Hopefully, by the end of today, we will have reached some consent agreement as to what the votes for tomorrow would look like, but my hope is that we will be voting, voting, voting tomorrow so as to process the many of the amendments we are expecting. It is unfortunate that we have lost a few working days to the snowstorm, but that is nothing compared to the 8 years we have lost as we have let our energy policies languish.

We know we are in a place and a space where our policies have failed to keep up with the changes in the market and the advances in technology. We know our policies in many areas are outdated, with opportunities being ignored and challenges going unaddressed. So we are here. It is time to have the debate. It is time to work through an amendment process. It is time to pass an energy bill in the U.S. Senate. And after the model of the

highway bill, of the education reform, and the very good work that so many in this body have put toward this bipartisan effort, my hope is that the Energy Policy Modernization Act will be the next bipartisan accomplishment on behalf of the American people.

Mr. President, I yield to my ranking member and good partner in all things energy, Senator CANTWELL. A very sincere thank-you to her for a very cooperative and good working relationship throughout all of this. Thank you.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I, too, rise this morning to talk about the Energy Policy Modernization Act of 2015. Yes, sometimes we can be cynical about this place and what we can get done; then, all of a sudden, we have a great opportunity to move something forward.

The Senator from Alaska said it correctly. This is a milestone for the Senate. The fact that we are considering energy policy legislation on the Senate floor in a bipartisan bill, or any bill, for the first time since 2007 is a tremendous milestone. I thank her for her leadership and for her time and effort to put this legislation together in such a bipartisan fashion through the processes that we went through shown on that chart—hearings, listening sessions, discussions, amendments.

I think it is appropriate to thank our staffs. Usually that is done at the end of a process, but when we have had a bill on the floor for the first time since 2007, we should herald them in advance. Angela Becker-Dippmann, Colin Hayes, and I know Karen also played a big role in this, so I thank them.

But my colleague is a partner, as she said, in all things energy. It is interesting that the other Senator from Alaska is presiding at this moment. We have all been working together. The Senator from Alaska, Ms. MURKOWSKI, and I participated in an Arctic summit just last week in Seattle, focusing on another policy for our Nation—the urgency of getting an icebreaker fleet for the United States of America and the other policies we need to do in the Arctic. So I have certainly enjoyed the many efforts that we in the Pacific Northwest region focus on. I think maybe that helped us a little bit in our outlook. It is not that we agree on everything. Certainly, we don't. But I think we know where we disagree, and we try not to let that get us held up. We try to find the commonality in what we are doing in moving forward on the modernization of our energy system and to make sure we are empowering the private sector to continue to move ahead on things by making sure that either the R&D investments or changes in policy get done on our watch. That is really what the Energy Policy Modernization Act is about.

I thank the Chair for her leadership on that effort and for steering us to this process that we have before us today. As she said, it is not a bill so perfect that we are not going to hear from our colleagues on it. Since it is the first major piece of energy legislation in a long time that we hope goes all the way to the President's desk, it is a process I am sure many of our colleagues are going to want to see amendments on. We will work through them to the best of our abilities to hopefully improve the bill, but also not sink the bill with poison pill amendments that we know either will get it vetoed or will not get it across the finish line where we need to take this legislation.

I am here this morning, along with the Chair of the committee, to thank our colleagues on the committee on both sides of the aisle for their leadership and input on this bill. Again, it was a process on which not everybody agreed, but the bill passed out of committee with well over a majority of votes in a bipartisan way. I think that signals it should have good support here on the Senate floor because we went through a very deliberative process in the committee, and that deliberative process means a lot of issues were aired, and we know where we can go and where we can't go on this legislation.

Again, it doesn't mean we are not willing to consider a lot of debate; we are. It doesn't mean people aren't going to offer amendments that are going to be challenging; they are. But in the end, I think if we want to keep moving forward with empowering the kind of energy revolution that we are seeing, we need to keep up on our side of the ledger here in the Nation's Capital.

Much has changed in the last 9 years since the 2007 act. Before that, we had a small bill in 2005, so we have seen some very dramatic changes in energy. Clean energy has certainly weathered the storm and is not just a pipe dream anymore. It is a key driver of our economy, and it is helping us reduce our carbon emissions. Wind power has more than quadrupled since the last bill. Solar photovoltaic installations are up nearly 15 times. The number of LED lights—I am glad the Senator from Alaska's husband is such a cheerleader—has grown more than 90 times in since that bill. The reason is, just as the Senator from Alaska said, this is all about consumers who want to be able to save money on their energy costs. Senators from Alaska get that, and Senators from Washington get that as well. We get it in a different way. They get it because they are constantly battling the highest energy costs in the Nation, and we get it because we are constantly reaping the benefits from some of the lowest energy costs in the Nation.

We both have a great deal of concern here. We both want to protect the industries and the economic opportunities of our economy. We know that energy is the lifeblood of any economy.

The U.S. solar industry employed more than 200,000 Americans in 2015, which was a 20 percent growth in the industry in the last year. To put it into perspective, it has grown nearly 12 times faster than the national employment rate during that same time period. So we need to continue this effort to make investments in the right research and development, the right technologies, in order to empower homeowners, ratepayers, and even businesses to save billions of dollars in energy costs.

Why are we doing this bill? As I said, it is an important journey to update our antiquated energy policies when we want to modernize our infrastructure, and we want to maintain our global competitiveness. These are issues that are part of our energy debate today because we also want to reduce carbon pollution. As my colleague said, while this bill may not have everything we want to see from our side of the aisle in a carbon reduction plan, it certainly shows that we do want to see investments in clean energy.

It doesn't matter whether you are a Republican or Democrat, the people of this country have said clearly that they want to see clean energy and they want us to help curb climate change. We need to listen to our constituents, and that is why we are trying to move past some of the issues of policy and move forward on things that will empower our citizens.

The Senator from the State of Iowa, who is here, understands exactly what I am talking about because he, too—whether it is in wind or solar or biofuels—has seen the economic benefits of a changing energy landscape for our economy and wants to make sure that businesses and ratepayers are still empowered.

We are here because we need to update and modernize our energy policies. That is what we did when this bill came out of committee with an 18-to-4 vote. And we need to build on the momentum of the technologies and how their deployment reflect new market realities. A very important aspect of our energy debate is the Secretary of Energy's completion of what was called the Quadrennial Energy Review.

What are our Nation's energy challenges? It wasn't just an Energy Department discussion. It was the entire Federal Government weighing in on what are the energy needs of our Nation. It is done every 4 years. Basically, what Secretary Moniz said in that report is that we are at a crossroads, that the dynamic and changing nature of our domestic resource mix, expanded supplies of natural gas, and growth in distributed generation are creating opportunities and challenges.

As the Secretary put it, ''the longevity and high capital costs of energy infrastructure mean that decisions made today will strongly influence our energy mix for the considerable part of the 21st century.''

What was he talking about? He was talking about the fact that we are at a crossroads and where we make investments will mean that we will either

reap the benefits of making the right decisions or stymie our economy's economic growth by not making the right energy decisions.

When we talk about energy infrastructure, I try to remind my colleagues we are talking about 2.6 million miles of pipeline, 640,000 miles of transmission lines, 414 natural gas storage facilities, 330 ports with petroleum and crude, more than 140,000 miles of railroad, and a diverse mix of energy projects and obviously an electricity grid that runs from coast to coast.

The Quadrennial Energy Review talked about how we needed to modernize and upgrade that infrastructure and that the electricity grid was a key part of that. That is why you will see a lot in this bill about modernizing the electricity grid and why it is so important to our Nation—not only from an economic perspective of having affordable, cheap, renewable, clean energy but also in making sure we modernize the grid to help us with cyber security.

Once again, a quote from the report:

> Dramatic changes in the U.S. energy landscape have significant implications for . . . infrastructure needs and choices. Well-informed and forward-looking decisions that lead to a more robust and resilient infrastructure can enable substantial new economic, consumer service, climate protection, and system reliability benefits.

That is why you will see a significant focus in this bill on infrastructure, investing in technologies, cyber security, and making our grid more intelligent, efficient, and resilient—ways that we believe are going to help both businesses and consumers.

The bill includes investments in energy storage, which helps integrate renewable energy. It has provisions for advanced grid technologies, which help make our electricity grid smarter and more intelligent, to move energy around more efficiently. It has cyber security research and development. I don't think there will be anybody in the Senate who will not support this more robust effort on cyber security given the challenges and the threats we face.

It has a focus on new renewable technologies, which are great breakthroughs in helping to drive down costs. It has energy efficiency, which costs basically one-third to one-half less than new generation.

This chart shows the question of whether you want to pay 4.6 cents a kilowatt for production or 12 cents a kilowatt for production. I know this. I would rather pay 4.6 cents. I would rather drive the costs down for the consumer as a result of energy efficiency or renewable energy, as opposed to making investments in what we know is going to be more expensive energy for the future.

When it comes to R&D, we need to make sure we are making the right investments for the future and that we are sending the signals that capital markets will take as also a signal for continued investment.

We need to make investments in our workforce because as the Quadrennial Energy Review shows, we will need 1.5 million new workers by 2030 in the energy sector. That is a huge number. I will say that we do not have the right tools in place to quickly train as many people as necessary.

I am sure the Presiding Officer would attest to this just in the biofuels area. I am sure there are institutions in her State that are working hard to help describe, train, and educate those in the biofuels areas so we can have a robust infrastructure—the science, the R&D, the distribution, all of that. I know in our State we are working hard on this with our national laboratories and Washington State University on getting an advanced biofuels for the airplane sector because we want aviation to move forward on using those fuels and becoming even more efficient.

There is advanced manufacturing here where it is about making sure our trucks have the same efficiency opportunities that we were able to help usher through in 2007 with higher fuel efficiency standards for automobiles. Now we want to make sure we are investing in the same level of R&D for our advanced truck fleets in the United States so they can reap the same benefits as fuel-efficient automobiles.

As I mentioned, the Quadrennial Energy Review laid all of this out, and that is why we took an effort with the committee on hearings that my colleague already outlined with more than 100 different energy bills and a variety of input from our colleagues.

Yes, energy efficiency is front and center in this debate. In fact, I think there were 22 different energy efficiency bills from 30 different Senators as sponsors and cosponsors in the discussion. I think in 2007 we definitely talked about some smart grid demonstration projects and a few things, but nowhere was energy efficiency or the development of these policies—whether it is storage or distributed generation or protecting ratepayers—none of them were as front and center as they have been in this debate today. That is because energy efficiency not only makes sense in terms of the environmental benefits. People have seen that it makes sense for the economy, and it makes sense for our consumers. As I said, it drives down the cost of production and, obviously, when it integrates more sustainable resources, efficiency becomes a cheaper, better job creator and carries lower environmental costs than the alternative. Not only does it save consumers money, but it helps add to the flexibility of our grid and reduces carbon.

I want to thank a few of our colleagues who have worked so hard on helping us put this legislation together. My colleague from Alaska mentioned the Shaheen-Portman piece of legislation, which is a key cornerstone of this bill when it comes to the energy efficiency area. It encompasses much of their work. They have obviously been stalwarts for years trying to get energy efficiency legislation moved through the Senate. Many of the provisions they have sought in the past are now in this bill. I commend them for their efforts.

Residential and commercial buildings consume 40 percent of our U.S. energy. That is roughly $430 billion. When you talk about focusing on making our buildings more efficient and addressing that sector of our energy needs, there are some true savings.

In the past, energy buildings and equipment standards have lowered the costs, and they expected to save roughly 3 billion metric tons of carbon emissions, which is the equivalent of carbon emissions of 42 million vehicles in a 15-year period. Just by focusing on our buildings and making them more energy efficient, we can have a tremendous impact. That is why I worked with my colleague Senator MURKOWSKI in authorizing a section of this bill on smart buildings, and Senator WARREN joined us. Smart buildings really will help us manage our energy loads better, particularly focusing on lighting, heating, cooling systems, and communications between buildings. We heard from the Department of Energy that smart buildings really could be a game changer for the efficiency discussions. I thank my colleague from Alaska for working with me on that provision.

DOE has estimated that smart buildings can result in 30-percent additional efficiency in the way buildings are operated when they realize the full potential of these technologies. You can imagine that if you are an industry and you are trying to be competitive, what that is going to mean to have that level of efficiency. I know because with every sector of economy, they are constantly focusing on energy costs as a way to be competitive, particularly in an international market. I would say that one of the reasons we have so many server farms in the State of Washington—that is, storage data facilities—is because we have cheap electricity. When you start saying you are going to drive down the cost of electricity by such a significant margin, people are saying, ''I want to locate there.''

We want to make sure we are empowering free capital and investments to help us reduce carbon emissions by focusing on giving those powers to help focus on smart buildings. This isn't just a U.S. strategy. This is something the United States could be world leaders in. The International Energy Agency says that the energy efficiency market in China alone is expected to total more than $1.5 trillion between now and 2035. Think about it. They are building so rapidly, and yet they could be incented—that is, by the level of investment the United States is already making—to further their own efforts in smarter buildings, reducing carbon, building more efficiently. This is something where U.S. solutions could aid. I hope we will continue to focus on these

kinds of innovations in the U.S. agreement with China.

My colleague mentioned infrastructure as a key theme of this bill and mentioned some of those provisions. As I mentioned, utilities and the fact that, on average, the United States spends nearly 29 percent of its total expenditures on utilities such as electricity and natural gas—we want to continue to make improvements there. Data-driven intensive industries also, as I mentioned a few minutes ago, are part of the equation. We know as they continue to grow, we are going to want to make continued investments.

In the Pacific Northwest, the Bullitt Center, which has been an acclaimed building—probably one of the greenest commercial buildings in the entire world—is a net-zero building and shows how well you can build a building that both consumes less electricity and can actually put electricity back onto the grid.

We have many of these efforts in the Pacific Northwest where people have seen that smart building technology is expected to grow from $7 billion now to $17 billion in the next 4 years. It is a tremendous market opportunity for U.S. technology.

I wish to mention a couple of other provisions that our colleagues have worked on in the bill and thank them for that. I wish to thank Senator FRANKEN, Senator HEINRICH, Senator KING, and Senator HIRONO for their efforts on energy storage that we have included in this legislation. It includes a program that is focused on driving down the cost curve of ways to help with storing energy, whether you are talking about battery technology or large-scale storage. I also thank Senator WYDEN, Senator KING, and Senator HIRONO for their focus on advanced grid technologies—that includes demonstrating how multiple new technologies can be put into the electricity grid on a micro level. This is so important. My colleague from Alaska and my colleague from Hawaii both see the challenges of very different energy mixes than the rest of the United States and the challenges with transportation. Helping them on micro grid issues is critically important.

As I mentioned, making distributed generation more reliable and more intelligent is a very key factor in this bill. Senator WYDEN did incredible work on making sure we added new renewables in the area of marine hydrokinetic, geothermal, and biopower into this legislation. I thank him for that.

I know my colleagues Senator KING and Senator SANDERS—and I know we will be joined by Senator REID on the floor—are continuing to push the envelope on innovative ways to make sure distributed generation works for our citizens.

This is something we didn't get as much in the bill as we wanted. We certainly put some new authority to make sure we are protecting consumers. But I think we will probably see that people will want to go further to make sure we are empowering everybody—from members of the Tea Party to the environmentalists who want to be in the solar business to those who put solar panels on their roof or anyone else who doesn't want to be gouged for the cost of doing that by the utility. They want the utility to make the investment, and they want to get a return for participating in reducing energy costs.

I wish to thank all of those who worked on the cyber security section of the bill, which, as I mentioned, is very important. In 2003, more than half of the cyber incidents were directed at critical energy infrastructure. So the bill today basically says that the Department of Energy will be the lead role in coordinating our cyber response for the energy sector and that we will be working on the R&D in partnership with the private sector to make sure we have the right kind of information sharing to continue to make the kinds of investments for resiliency that we need to have for cyber security.

I would like to mention a few more items. The advanced vehicle technologies program—Senators STABENOW, PETERS, and ALEXANDER all worked on this section of the legislation to try to, as I mentioned earlier, take the same fuel efficiency we have in automobiles and do the same thing for trucks. Companies in my State, such as PACCAR and the Pacific Northwest National Laboratory, are already trying to drive down the cost of truck transportation. Why? Because they see how much freight the United States is moving to overseas markets. We see that we have products we are going to sell to a developing overseas world, but we have to move them cost-effectively, so we put a lot of work into making our truck transportation efficient.

I thank Senator WARREN for her work on the Energy Information Administration provisions and Senator MANCHIN for his work on workforce issues—which I am sure we will continue to hear about when we come to the floor as it relates to our mine workers and a variety of other people keep transitioning to new job training to make sure we have the workforce for tomorrow. Lastly, I also want to mention my colleague Senator HEINRICH, who has been very active on the workforce issues as well and making sure we have grants for work shortages and job training.

I think my colleague from Alaska said it best—that this is not a bill which is about what everybody wanted but about what we could do and that is important to move forward now. It was built on a good, bipartisan process, and people were able to have input. We hope to follow the same process here on the floor. I am sure my colleagues on this side of the aisle will want to talk about ways in which we could go further.

The American Energy Innovation Act we introduced last September has many of these provisions, such as having an energy efficiency resource standard at a national level and getting Senators BENNET and ISAKSON's SAVE Act, which makes sure consumers realize as homeowners the benefits of the investments they make in energy efficiency.

I also mention my colleagues, Senator REID of Nevada and Senator KING of Maine, who have shared innovative ways to make sure consumers benefit from being in the solar business.

I am sure we will hear from many more people on both sides of the aisle about their ideas and how they would like to improve this bill.

As my colleague from Alaska said, it is important that we work together and not try to torpedo this bill but instead move forward on what has been a good, bipartisan process and continue to make investments for the future.

One of the last issues I wish to mention, as an investment for the future, is the success of the Land and Water Conservation Fund. I am so proud that the Land and Water Conservation Fund was original legislation by my predecessor, Scoop Jackson, a Senator who served our State for many years. I think the Land and Water Conservation Fund is one of the most successful conservation programs in our country's history. It had been successful for more than 50 years before it was dismantled, but we were able to reestablish it in the omnibus for the next 3 years. Obviously our committee came to a bipartisan decision on this issue, and we believe it should be made permanent. It was such a successful program, it should at least receive the same attention it did for the first 50 years so we can continue on the same journey we have been making so we can be sure we have open space in the United States of America as we continue to grow.

These are important outdoor spaces that have generated an incredible outdoor economy for the United States of America. It has generated economic revenue by providing the ability for people to go to the outdoors. I hope we will keep that as part of this legislation as it moves all the way through the U.S. Senate and the House and to the President's desk—permanent reauthorization of the Land and Water Conservation Fund.

At this time, I am going to turn the floor back over to our colleagues so they can discuss this bill or other issues, but before I yield, I will reiterate that this legislation is about the modernization of energy—the lifeblood of our economy—and driving down the costs through investments on a new strategy for the future. It is not about holding on to the past as much as moving forward to the future, and it will enable our businesses, our ratepayers, and all of those whom we care about in that economy to continue to reap the benefits of next-generation energy technology—renewable technology—that is cleaner, more efficient, and will keep our economy in the driver's seat

for our own U.S. economy and be a game changer for us on an international basis so we can provide solutions that are cleaner, more efficient for sure, and will help us deal with the carbon issues around the globe.

With that, I yield the floor.

The PRESIDING OFFICER (Mrs. ERNST). The Senator from Texas.

Mr. CORNYN. Madam President, I know we will be breaking at the regular time for our policy luncheons. When I am finished speaking, I will yield the floor so that the Senator from Arizona can make any comments he wishes before we go into recess.

I want to say a few words about this legislation. I know that amidst the polarization and the circus-like atmosphere of our politics these days, people are really surprised to find out we were able to get some important work done here in the U.S. Senate in the year 2015.

While this Presidential selection process goes forward in Iowa, New Hampshire, and South Carolina for both Democrats and Republicans, I think it is important that we continue to do the people's work here in the Senate. I can't think of any better subject for us to legislate on than this bipartisan Energy bill which was ably led by the chair of the energy committee, the Senator from Alaska, Senator MURKOWSKI, and our colleague, the Senator from Washington.

In my State and no doubt in other States, we have seen how important the energy sector can be to jobs. Texas is suffering a little bit, as are places such as North Dakota, Alaska, and other big energy States, because the price of oil is so low. Actually, it is good for consumers because gasoline prices are cheaper than they have been in a long time. We have been able to see how smart energy policies can have a positive influence on jobs and stronger economic growth not just in Texas but across the country. So taking advantage of our natural resources and diversifying our energy supply when we can is a win-win situation.

This legislation, the Energy Policy Modernization Act, will update our energy policies for the 21st century. I can't tell you how many times I have heard people say: Well, we don't have a national energy policy. Unfortunately, that is true, but this Energy Policy Modernization Act will go a long way toward developing sound energy policy that will help us produce more energy, help us use the energy we produce more efficiently, and it will allow consumers and businesses to save money.

This bill modernizes the U.S. electric grid—the infrastructure that provides us with electricity—which, of course, we don't think about too often until we have a brownout or a blackout as a result of some incident. It is very important that our electric grid be reliable and more economical in the long run.

This bill also seeks to diversify our energy supply, including promoting research on renewable energy options while updating our policies on mineral extraction as well. I think this legislation promises to allow us to continue to be productive now in this new year, 2016.

I wish to add one other word about the Senator from Alaska, Ms. MURKOWSKI, the chair of this important committee. Thanks to her leadership, Congress was able to pass legislation to finally lift the export ban on crude oil—a ban that had been in place for 40 years. Really, that change was the most contentious part of this energy policy. I think she has wisely separated those two issues and left the Energy Policy Modernization Act as one that does enjoy broad bipartisan support.

We also need to continue to expedite our exporting of liquefied natural gas, which this bill does. It will help us to get more of our energy to international markets and will provide domestic suppliers a more reliable timeline for building the infrastructure—which is not cheap—to allow us to export more of our domestic resources.

This has really been the story of our energy resources here in America, where we have constantly underestimated the impact of technology and innovation when it comes to energy. Just a few years ago, we used to talk about something called peak oil, as if all the oil had been discovered and there wasn't any more there. Thanks to the innovative use of horizontal drilling, together with fracking, which had been around for 70 years or more, people realized that America holds the promise of being the next energy exporter in the not too distant future.

I have heard the senior Senator from Arizona, the chair of the Armed Services Committee, make this point, which I enthusiastically agree with: Our energy resources here in America are a natural security asset. What we see around the world, particularly in Europe, is that people like Vladimir Putin use energy as a weapon. Our willingness and ability to export energy will not only create jobs in America, but it will help grow our economy by making sure our small businesses have access to reasonably priced energy, and it will also help strengthen our friends and allies around the world.

I look forward to discussing the bill. I hope we can move on some of the amendments that have been brought up on both sides of the aisle and in so doing continue to strengthen America's hand as an energy powerhouse in the 21st century.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I ask unanimous consent to address the Senate as in morning business for whatever time I may consume.

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

OVERRULING THE AUTHORIZING COMMITTEE

Mr. MCCAIN. Madam President, last month I came to the floor and called attention to a provision in the Consolidated Appropriations Act for fiscal year 2016. I will remind my colleagues about the 2,000-page omnibus bill that all of us had approximately 48 hours to view before voting yes or no on it. I specifically objected to a provision that, in an egregious exercise of pork barrel parochialism, reversed reasonable restrictions on the Air Force's use of the Russian-made RD–180 rocket engine for national security space launches. I explained how that provision was secretly airdropped into the 2,000-page omnibus bill and overruled the authorizing committee—in other words, an outrageous overruling of the authorizing committee. They dropped this provision into the middle of this 2,000-page bill while we had hearings, discussions, markups, and debates on the floor of the U.S. Senate which considered 100-and-some amendments. So what we saw buried in this 2,000-page bill was a direct contradiction to the authorizing process.

This process must stop. We have to stop allowing the appropriators to make policy. That should come from the authorizing committee. I tell my colleagues now: I will not stand for it any longer.

Sometimes we wonder why the Americans are angry and why they are supporting Trump, SANDERS, or some outsider. All they have to do is look at the process we went through with this 2,000-page bill. It wasn't just the rocket engines; it also included hundreds of millions of dollars in unnamed projects, including $225 million for a ship that the Navy neither wants nor needs. By the way, that was the second one. We were supposed to build 10. So the appropriators—the Senator from Alabama—again added a $225 million ship that the Navy neither wanted nor needed, which was made and manufactured in Mobile, AL. We can't do that. It has to stop.

Of course, they acted in a way that it now provides tens, if not hundreds, of millions of dollars to Vladimir Putin and his corrupt cronies. How do we justify such action?

The American taxpayers should be outraged to learn that some U.S. Senators want American taxpayers to continue subsidizing Russian aggression and comrade capitalism. But those very Senators thought that if they snuck their blank check to the Putin regime into an unamendable omnibus bill, no one would stop them. I rise in the hope that Congress will prove them wrong. That is why I will be joining with House majority leader KEVIN MCCARTHY to introduce legislation that would repeal this section of the omnibus bill and reassert the will of the Congress and the American people.

It is morally outrageous and strategically foolish to ask the American taxpayers to subsidize Russia's military industrial base when Vladimir Putin, whom the Treasury Department

has reportedly accused of being personally corrupt, occupies Crimea, destabilizes Ukraine, menaces our NATO allies in Europe, violates the Intermediate-Range Nuclear Force Treaty, sends weapons to Iran, and bombs U.S.-backed forces in Syria to prop up the murderous regime of Bashar Assad, and all for the benefit of a rocket plant in Alabama.

I won't go into too many details here, except to point out that after the United States imposed sanctions against Russia in March of 2014, Russian Deputy Prime Minister Dmitry Rogozin, who oversees the space industry in Russia, indicated several times that Russia expects that the United States will not use RD–180 engines for military launches and threatened to stop supplying them.

Rogozin declared: ''We are not going to deliver the RD–180 engines if the United States will use them for noncivil purposes. We also may discontinue servicing the engines that were already delivered to the United States.'' He also threatened to deactivate all GPS sites in Russian territory and ban U.S. astronauts from the International Space Station by 2020. Rogozin suggested that in the future, the United States should deliver ''its astronauts to the ISS with a trampoline.''

Later that year, Rogozin appeared to reconsider. After all, in order to design and build more rocket engines in Russia, Rogozin said, ''we need free money. This is why we are prepared to sell them . . . taking the sanctions very pragmatically.''

So what are Russia's two desired outcomes? On the one hand, America continues its dependency on Russian rocket engines. On the other hand, America helps Putin go around sanctions by getting ''free money'' for rocket engines. And this is who ULA and its congressional sponsors want us to do business with?

At the same time, Russia has threatened to cut off supply, Energomash has pursued other business opportunities with other countries that would give Russia a freer hand in making good on its threats—most notably, China.

In July 2015, President Putin signed a new law that consolidated the Russian space industry under a single state corporation, an entity called Corporation Roscosmos. This was done to enhance the power of the Russian Government to better implement state-based policy and control the space industry. He signed an order that will effectuate this law.

In addition, Putin appointed Igor Komarov chief executive of the newly created Corporation Roscosmos. Komarov was the former chairman of one of Russia's largest carmakers and an adviser to Sergei Chemezov. Chemezov, who was also appointed to the board, is said to have served as a KGB officer with Vladimir Putin in Germany back in the 1980s, and he has been targeted by our sanctions.

Under the same order, Putin also appointed Russian Deputy Prime Minister Dmitry Rogozin, and the list goes on and on.

So why do we want U.S. taxpayers sending millions of dollars to the Russian Government when Vladimir Putin occupies Crimea, destabilizes Ukraine, et cetera. To add insult to injury, this last year, on the defense bill, we had to legislate to stop—to stop—the U.S. Defense Department from giving $800 million per year to ULA. That is the outfit that now launches using Russian rockets—ULA—with Russian rocket engines. We had to prohibit the continued payment of $800 million a year they were paying them to stay in business. It is amazing. I figured out that roughly, since 2006, we have paid this ULA, which is a combination of Boeing and Lockheed Martin, some $7 billion to stay in business. It used to be called the military industrial complex that Eisenhower warned us about when he was leaving office. It is now the military industrial congressional complex that puts in a 2,000-page bill a requirement to build a $225 million ship that nobody wants and that the Navy doesn't need, for the second year in a row. That is $450 million of your tax dollars that went to build two ships that the Navy neither needs nor wants.

My friends, do you wonder about the cynicism of the American people? Do you wonder why they think the way we are doing business in Washington is corrupt, when we spent $240 million in 2 years on two ships that the Navy doesn't want or need and when we subsidize an outfit—the only one that until recently does space launches—and paid them $800 million a year to stay in business, spend hundreds of millions of dollars on unspecified scientific programs, take hundreds of millions of dollars from medical research that has nothing to do with defense and take it out of defense? Would we wonder that the American people are angry and frustrated? Look at what we are doing with their tax dollars.

I don't know if it was 48 or 72 hours that we had to vote up or down on a 2,000-page, $1.1 trillion document, and no amendments were allowed.

So I say to my colleagues: Do not wonder; do not be curious why they are out there flocking to the banner of Senator SANDERS, the only announced socialist in the U.S. Senate and on the other side people like Donald Trump, who has never had anything to do with Washington, DC. They should not be surprised.

Well, all I can say to my colleagues is that I am not going to stop, because I owe the people of Arizona a lot better than what we are giving them. We owe them an accountability of why we would spend $800 million a year to keep a company in business. We owe them an explanation of why we would over the last 2 years spend $450 million for two ships that the Navy neither wants nor needs because they are made in Mobile, AL. We owe them a lot better than our performance on this omnibus appropriations bill.

I will be glad to talk more about how each individual was blocked by the other side and would not agree to move forward and the rules of the Senate and all that, but that really doesn't make much difference at the Rotary Club. What makes a difference is that we have wasted billions of dollars of the taxpayers that were neither wanted nor needed nor ever had a hearing in the authorizing committee.

I am proud of the work we do on the Armed Services Committee. We have literally a hearing every day. We spend hours and hours and hours in markups and debate and discussion on these various programs. We have hearings with administration officials. We have hearings in the subcommittees. I am so proud of the bipartisan approach that we take on our Defense authorization bill, working closely with Senator REID and my colleagues on the other side of the aisle. I am proud of the product, after literally thousands of hours of testimony, of study, of voting, and all of that. Then we get a 2,000-page omnibus appropriations bill stuffed with billions of dollars of projects that we never, ever would consider in the authorizing committee.

So the system is broken. The system is broken, and it better be fixed. I am telling my colleagues, especially those on the Appropriations Committee: This will not stand.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:40 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. SCOTT).

ENERGY POLICY MODERNIZATION ACT OF 2015—Continued

The PRESIDING OFFICER. The Senator from Delaware.

TRIBUTE TO FEDERAL EMPLOYEES

Mr. CARPER. Mr. President, in 2014, I began coming to the Senate floor almost every month. I came here to highlight some of the great work done each and every day by the men and women who serve us in the Department of Homeland Security. I continued that effort throughout much of last year and plan on coming to the Senate floor every month in 2016 with a new story to share. There is simply so much good being done across the Department by the employees, our public servants who work there. I don't think I am going to run out of material anytime soon.

As you know, the Department of Homeland Security is made up of some 22 component agencies and employs over 200,000 Americans. These men and women work around the clock to protect all of us, our families, and our country.

One part of the Department is called the Federal Emergency Management Agency. We call it FEMA. It has the unique task of keeping Americans safe when everything around them has been thrown into chaos. In times of crisis, the men and women at FEMA coordinate rescue operations, provide emergency medical care, and give shelter to those who lost their homes. Simply put, they bring hope back to Americans whose towns and cities have been swept away by floods, destroyed by a fire or torn apart by a tornado.

Ten years ago, in the days after Hurricane Katrina, Congress passed the Post-Katrina Emergency Management Reform Act. That law completely overhauled FEMA from top to bottom. It increased its authority and stature within the Department of Homeland Security and provided it with needed new resources. This legislation also required FEMA to bolster its regional offices and to build stronger relationships with State, local, and tribal governments. Taken together, these reforms have improved our capability at all levels of government to respond to disasters, while also improving FEMA's capacity to support State, local, and tribal governments as they rebuild.

Over the past 10 years, the men and women of FEMA have worked countless hours to improve our preparedness for, response to, and recovery from disaster. Bad things still happen. In the aftermath of a tornado, wildfire or even a snowstorm like the nor'easter we saw on the East Coast this week, we still see the images of destruction and lives turned upside down on our television screens. Most of the work that the men and women at FEMA do 365 days a year to prepare for these events and make them less damaging rarely ever get discussed.

Every day the men and women at FEMA create evacuation plans, stock emergency shelters with food and medical supplies, and they partner with law enforcement and first responders in every state to improve preparedness through exercises and drills. In addition to training first responders, one of FEMA's top priorities is to educate and train all of us on what to do in case of disaster. The more you and I and our families know, the more likely it is that we will be safe and will stay together during a disaster.

MILO BOOTH

One FEMA employee charged with helping some of our most vulnerable communities prepare for disaster is a fellow named Milo Booth who serves as FEMA's tribal affairs officer. Milo is an Alaskan Native from Metlakatla, AK. It is an Indian community on the southernmost tip of Alaska.

After graduating from Oregon State University with a bachelor of science degree in forestry and minor in economics, Milo returned home to serve as the Metlakatla Indian community's director of forestry and land resources, working to protect his hometown for the next 16 years.

After 2 years with the U.S. Forest Service, Milo moved to FEMA to serve as the National Tribal Affairs Advisor, and that is what he does today. In this role, Milo works to communicate disaster preparedness to reservations, Alaskan Native villages, and tribes across the country. These communities, some of the most remote and isolated in the country, are also most at risk in times of disasters. Ensuring that these communities are educated in preparedness helps some of the most vulnerable among us.

As a FEMA liaison and an advisor to Indian Country, Milo doesn't just help the communities prepare for disaster. He also educates senior FEMA officials in the Department of Homeland Security tribal affairs staff on how FEMA could better prepare for and respond to hazards. In times of planning, Milo leads workshops and trains FEMA staff. He advises the senior leadership on tribal policy, and he works every day to build strong relationships between FEMA and tribal leaders and their communities. In times of crisis, when disaster strikes, Milo coordinates with tribal emergency managers and FEMA regional managers on the best ways to help and support these communities. In only 2 years at FEMA, Milo has visited more than 2 dozen reservations and Alaskan Native villages and has met with more than 100 tribes at trainings and regional tribal meetings.

Perhaps more important than any of this technical work that Milo does in planning is the work he has done in building relationships and earning the trust of tribal leaders.

When asked their thoughts on Milo, tribal leaders described him as accessible, responsive, and understanding, but most importantly, they described him as trustworthy. They trust that in Milo, their communities have a voice at FEMA.

When Milo isn't working in Washington, DC, he returns home to Alaska with his wife and two children, where he enjoys spending time with them outdoors. One of his favorite activities these days is going trout fishing with his young son, who says he wants to grow up to be just like his dad.

Milo is just one shining example of the thousands of dedicated men and women at FEMA who work to protect hundreds of communities across our Nation, treating every one of them as if it were their own hometown.

The Presiding Officer will remember that Pope Francis addressed a joint session of Congress last September at the other end of this Capitol Building. He invoked the words of Matthew 25, which call for us to help the least among us, saying:

I was hungry and you gave me something to eat, I was thirsty and you gave me something to drink, I was a stranger and you invited me in, I needed clothes and you clothed me, I was sick and you looked after me.

These have become known as the works of mercy or the acts of mercy. Milo Booth and all of his colleagues at FEMA perform these acts of mercy each and every day. They protect our children and our homes, saving lives and doing truly remarkable deeds. And for the thousands of civil servants at FEMA and the tens of thousands of others across the 22 components of the Department of Homeland Security, these acts of mercy are their life's work.

For all these things you do, for all these things all of you do, to each and every one of you, I wish to say thank you from all of us. God bless you.

The Senators from Alaska and Wyoming are on the floor. Good to see them both.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. I thank my colleague.

AMENDMENT NO. 2953

(Purpose: In the nature of a substitute)

Ms. MURKOWSKI. Mr. President, at this time, I call up amendment No. 2953.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Alaska [Ms. MURKOWSKI] proposes an amendment numbered 2953.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

(The amendment is printed in the RECORD of January 26, 2016, under ''Text of Amendments.'')

AMENDMENT NO. 2954 TO AMENDMENT NO. 2953

Ms. MURKOWSKI. Mr. President, I ask unanimous consent to call up Cassidy amendment No. 2954.

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

The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Alaska [Ms. MURKOWSKI], for Mr. CASSIDY, proposes an amendment numbered 2954 to amendment No. 2953.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide for certain increases in, and limitations on, the drawdown and sales of the Strategic Petroleum Reserve)

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

SEC. 2102. STRATEGIC PETROLEUM RESERVE DRAWDOWN AND SALE.

Section 403 of the Bipartisan Budget Act of 2015 (Public Law 114–74; 129 Stat. 589) is amended by adding at the end the following:

''(d) INCREASE; LIMITATION.—

''(1) INCREASE.—The Secretary of Energy may increase the drawdown and sales under paragraphs (1) through (8) of subsection (a) as the Secretary of Energy determines to be appropriate to maximize the financial return to United States taxpayers.

''(2) LIMITATION.—The Secretary of Energy shall not drawdown or conduct sales of crude oil under this section after the date on which a total of $5,050,000,000 has been deposited in the general fund of the Treasury from sales authorized under this section.''.

Ms. MURKOWSKI. Mr. President, at this time, we will resume the consideration of S. 2012, which is the Energy Policy Modernization Act. Senator CANTWELL and I have had an opportunity to speak, as well as the Senator from Texas, and now the Senator from Wyoming has joined us. He has been a leader on these issues. He sits next to me on the energy committee and has worked on so many of the issues we have contained within this good bill, but the piece on which he has probably been most aggressive and shown his leadership is what we have done to help facilitate the export of our resources with regard to liquefied natural gas.

I am pleased to turn to my colleague from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I thank the distinguished chairman of the energy committee. She does a remarkable job, and she has brought many people together on this bipartisan piece of legislation. It passed the committee 18 to 4. People are energetic about this Energy bill because it is so critical and important to our communities and our economy.

As the Senate is discussing this important energy legislation, I come to the floor today because energy is one of those issues on which we should actually all be able to agree in terms of the basic idea. The basic idea and my goal for this Energy bill is that we make energy in America as clean as we can, as fast as we can, and do it in ways that don't raise costs on American families. I think most of us would consider that to be a worthy, commonsense goal. That is why the Energy bill before the Senate today is so important and why it has such broad bipartisan support. As I said, the bill passed the committee 18 to 4. And this is a bill that actually takes concrete steps to help our country produce the energy we need.

I think one of the good ideas in the bill is a provision to speed up permitting for the exportation of liquefied natural gas. Six Democrats have cosponsored this language on the LNG exports as a separate piece of legislation, which is now incorporated into this Energy bill. That is because Senators on both sides of the aisle recognize the importance of natural gas to our economy and to our national security.

America has the world's largest supply of natural gas in terms of what we are able to produce today. We also have the resources to be a major exporter of this clean and versatile fuel. It is estimated that liquefied natural gas exports can contribute up to $74 billion to America's gross domestic product by the year 2035. All we need is for Washington to give producers some regulatory certainty—certainty that is not there today.

To liquefy and to export natural gas requires special production and special export terminals, places to get it done. Under President Obama, the Department of Energy has been very slow and very unpredictable about approving these projects. The Energy bill would expedite the permit process for LNG exports to countries around the world and countries that right now do not have free-trade agreements with the United States. It opens it up to new markets, new customers, people who are friends and allies who want to buy a product we have right here for sale.

This legislation would require the Energy Secretary to make a final decision on an export application within 45 days after the environmental review process is completed. It would also provide for expedited judicial review of legal challenges to the LNG export projects because things can get tangled up in legal challenges that can go on for months and years.

Finally, the bill requires that exporters publicly disclose the countries to which the LNG is delivered so the American people know whom we are selling to.

This legislation doesn't force the administration to approve the projects, it doesn't shut down the environmental reviews, and it doesn't take away anybody's right to voice their opposition; it just says that the Obama administration should do its job in an accountable, timely, and predictable way.

This legislation would help create jobs. It would help to reduce our trade deficit, which is something President Obama has said is a priority of his. It would also help the security of America and our allies. That is something which should be a priority for all of us in this body. Speeding up American exports of liquefied natural gas will give our allies an alternative for where they can get the energy they need. It would help our allies reduce their dependence on gas from hostile places, many of whom are now getting it from Russia. Remember, Russia invaded Ukraine largely to get control of the gas pipelines there.

Now Iran wants to step up its natural gas business as well—Iran. The Iranians have been working on a liquefied natural gas export plant that is almost complete. Construction had stalled a few years ago because of the economic sanctions against Iran. Now that the Obama administration has lifted the sanctions against Iran, Iran can start construction again. The managing director of the National Iranian Gas Export Company says that it could start shipping liquefied natural gas to Europe in 2 years. That was in an article in the Wall Street Journal today. The headline is ''Iran Seeks Ways To Ship Out Gas As Sanctions Ease.'' This is today. What we are discussing on the floor of the Senate is incredibly timely. When you read through the article, it says that European companies are promising billions in new deals in Iran as Iranian President Ruhani visits Europe this week to revive trade and political ties. So Iran is on the move.

The Obama administration, as of right now, is shackling American natural gas, shackling the production, shackling the export. At the same time, the President, through his agreement with Iran, is enabling Iran to move forward and seek ways to ship out gas as sanctions ease.

If our allies are dependent on gas from Russia or from Iran or from both, how does that make the world a safer place?

This administration has been dragging its feet on approving liquefied natural gas exports. It has blocked North American energy projects in the past, such as the Keystone XL Pipeline. That would have created thousands of jobs. Then, earlier this month, the Secretary of the Interior halted all new leases on mining coal on Federal land. This action by the administration is alarming, it is drastic, and it is destructive. Forty percent of all the coal produced in the United States comes from Federal land. The Interior Secretary wants the coal to stay in the ground, wants it to become a stranded asset. With this new rule, she took one more step toward wiping out the jobs of thousands of Americans, and then she staged a press conference to brag about it. If that weren't bad enough, last week the administration announced new restrictions on oil and gas operations on Federal land and on Indian land.

The unelected, unaccountable bureaucrats of the Obama administration have been relentlessly attacking American energy producers with new rules, new regulations—costly—hurting our economy, hurting jobs. They are costing American workers and families billions of dollars, and they will do great damage to American energy reliability. Reliability is key. We need a different approach.

It is essential that we create as much energy as possible here at home, and it is essential that we be able to export American energy to our allies as well, people who want to get it from us. That is why energy is called the master resource, and that is why this Energy bill is so important.

This legislation is a good start toward making sure America has the energy we need to keep our economy growing. There are things we could do to improve this legislation. We could use this bill to protect Americans from President Obama's reckless attempt to end coal leases on Federal lands. We can also make sure the Obama administration stops its unwise new rule on natural gas and oil operations. We can actually capture more energy while we reduce waste and emissions from this kind of oil and gas production.

I have introduced bipartisan legislation that is going to expedite the permitting process of natural gas gathering lines on Federal and Indian land.

These are pipelines that collect unprocessed natural gas from oil and gas wells and ship it to a processing plant and then on to interstate pipelines. Today a lot of that gas is flared off right at the well. You can see that at the well, the flames. One of the reasons that is happening is because the Obama administration has been so slow in granting the permits for the natural gas gathering lines on Federal land. People want to build them; they want to use this natural gas. The President opposes the flaring. More gathering lines would mean less flaring. It is good for energy producers, it is good for the environment, and it is good for taxpayers.

We need the energy. Keeping it in the ground is not the answer. The answer is making energy as clean as we can, as fast as we can, without raising costs on American families. I believe that is a better approach. A bipartisan group of Members of this body knows it is a better answer. It is time for the Obama administration to join us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Ms. HIRONO. Mr. President, I rise today to discuss the Energy Policy Modernization Act. Along with a broad, bipartisan group of my colleagues, I supported this bill as a member of the Energy and Natural Resources Committee. I thank Chairman MURKOWSKI, Ranking Member CANTWELL, and their staff for their commitment and hard work in producing a bill that could earn a strong bipartisan vote in the committee.

There were other proposals that I would have liked to have seen included in the bill, such as the national Renewable Electricity Standard introduced by Senator UDALL, which I cosponsored, and there were other proposals included in the bill that I would not have supported on their own. However, I was willing to support a compromise that provides positive direction for our country in the midst of an energy transformation.

Now that the full Senate is considering the bill, I would like to remind my colleagues of the effort that went into reaching this compromise. We should not squander the opportunity before us with amendments that will simply erode bipartisan support for the bill or draw a Presidential veto.

So much has changed in how energy is produced and consumed since the Senate passed its last energy bill in 2007. Our country is in the middle of a transformation toward cleaner sources of energy and greater energy efficiency in our vehicles, homes, and businesses. Hawaii is leading the way on many fronts in this transformation. Hawaii has already set the most ambitious electricity standard of any State, and that is 100 percent renewable electricity by 2045. Our State has already more than doubled its use of renewable electricity in 6 years to 21 percent.

Making sure that we have clean and affordable power for families and businesses will require a more modern and reliable electricity system. The Energy Policy Modernization Act tackles research, job creation, and innovation on a number of fronts. Let me highlight some of the bill's important provisions.

This bill includes provisions from my Next Generation Electric Systems Act that would establish a Department of Energy grant program for projects to improve the performance and efficiency of electrical grid systems. These grants could assist efforts in Hawaii and around the country to make greater use of renewable energy, energy storage systems, electric vehicles, and other innovative energy technologies.

The bill also provides $500 million over 10 years to support the energy storage research, demonstration, and deployment program from Senator CANTWELL's Grid Modernization Act, which I cosponsored. Energy storage will help smooth the delivery of power from renewable sources so that it is available even when the sun is not shining or the wind is not blowing. Greater use of energy storage systems could help cut energy bills by reducing the need to build expensive powerplants that operate only at times of highest demand and avoiding blackouts.

Thanks to Chair MURKOWSKI, the bill also promotes the development of microgrid systems for communities that are not connected to the grid, so that isolated communities in places like Hawaii and Alaska can also use alternative energy and energy storage to secure more reliable and affordable sources of power.

The bill includes my amendment to ensure that the U.S. Territories and the District of Columbia can join Hawaii and other States in being eligible to participate in a Department of Energy loan guarantee program to help States support new investments in clean energy projects. For instance, Hawaii could expand its Green Energy Market Securitization—or GEMS—Program to make rooftop solar systems and other clean energy improvements more affordable for renters and other underserved consumers.

The bill authorizes research and development in promising renewable energy technologies like marine and hydrokinetic energy, which harness the power of the ocean's waves, heat, and currents. In partnership with the U.S. Navy, the Hawaii National Marine Renewable Energy Center at the University of Hawaii-Manoa is one of three federally funded centers for marine energy research and development in the Nation, including a wave energy test site at Kaneohe Bay on Oahu.

The bill will help people find well-paying jobs in the energy and energy efficiency fields by establishing a $10 million grant program for nonprofit partnerships that train workers to earn energy efficient building certifications. It also creates a $20 million energy workforce training grant program for colleges and workforce development boards. This program will focus on helping workers earn industry-recognized credentials. I will be offering amendments to ensure that our veterans can take full advantage of these programs to speed their transition into the civilian workforce.

The bill will also help boost energy efficiency. Hawaii set a goal requiring a 30-percent improvement in energy efficiency by 2030. According to the Hawaii State Energy Office, that standard has resulted in the equivalent of $435 million in energy savings for Hawaii's homes, farms, and businesses.

Finally, the bill strengthens our protection of public lands by permanently reauthorizing the Land and Water Conservation Fund—LWCF—a fund that, throughout its 50-year history, has financed over 40,000 projects across all 50 States and protected public lands that support our Nation's $646 billion outdoor recreational industry. In Hawaii alone, the LWCF has directly provided $195 million to our local conservation efforts, and, as most people know, we in Hawaii go to great lengths to protect and conserve our native ecosystems. LWCF funds will support Hawaii's ''Island Forests at Risk'' proposal. These funds will expand Hawaii Volcanoes National Park and Hakalau National Wildlife Refuge by a total of 12,000 acres. These two locations host a total of nearly 2 million visitors each year and protect some of Hawaii's most beautiful and sensitive habitats. The bill also permanently reauthorizes the Historic Preservation Fund and creates a new National Park Maintenance and Revitalization Fund. The new national park fund will help reduce the backlog of $11.5 billion in repairs and maintenance needed in our national parks, including the $127 million backlog of maintenance at Hawaii's national parks. This much needed new fund will ensure that people can enjoy the beauty of our parks for generations to come.

In addition to improving energy usage in our homes and businesses, we must ensure that government takes full advantage of new energy and energy efficient technologies. For the fourth consecutive year, the State of Hawaii led the Nation in per capita use of energy performance contracting for State and county buildings, resulting in the creation of over 3,000 jobs and an energy savings of over $989 million.

I would like to expand the use of energy contracting at the Federal level to save taxpayer dollars and support the use of cleaner sources of energy. I will be offering an amendment to allow all Federal agencies to use long-term contracts to reduce their energy bills, as the Department of Defense is allowed to do under current law.

I also plan to offer an amendment to establish a pilot project to expand the use of Federal energy savings performance contracts to mobile sources such as federally-owned aircraft and vehicles. The guaranteed energy savings will mean taxpayer savings.

With oil accounting for 80 percent of the energy needs of our State, the people of Hawaii are acutely aware that there must be new alternatives to the volatile prices and vulnerable supply of the global oil trade. Hawaii, which for too long has been paying the highest electricity rates in the country, recognizes that we have renewable resources in our own State that should be developed so that we keep at home more of the $5 billion per year we currently spend to import oil. That is more money circulating in Hawaii's economy, creating jobs, raising wages, and helping families make ends meet.

For all the reasons I have mentioned, I urge my colleagues to support this bill and those amendments that will be offered that move our country forward, not backward, to a future with affordable, clean, and reliable energy.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

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

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

SOLITARY CONFINEMENT

Mr. DURBIN. Mr. President, I believe it was in April of 2009 that I picked up a New Yorker magazine and read an article that had a real impact on me. It was an article written by Dr. Atul Gawande, a practicing surgeon at Brigham and Women's Hospital in Boston, an amazing man. In addition to his medical responsibilities, he is a person with a very inquisitive mind and a real knack when it comes to investigating challenging issues.

The article that I read in the New Yorker by Dr. Gawande examined the human impact of long-term solitary confinement and asked, ''If prolonged isolation is—as research and experience have confirmed for decades—so objectively horrifying, so intrinsically cruel, how did we end up with a prison system that may subject more of our own citizens to it than any other country in history has?''

Dr. Gawande's article inspired me—motivated me—to begin to look into the issue of solitary confinement in prisons. I was amazed to learn that the United States holds more prisoners in solitary confinement—about 100,000—than any other democratic nation in the world. So in 2012, as chairman of the Senate Judiciary Subcommittee on the Constitution, Civil Rights and Human Rights, I held the first-ever congressional hearing on solitary confinement.

At the hearing, we took a look at the serious fiscal impact of solitary. We learned that it costs almost three times more to keep a Federal prisoner in segregation than in the general population. We also discussed the significant public safety consequences of widespread solitary confinement, given that the vast majority of inmates held in segregation will ultimately be released to the community someday. And we heard testimony about the human impact of holding tens of thousands of women, men, and children in small, windowless cells 23 hours a day—for days, months, even years—with very little, if any, human contact with the outside world. Clearly, such extreme isolation can have a serious, damaging psychological impact. I will never ever forget the compelling testimony of Anthony Graves. In the year 2010, after 18 years in prison—and 16 of those years in solitary confinement—Anthony Graves became the 12th death row inmate to be exonerated in the State of Texas.

At the hearing, Mr. Graves testified about his experience. The room was silent. He stated:

> Solitary confinement does one thing, it breaks a man's will to live. . . . I have been free for almost two years and I still cry at night, because no one out here can relate to what I have gone through. I battle with feelings of loneliness. I've tried therapy but it didn't work.

In 2014, I held a follow-up hearing on the issue. I called for an end to solitary confinement for juveniles, pregnant women, and inmates with serious mental illness. At the hearing, we heard from Damon Thibodeaux. He had spent 15 years in solitary confinement at the Louisiana State Penitentiary before being found not guilty and released. Mr. Thibodeaux testified:

> I do not condone what those who have killed and committed other serious offenses have done. But I also don't condone what we do to them, when we put them in solitary for years on end and treat them as sub-human. We are better than that. As a civilized society, we should be better than that.

In recent years a number of experts and State and Federal officials across the country have questioned our Nation's overuse of solitary confinement. In 2014, Supreme Court Justice Anthony Kennedy testified to Congress: ''Solitary confinement literally drives men mad.''

Last year, Justice Kennedy again brought up the issue in a powerful concurring opinion. He wrote: ''Research still confirms what this Court suggested over a century ago: Years on end of near-total isolation exacts a terrible price.''

He went on to say:

> The judiciary may be required . . . to determine whether workable alternative systems for long-term confinement exist, and, if so, whether a correctional system should be required to adopt them.

Pope Francis, who spoke to a joint session of Congress a few months ago, has also criticized solitary confinement. In a 2014 speech at the Vatican, he referred to the practice of extreme isolation as ''torture'' and ''a genuine surplus of pain added to the actual suffering of imprisonment.''

The Pope went on to say:

> The lack of sensory stimuli, the total impossibility of communication and the lack of contact with other human beings induce mental and physical suffering such as paranoia, anxiety, depression, weight loss, and significantly increase the suicidal tendency.

In light of the mounting evidence of the dangerous and harmful impacts of solitary confinement, several States have led the way in reassessing the practice. Colorado has implemented a number of reforms, including no longer releasing offenders directly from solitary to the community, and ensuring that inmates with serious mental illness are not placed in solitary confinement. As a result of the reforms, inmate-on-staff assaults are at the lowest levels in Colorado in 10 years, incidents of self-harm have decreased among the inmates, and most inmates released from solitary do not return.

In the State of Washington, a focus on rehabilitation and programming for inmates in solitary confinement has led to a reduction of more than 50 percent in the segregated population.

The Association of State Correctional Administrators—a group representing the heads of all 50 State prison systems—recently called for limits on the use of long-term solitary confinement. In a statement, they said:

> Prolonged isolation of individuals in jails and prisons is a grave problem in the United States. . . . Correctional leaders across the country are committed to reducing the number of people in restrictive housing. . . .

Progress has been made at the Federal level since our first hearing. A substantial percentage of those in solitary confinement are no longer serving in that situation. After my first hearing on the issue, I asked the Bureau of Prisons to submit to the first-ever independent assessment of its solitary confinement policies and practices.

The assessment, released last year, noted that some improvements have been made since the 2012 hearing, the initial hearing we had on the subject. The Federal Bureau of Prisons has reduced its segregated population by more than 25 percent and continues to look for more reductions.

Despite this, there is a lot of work to be done. That is why I was pleased to see President Obama's announcement this week that he has accepted a number of recommendations from the Department of Justice to reform and reduce the practice of solitary confinement in the federal prison system.

In an op-ed published yesterday in the Washington Post, the President explained how the Department of Justice's review of solitary confinement policy led to the conclusion that the practice should be used rarely, applied fairly, and subjected to reasonable constraints.

The President's recommendations included: banning solitary confinement for juveniles, diverting inmates with serious mental illness to alternative forms of housing, diverting inmates in need of protection from solitary confinement to less restrictive conditions,

reducing the use of disciplinary segregation, and improving the conditions of solitary confinement by increasing inmates' out-of-cell time and access to services.

I welcome these changes. I commend the President for his actions. I look forward to working with the Bureau of Prisons and the Department of Justice on this issue.

In the course of studying this issue, I decided I had to see it firsthand. I went to Tamms prison in Southern Illinois. It was the maximum security State prison in the State. I went in, met with the warden, and I took my tour. Then I said to her: I want to see the most restrictive solitary confinement. She took me into an area where five men were in solitary confinement. I had a chance to speak to each of them. One of the men I will never forget. I asked him: How many years are you in for?

He said: Originally 20, but they added 50 to that.

I said: Fifty additional years?

He said: Yes. He said in a very calm voice: I told them that if they put another prisoner in my cell I would kill him, and I did.

I thought to myself, be aware, Senator, there are ruthless and vicious people and violent people who really need to be carefully scrutinized and carefully imprisoned in a situation where they can't harm other inmates or the personnel, but still, even in that circumstance, we have to look to the most humane way to treat them in the course of their imprisonment.

The President's decision to address the use of solitary represents a major step forward in protecting human rights, increasing public safety, and improving fiscal responsibility in our federal prisons. Still, we have the highest per capita rate of incarceration in the world—the United States, the highest rate of incarceration in the world.

President Obama noted yesterday that changing our approach to solitary confinement is just one part of a larger set of reforms we must pursue. Last year, the Senate Judiciary Committee chairman, CHUCK GRASSLEY of Iowa, and I worked with a bipartisan coalition of Senators to introduce the Sentencing Reform and Corrections Act. The bill passed the Senate Judiciary Committee in a 15-to-5 bipartisan vote several months ago.

In order to comprehensively address the problems facing our Federal prisons, we should bring this bipartisan criminal justice reform legislation to the Senate floor and work with our colleagues in the House to send a bill to the President this year.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BARRASSO). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

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

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

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, today marks the 125th time I have come to the Senate floor to ask this body to wake up to the threats of climate change. This week is a little different because we are currently debating the bipartisan Energy Policy Modernization Act. The bill was crafted by my colleagues, Senators MURKOWSKI and CANTWELL, and it may become our first comprehensive energy efficiency legislation since 2007. While the base bill is a good start, we have much work to do before we come anywhere near meeting the challenges we face as a result of our decades of carbon pollution.

As we begin debate on this legislation, calls for bold action on climate continue to mount. The World Economic Forum released its ''Global Risks Report 2016,'' which for the first time ranked an environmental risk—climate change—as the most severe economic risk facing the world. The report found that a failure to deal with and prepare for climate change is potentially the most costly risk over the next decade.

Cecilia Reyes, chief risk officer of Zurich Insurance Group, said: ''Climate change is exacerbating more risks than ever before in terms of water crises, food shortages, constrained economic growth, weaker societal cohesion and increased security risks.''

Some of my Republican colleagues have begun to wake up to these risks. It was just last year that Chairman MURKOWSKI said: ''What I am hoping that we can do now is get beyond the discussion as to whether climate change is real and talk about what to do.'' The chairman deserves credit for reporting a bill that has solutions a broad majority of the Senate can support; however, she has been handicapped by the fact that many in her party still refuse to take seriously that human-caused climate change is real and that it presents a significant and growing risk to our economy, our national security, and our way of life.

Many of the provisions in this bill are not new. We saw much of it in the Shaheen-Portman Energy bill that Republicans twice before have filibustered. With so many Republicans seemingly incapable of supporting responsible energy legislation, those of us who want to promote energy efficiency and a clean energy economy sometimes feel a little bit like Charlie Brown, hoping that this time Lucy won't yank the ball away yet again. These issues are too important, and I am hoping this time will, in fact, be different.

The bill contains commonsense reforms, such as reforming building codes to improve energy efficiency and directing the Secretary of Energy to establish a Federal smart building program to demonstrate the costs and benefits of implementing smart building technology. It reauthorizes the weatherization and State energy programs that States such as Rhode Island rely on and the Advanced Research Projects Agency—Energy. That has shown the importance of government investment in new energy technologies. It will modernize and secure our electric grid and enhance cyber security safeguards.

My State, Rhode Island, is a national leader in promoting energy efficiency, so we know how programs like these are good for consumers, businesses, and the environment. In fact, I came here to the floor after a meeting with our grid operator. She said Rhode Island was the leading State when it comes to efficiency. Rhode Island has had energy policies guiding electricity and natural gas efficiency standards since 2006. We have consistently ranked in the top five States when it comes to energy efficiency. We do this as one of the founding members of the Regional Greenhouse Gas Initiative—or RGGI for short—the Northeast's carbon pollution cap-and-trade program. States that belong to RGGI are proving that we can grow our economies at the same time we cut our emissions. Between its founding in 2005 and the report of 2012, emissions in the RGGI States decreased by 40 percent, while the regional economy grew by 7 percent, so we won on both sides. Putting a price on carbon and plowing that money back into clean energy projects is, in fact, saving us billions of dollars while helping to reduce carbon pollution.

I hope this bill will be a small step forward toward solutions that will begin to help reverse the devastation carbon pollution is wreaking on our climate and particularly on our oceans.

I have to ask my Republican friends, what is your best bet on whether this climate and oceans problem gets better or worse in the next 20 or 40 years? I ask this seriously because a great party's reputation is on the line here. How are you going to bet—with the 97 to 98 percent of the scientists and 100 percent of the peer research? Do you want to bet the reputation of the Republican Party that suddenly all of this is going to magically get better?

Right now the American public sees what is going on. The American public knows that the Republican Party in Washington has become the political wing of the fossil fuel industry. There has always been a bit of this within the Republican Party, but since the Republican appointees on the Supreme Court gave the fossil fuel industry that great, fat, juicy gift of its Citizens United decision, the fossil fuel industry menace looming over the Republican Party in Congress has become near absolute.

Trapped by the fossil fuel industry, the Republican vision for energy policy has been stuck in the past. Most of the time, it is just complaints and obstruction: Oh, the President's Clean Power Plan is no good. Oh, the States should engage in massive civil disobedience

against the President's Clean Power Plan. Oh, we should defund the EPA.

It will be no surprise if they try to block the Department of Interior's plan to reform a coal leasing program that has not been updated in over 30 years. It doesn't matter to them that the way we price the extraction of fossil fuel on Federal lands is a massive taxpayer giveaway to fossil fuel companies and it is based on a market failure that ignores the costs those fuels impose on taxpayers and our climate. Conservative and progressive economists alike agree on that market failure point. Indeed, Republicans defend all the subsidies we give to the fossil fuel industry. There is no subsidy to the fossil fuel industry that does not earn constant Republican support.

Rather than gambling on more oil and gas production, I suggest we make the safe bet on a strategy that cuts emissions, encourages American investment in American clean energy, saves taxpayers billions of dollars, and creates and supports millions of jobs.

There is an old hymn that the Presiding Officer probably knows. It says: ''Turn back, O man, forswear thy foolish ways.'' Well, it is time to turn back and forswear our foolish fossil fuel ways. If we don't, there will be a day of reckoning and a harsh price to pay.

Remember what Pope Francis told us:

> God always forgives. We men forgive sometimes, but nature never forgives. If you give her a slap, she will give you one.

We have given our Earth one heck of a slap.

I will leave the Chamber with this: Last week, NASA and the National Oceanic and Atmospheric Administration reported that 2015 was the warmest year on record globally. That is not a fluke. Fifteen of the warmest 16 years recorded occurred during this century, which, by the way, has had 15 years. They are all in the warmest 16 years ever recorded. According to the World Meteorological Organization, the most recent 5-year period—from 2011 to 2015—was the warmest 5-year period ever recorded. You can see that the long-term trend is going in one direction and one direction only—hotter. There is no pause. The pause was a trick. These changes are primarily driven by the excessive carbon pollution we continue to dump into our atmosphere and oceans.

By the way, for all of this measured heat, 90-plus percent of the heat actually goes into the oceans. There is little change in the oceans but big changes here. As the oceans stop absorbing as much warmth, I don't know where that will lead.

As we bring our ideas to the floor during our discussion about modernizing our electric grid, we have an opportunity to also have a real conversation on climate change. We still have a real responsibility to act.

It is time for this body to wake up.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

DONALD TRUMP

Mr. REID. Mr. President, there are some things I shouldn't joke about. I tried to be funny an hour ago at my weekly stakeout and I guess it wasn't very funny—at least I don't think so.

The danger Donald Trump's candidacy poses to our country is not a joke. Since he launched his bid for the Republican nomination, Donald Trump has proven over and over again that he is a hateful demagogue who would do immeasurable damage to our country if elected. I have come to the Senate floor many times to decry his hateful comments.

Donald Trump threatens to diminish the integrity of our democracy around the whole world. If he wins the nomination of the Republican Party to run for President of the United States, the Republican Party will never recover from the damage he will inflict on conservatism.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

NOMINATION OF ROBERT CALIFF

Mr. MANCHIN. Mr. President, I rise to voice my opposition to Dr. Robert Califf, the President's nominee to be the Commissioner of the FDA.

I do this with all respect for Dr. Califf, his expertise, and all the work he has done. He is a quality human being. I am sure the administration is going to be able to find a position for him that suits his background better than being the head of the FDA, and I say that with all due respect. We had a thoughtful conversation when he came to visit with me.

I do not believe he can be the leader we need to change the culture of the FDA. I say that coming from a State that has been ravaged by this opiate addiction. It is going to take someone who is totally committed through and through to make the changes that need to be made.

The No. 1 priority of the FDA and its Commissioner should be public health. It is inappropriate for the FDA Commissioner to have such close financial ties with the pharmaceutical industry. I will give a little bit of background on this because what he has done I think is what most of them do.

Between 2010 and 2014, Dr. Califf received money through his university salary as well as his consulting fees from 26 different pharmaceutical companies, including opioid manufacturers. Dr. Califf has described FDA regulations as a ''barrier''—not a safeguard—to public health. That is troubling in itself.

In 2008, the FDA's approval of new marketing claims for existing drugs was 56 percent. In the first 8 months of 2015, it was 88 percent. This includes just last year approving OxyContin for children as young as 11 years old. At a time when opioid deaths are killing tens of thousands of Americans every day, our FDA would like to give these dangerous drugs to kids. Someone at the FDA needs to change this way of thinking. They are giving all of the excuses in the world, and it makes no sense whatsoever to me.

Dr. Califf's past involvement with the pharmaceutical industry shows that he will not be able to be this person—the person of change who is needed. He will not have the impact or leadership capabilities that this Nation needs to stem the tide of the opioid crisis.

These are the facts of what this horrific pain reduction, if you will—pain suppressor, opiates—does to Americans. With 51 Americans dying every day due to an opioid overdose—51 Americans die every day—the FDA, now more than ever, needs a champion who is committed to dramatically changing the way this agency handles opioids. Every other Federal agency is fighting to address opioid addiction.

Let me tell my colleagues about addiction. There is not one of us in the Senate, there is not one person who works here who doesn't have someone in their immediate family or extended family or a close friend who has been affected by prescription drug abuse or illicit drugs, but the FDA continues to approve stronger and more dangerous opioid drugs, endangering the public.

In 2014, 18,893 people died due to a prescription opioid overdose. Again, as I have said, that is 51 people every day. That is a 16-percent increase from 2013 and it increased every year before that. We have lost almost 200,000 Americans to prescription opioid abuse since 1999.

The FDA Commissioner is an important figure in the fight against prescription drug abuse, and he or she must be a public health official whose top priority is stopping the opioid abuse epidemic.

We need to change the culture of the FDA to make them address the crisis seriously. That will not happen if the person at the helm is not a strong advocate—and I say a very strong advocate—who is committed to pushing back against the pressure to continually approve new opioid medications given the significant risks to public health, just for meeting a business model or a business plan.

I believe the FDA needs new leadership, a new focus, and a new culture. This is not disparaging anybody who is there or who wishes to be there. When I talked to Dr. Califf, I found him to be most qualified and will do a good job in some other position, I am sure.

I believe the FDA must break its close relationship with the pharmaceutical industry and instead start a relationship with the millions of Americans impacted by prescription drug abuse. It is just human nature for a person that basically has had all his research funded for many years from this industry, and it is going to be hard to change.

It is because of this that I will filibuster any effort to confirm Dr. Califf instead of voting to confirm a nominee who will not address the concerns of the people of West Virginia and all of America. I will come to the floor and read letters from those who have had their lives devastated by opiate addiction. I will read letters from children who have seen their parents die from an overdose. I will read letters from grandparents who have been forced to raise their grandchildren when their kids went to jail, rehab, or the grave. I will read letters from teachers and religious leaders who have seen their communities devastated by prescription drug abuse. I will read letters from West Virginians who need help from the FDA—not by putting more of these opiate killers on the market.

I urge all of my colleagues to examine the financial support Dr. Califf has received throughout his research career and ask themselves if he is the right person to change the culture of the FDA. This Senator is confident that when looking at all the facts, you will agree that we need a new nominee, one who will join us in the fight against this horrible epidemic affecting every nook and cranny of this country.

I thank the Presiding Officer and yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I know we are waiting for other colleagues to come to the floor to speak to the Energy bill itself or perhaps to offer amendments. I certainly would encourage that, as we are trying to get the process going with the Energy Policy Modernization Act.

Before my colleague from West Virginia leaves the floor, I want to thank him for his leadership on this issue. We have had conversations. I traveled to West Virginia at his invitation to view how West Virginia deals with its energy issues. They have a little bit of everything there in West Virginia, and I was able to see that.

One of the sad stories I learned, though, is what we were seeing in his State as it relates to opioid abuse—OxyContin and meth at that time. Our States share some similarities in that there are very rural characteristics in both West Virginia and Alaska. Even though we are far removed from most of the other States in this country, we are not immune or insulated from what we are seeing with this epidemic of opioid abuse brought on initially by access to prescription drugs and now being replaced in a horrible way with heroin that is impacting our kids, young people, and folks who are ages that would surprise many. It is deeply troubling.

When you use words like ''epidemic'' or ''pandemic,'' those are very strong words, but I think that is what we are seeing in this country, and it is reaching from one end of the country to the other.

I want to acknowledge my colleague for the issues he has raised.

Mr. MANCHIN. If I may, Mr. President, let me first of all thank the Senator from Alaska for her leadership on the Energy bill. It has been a long time since we have had one on the floor, working in a most rational, commonsense approach trying to bring all parties together. She has done a great job working with MARIA CANTWELL, the Democrat on our side from the State of Washington.

I think we are finding there is a little bit of something for everybody, understanding that the energy policy should be an all-in policy. I come from a fossil fuel State and she comes from a fossil fuel State, and people think they can live without it. I think they can live better with it if we use technology, and that is what we have tried to push in this piece of legislation.

On the opiate issue, I have a passion. I have watched it, and it is devastating. When you have young kids coming to you and telling you that they have watched their parents die of overdose, they have watched their families split up, with the kids taken in different directions, it makes your heart bleed and makes you think about future generations and what we are going to face.

Then to have the Food and Drug Administration—I will give one example. It took them working 3 years to get all opiates to be reclassified from a schedule III to a schedule II. It took 3 years to get that done. To show the success we have had, millions of prescriptions have been reduced because now it is a 30-day mandatory, but let me tell you, it is still a problem that we have. Not everybody needs 30 days. Unless we start doing a whole reeducation of the doctors who basically write the prescriptions to understand sometimes you need it only for 1 or 2 days of assistance, we are over-prescribing and the pharmaceuticals are over-enticing, if you will, with stronger and stronger medications.

This Senator believes we need an FDA cultural change. That is it. I think if we can't do it here, if we don't drive it on the inside, then there is no one expected to do it on the outside.

In States that do the heavy lifting—Alaska, West Virginia—people are going to get injured from time to time. They have pain, and they need help. There are other methods. We are trying to go in a different direction.

I thank the Senator for recognizing that, but I also thank the Senator for coming to our State. We enjoyed having her, and I enjoyed being in her State.

Ms. MURKOWSKI. Mr. President, my colleague from West Virginia is always welcome to come back and learn more.

On the issue of Dr. Califf, let it be known that I, too, have concerns about his nomination, and it has nothing to do with opioids. It has everything to do with fish, and basically what we have referred to as a fake fish, a genetically engineered fish. All this Senator is looking for is an assurance from the FDA that if they are going to put this genetically engineered product out there for human consumption then there should be an appropriate labeling. I do not think that is too much to ask. I have asked for that, and the difficulty is getting folks within the FDA to have a full and important conversation about the import of that. So it is a different issue from what the Senator from West Virginia has discussed, but I think it goes to the issue of needing to have some communication within the FDA.

The FDA is an agency that has considerable authorities, and we in the Congress need to know that we can have a good level of dialogue and discussion going back and forth. I think we have seen a real lack or shortfall, and until I get certain assurances from the FDA as well, I am not planning on removing the hold that I currently have on this nominee, and we will be working with other colleagues on this.

My friend, the Senator from Colorado, has arrived to the floor, and I know he wishes to speak on the Energy Policy Modernization Act. The Senator from Colorado has been a great Member of the U.S. Senate since he came. He was a leader on energy issues when he was over at the House, and he has continued that in a very constructive and robust way. We can talk about energy matters that come from producing States like ours, but a recognition that Senator GARDNER's approach is not just that he comes from a fossil-fuel producing State; he is also looking to make sure that we move to a clean energy future. He is also very conscious and considerate about what we do with conservation. His leadership has been greatly appreciated.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. GARDNER. Mr. President, I thank the Senator from Alaska for her leadership on the bipartisan Energy bill. It is a bill that came out of committee with an 18-to-4 vote, strong support on both sides of the aisle.

This is a bill that has components in it from grid reliability, to transparency, accountability, and clean energy. On the floor there are opportunities for amendments that will be discussed and brought out, including an amendment that is important to Senator SHAHEEN and I that will be discussing the impact the recreation economy has—the amount of dollars raised and generated through the recreation economy, spending money in the great outdoors, how it impacts our States, and the jobs it creates.

We know people come to States such as Colorado, New Hampshire, and Alaska to hike, fish, climb, ski, and partake in all of the great incredible recreational benefits we have year-round in Alaska, Colorado, and the rest of our many States with so many recreational offerings. I look forward to these discussions, and over the next few days I look forward to coming back to the floor to discuss other ideas in the bill right now, such as renewable energy, energy efficiencies, including my legislation to expand the use of energy savings performance contracts which could save this country $20 billion without spending a dime of taxpayer money. These are incredible opportunities.

At this time, Mr. President, I ask unanimous consent to speak as in morning business for 5 minutes.

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

REMEMBERING U.S. CAPITOL POLICE OFFICER VERNON ALSTON, JR.

Mr. GARDNER. Mr. President, I rise today in memory of Vernon Alston. Vernon Alston, Jr., was a member of the U.S. Capitol Police. On Sunday, January 24, Officer Alston passed away after suffering from a heart attack. As was so common for Officer Alston, his concern had been for others that day. He spent the morning by serving those around him, helping those in his community shovel the incredible amounts of snow the area received.

Day after day, the men and women of the Capitol Police work to protect us all, not just the Members and staff, but anyone who comes to the Nation's Capitol to share in the history, heritage, and traditions of this place.

For two decades, Officer Alston dedicated himself to his work, and I am grateful for his many years of dedicated service on the Capitol grounds. This building stands as a representation of the values our Nation was founded on, and it is in this building that we continue to uphold the values of democracy.

The Capitol Police are often called America's police. They protect us as we carry out this work and safeguard those who travel from around the world to experience this living piece of American history which serves as the stage for our future. Their support for us is invaluable and unwavering, and this week it is our turn to support them as they mourn the loss of a dear colleague and friend.

Whether it is September 11 or the ricin attacks or anthrax or somebody who is here visiting who has a health issue, we know the support and the pride that every member of the Capitol Police Force brings to the job each and every day. They are never the first to flee, they are the last to leave, and for that we are eternally grateful.

My deepest condolences go to Officer Alston's wife Nicole, their children, and his family members. We will always honor his work and legacy. He is a member of our Capitol community, and he will truly be missed.

I yield back.

The PRESIDING OFFICER (Mr. TOOMEY). The Senator from Minnesota.

TRIBUTE TO CANADIAN AMBASSADOR GARY DOER

Ms. KLOBUCHAR. Mr. President, I rise to honor the outgoing Canadian Ambassador to the United States, Gary Doer. Soon Ambassador Doer will return home to Manitoba, but, lucky for us, he will be a frequent visitor to Washington, DC, as the new cochair of the Wilson Center's Canada Institute Advisory Board. We are glad the Ambassador will continue to be an influential voice in shaping U.S.-Canada relations.

Over the last 6 years, I have had the privilege of getting to know the Ambassador. I knew we would get along well when I learned he was a longtime fan of Bud Grant, an incredible athlete who became the head coach of the Minnesota Vikings. From a Canadian perspective, he first coached the Winnipeg Blue Bombers of the Canadian Football League.

Bud Grant is adored in Minnesota and is still adored many years after he left coaching. In fact, it was during a recent playoff game that we remember well—in Minnesota versus the Seahawks—where Bud Grant came out in 17-below-zero weather and flipped the coin with no jacket on.

What I will also never forget is attending an event at the Ambassador's home. I walked in the door, and he had a framed photo of Coach Grant right next to a framed photo of the Prime Minister of Canada. We like that in Minnesota.

The Ambassador served for 6 years—or double-overtime, as he likes to call it. This is longer than his two predecessors combined. Ambassador Doer's long tenure and the fact that he served Prime Ministers from different political parties are testaments to his professionalism and character. Ambassador Doer is also well known in Washington for his humor and good nature, and I am sure that helps.

Minnesota shares a long border with Canada—in fact, about 547 miles. As I like to say, I can see Canada from my porch. That must be why early on in my Senate career Leader REID asked me to head up the Canada-United States Inter-Parliamentary Group, along with Senator MIKE CRAPO of Idaho. Together we have come to understand what an important geopolitical partner Canada is to the United States. I am a Minnesotan who is proud to share a border with Canada. I appreciate the country's friendship, culture, and beauty.

Not only is Canada America's biggest trading partner, but it is the only country with an embassy that at one point draped a sign that said ''friends, neighbours, partners, allies.'' I will never forget how gracious Ambassador Doer was for hosting my swearing-in celebration at the Canadian Embassy in 2013. I am the only Senator in recent history to choose the Canadian Embassy as a site for my Senate reelection swearing-in party, and a lot of that had to do with the Ambassador.

President Kennedy said this to the Canadian Parliament in 1961:

> Geography has made us neighbors. History has made us friends. Economics has made us partners. And necessity has made us allies.

During his tenure in Washington, Ambassador Doer has been a strong champion for Canada and Canadians and an effective diplomat who gets things done. Through his successful 10 years as Premier of Manitoba and his efforts as Ambassador to engage leaders and citizens across the United States, the Ambassador has strengthened the already robust friendship and partnership between our two great nations.

His list of accomplishments is impressive. He has worked tirelessly on tourism and trade while ensuring the safety and security of the border between our two countries.

The Ambassador championed the agreement on the new bridge that will link Detroit and Windsor. This bridge is destined to become the most important border crossing between our two countries. For too long there has been complete gridlock on the bridge linking our countries. I know how hard the Ambassador has worked on the Windsor bridge, and for a while it looked as though it wouldn't get done. But the Ambassador never stopped fighting for it and refused to be satisfied until the deal was done, often using an old Gordie Howe saying that ''you don't put your hands in the air until the puck is in the net.'' That is a hockey analogy between Minnesota and Canada. The Ambassador made sure the puck was in the net.

The Ambassador was also instrumental in the U.S.-Canada preclearance agreement, a new agreement that will facilitate travel, create jobs, and encourage economic growth in both countries, while ensuring a secure border. This initiative reaffirms the commitment of the United States and Canada to enhancing security, while facilitating economic activity, and will help move more than $2 billion in goods and services and an estimated 300,000 people across the longest border in the world.

I know that the Ambassador considers it an accomplishment that he helped to eliminate unnecessary bureaucratic redtape, making it easier for businesses and agencies to operate by working to align regulatory systems and practices in health, safety, and the environment.

The Ambassador also strengthened Canada's role as a world leader in renewable energy when he worked to harmonize vehicle emission standards between our two countries, which will ultimately improve air quality on both sides of the border. In addition, the Ambassador fought for the Environmental Protection Agency Clean Power Plan, which provides Canadian hydroelectricity as a renewable energy that U.S. States can import and use to

comply with new Federal emission rules.

Ambassador Doer ensured that the surviving members of the World War II joint American-Canadian First Special Service Force, nicknamed the ''Devil's Brigade,'' received the Congressional Medal of Honor for its part in ending World War II.

Like all friends, sometimes our nations have differences, but with his experience, tact, and plain-spoken pragmatism, Ambassador Gary Doer has ensured that these differences are bridged so that our two governments can move forward together.

In a 1943 address, President Roosevelt said this to the Canadian Parliament:

Your course and mine have run so closely and affectionately during these many long years that this meeting adds another link to that chain. I have always felt at home in Canada, and you, I think, have always felt at home in the United States.

Ambassador Doer, your service has added another strong and important link in the chain that connects our two countries. And as you have said many times in the past in Gordie Howe hockey terms, it is only safe to put your hands in the air after the puck is in the net.

Ambassador, you have put a lot of pucks in the net, and now you deserve a moment to put your hands in the air to celebrate your work. In hockey parlance, you have scored for your great country of Canada.

I am proud to have worked with the Ambassador during his time in the United States, and I hope he will always feel at home in our country.

I yield the floor.

The PRESIDING OFFICER (Mr. GARDNER). The Senator from Delaware.

Mr. COONS. Mr. President, I ask unanimous consent to engage in a colloquy with a number of Members.

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

NUCLEAR AGREEMENT WITH IRAN

Mr. COONS. Mr. President, today I come again to the floor to speak about the ongoing challenges that we face in our relationship with Iran, about some of the benefits that we have seen through the JCPOA—the joint comprehensive agreement on the nuclear program that Iran has now significantly set back—and some of the challenges that we face going forward.

We will hear from a number of my colleagues in the next 45 minutes, and I am grateful that they, too, are coming to the floor today to talk about the balance, what there is that we can recognize about the progress we have made under the JCPOA and what there is that remains to be done and that remains as a challenge.

There are some who believe that having reached so-called implementation day means that we have settled our scores with Iran, that there are no more concerns we have, and that we can now expect a complete and positive change in its behavior. But in my view this couldn't be further from the truth. Now more than ever, we cannot afford to take our attention away from Iran.

My colleagues and I are on the floor today to explain why we must do more to strictly enforce this deal and to aggressively push back on Iran's bad behavior outside of the parameters of the nuclear deal. My personal concern is that if we don't, if we don't do this effectively, this important landmark nuclear agreement may not survive even into next year.

Let me at the outset say that there have been some encouraging developments in recent days. It is hugely encouraging to see an American, a U.S. citizen such as Jason Rezaian from the Washington Post, return to United States soil and be reunited with his family. He is someone who had been unjustly detained and sentenced without foundation. He is now once again free. A journalist—the best and brightest of American journalism—is now free and back in the United States.

I also want to recognize former marine Amir Hekmati, who was arrested while visiting his grandmother in Iran. He was also unjustly arrested and detained and is now also free in the United States.

I wish to move to another topic by way of introduction. In the past week alone, the Iranians have signaled that Iran is open for business again as Iran's leaders have hosted Chinese's President Xi Jinping, and Iranian President Ruhani has traveled to Europe to meet with the Pope and with leading officials from the French Government and the Italian Government.

Just a few weeks ago, Iran was still an international pariah. Business deals with the Iranian Government were illegal. Today, some foreign governments—some who are supposed to be our vital partners in enforcing the JCPOA—at times seem all too eager to resume business ties with the regime. At the outset I might caution those allies of ours to be mindful that American sanctions remain in place against Iranian bad behavior—whether it is their support for terrorism, their human rights violations, such as arresting and detaining Americans without foundation, or their illicit ballistic missile program.

So to further expound on the challenges that we face and the importance of having the resources in the U.S. Government and in the international monitoring agency called the IAEA that we need to be successful in enforcing this deal, I wish to invite my colleague from the State of New Hampshire to rise for a few minutes and to share with us her thoughts, having served on the Foreign Relations Committee, having closely studied this deal, and having looked forward to what the opportunities and challenges are for us in the weeks and months ahead.

Mrs. SHAHEEN. Mr. President, I am delighted to be able to be here to join my colleague from Delaware to talk about what is happening with enforcement of the Joint Comprehensive Plan of Action.

If we want this to succeed, one of the things we need to do is to make sure we support the IAEA, the international agency that is charged with monitoring and verifying Iran's compliance with the agreement. I want to address that first, and then I wish to talk about some national security nominees who are also critical as we think about how we enforce this deal.

First, we all know that the IAEA is absolutely critical to the international nonproliferation system and to the enforcement of the JCPOA. Their employees are working day in and day out to verify critical aspects of the implementation of the agreement that prevents Iran from developing a nuclear weapon.

For example, on December 28, Iran shipped more than 12 tons of low-enriched uranium to Russia, where the fuel is stored in a facility that is guarded by the IAEA. The IAEA has increased the number of its inspectors on the ground in Iran. They have deployed modern technologies to monitor Iran's nuclear facilities, and they have set up a comprehensive oversight program of Iran's nuclear facilities.

The IAEA is constantly enhancing and improving its efforts. For example, earlier this month they installed the online enrichment monitor, or OLEM, to verify that Iran keeps its level of uranium enrichment at up to 3.67 percent, as they committed to under the JCPOA to keep it at that 3.67-percent level. This prevents Iran from enriching uranium to a point where it could conceivably be used in a nuclear weapon.

This is new technology. It was developed by the IAEA with significant support from American scientists at our Department of Energy national labs.

As a result of the JCPOA, this new system can be used in Iran.

The IAEA resources devoted to verification and monitoring are also increasing considerably with personnel devoted to monitoring Iran's nuclear program increasing by 120 percent and the number of days monitors spend in the field by 100 percent. If we want the IAEA to be successful in making sure this agreement is successful, we need to provide robust financial support so that they can deploy the best scientists in the world for inspections and so that they can deploy the best equipment to monitor Iran's compliance.

IAEA Director General Amano has called on member states to provide long-term funding for the IAEA's additional activities in Iran that are estimated at approximately $10 million a year. If we think about this cost, that is a very good investment for America as we prevent Iran from getting a nuclear weapon.

I have other colleagues on the floor who wish to speak. So I can wait and talk about nominees after they have had a chance to speak, if that makes sense.

Mr. COONS. That would be fine. I think there is a strong point being made by my colleague from New Hampshire that I will just briefly expound upon and then invite my colleague from New Jersey to join in this conversation.

Earlier this month, I traveled with a number of my Senate colleagues to the headquarters of the International Atomic Energy Agency and heard from them directly the same sorts of concerns my colleague from New Hampshire just laid down. They are struggling with how to ensure that they have the resources, the staffing, and the equipment to take on this remarkably broadened scope of inspections.

One of the underappreciated, positive benefits of the JCPOA is that the IAEA now has unprecedented 24/7 access not just to Iran's nuclear enrichment sites but to its centrifuge production workshops, its uranium mines mills, the entire so-called fuel cycle for the production of nuclear material within Iran. So I believe, as does my colleague from New Hampshire, that the IAEA needs and deserves greater funding, more reliable funding, more robust and long-term funding.

The oversight and monitoring mechanisms of the JCPOA, if strictly enforced, can serve as a viable deterrent to Iran's cheating and, in a worst-case scenario, provide the international community with early warning and enough time to respond if Iran decides to break out and dash to a nuclear weapons capability. But access to all of these sites is only valuable if the IAEA has the resources it needs and has asked for to conduct thorough inspections.

So my colleagues and I will be working together with the administration and others of our colleagues in the months ahead to authorize not just an adequate level of funding of 1 year or 2 years in advance but to put in place a long-term, reliable source of funding. As my colleague from New Hampshire said, there could be no better investment than in ensuring deterrence through vigorous and comprehensive inspections to prevent Iran from ever renewing its dream of access to a nuclear weapon. We will press the administration to work with all of us on this and to make this a higher priority going forward.

The idea that we have world-class nuclear scientists in the United States and that the IAEA has world-class nuclear inspectors and together they have developed new technologies and can deploy highly skilled teams to do this monitoring in Iran is a great opportunity, but it is only meaningful if we contribute the resources to ensure that those inspectors do their jobs.

So let me turn to our colleague from the State of New Jersey who wants to speak about some of the pros and cons of this critical turning-point implementation.

Mr. BOOKER. I thank my colleague, and Senator SHAHEEN as well, for emphasizing what I think needs to be emphasized, which is that we have in the IAEA an ability to do the most intrusive inspections ever before seen on the planet Earth. That agency—an important point Senator SHAHEEN was making—needs to be funded and funded well. We need to make sure the international community is standing there, and America needs to lead in that way.

I anticipate hearing Senator SHAHEEN also make the point, though, that it is the height of malfeasance for us here in this country not to have people in the right places to do the other things necessary to hold Iran accountable. We can't sound like a hawk around the debate over the JCPOA and then sound like a chicken when it comes to putting the funding forward necessary to prevent them from engaging in destabilizing activities in the region. I am grateful Senator SHAHEEN will make that point further, but I just want to review again what has been accomplished come implementation date because it is still an extraordinary victory for diplomacy, taking the spectre of a nuclear-armed Iran and evaporating, eviscerating, pushing it back at least for 15 years.

In that region, we now have the spectre of a nuclear-armed Iran pulled back, and we have the ability of moving forward with greater diplomacy. In order to get there, some pretty extraordinary things have happened. We have now effectively blocked Iran's uranium pathway to a bomb, with 12 tons of enriched stockpile—virtually all of its stockpile—shipped out of its country, and two-third of Iran's centrifuges have been taken offline. So there has been a significant removal of Iran's pathway.

In addition, we have blocked the plutonium pathway. The heavy water reactor in Iran has been filled with concrete. It is no longer operational. It has been permanently disabled. This makes sure that pathway to producing weapons-grade plutonium has been eliminated for the foreseeable years in the future.

Again, it has established unprecedented monitoring. The IAEA has gained unprecedented 24/7 access to all of Iran's nuclear facilities, including the pathway toward a weapon. Now we have intrusive monitoring and intelligence-gathering capabilities we never had before.

Most recently, Secretary Kerry was able to call upon his Iranian counterpart to secure the release of sailors. The reason why I say that is the quick turnaround of the sailors being released shows that these historic steps of the JCPOA have put us in an environment where diplomacy works in other critical areas.

Now, let's be clear, and these are important points I want to make. We must remain vigilant as a Congress and we must be vigilant in this body to make sure that other areas of Iran's activities are being watched in every single way and that there are repercussions for any Iranian violations of its nuclear agreements. This first step is impressive and historic and has really done a lot of good in removing that nuclear threat for at least 10 to 15 years, but it must come with real repercussions for any violations. The only way to ensure that the path of diplomacy is validated is to hold Iran accountable. It must meet all of the commitments—not just those for implementation day but during the whole process of the JCPOA for the many years ahead.

Again, the oversight and engagement of Congress on monitoring provisions of this agreement are absolutely vital. That is in many ways a chorus of conviction amongst my colleagues speaking here tonight to make unmistakably clear that we have eyes and ears on this agreement. All of my colleagues are saying on the floor today that we expect Iran to test the bounds of the JCPOA, but if there are signs that Iran is not abiding by the terms of the agreement, we are firm in our conviction that Congress must not hesitate to levy new economic sanctions, isolate Iran diplomatically and financially, and use security and military measures if that is what it takes to keep them from obtaining a nuclear weapon.

Iran's obligations under the JCPOA are ongoing and must be continually verified. It is one thing for Iran to cooperate sufficiently to achieve the transfer of frozen assets and the dismantling of the international sanctions regime; it is quite another for it to cooperate in an ongoing basis after these aims have been achieved. That is the responsibility of the administration and this Congress.

The JCPOA must serve as one part of a larger strategy with Iran. This is about the nuclear agreement and pushing back the spectre of a nuclear-armed Iran. But this is just one part—it must be just one part of a larger strategy with Iran. The diplomatic success with the JCPOA is commendable, but tensions between our closest partners in the region and Iran remain high. I was just there, and we saw the concerns of the Israelis, of Saudi Arabia, of Turkey. Iran is continuing its destabilizing activities, testing ballistic missiles, and further flaming tensions in the region. These events demand that we be even more attentive and engaged so that our allies and others know that the United States will not hesitate in the face of Iran's continued defiance of international rules. The implementation of the JCPOA is again an important step, but as a stand-alone strategy, it is just not enough.

In addition, Iran has been a bad actor in nonnuclear areas, and the United States needs to hold it responsible. Therefore, in addition to the accountability measures we are taking with the nuclear regime, there must be an understanding that we cannot allow the Iranians to grow the shadow of this agreement to cover all their other nonnuclear destabilizing activities. Congress and the administration must be

prepared and must be willing to levy appropriate economic sanctions needed to respond robustly to these destabilizing activities.

I believe it is unacceptable for us to move forward in any way that allows Iran to flaunt international law to violate any of the balance of the agreements we have made. We need to make sure we meet them. Iran could try to use the additional funds they receive through this deal to do things that undermine regional security. That cannot be allowed. We must continue to work closely with our allies and respond to every single bit of Iranian aggression that undermines international order and violates international regions.

With that, I turn back to Senator COONS to continue this dialogue.

Mr. COONS. Mr. President, I thank my colleague from New Jersey.

I wish to emphasize a point he made. We need to remain vigilant. We need to remain ready to impose additional sanctions on those actions by Iran that are outside the JCPOA. We saw two launches of ballistic missiles by Iran late last year, designations recently having been made of those involved in supporting Iran's ballistic missile program.

There is other bad behavior by Iran—violations of human rights that led to the long and unjust detention of Amir Hekmati and also potentially their increased support for terrorism in the region.

I invite my colleague from New Hampshire to help us understand what barriers there might be to the administration vigorously enforcing the sanctions that remain on the books here in the United States if we as a body don't act to do our part in making sure the administration has the resources they need.

Mrs. SHAHEEN. I thank Senator COONS.

As we know, one of the challenges is having people in place in the various agencies who can enforce this agreement and hold Iran accountable. That is where I think we have a real challenge because we have a number of nominees who need to be approved, but there are three who stand out as particularly important. First is Tom Shannon, who was nominated to be the State Department's Under Secretary for Political Affairs. Second is Laura Holgate, who is nominated to be the U.S. Ambassador to U.N. offices in Vienna. Included in those offices is the IAEA. The third and maybe even the most important as we think about future sanctions on Iran is Adam Szubin, who has been nominated as the Treasury Department's Under Secretary for Terrorism and Financial Crimes.

Shannon was nominated on September 18. This nomination is currently on the floor. Holgate was nominated on August 5. Her nomination is pending in the Senate Foreign Relations Committee. Szubin was nominated on April 16, and his nomination has been held up in the Banking Committee despite the support he has from the chairman of the Foreign Relations Committee.

I know a number of my other colleagues are going to speak to these nominees, but I would like to point out that last week we had a hearing in the Foreign Relations Committee on the implementation of the JCPOA, and one of the witnesses who had not been a supporter of the agreement—Michael Singh—was a witness at that committee hearing. I asked him about Adam Szubin. He described him as a ''good guy who had done great work for the country'' and as someone whose nomination should go forward because it would allow us to continue to look at the sanctions regime and what we need to do.

The reality is—and I am sorry to say this because I think it contributes to what the American public is concerned about when they look at us in Washington and what we are doing. I think these nominations are being held up for purely political reasons. It has nothing to do with the background of these candidates, with their expertise, or with what they would do on the job; this is about individuals within this body who are trying to hold up these people for their own political gain. I think this delay is harming the national security interests of the United States. It is something every one of us ought to be concerned about, and we ought to be yelling about this because it is long past time that we confirm these individuals, let them do their jobs, and continue to do everything we can to protect this Nation's national security.

I thank Senator COONS for organizing all of us to come to the floor today to talk about what we need to do as we are implementing the joint plan of action.

Mr. COONS. I thank the Senator from New Hampshire.

I want to emphasize again that these three nominees—Tom Shannon, Laura Holgate, and Adam Szubin—have been waiting for months. In particular, Adam Szubin is a nonpartisan career professional, having served in both the Bush and Obama administrations. Being the lead enforcer, the lead investigator in sanctions, he has now been nominated to take on the top role at the Department of Treasury in making sure our sanctions have bite and stick.

Why wouldn't we proceed on a bipartisan basis to give this administration the senior officials and the resources it needs to enforce sanctions, to keep us safe, to make sure this nuclear deal is enforced? Whether we voted for or against it, supported it or opposed it, I can't comprehend why any Senator would consent to the ongoing months-long delay in these vital nominees being confirmed so that the administration can do the job that I believe all of us want them to do, which is to enforce sanctions against Iran for its bad behavior.

Mrs. SHAHEEN. Will my colleague yield for a question?

Mr. COONS. Of course.

Mrs. SHAHEEN. It is my understanding that Adam Szubin has been held up and we have never heard a reason why he is being held up in that committee. Is that the Senator's understanding as well?

Mr. COONS. That is my understanding as well. There is no publicly articulated basis—certainly no basis that has anything do with his qualifications, skills, experience or relevance to the job—as is the case with all three of these nominees.

There are many other nominees we could be talking about, whether for judgeships, ambassadorships or senior positions. These three we have chosen to focus on today because they are so directly relevant to America's national security and to the successful enforcement of this complex nuclear deal with Iran.

As I said, and Senator SHAHEEN and Senator BOOKER said earlier, the IAEA has incredibly broad scope to investigate what is going on in Iran, but if we don't have the senior people in our government, in the administration, that can take action when things are discovered in Iran that we want to be active in taking on or when there is bad behavior outside of this nuclear agreement, we have no one to blame but ourselves as a body for failing to provide our administration with the senior leadership and the skills and the resources needed to really defend America.

I wish to encourage and invite my colleague from the State of Connecticut to add, as he wishes today, both the positives about implementation day and the concerns he might have going forward, such as these vital national security nominees whom Senator SHAHEEN and I have been discussing.

Senator MURPHY.

Mr. MURPHY. Senator COONS, thank you for convening us.

I think it is important to restate the progress we have made. I know it has been said before, but frankly not enough attention has been paid to the fact that since implementation day Iran has shipped 12 tons of enriched uranium out of Iran and kept enrichment at that 3.67 level, which is significantly below what is necessary to create a bomb. They filled the core of the Iraq plutonium reactor with concrete, preventing them from producing weapons-grade plutonium. They started to allow the IAEA access to the entire nuclear fuel cycle or uranium enrichment, including their centrifuge production shops and uranium mines and mills.

Of course, as has been stated before, the IAEA has been given an unprecedented level of access to the entirety of the supply chain leading up to any future potential development of a nuclear weapon. That is an unprecedented level of access that will require an unprecedented level of support. We are talking about an additional $10.6 million per year that the IAEA is going to

need to carry out these oversight responsibilities. The United States puts up a percentage of IAEA's funding, but it is still the minority of funding.

One development that we need to guard against are attempts in Congress to undermine this agreement in very quiet, subtle ways. There is a bill that has been introduced in the House of Representatives that would disallow the United States from funding the IAEA unless it grants the United States access to the contents of proprietary bilateral arrangements. That would have the results of stripping the funding necessary to carry out this agreement. If the IAEA doesn't get U.S. funding, it simply can't have the purview it has been granted, by virtue of this agreement, of the entire field cycle throughout the country.

As important as it is to get the personnel in place who can enforce this agreement, who can root out the ways in which Iran may take money they get by virtue of this deal and support terrorism in the region, it is also important to make sure the IAEA is properly funded as well.

Senator COONS, the only comment I would add to this discussion is this. I think for those of us who supported this agreement—I will speak for myself. I supported it because this was the most effective way to stop Iran from obtaining a nuclear weapon—period, stop. With this agreement, we were much more likely to prevent Iran from obtaining a nuclear weapon than we were without this agreement, but we certainly accepted the premise that it is in our long-term security and strategic interest as a country to facilitate the transition of power within Iran from the hardliners who have chosen a path of Iranian foreign policy to be simply a provocateur and an irritant in the region to the more moderate elements who would like to see Iran reengage on big questions of both regional and global security.

I don't think you can count on that happening. I don't think anybody should have voted for this agreement or supported this agreement because they were counting on that being the end result, but you have started to see a different level of engagement, whether it is with the release of the prisoners as you spoke about, whether it was about the resolution of the detainment of U.S. personnel, and we will shortly see whether this battle that plays out almost every day inside Iran is ultimately accruing to the benefit of the moderates. We will have elections next month in Iran.

I think we should support this agreement because it strips from Iran the ability to rush to a nuclear weapon, and you see the evidence already in the steps they have taken since the implementation agreement, but I think we should read with some level of positive interpretation some of the resolution of crises that we have seen just in the time passed over the course of 2016. That doesn't mean there aren't still enormous issues still at stake, but it is in our security interests, and it was part of the discussion of this agreement to ultimately bring Iran to a place in which the will of the vast majority of that country be expressed in the leaders who speak to the world community.

I thank Senator COONS for continuing to bring us down to the floor. I think as important as it is to talk about the positive steps that have been taken since implementation day, it is also important to note that we have a lot of work undone—whether it be funding the IAEA, confirming these important positions—and we have a lot of work to do in terms of remaining vigilant about the quiet, subtle ways that may be undertaken in this body and across the hall in the House of Representatives to try to undermine this deal that is working.

Thank you very much.

Mr. COONS. I wish to thank my colleague from Connecticut for his active leadership role on the Foreign Relations Committee and his deep interest in this topic.

By way of transition to my colleague from Pennsylvania, I briefly want to point out this picture of the Arak heavy water reactor in Iran. To me, it is a symbol of both what implementation day and the JCPOA letter promises positively and the unresolved risks it presents.

Implementation day has only been reached because the IAEA—the International Atomic Energy Agency—certified to the world that Iran had taken the very core of this reactor, capable of producing weapons-grade plutonium, and filled it with concrete, rendering it useless for the production of significant quantities of plutonium. That is a significant step forward, but when a reporter asked me the other day: Does Iran still pose a nuclear threat to the United States and our vital ally Israel, I said: Of course. When asked why, I said because they still possess the knowledge, the resources, the engineering, the uranium in the ground, in the mines, in the mills of their country, and the engineers and the facilities to at some point enrich once again to weapons grade. If we don't stay on this, if we don't fund the IAEA effectively to conduct this oversight and these inspections, if we don't stay attentive to this issue, we will simply wake up again at a point 5, 10, 15 years from now and discover that what we have in Iran is a nation that has translated its natural resources, its rich uranium deposits, and its engineering know-how into once again being in a place to threaten the world.

I wish to invite my colleague from Pennsylvania to talk about how our regional vital allies perceive the path forward and what concerns he has and how he sees implementation day.

Mr. CASEY. Mr. President, I first of all thank Senator COONS and my other colleagues who are working on this. It is very important to walk through where we are in the process. If I had to step back at this moment and say: Well, now that the Joint Comprehensive Plan of Action is moving forward and we are beyond implementation day, what do we have to look for over time? If I had to boil that down to three words—really three goals we must work toward every day. On some days it has to be the United States on its own and other days working with allies, those who participated in this agreement and signed it and partners in the region—but the three words I guess would be as implementation is going forward, we have to focus on three goals: enforce, counter, and deter. Enforce, making sure the agreement is enforced at every step. I will get to the issue of the consequences for violations of the agreement. Counter, meaning countering the Iranian aggression in the region. That is why it was so important that the President and the administration he leads was very clear about the designation and the sanctioning of the Iranian regime as it relates to ballistic missile launches and their activity. The third is deter. We have to have a deterrence policy that stays in place and, if anything, is strengthened over time.

If we do a good job on those three things over the next several decades—literally—enforcing the agreement, countering the aggression, and deterring them—we will have the result we want years from now.

First of all, on the question of consequences, similar to a lot of Members of the Senate when I made a decision about the agreement, I wrote down page after page walking through my reasons. At the time I wrote the following: ''We have to prepare for the possibility that the Iranian regime may violate the agreement and may even engage in activity constituting significant non-compliance with the JCPOA.''

That is what I wrote several months ago. That still holds true today. We must not trust in Iran's compliance. In fact, some may say that using President Reagan's old formula, which was ''trust but verify''—and I will be blunt about this, these are my words—in this case, until proven otherwise, we must mistrust and verify, mistrust the regime and verify. That is the nature of where things are right now.

We have to vigorously verify any asserted reason or action the Iranians would take. Also, in the process of doing that, we have to work with our partners to ensure that any violations will be met with swift multilateral consequences. That means we need other nations to help us. We can't do this on our own.

We cannot know whether and how the Iranian regime might violate the agreement. For example, we might see them drag their feet on allowing the IAEA access to certain nuclear sites, especially ones where covert activity may be suspected.

I firmly believe hardliners in Iran will be watching how we respond to

any violation. The best way to condition behavior, the best way to impact what they might do, the best way to cause them a second thought down the road is to aggressively enforce violations of the agreement.

It is important we work in lock step with our European partners to prepare for these violations. I hope it doesn't come to pass, but I think we have to assume, and I will assume, that they will violate the agreement. Many of us met with our European friends before making decisions about the Joint Comprehensive Plan of Action. We need to continue these conversations to ensure that as businesses and business ties increase between the Iranian regime and Europe and other parts of the world, we have to remain unified in our stance on the potential Iranian violations of the deal. That is about violations.

The second and final point, briefly but so important to our deliberations and our actions, our friend and ally Israel, the relationship between the United States and Israel is unbreakable. We have to make sure that as we move forward with the implementation of the agreement, we insist that our policy reflects that unbreakable relationship and also continues what has been very strong support for Israel for many years, if not generations, now. We have to recognize at the same time that Israel faces significant threats from Iran and its proxies, especially Hezbollah and Hamas. We also have to assume that Iran will continue its aggression in the region. That is why I talked about countering that aggression before. And we have to assume that Iran will try to expand its support for terrorism.

We have already taken some initial steps to expand cooperation with Israel on defense and homeland security, including beginning consultations toward a new 10-year memorandum of understanding, or MOU. That memorandum of understanding on defense cooperation is vital in initiating new efforts to address, among other threats, the terror tunnels Hamas has constructed, which threaten Israel all the time.

I urge the administration to focus on the capabilities Israel requires to face both conventional and asymmetric threats and to ensure that the new memorandum of understanding constitutes a transformational investment—not just one budget year to the next budget year or appropriation to appropriation year—in our bilateral relationship with Israel going forward. We should all meet with Israeli leaders to hear their firsthand assessments of the threats and to reassert our mutual interests in countering Iranian aggression.

I yield the microphone to my colleague Senator COONS again, but first I wish to thank the Senator from Delaware for his leadership and for what I believe is a bipartisan determination that we have to do everything possible to enforce this agreement aggressively, with consequences when there is a violation, counter Iranian aggression in the region and beyond, and deter, deter, deter over what will be more than one generation.

I yield the floor.

Mr. COONS. Mr. President, I thank my colleague from Pennsylvania for his clear-eyed assessment of the challenges that lie ahead as we try to move past implementation day and into a positive world where together we might be able to provide the administration with the resources they need to enforce the agreement, counter Iran's bad behavior, and deter Iran from any further illicit or bad behavior.

I wish to invite my colleague on the Foreign Relations Committee, Senator KAINE of Virginia, to offer any thoughts he might care to share at this point before we bring this colloquy to a close.

I know Senator KAINE has followed the importance of the inspections regime under the JCPOA closely. As Senator SHAHEEN and I both referenced earlier, full and robust funding of the IAEA is the only way to ensure they really have the ability to enforce this agreement and make sure this heavy water reactor does not somehow get redesigned, reengineered, and restarted in the future.

I invite my friend and colleague from Virginia to offer his thoughts on how to make sure we are effectively enforcing this deal.

Mr. KAINE. Mr. President, I thank my colleagues for taking the floor on this important matter. While I serve on the Senate Foreign Relations Committee, I actually want to talk about this issue from my standpoint on the Senate Armed Services Committee.

I happen to believe that one of the most valuable military assets we have as a nation is information intelligence. In that capacity, what we have under the JCPOA is the dramatic ability to learn, sadly, from tragic mistakes.

After more than a decade of war in Iraq and thousands of lives lost, we know that operating in an environment where we base national security decisions on what we don't know rather than what we do know can be tragically costly.

Over the weekend, there was press about a recently declassified report from the Joint Chiefs of Staff on weapons of mass destruction. It was submitted to former Secretary of Defense Donald Rumsfeld in September of 2002, around the time Congress and the administration were trying to decide whether to invade Iraq. The report that was given to the Secretary of Defense—and it was not widely shared with the administration or Congress at the time—confirmed that our officials at the very top levels of the intel and military community knew very little about the actual status of Iraq's WMD program. The report concluded that what we suspect is ''based largely—perhaps 90 percent—on analysis of imprecise intelligence.''

While the national security apparatus was acknowledging that it was operating in the dark, it was nevertheless planning for war.

On March 7, 2003, 2 weeks before the beginning of the Iraq invasion, the IAEA presented to the U.N. an updated report on Iraq's nuclear activities. The report stated that they had conducted 218 nuclear inspections at 141 sites and concluded at the time that there was no indication of resumed nuclear activities since 1998, no indication that Iraq had attempted to import uranium since 1990, no indication that Iraq had imported aluminium tubes, and no indication that they had sought to import magnets for use in centrifuge enrichment. The IAEA said they had no information suggesting that Iraq had a WMD program specifically with nuclear weapons.

We ignored what the IAEA told the U.N. the world, and us, and instead we went to war based upon a national intelligence estimate that said we didn't know what they were doing. That decision locked us into a decade of combat operations which resulted in a tragic cost. We know the rest of the story: 4,484 Americans lost their lives in connection with the war in Iraq from 2003 to 2011 and another 32,246 Americans were wounded. We also know that it turned out the IAEA was right. Once the war was waged and we got in and had our own ability to gather intelligence and information, we found out that Iraq didn't have a program of weapons of mass destruction, so we went to war based upon a faulty assessment and we didn't have the information we needed.

Let's contrast what happened in 2002 and 2003 with the opportunity we now have before us as a result of the JCPOA. The agreement of Iran to follow for the next 25 years an enhanced inspection regime and be inspected by the IAEA to a standard that no other country in the world must follow is very unique. It will provide us and all of our international partners with significant intelligence about Iran's program. After year 25, Iran has also agreed to submit and follow the additional protocol of the IAEA, which also guarantees significant intelligence and inspections.

What does that give us? It arms us with information. It arms us with facts. It arms us with intelligence. Those are some of the best military assets we can have. With intelligence, we obviously hope that Iran never makes a move to develop nuclear weapons, but if they do, with intelligence we can blow the whistle and inform the world that they are violating paragraph 1, page 1 of the agreement where they pledged never to seek, acquire, or develop nuclear weapons. With intelligence, we can make a wise decision rather than a blind decision as to whether we should send American men and women into war to try to stop a nuclear weapons program. With intelligence, we can even target military action to be more effective. That is what the JCPOA gives us that we

didn't have before. That is what it gives us that we didn't have in Iraq, and we regret that we didn't have it.

I say to the Senator from Delaware that I noticed during our recent visit to Israel that the tone seems to be changing a little bit as far as our dialogue with our Israeli allies about this deal because the dramatic nature of the intelligence is now being seen by our strong allies in Israel as something that is potentially transformative.

Two days ago, the chief of staff of the Israeli Defense Forces gave a speech in Tel Aviv. Gadi Eizenkot spoke on Monday at a national security conference in Tel Aviv and basically said that the nuclear deal with Iran constitutes a strategic turning point. He didn't whitewash it; he said ''many risks but also opportunities.'' What are the opportunities? He said the deal reduces the immediate Iranian threat to Israel because it rolls back Iran's nuclear capabilities and deepens the monitoring capabilities of the international community.

After all the drama about how it was a historic mistake, how refreshing it was to go to Israel a few weeks ago and hear security and intel officials talk about what this enhanced intelligence meant with respect to Israel's security.

We know there is no guarantee that a diplomatic deal will work out, and my colleagues have laid out the need for strict implementation, but we also know—and we have the scar tissue, so this is painful knowledge—that we are much safer if we have better information, we are much safer if we have better intel, and we will make much better decisions.

I certainly pray that we will never again send American men and women into war based on a false intelligence assessment. The only way we can guard against that eventuality is to have stronger intelligence. The IAEA inspections will give us better intelligence and should help us make better military decisions in the future.

With that, I yield the floor back to my friend from Delaware.

Mr. COONS. Mr. President, I thank the Senator from Virginia. We had a terrific experience traveling together to Israel, Turkey, Saudi Arabia, and Vienna. In Vienna, we met with the leadership of the IAEA. We asked tough questions and learned more about their needs and plans for thoroughly inspecting every aspect of Iran's nuclear program. We heard about the concerns of our close regional allies in Turkey and Saudi Arabia.

We need to strengthen our partnership with regional allies who are uncertain about the future with ISIS but who were, frankly, grateful for the increased intelligence partnerships between the United States, Turkey, and Saudi Arabia, but most importantly with our vital ally Israel, as the good Senator from Virginia has recounted. We heard from the Prime Minister, the Minister of Defense, opposition leadership, and intelligence and defense community leaders that the partnership with the United States is stronger than it has ever been and that they view this path forward with Iran as having challenges and opportunities—opportunities in terms of intelligence to be gained, opportunities in terms of pushing back on what was a rapidly advancing Iranian nuclear infrastructure and program, and now a challenge—a challenge to work together and provide exactly the sort of oversight and engagement that only a duly-empowered and active Congress can take.

Let me close out the colloquy of six Senators by making a few simple observations, if I might. Congress has an essential role to play in ensuring that this nuclear deal with Iran moves forward and moves forward in our best national interest. Congress should not only provide oversight but also take action. The simplest is a point about which Senator SHAHEEN spoke at length—the importance of securing key national security nominees essential to the enforcement of sanctions.

We can also take proactive action here in this Chamber by passing the Iran Policy Oversight Act. Its drafting was led by Senator CARDIN of Maryland, but a dozen other colleagues—some who opposed and some who supported the deal—joined in as initial cosponsors. It is a bill that would clarify some ambiguous provisions of the JCPOA, establish in statute America's commitment to enforcing the deal, engage us in more comprehensive efforts to counter Iranian activity in the Middle East, and provide increased support to our allies in the region, especially our valued ally Israel. This is a step this body can and should take, and to do so would be much in the bipartisan spirit we saw in the Foreign Relations Committee between Chairman CORKER and Ranking Member CARDIN that produced the Iran Nuclear Agreement Review Act.

I think passing the Iran Policy Oversight Act would be a strong and important contribution by this Chamber.

Speaking for only myself, I will also say that I think we should reauthorize the Iran Sanctions Act, which is set to expire this year. Having that law reauthorized would provide a viable framework through which the United States could snap back sanctions if Iran violated the JCPOA.

Each of the ideas we have outlined—confirming vital national security nominees; passing enforcement legislation; and fully funding, reliably and for the long term, the IAEA, the inspections watchdog that is supposed to keep a close and persistent eye on Iran's nuclear facilities represents critical—these represent critical, concrete steps Congress can take.

If the United States alone cannot enforce this complex deal, we have to keep building international support for the imposition of new sanctions to punish Iran for its ongoing human rights abuses, its illegal ballistic missile activity, and its support for terrorism in the Middle East.

If we are going to be serious about our constitutional role to provide for the common defense and general welfare, I would argue that we here in the Senate have a sacred obligation to provide not only oversight of this deal but to also take action and enforce its terms and push back on Iran's bad behavior and to demonstrate to the world that the United States is serious about securing a peaceful, nuclear-free future, as difficult as that may be, for the Middle East.

With that, I thank my colleagues who joined me here on the floor and yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mrs. CAPITO. Mr. President, I wish to talk about the bill we have on the floor and how important I think it is not only to my State but to our United States in terms of our energy security and energy policy modernization.

I rise to support the Energy Policy Modernization Act of 2016. I think this legislation recognizes the critical need to improve our Nation's energy infrastructure and how we can use our natural resources.

I commend Chairman MURKOWSKI and Ranking Member CANTWELL for their hard work to get this bill on the floor. I am honored to be a member of the Energy and Natural Resources Committee. The open process they led in the Energy and Natural Resources Committee, as the Presiding Officer knows, resulted in a strong bipartisan vote of 18 to 4 in support of this bill.

I think it goes without saying, but this country needs an updated, comprehensive policy that brings an ''all of the above'' approach to the way we utilize energy. This is the first major energy legislation to be considered by the Senate since 2007. This bill will help make our homes, our cars, our public buildings—think about how old and inefficient a lot of our public buildings are, including our schools—more energy efficient. It will help improve our parks and lands through the reauthorization of the Land and Water Conservation Fund.

This bill will enhance our ability to fully utilize our vast natural resources so that we remain and become even more energy secure in the years to come.

There are few people who know energy potential better than the people of West Virginia. West Virginia's Marcellus region has the largest shale gas reserves in the United States. It is really a magnificent thing to watch as it is developing. It is a job creator, an excitement creator, and a revenue generator. It is a reason to have a revitalized part of our State come alive as we participate in the energy economy. Coupled with the nearby Utica region, these two shale formations have accounted for major increases in natural gas production since 2012.

West Virginia's natural gas production has nearly quadrupled between the

years 2008 and 2014. As I said earlier, it has happened fast and quick, and it has really exploded throughout the region in terms of job creation.

Unfortunately, despite this unprecedented increase in natural gas recovery, our producers have been underserved by a lack of pipeline capacity. Nobody knew this existed until just in the last 10, 12 years. Our current permitting process for pipelines can take years. It is slow and uncertain, which means delayed construction, if we get to construction, and, in turn, delayed manufacturing projects and access to affordable energy. Many manufacturers across this country rely on cheap, affordable natural gas, not just as an energy producer but in our chemical industries as feedstock to create.

Last spring, the Charleston Daily Mail editorialized that ''the big gas boom that has increased employment and tax revenue in West Virginia has slowed considerably less due to slowing markets than a lack of pipeline infrastructure to carry the burgeoning supplies.''

Earlier this month, the Clarksburg Exponent Telegram, another fine newspaper in West Virginia, editorialized that ''the promise of more than 18,000 jobs tied to the construction of six interstate gas pipelines is the last hope for prosperity for a generation of Mountain State residents.'' The paper continued that regulatory delays are slowing these important projects.

West Virginia has been hard hit by job loss in the energy sector. Just this week, more than 850 West Virginia coal miners received notices that their jobs may be at risk. They join more than 500 other West Virginia miners who were informed after the start of this year that they would be losing their jobs, not to mention that the whole total job loss in the coal economy in my State has been 10,000 direct jobs, as miners as well as some other indirect jobs that contribute to the mining industry, most recently CSX and Norfolk Southern, are announcing cutbacks.

Moving forward with improvements to our energy infrastructure will create construction jobs and economic opportunity in my State, where both are desperately needed. That is why I am pleased that this bill includes language that I introduced, along with Senators HEITKAMP and CASSIDY, that would address the fragmented and prolonged permitting process for pipelines. This provision will streamline the application process so pipelines can be constructed in a more timely and efficient manner and will meet our energy transportation needs, along with meeting the environmental requirements that we feel are proper in order to site the pipelines.

The provision establishes FERC as the lead agency for the permitting process. This helps to address any interagency squabbles or disputes that can lead to project delay.

We must make use of our natural resources to grow our domestic manufacturing. We should also use our abundant gas reserves to export liquefied natural gas to our allies. A strong export policy will bring jobs and revenue to producing States such as my State of West Virginia and to many others across the country. It will also help with energy security for our allies in Europe and Japan at a time of growing instability around the globe.

This bill includes Senator BARRASSO's bill to expedite LNG export permitting so that natural gas produced here in America can be sold to our allies around the world. Going forward, innovation will be a key component in powering West Virginia's energy economy.

In addition to our rich natural gas reserves, West Virginia has been one of the major producers of coal for energy generation in this country for decades—centuries. My State and our Nation have faced an uphill battle in the administration's war on coal, despite the fact that coal still remains America's baseload energy source. We need a commonsense approach to coal-fired energy generation, one that doesn't simply try to eliminate it but instead incorporates it into a modern, innovative energy policy.

That is why I cosponsored language included in this bill, with Senators MANCHIN and PORTMAN, that will revitalize the fossil energy program at the Department of Energy. This program is critical to the research and development of new technologies that make fossil energy more efficient and more reliable, while at the same time reducing emissions.

One of the most promising advances in fossil energy technology is carbon capture utilization and storage. Not only will this technology ensure that our significant coal reserves are part of an overall strategy, but it could also be used for enhanced oil recovery that will further strengthen our energy security.

A modern energy policy must recognize that coal and natural gas will remain a key part of our Nation's energy portfolio for decades to come. I think everybody agrees that the baseload needs to be there. By acting now to support infrastructure and innovation, we can support jobs and grow our economy for future generations.

I started out my speech talking about the way this bill moved through the Energy and Natural Resources Committee and how bipartisan it was and how we worked out the wrinkles. I, again, wish to thank Chairwoman MURKOWSKI and Ranking Member CANTWELL for the way they wove through a very complicated procedure.

This bipartisan legislation is critical to all Americans and their families. It means more efficient, affordable, and reliable energy for millions of people. It makes us energy secure and more competitive with other countries in innovative energy and efficiency technologies.

These are the reasons why I support this important piece of legislation, and I urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER (Mr. LEE). The Senator from Idaho.

Mr. CRAPO. Mr. President, I ask unanimous consent to speak about an amendment I have filed and that will soon reach the desk.

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

Mr. CRAPO. Mr. President, we don't yet know the exact number of the amendment because we are refiling a minor correction to it. However, I wish to talk about a very critical amendment that I and a number of our colleagues on both sides of the aisle are bringing to the legislation today dealing with nuclear energy. Nuclear energy is one of the key elements of our national energy policy, and it must be one that is strengthened and improved as we move forward into the new global energy climate that we are dealing with in this country.

I wish to start out, however, by going back in time. Sixty-four years ago, in a desert plain near Arco, ID, the Idaho National Reactor Testing Station used the Experimental Breeder Reactor, known as EBR–1, to light four lightbulbs. This was the first time in the history of the world that a nuclear reactor was used to generate electrical power. This singular event proved that atomic energy could be used to create commercial electricity.

After this momentous event, EBR–1 went on to serve its real purpose, proving it was possible to build a reactor that could create more fuel than it consumed. Breeder reactors were possible. Another reactor at the National Reactor Testing Station named BORAX-III went on to power the entire town of Arco, ID. Now, Arco is not a huge metropolis like New York City, but there, once again, a nuclear reactor was used to provide the electrical needs of an entire city—another energy first for nuclear energy in our history. So began the legacy of what would become the Idaho National Laboratory, which is now the home of over 50 one-of-a-kind nuclear reactors.

Everything the lab did was new. Everything was innovative. The lab in Idaho went on to achieve tremendous breakthroughs—breakthrough after breakthrough. The imagination, ingenuity and hard work of the scientists in Idaho's lab now, along with the same ingenuity of scientists at Argonne and Oak Ridge, ensured that the United States was the leader in the development and commercialization of nuclear energy.

Today, many in the industry are focusing on what it takes to keep a current fleet of reactors alive and operational. Industry leaders are worried about waste issues, the economics of operation, and navigating the requirements of the Nuclear Regulatory Commission. Understandably, many are not focused on the future of nuclear energy

and what lies beyond the current generation of reactors.

Congress must find a way to help deal with the very real challenges that the current generation of nuclear reactors face. Congress must also address the waste issue, and we must evaluate the safety and cost benefits of regulations the government has placed on this industry. Many of the burdens on the nuclear industry are government created, and so they must be government solved. I look forward to working with my colleagues on the Environment and Public Works Committee to do our part in providing sound solutions.

Congress needs to find a way to multitask. Again, we can't ignore the challenges of the current fleet of reactors, but we must not allow these challenges to keep us from looking forward. The nuclear industry in America is, for better or worse, completely controlled by the government. Congress must lead in preparing government agencies to move forward into the future and to prepare for the next generation of our nuclear reactors. If our government is not able to create an environment in which the industry can grow and advance, companies will take their technologies overseas. We have seen this begin to happen already. Companies are now going to places such as China, Russia, South Korea, and India. These countries want to develop exportable nuclear technology. If we continue down our current path, these countries will take the lead in establishing nonproliferation norms and safety norms in the advanced nuclear industry. I would prefer that America continue to lead in this area.

Today, Senators WHITEHOUSE, RISCH, BOOKER, HATCH, KIRK, DURBIN, and I introduced the Nuclear Energy Innovation Capabilities Act, or NEICA, as an amendment to the Energy Policy Modernization Act of 2016. This measure is the Senate companion to the House measure of the same name, introduced by Representatives RANDY WEBER, EDDIE BERNICE JOHNSON, and LAMAR SMITH. I wish to thank my colleagues for their hard work on this measure. As my colleagues can tell from the list I gave, it is highly bipartisan. There is broad support for this legislation on both sides of the aisle and on both sides of the Rotunda.

We are all very excited by this legislation, and we all agree that innovation within the nuclear industry must continue. America's preeminence in all things nuclear must endure.

The Senate version of NEICA would do four very important things to encourage innovation in advanced nuclear.

No. 1, the bill directs the Department of Energy to carry out a modeling and simulation program that aids in the development of new reactor technologies. This is an important first step that allows the private sector to have access to the capabilities of our national labs to test reactor designs and concepts.

No. 2, the measure also requires the DOE to report its plan to establish a user facility for a versatile reactor-based fast neutron source. This is a critical step that will allow private companies the ability to test the principles of nuclear science and prove the science behind their work.

No. 3, NEICA directs the Department of Energy to carry out a program to enable the testing and demonstration of reactor concepts proposed and funded by the private sector. This site is to be called the National Nuclear Innovation Center and will function as a database to store and share knowledge on nuclear science between Federal agencies and the private sector. The Senate version of NEICA encourages the Department of Energy and the Nuclear Regulatory Commission to work together in this effort. We would like to see the DOE lead the effort to establish and operate the National Nuclear Innovation Center while consulting with the NRC regarding safety issues. We would also like to see the NRC have access to the work being done by the center in order to provide its staff with the knowledge it will need eventually to license any new reactors coming out of the center. If these reactors are ever to get to the market, the NRC must be able to understand the ins and outs of the science and work behind their development. The NRC needs the data in order to make data-driven licensing requirements.

No. 4, the Senate version of the NEICA requires the NRC to report on its ability to license advanced reactors within 4 years of receiving an application. The NRC must explain any institutional or organizational barriers it faces in moving forward with the prompt licensing of advanced reactors.

As I said earlier, this bill is an important step forward in maintaining the United States' leadership in nuclear energy. It is my hope this bill will enable the private sector and our national labs to work together to create new mind-blowing achievements in nuclear science. This bill encourages the smartest, most innovative and creative minds in nuclear science to partner together to move the industry forward.

The NEICA is an exciting piece of legislation. I look forward to working with my congressional colleagues to help the American nuclear energy industry thrive today and prepare for the future.

Thank you, Mr. President, and I yield the floor.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

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

The senior assistant legislative clerk read the nomination of John Michael Vazquez, of New Jersey, to be United States District Judge for the District of New Jersey.

The PRESIDING OFFICER. Under the previous order, there will be 15 minutes of debate equally divided in the usual form.

The Senator from Montana.

ENERGY POLICY MODERNIZATION BILL

Mr. DAINES. Mr. President, the Energy Policy Modernization Act of 2015 is a crucial step forward in modernizing our country's energy policy and public lands management for the first time in nearly a decade, and we are doing it in a strong, bipartisan fashion. Moreover, we are taking the necessary steps to secure our Nation's energy future, in turn increasing economic opportunity and protecting our Nation's security needs.

Here are a few important components of this bill that I would like to highlight.

No. 1, it permanently reauthorizes the Land and Water Conservation Fund. This is an important tool for increasing public access to public lands and one of the country's best conservation programs.

No. 2, this bill also streamlines the permitting for the export of liquefied natural gas, allowing more American energy to power the world.

Montana is the fifth largest producer of hydropower in the Nation, and we have 23 hydroelectric dams. This bill strengthens our Nation's hydropower development by streamlining the permitting process of new projects and finally defining hydropower as a renewable resource. Only Washington, DC, would not define hydropower as a renewable resource. This cleans that up by statute, allowing FERC to provide more time to construct new hydroelectric facilities on existing dams. It also extends construction licenses for Gibson Dam and Clark Canyon Dam, two projects critical to tax revenue and jobs for communities in Montana.

This energy bill establishes a pilot project to streamline drilling permits if less than 25 percent of the minerals within the spacing unit are federal minerals. The provision, sponsored by my good friend the senior Senator from North Dakota, Mr. HOEVEN, is of particular importance to Montana, given the patchwork of land and mineral ownership in the Bakken.

It also improves the Federal permitting of critical and strategic mineral production, which supports thousands of good-paying Montana jobs and hundreds of millions of dollars in tax revenues for our State to support our infrastructure, our schools, and our teachers. Metal and nonmetal mining has created more than 8,500 good-paying Montana jobs. In fact, mining helps support more than 19,000 jobs in total across Montana. Metal mining in Montana has contributed $403 million in taxes, and nonmetal mining produces $128 million every year. This includes $288 million of State and local taxes.

Finally, the Energy Policy Modernization Act of 2015 modernizes and

strengthens the reliability and security of bulk power in America's electrical grid. In Montana, we know the important balance of responsibly developing our natural resources and serving as good stewards of our environment. Our energy sector supports thousands of good-paying jobs for union workers and tribal workers. Access to our State's one-of-a-kind public lands is critical to our State's tourism economy and our very way of life in Montana. This bill facilitates all these goals.

Given the overwhelming support this bill received in committee, I am hopeful that this bill will also receive strong bipartisan support as we work through the amendment process and take a final vote on this bill next week.

I also look forward to having the opportunity to make this bill even better for our Nation. This legislation makes important gains for Montana energy, but there is still work to do. We can't fully discuss our Nation's energy future without also addressing the President's moratorium on new Federal coal leases and royalty increase attempts for Federal coal, oil, and natural gas. I hope we can work together in a bipartisan fashion to address these important issues, which have a significant impact on jobs, tax revenue, and energy prices in Montana.

I would like to thank Chairman MURKOWSKI, Ranking Member CANTWELL, and their staffs for their work in getting us to this point. I look forward to seeing and voting on additional amendments from my colleagues in the coming days, and I look forward to getting this bill across the finish line, providing the American people with a comprehensive energy policy that works to support both our economic security as well as our national security.

Mr. LEAHY. Mr. President, today we will vote on the nomination of John Michael Vazquez to fill a judicial emergency vacancy in the Federal district court in the district of New Jersey. His confirmation is long overdue. He was nominated over 10 months ago and reported out of the Judiciary Committee by unanimous voice vote over 4 months ago.

Mr. Vazquez is an outstanding nominee who has experience both in private practice and in the public sector. Since 2008, he has practiced as a named partner at the law firm of Critchley, Kinum & Vazquez in Roseland, NJ. He has also devoted a significant part of his career to public service, having worked for both the office of the attorney general for the State of New Jersey and as a Federal prosecutor in the district of New Jersey. During his tenure as a Federal prosecutor, Mr. Vazquez handled a wide array of Federal investigations and prosecutions while serving in the general crimes unit, the major narcotics unit, the terrorism unit, and the securities and health care fraud unit.

The ABA Standing Committee on the Federal Judiciary unanimously rated Mr. Vazquez ''Well Qualified'' to serve as a Federal district judge, its highest rating. He has the support of his home State Senators, Senators MENENDEZ and BOOKER.

Mr. Vazquez's nomination reflects the enormous progress that the Senate and this administration have made in making the Federal judiciary more diverse and more representative of the citizenry it serves. The fact that there are more women and minorities than ever before serving on our Federal bench is important. The result of this progress is that it increases public confidence in our justice system.

Unfortunately, Senate Republicans have stalled this progress by obstructing several highly qualified Hispanic nominees. For example, Senate Republicans delayed the confirmation of Judge Luis Felipe Restrepo, the first Hispanic judge from Pennsylvania nominated to the third circuit, for more than a year. This was the case despite his excellent legal and judicial career and the strong bipartisan support he had from his home State Senators.

In addition, the junior Senator from Arkansas continues to impose a wholesale blockade on the nominees to the U.S. Court of Federal Claims, including Armando Bonilla, a Cuban American who has devoted his entire career to public service at the U.S. Department of Justice. If confirmed, Mr. Bonilla would be the first Hispanic judge to hold a seat on that court, where he is urgently needed. The chief judge of the Court of Federal Claims has written to Chairman GRASSLEY and me to express the need to confirm the pending nominees; yet Senator COTTON is being allowed to hold up these well-qualified nominees.

And just last week, the junior Senator from Georgia announced that he was withdrawing his support for the nomination of a Hispanic nominee to a Federal district court in Georgia. Judge Dax Lopez has served as a distinguished State court judge in DeKalb County, GA, since 2010. With his experience, I was not surprised that the Georgia Senators submitted Judge Lopez's name to the White House for consideration to the Federal district court. After recommending him to the White House, it is unfortunate that the junior Senator from Georgia is now blocking his nomination because of Judge Lopez's membership on the board of directors for the Georgia Association of Latino Elected Officials. This nonpartisan organization's mission ''is to increase civic engagement and leadership of the Latino/Hispanic community across Georgia.'' But some conservatives have focused only on the fact that the organization supported common sense immigration reform—something that a bipartisan majority of this body supported when we passed comprehensive immigration reform in 2013.

I have long noted that I do not vote to confirm individuals to the bench because I expect to agree with all of their views. My standard is whether the nominee would be the kind of independent judge who would be fair and impartial. There is nothing in Judge Lopez's record to suggest that he could not or would not be an impartial judge. Judge Lopez has been a State court judge for nearly 6 years. Those who oppose Judge Lopez have decided that, because he was on the board of directors of an organization that advocates certain policies with which they disagree, they refuse to even consider his record or his own merits. This new litmus test for his membership in a nonpartisan organization sets a dangerous precedent that Senators should reject.

We also saw this unreasonable treatment from Senate Republicans with the nomination of Judge Edward Chen to the northern district of California. Despite having served as a Federal magistrate judge for a decade, Senate Republicans held up Judge Chen's nomination for years because Judge Chen had previously worked for the American Civil Liberties Union. According to one Republican Senator on the Judiciary Committee, Judge Chen had the ''ACLU gene,'' and so somehow he could not possibly be a fair judge—even though Judge Chen had shown that he could be an independent and neutral arbiter over the 10-year period that he served as a Federal magistrate judge. This new litmus test is completely unfair. I am sorry that Senate Republicans have now subjected Judge Lopez to this.

This afternoon, I hope we do not see a repeat of what happened to Judge Wilhelmina Wright, who was confirmed last week to the district court in Minnesota with a large number of ''no'' votes from Republicans. Judge Wright was the first African-American woman to serve on the Minnesota Supreme Court and the first person to serve on all three levels of the Minnesota State judiciary; yet many Republicans chose to side with the moneyed Washington interest groups who unfairly attacked her nomination based on a writing assignment from her third year of law school. That a Washington political action committee is opposing a nominee should not prevent Senators from exercising their own fair judgment. The resource needs of our independent judiciary should not be tainted by calls for a shutdown of our constitutional role as Senators.

I urge my fellow Senators to vote to confirm Judge Vazquez.

Mr. BOOKER. Mr. President, today I wish to support the nomination of John Michael Vazquez, whom the President nominated for a lifetime appointment as a United States district judge for the district of New Jersey.

I thank Majority Leader MCCONNELL and Minority Leader REID for giving Mr. Vazquez a vote on the Senate floor. I appreciate Chairman GRASSLEY and Ranking Member LEAHY and their respective staffs for all their hard work on moving this well-qualified judicial nominee through the Judiciary Committee. I also want to thank Senator

MENENDEZ, New Jersey's senior Senator, for his hard work on this judicial appointment.

The district of New Jersey currently has four judicial vacancies, all of which are judicial emergencies. This means that a very heavy caseload exists in that judicial district which, if left unremedied, undermines the quality and pace of access to justice for the people of New Jersey. According to the Administrative Office of the Courts, each judgeship in the district of New Jersey has over 650 weighted filings. That is unacceptable. Senator MENENDEZ and I are committed to breaking the logjam and ensuring New Jerseyans gain more access to justice.

Mr. Vazquez is a well-qualified nominee. He has worked in both public service and private practice and has experience in both criminal and civil cases. His time in public service includes stints as a Federal prosecutor in the U.S. attorney's office for the district of New Jersey and attorney in the New Jersey State attorney general's office where he rose up the ranks to become the first assistant attorney general. He is now a partner in private practice at a Roseland, NJ, law firm.

Mr. Vazquez has litigated both criminal and civil cases, which I am confident will make him a fine and well-balanced jurist. As a Federal prosecutor, he handled a wide variety of Federal criminal cases, including major narcotics prosecutions, as well as securities and health care fraud cases. In the state attorney general's office, he focused on criminal matters, including public corruption and financial fraud. In private practice, he specialized in criminal and civil law.

He has excellent credentials. He graduated summa cum laude from Seton Hall University School of Law and earned his undergraduate degree from Rutgers University—two prominent New Jersey educational institutions. He also clerked for a well-respected judge on the New Jersey Superior Court bench, appellate division.

Mr. Vazquez has also given back to his community. He won numerous awards for his dedication to his community and to law enforcement, including the Latino Legal Community Award from Seton Hall University School of Law's Latin American Law Students Association; the Excellence in Hispanic Leadership Award from the New Jersey Department of Community Affairs' Center for Hispanic Policy; and recognition from the New Jersey County Prosecutor's Association and the New Jersey State Police.

The American Bar Association Standing Committee on the Federal Judiciary has unanimously rated Mr. Vazquez well-qualified to be a district court judge, the highest possible rating. Last September, he was favorably reported out of the Judiciary Committee by a unanimous voice vote. I am confident this well-qualified nominee will serve honorably on the Federal bench.

I urge my fellow Senators today to confirm Mr. Vasquez as a United States district judge to the district of New Jersey. I look forward to continue working with Chairman GRASSLEY and Ranking Member LEAHY and Senate leadership to confirm more judicial nominees to fill vacancies in the district of New Jersey so that we can eliminate existing judicial emergencies.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I come before the Senate to express my enthusiastic recommendation for John Michael Vazquez's nomination and confirmation to the United States District Court for the District of New Jersey, which the Senate will be voting upon shortly.

Mr. Vazquez's credentials are impressive. He is a New Jerseyan who is eminently qualified and highly experienced, and I am confident that he will be an outstanding jurist whose judicial temperament, observance of precedent, and personal integrity will be beyond reproach.

There is an inscription over the 10th Street entrance to the Justice Department that I often am reminded of, and it can't be quoted too often when we are looking to perform one of our most vital duties, selecting those best qualified judicial nominees. It reads: ''Justice in the life and conduct of the State is possible only as it first resides in the hearts and souls of its citizens.'' I believe that justice does, in fact, reside in the heart and soul of John Vazquez and that he will bring that judicial heart and soul to the task, as well as the benefit of a long and distinguished legal career in private and public service.

Mr. Vazquez began his legal career at the law offices of Michael Critchley & Associates after completing a clerkship with the Honorable Herman D. Michels of the New Jersey Appellate Division. He graduated summa cum laude from Seton Hall University School of Law and from Rutgers College. His intellect is of the highest order. He would bring a long and distinguished career to the District of New Jersey bench if and when he is confirmed. He is currently a partner at Critchley, Kinum & Vazquez, practicing commercial, securities, and civil litigation, as well as white collar criminal defense.

Before his time in private practice, he served the people of New Jersey in the New Jersey Office of the Attorney General as the first assistant attorney general. As the second highest ranking law enforcement official in the State, Mr. Vazquez conducted the day-to-day operations of the 9,500-person department and various divisions within the department, including criminal justice, consumer affairs, civil rights, elections, and gaming enforcement divisions, to mention a few. He previously served in that particular office as a special assistant to the attorney general. Before that he was an Assistant U.S. Attorney, where he focused on health care fraud, securities fraud, and terrorism investigations. These experiences have given him a clear appreciation of the separation of powers, the importance of checks and balances, and I believe he will bring that view to the bench.

The American Bar Association rated him unanimously ''well qualified'' for the nomination, and I agree. He was voted out of the Judiciary Committee unanimously. When I think about the breadth and scope of what comes before a Federal district court judge, I can only think about the breadth and scope of his experience. He understands both sides of the legal equation—the prosecution and defense of the accused. He is a member of the Hispanic Bar Association of New Jersey, the Essex County Bar Association, the New Jersey State Bar Association, the Association of the Federal Bar of New Jersey, and the Association of Criminal Defense Lawyers of New Jersey.

Mr. President, I can say without equivocation that justice does indeed reside in the heart and soul of John Vazquez. He is an eminently qualified nominee with impressive credentials and experience who will fill a judicial emergency vacancy in the District of New Jersey. In addition to intellect, judgment, temperament, observance of the rule of law, and separation of powers, he diversifies our judiciary as a Hispanic American, which is something I think is also very important—to be able to have any American walk into any court in the land and believe the possibility that someone like them may very well be sitting in judgment of them. When you have all the elements of what we want in the Federal judiciary and we are able to achieve that element of diversity as well, I think it is the highest moment.

I urge the Senate to unanimously support him, and I yield the floor.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. CRAPO. Mr. President, I yield back all time.

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

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Vazquez nomination?

Mr. CRAPO. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the

Senator from Tennessee (Mr. CORKER), the Senator from Texas (Mr. CRUZ), the Senator from Arizona (Mr. FLAKE), the Senator from Oklahoma (Mr. INHOFE), the Senator from Georgia (Mr. ISAKSON), the Senator from Florida (Mr. RUBIO), and the Senator from Nebraska (Mr. SASSE).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted ''yea.''

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

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

The result was announced—yeas 84, nays 2, as follows:

[Rollcall Vote No. 6 Ex.]

YEAS—84

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

NAYS—2

Lankford	Sullivan

NOT VOTING—14

Alexander	Inhofe	Rubio
Boxer	Isakson	Sanders
Corker	Leahy	Sasse
Cruz	Mikulski	Stabenow
Flake	Nelson	

The nomination was confirmed.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. CASSIDY. Mr. President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

LEGISLATIVE SESSION

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

ENERGY POLICY MODERNIZATION ACT OF 2015—Continued

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. CASSIDY. Mr. President, in this Energy bill we are considering, we are going to offer an amendment regarding the renewable fuel standard—also called the RFS. The RFS requires that fuel sold in the United States contain a minimal amount of renewable fuels. You know it because when you go to the gas pump, it says: contains 10 percent ethanol.

The RFS is outdated. It was created in 2005—a time when American energy consumption relied heavily upon foreign imports. It was thought that the renewable fuel standard will be good for the environment by decreasing the carbon footprint, but in the last 10 years our energy landscape has changed dramatically. We now have more domestic oil than almost ever before, and the drawbacks of the RFS greatly outweigh its benefits.

For example, the Congressional Budget Office projects that Americans will be forced to pay $0.13 to $0.26 more per gallon if the RFS is not repealed. For a mom and dad with two teenage sons, this would be $400 a year, but it doesn't stop at the pump.

Over the last 10 years, the price of corn has drastically fluctuated. Corn costs have approximately doubled since before the RFS began. The corn price increasing has increased the cost of food as much as 7 percent to 26 percent it is estimated per year. It also raises costs all the way down. For example, your chain restaurants are estimated to spend $3.2 billion more for the food they purchase and serve to their customers because of the RFS.

Perhaps paying more at the pump, paying more at the grocery store and more at the restaurant will be worth it if there are environmental benefits. Unfortunately, there is not only no environmental benefit, there is tremendous environmental harm.

To begin with, an increase in corn production means that there is an increase in fertilizer use across the Midwest. That fertilizer runs into the rivers, goes down into the Mississippi River, hits the Gulf of Mexico, and causes algae blooms because of the high nitrogen and phosphorous, and that decreases the oxygen in the water, thereby devastating the fish population. If you look at maps of the dead zone in the Mississippi River, they have continuously increased in size since the RFS was put into law.

But it is not just about our water quality. Let's talk about carbon footprint. One of the original rationales as to why we should have renewable fuels: The Union of Concerned Scientists state that certain types of ethanol have a worse carbon footprint than gasoline. So now we have something that not only increases the cost of food and hurts the water quality in the Gulf of Mexico and the rivers that feed it but also has a higher carbon footprint than the gasoline it dilutes.

By the way, it is not just the Union of Concerned Scientists; the National Academy of Sciences says that the renewable fuel standard has little or no environmental benefit and actually increases the particulate matter and sulfur that is in the atmosphere and harms water quality.

Let's just say that with the abundance of our domestic oil and increased vehicular efficiency standards, there is no need for the RFS. It is time to repeal the renewable fuel standard so that our farmers, anglers, ranchers, and consumers can reap the benefit.

In addition to this, I wish to mention another amendment I am offering with Senator MARKEY. This amendment would save taxpayer dollars and preserve oil reservoirs in the Strategic Petroleum Reserve. The Strategic Petroleum Reserve is located in my home State, in Harahan, LA. This amendment gives the Secretary of Energy the ability to sell Strategic Petroleum Reserve quantities of crude oil when the price goes up. Right now, he has been instructed to sell the oil to raise $5 billion but without regard to price. We clearly don't want to sell it when the price of oil is at $30. We want to wait until the price of oil goes back up and sell it then so we can reap multiple benefits. It will allow for more supply so consumers will have lower prices at the pump, and it will also get more money for the oil we do sell, which will be good for taxpayers who bought the oil in the first place.

America is blessed with an abundance of oil. Taxpayers invested in this emergency oil stockpile. Yet some must be sold, and it should be sold at the highest price possible to get the best deal for the taxpayers.

I urge my fellow Senators to support both of these amendments. They are important to American families, critical to America's energy security, and in the case of the RFS, it is critical to our environmental hopes.

I yield back.

The PRESIDING OFFICER. The Senator from Pennsylvania.

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

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

HOMELAND SECURITY AND THE THREAT OF VIOLENT EXTREMISM

Mr. CASEY. Mr. President, I rise today to discuss for a couple of moments the issue of homeland security and the threat of violent extremism in the United States.

In the last 2 months in the Commonwealth of Pennsylvania, we have experienced two very concerning incidents of violent extremism—first, in December, the arrest of a 19-year-old man in Harrisburg, PA, who allegedly used social media to propagandize and facilitate on behalf of the terrorist group ISIS. At the time of his arrest, law enforcement officers found ammunition and other signs that he might be preparing for an attack. Thank goodness

law enforcement at the local and State level worked with the FBI and would have been able to thwart that attack if it were carried out.

The second incident, and the one I will focus more of my attention on today, was the shooting of Philadelphia police officer Jesse Hartnett while he was on patrol on January 7 of this year. The gunman ran up to Officer Hartnett's patrol car and fired 11 rounds at very close range. Officer Hartnett was hit three times in his left arm before the attacker fled. In a truly remarkable act of bravery, Officer Hartnett was able to radio for backup and pursue the attacker. The gunman was apprehended as a result of Officer Hartnett's heroic action and the quick response of his fellow officers.

Law enforcement professionals like Officer Hartnett and his colleagues are on the frontlines of protecting us and protecting our homeland every day. We have to remain vigilant against potential attacks from terrorist groups in foreign countries, of course, who seek to harm Americans, but we must also confront the threat of violent extremism here at home from individuals who are inspired by the hateful, evil ideology of terrorist groups such as ISIS. These are individuals who can often be categorized as lone wolves, planning and plotting without the direction of a terrorist group necessarily but motivated by violent rhetoric they find online or by other means.

On January 18, I visited Officer Hartnett in the hospital to thank him for his bravery and his service. He was in much better shape that day than he was on the night of the attack. We are so happy that he continues to recover well from those injuries. Just last week he was able to leave the hospital in Philadelphia and go home.

At the same time, I also received a briefing on the investigation from the FBI and met with Mayor Jim Kenny, the newly elected mayor of Philadelphia, and Philadelphia Police Commissioner Ross to discuss this emerging threat in Philadelphia and certainly in other places as well.

What do lawmakers do, Members of this body and the other body as well, the House and the Senate? We have an abiding obligation to give our full support to local and State authorities confronting the threat of violent extremism whether it is in Pennsylvania or anywhere across the country.

According to a recent assessment from the Foreign Policy Initiative, 71 individuals have been charged with ISIS-related activities since March of 2014. The profiles and motivations of these individuals differ dramatically, making it even more difficult for law enforcement officials to investigate and prevent attacks. But I believe that as Members of Congress—and, I also would add, the administration as well—we all need to listen to the professional advice of law enforcement officials, homeland security experts, and others rather than simply engaging in categorical condemnation or, unfortunately, oversight by sound bite.

I have invited Homeland Security Secretary Jeh Johnson to Philadelphia to join me in a roundtable with community leaders and law enforcement officials in Pennsylvania so I can be briefed on and updated about homeland security issues in Philadelphia and throughout southeastern Pennsylvania.

A recent Politico survey of leading mayors around the country evaluated the city executives' perspective on the challenges they confront in addressing terrorism and violent extremism in their communities. The mayors have told us that they identified lack of overall funding as the biggest challenge facing their cities in the context of counterterrorism. And I have to say that for at least a decade, local law enforcement and the FBI have been badly underfunded. Let's ensure that these communities have what they need.

I will continue to urge the Departments of Homeland Security and Justice to communicate better with local and State authorities. I will also urge the disbursement of Federal grant funding to support activities to counter violent extremism and to continue to train law enforcement in ways to help prevent and respond to complex terrorist attacks.

I am supporting and I hope others will support Senator CARPER's Community Partnerships Act of 2015, which is a piece of commonsense legislation that would bolster the Federal Government's support to local and State authorities. We owe it to our first responders, such as Officer Jesse Hartnett from Philadelphia, and we owe it to the communities they protect to give them the support and resources they need to help us confront and defeat violent extremism.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. PORTMAN. Mr. President, I rise this evening to talk about the Energy bill that is before the Chamber right now. I thank Senator MURKOWSKI and Senator CANTWELL for bringing us to this point.

This is called the Energy Policy and Modernization Act. It is my understanding that this is the first comprehensive Energy bill to come to the floor of the Senate in 7 or 8 years. It is something we ought to be focused on because it helps to create a better economy, and it helps to ensure that we do have a protected grid and that we can indeed improve our infrastructure around the country in terms of energy and improve the performance of Federal agencies.

The bill allows more exports of LNG—liquefied natural gas—which is important to our economy. By focusing on energy and taking commonsense steps to help in terms of making our economy more efficient, we will help to create more independence in this country and make America less dependent on foreign sources of energy as well. I commend them for that, and I am happy to support the broader legislation.

Tonight I would like to talk about title I of the bill. As those of you who have looked at the bill know, title I is about energy efficiency. I again thank Senators MURKOWSKI and CANTWELL for including the Portman-Shaheen Energy and Savings and Industrial Competitiveness Act in as title I of the legislation. This is energy efficiency legislation that has been to the floor a couple of times. We were not able to get it passed because of a disagreement over amendments, but it has come out of the committee with strong votes. In fact, the most recent vote was a few months ago when we reported the energy efficiency legislation out of our energy committee in the Senate by a vote of 20 to 2. That doesn't happen very often around this place. It is bipartisan because it makes sense.

Senator SHAHEEN and I have worked with Members on both sides of the aisle and groups all around the country over the past 4 or 5 years to put this legislation together. It is part of what I think is the right philosophy which I see embodied in this overall legislation, which is that we ought to be producing more energy in this country, but we also ought to be using it more efficiently. Producing more and using less is a good combination. It creates jobs, creates the opportunity for us to be more competitive in global markets, it helps us to be less dependent on foreign oil, and it helps us to improve the environment.

This legislation we are looking at in title I is going to get across the finish line this year, I believe, because we do have strong support from not just Republicans and Democrats here in this Chamber but from people around the country who have helped us to put this together.

Those on this side of the aisle often talk about the need for an ''all of the above'' energy strategy. I like to talk about that. I think it is the right approach. I think we should be focusing on all of our energy resources. When you talk about ''all of the above,'' though, one of the best sources of energy is the energy you don't use. It is the energy that is really economically viable, and that is energy efficiency. Sometimes we are pretty good at the produced part of the equation on my side of the aisle, but we need to focus more on the efficiency part.

This legislation also helps the environment, as I said. It is actually the equivalent of taking about 20 million cars off the road within 15 years. Think about that. Through energy efficiency, it is the equivalent of taking about 20 million cars off the road within 15 years.

By the way, it doesn't do it by overregulating, it doesn't do it by killing jobs, and it doesn't do it by the heavy hand of government. It does it without any mandates. It does it by

incentivizing less energy use, which will help to reduce emissions in a way that doesn't kill jobs. In fact, our legislation will create more jobs. We have a study of our legislation now showing that it will create 136,000 new jobs while saving consumers about $13.7 billion a year in reduced energy costs within 15 years.

The bill is supported by 260 associations, businesses, advocacy groups, including the National Association of Manufacturers, the Sierra Club, the Alliance to Save Energy, and the U.S. Chamber of Commerce. It is supported by groups who don't normally get together to support legislation, but they are all together on this because they understand the importance of it. That is one of the reasons this passed the committee with big bipartisan numbers, and it is also why it actually works—because we got input from everybody. It makes good economic sense, good energy sense, and good environmental sense.

In visiting with jobseekers around Ohio and going to businesses talking about this legislation, they are excited about it because it gives them the opportunity to have access to new energy efficiency technology that makes them more competitive. So it allows Ohio workers to be able to compete better with workers in places like Japan or Europe where there is more of a focus on energy efficiency, and it reduces the costs of production. This is why the manufacturing community in my home State of Ohio is really excited about it. They know this is going to help them to be competitive.

It also helps with regard to our Federal Government. The Federal Government ought to practice what it preaches. The Federal Government is the largest user of energy in the country—probably the largest user of energy in the world—and, by the way, one of the more inefficient users of energy. So our legislation specifically focuses on the Federal Government and talks about how we need to use less energy at our call centers and how we need to make sure Federal buildings are more energy efficient. Just by doing that alone, we are going to save taxpayers billions of dollars. That makes sense for taxpayers, and it also makes sense for reducing emissions, and it makes sense to have our Federal Government be more efficient.

The proposals contained in this bill are really commonsense reforms. There are no mandates on the private sector. They come as a result of direct conversations we have had with people at the local level and businesses to understand how we can actually help, without mandating, to create incentives.

Our legislation does focus on manufacturing, and it does focus on the government and the General Services Administration and buildings. It also focuses on buildings to ensure that buildings are more efficient, both residential and commercial buildings, which is where we are going to see a lot of our savings. Again, this is not only going to create more jobs but save consumers a lot of money.

It has been nearly 10 years since Congress passed legislation that focused on energy efficiency. A lot has changed and a lot needs to be updated. This legislation allows us to do that—to move forward in a smart way and in a bipartisan way to ensure that, yes, we are producing more energy, becoming less dependent on foreign sources and more independent here in this country, helping our economy but also doing so in a way that helps create a better environment for all of us.

This is a true, ''all of the above'' energy strategy.

Again, I applaud my colleagues for bringing forward the Energy Policy Modernization Act, and I thank them for including the Shaheen-Portman legislation. I wish to thank my partner, JEANNE SHAHEEN from New Hampshire, for her hard work over the years on this legislation. It is time for us to get it done. It is time to provide this incentive and give this economy a shot in the arm to help ensure that we can take advantage of the energy resources in this country, use them more efficiently, and, by doing so, create more economic opportunity for everyone.

Thank you, Mr. President.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Ms. MURKOWSKI. Mr. President, we are at the end of the day after having turned to the Energy Policy Modernization Act. We have had some Members come to the floor to speak to the significance and the importance of finally, after almost 8 years now, updating and modernizing our energy infrastructure, our energy supply, our energy efficiency and accountability within the energy space.

I know that we are going to be continuing to work to address not only much of what is contained within the bill but also amendments from colleagues. We have solicited and have received a fair number of amendments today. The ranking member and I are processing these and looking, again, not only to set up a unanimous consent agreement here this evening, but I will take this opportunity to remind colleagues that if you have amendments that you wish to be brought up, please file them, and please come to the floor to speak to them. We will hopefully have a full opportunity tomorrow to do just that, but we do intend to work aggressively to get through this very important, very bipartisan measure.

AMENDMENTS NOS. 2968, 2963, 3017, 2982, 3021, AND 2965 EN BLOC TO AMENDMENT NO. 2953

Ms. MURKOWSKI. Mr. President, at this time I ask unanimous consent that the following amendments be called up en bloc and reported by number in the following order: amendment No. 2968, for Senator SHAHEEN; amendment No. 2963, for Senator MURKOWSKI; amendment No. 3017, for Senator BARRASSO; amendment No. 2982, for Senator MARKEY; amendment No. 3021, for Senator CRAPO; and amendment No. 2965, for Senator SCHATZ.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the amendments en bloc by number.

The bill clerk read as follows:

The Senator from Alaska [Ms. MURKOWSKI], for herself and others, proposes amendments numbered 2968, 2963, 3017, 2982, 3021, and 2965 en bloc to amendment No. 2953.

The amendments are as follows:

AMENDMENT NO. 2968

(Purpose: To clarify the definition of the term ''smart manufacturing'')

Beginning on page 132, strike line 22 and all that follows through page 133, line 4, and insert the following:

(5) SMART MANUFACTURING.—The term ''smart manufacturing'' means advanced technologies in information, automation, monitoring, computation, sensing, modeling, and networking that—

(A) digitally—

(i) simulate manufacturing production lines;

(ii) operate computer-controlled manufacturing equipment;

(iii) monitor and communicate production line status; and

(iv) manage and optimize energy productivity and cost throughout production;

(B) model, simulate, and optimize the energy efficiency of a factory building;

(C) monitor and optimize building energy performance;

(D) model, simulate, and optimize the design of energy efficient and sustainable products, including the use of digital prototyping and additive manufacturing to enhance product design;

(E) connect manufactured products in networks to monitor and optimize the performance of the networks, including automated network operations; and

(F) digitally connect the supply chain network.

AMENDMENT NO. 2963

(Purpose: To modify a provision relating to bulk-power system reliability impact statements)

Strike section 4301 and insert the following:

SEC. 4301. BULK-POWER SYSTEM RELIABILITY IMPACT STATEMENT.

Section 215 of the Federal Power Act (16 U.S.C. 824o) is amended by adding at the end the following:

''(1) RELIABILITY IMPACT STATEMENT.—

''(1) SOLICITATION BY COMMISSION.—Not later than 15 days after the date on which the head of a Federal agency proposes a major rule (as defined in section 804 of title 5, United States Code) that may significantly affect the reliable operation of the bulk-power system, the Commission shall solicit from the ERO, who shall coordinate with regional entities affected by the proposed rule, a reliability impact statement with respect to the proposed rule.

''(2) REQUIREMENTS.—A reliability impact statement under paragraph (1) shall include a detailed statement on—

''(A) the impact of the proposed rule on the reliable operation of the bulk-power system;

''(B) any adverse effects on the reliable operation of the bulk-power system if the proposed rule was implemented; and

''(C) alternatives to cure the identified adverse reliability impacts, including a no-action alternative.

''(3) SUBMISSION TO COMMISSION AND CONGRESS.—On completion of a reliability impact statement under paragraph (1), the ERO shall submit to the Commission and Congress the reliability impact statement.

''(4) TRANSMITTAL TO HEAD OF FEDERAL AGENCY.—On receipt of a reliability impact statement submitted to the Commission under paragraph (3), the Commission shall transmit to the head of the applicable Federal agency the reliability impact statement prepared under this subsection for inclusion in the public record.

''(5) INCLUSION OF DETAILED RESPONSE IN FINAL RULE.—With respect to a final major rule subject to a reliability impact statement prepared under paragraph (1), the head of the Federal agency shall—

''(A) consider the reliability impact statement;

''(B) give due weight to the technical expertise of the ERO with respect to matters that are the subject of the reliability impact statement; and

''(C) include in the final rule a detailed response to the reliability impact statement that reasonably addresses the detailed statements required under paragraph (2).''.

AMENDMENT NO. 3017

(Purpose: To expand the authority for awarding technology prizes by the Secretary of Energy to include a financial award for separation of carbon dioxide from dilute sources)

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

SEC. 46___. CARBON DIOXIDE CAPTURE TECHNOLOGY PRIZE.

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

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

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

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

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

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

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

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

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

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

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

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

''(i) the competition process;

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

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

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

''(C) offer financial awards for—

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

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

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

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

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

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

''(D) submit to Congress—

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

''(ii) not later than 1 year after the date of enactment of this subsection, a report that describes the levels of funding that are necessary to achieve the purposes of this subsection.

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

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

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

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

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

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

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

''(i) climate science;

''(ii) physics;

''(iii) chemistry;

''(iv) biology;

''(v) engineering;

''(vi) economics;

''(vii) business management; and

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

''(C) TERM; VACANCIES.—

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

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

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

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

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

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

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

''(G) CHAIRPERSON AND VICE CHAIRPERSON.—The Board shall select a Chairperson and Vice Chairperson from among the members of the Board.

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

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

''(7) INTELLECTUAL PROPERTY.—

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

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

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

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

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

''(8) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as are necessary.

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

AMENDMENT NO. 2982

(Purpose: To require the Comptroller General of the United States to conduct a review and submit a report on energy production in the United States and the effects of crude oil exports)

At the appropriate place, insert the following:

SEC. _____. GAO REVIEW AND REPORT.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter for 2 years, the Comptroller General of the United States shall conduct a review of—

(1) energy production in the United States; and

(2) the effects, if any, of crude oil exports from the United States on consumers, independent refiners, and shipbuilding and ship repair yards.

(b) CONTENTS OF REPORT.—Not later than 1 year after commencing each review under subsection (a), the Comptroller General of the United States shall submit to the Committees on Energy and Natural Resources, Banking, Housing, and Urban Affairs, Commerce, Science, and Transportation, and Foreign Relations of the Senate and the Committees on Natural Resources, Energy and Commerce, Financial Services, and Foreign Affairs of the House of Representatives a report that includes—

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

(2) recommendations for Congress and the President to address any job loss in the shipbuilding and ship repair industry or adverse impacts on consumers and refiners that the Comptroller General of the United States attributes to unencumbered crude oil exports in the United States.

AMENDMENT NO. 3021

(Purpose: To enable civilian research and development of advanced nuclear energy technologies by private and public institutions, to expand theoretical and practical knowledge of nuclear physics, chemistry, and materials science)

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

AMENDMENT NO. 2965

(Purpose: To modify the funding provided for the Advanced Research Projects Agency—Energy)

Strike section 4201(b)(5)(A)(iv) and insert the following:

(iv) by adding at the end the following:

''(F) $325,000,000 for each of fiscal years 2016 through 2018; and

''(G) $375,000,000 for each of fiscal years 2019 and 2020.''; and

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that at 12 noon tomorrow the Senate vote on the Crapo amendment No. 3021 and at 1:45 p.m. the Senate vote on the Schatz amendment No. 2965; that no second-degree amendments be in order to the Crapo or Schatz amendments prior to the votes; finally, that the time until 12 noon and following the disposition of the Crapo amendment until 1:45 p.m. be equally divided between the two managers or their designees.

The PRESIDING OFFICER. Is there objection?

The Senator from Washington.

Ms. CANTWELL. Mr. President, reserving the right to object, and I will not object, but I just want to point out to our colleagues that the chair has worked with us today to get a number of these pending amendments. I know she will probably express this, but it is our intent that hopefully we will have some votes on these other amendments either by voice or additional votes. So I hope colleagues who are interested in other amendments will come down. But I think this process gets us going on the voting and could be on some of these pending amendments as well.

So I do not object.

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

Ms. MURKOWSKI. Mr. President, Senators should be aware that we may add additional rollcall votes on amendments to both stacks of votes tomorrow, as the ranking member has said. It would certainly be our intent that we work to process as much as we can during the time that we have.

MORNING BUSINESS

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

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

HONORING OFFICER DOUGLAS BARNEY

Mr. HATCH. Mr. President, today I wish to pay tribute to a beloved father, a loving husband, and a fallen hero: Officer Douglas Barney of the Unified Police Department. Officer Barney was killed in the line of duty last week when attempting to question a man at the scene of an accident. In the wake of Doug's passing, the Barney family has experienced an outpouring of love and support from law enforcement officials not only in Utah, but across the Nation. As a testament to Doug's generosity and the many lives he touched, more than 10,000 people attended his funeral services on Monday. Today I join the many who mourn by honoring Officer Douglas Barney—a man of character, commitment, kindness, and courage.

Doug's dedication to law enforcement was matched by his zeal for life. As a teenager, he explored the outdoors, rode dirt bikes on the hills behind his home, and raced cars on Utah's old Bonneville Raceway. As a police officer, he loved the thrill of a high-speed chase and had a knack for defusing tense situations with a well-timed joke. An indomitable sense of humor endeared him not only to those he loved, but even to those he arrested.

On one particular occasion, he was tasked to handle a DUI situation involving a female arrestee whose behavior was growing increasingly erratic. Instead of reacting with force, Doug responded with humor by continuously joking with the arrestee. His off-the-cuff comedy replaced the woman's threats with smiles and her cries with laughter. Eventually, she calmed down enough to cooperate. As one of Doug's colleagues recalls, the two left ''the best of friends.'' Only Doug could have managed such a feat.

Doug's humor helped him cope with the rigors of a stressful career in law enforcement. It also helped him overcome serious illness. No stranger to adversity, Doug battled back from bladder cancer just a year before his death. Cancer could weaken his body, but it could do nothing to dampen his spirits. Throughout the ordeal, Doug maintained a cheerful disposition and refined his trademark sense of humor.

In addition to laughter, Doug drew strength from family. He befriended his wife, Erika, when they were growing up together in California. While Erika was studying at Brigham Young University, their relationship took a romantic turn, and Doug asked her to marry him. Erika was caught off guard by the proposal and was initially reluctant, but Doug persisted. Time and again, he asked Erika to be his wife. After several months, she finally accepted, and the two were married in 1996. Together, they had three beautiful children: Matilda, Meredith, and Jacob.

Shortly after their marriage, Doug told Erika that he dreamed of becoming a police officer. With her support, he began an 18-year career in law enforcement. Doug's fellow police officers will always remember him for his work ethic, gregariousness, and larger-than-life personality. Over many years of consistent, hard work, Doug won not only the love and friendship of his colleagues, but also their respect and admiration.

Like thousands across our Nation, I am deeply saddened by the passing of Officer Barney. I am immensely grateful for Doug's example and for the service of countless police officers like him. Each day, these selfless men and women risk their own well-being to ensure the safety of others. They are the most courageous of public servants, and I believe Doug was among the best of them. He was a man who lived and loved deeply. He made people laugh, he made them smile, and he helped them hope.

I pray that Doug's memory might continue to inspire and bless those he loved.

WILDFIRE FUNDING AND FOREST MANAGEMENT

Ms. MURKOWSKI. Mr. President, I ask unanimous consent to enter into a colloquy with the chairman of the Budget Committee, Senator ENZI of Wyoming, and the chairman of the Agriculture Committee, Senator ROBERTS of Kansas.

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

Ms. MURKOWSKI. Last session, I came to the floor to speak about the significant wildfire provisions we included in the Omnibus appropriations bill, why Congress could not accept a flawed proposal supported by this administration and a handful of Senators, and to outline a path forward on this important issue in 2016.

As we begin consideration of the energy bill, I have come to the floor to add further definition to that path forward. As many of you know, wildfire budgeting and forest management overlap jurisdictionally with several other Committees so I want to thank my colleagues, Senators Enzi and ROBERTS, for joining me here.

In my view, the time has come to find real solutions to the challenges we face in each of these areas. This crisis has gone on for long enough. It has grown worse and worse. Our lands are burning. Communities are being devastated. And it is time for Congress to act.

I want to start first with wildfire budgeting. For some time now, Members of this Chamber have been talking past each other. Before we can come up with a solution, we have to at least agree on the problem we are trying to solve.

We have all been saying that we want to solve the problem of ''fire borrowing''—the unsustainable practice of borrowing from non-fire government programs so that fire response activities can continue when wildfire suppression accounts are depleted.

One way to fix the problem of ''fire borrowing'' is to continue to fully fund the predicable costs of wildfire suppression, the 10-year rolling average, while allowing access to additional funds through a limited cap adjustment when the agencies run out of suppression funds, for the emergency and unpredictable costs of wildfire suppression.

Another issue relating to wildfire budgeting is the percentage of the Forest Service's discretionary budget

spent on wildfire. The Forest Service has said that it now spends nearly half of its discretionary budget on wildfire. Some of our colleagues and this administration have conflated the fire borrowing problem with this budgeting issue. They have sought to shift anticipated wildfire suppression costs off-budget to limit how much of the Forest Service's discretionary budget is spent on fire with the goal of ''freeing up'' dollars for other programs under the discretionary cap.

Cap adjustments and budgeting generally are within your committee's jurisdiction. I say to Senator ENZI. Have I properly characterized the wildfire budgeting issues we are wrestling with?

Mr. ENZI. I agree with Senator MURKOWSKI that fire borrowing has been mischaracterized and conflated with the Forest Service's overall concern about its discretionary budget. Although I recognize the fact that the Forest Service has serious management challenges, consensus doesn't exist in the Senate to adjust the caps so the Forest Service can spend more money on other programs within its discretionary budget.

That said, Congress must find a fiscally responsible solution to wildfire funding and fire borrowing. I welcome the opportunity to review the fire borrowing issue in my committee and how the unpredictable costs of wildfire suppression have forced Congress to appropriate emergency dollars in past years. We can find a solution to budgeting for wildfires. We cannot, however, only work on the budget issues without also making changes to the way we manage our forests. It is crucial to ensure taxpayer dollars are being used efficiently and effectively.

Just as there are many State, local, and Federal partners in the field when it comes to suppressing wildfires during the fire season, it is important that all the necessary committees in the Senate work together on this issue. I look forward to addressing these issues with Senator MURKOWSKI and Senator ROBERTS, with my committee members, and with other Western Senators interested in the outcome.

Mr. ROBERTS. Thank you to my colleagues, Senator ENZI and Senator MURKOWSKI, for their work on these important issues related to wildfire and forest management. I would like to echo their concerns and share with the rest of my colleagues that I agree with them entirely that this is a critical issue that needs to be addressed. Coming off the end of a catastrophic wildfire season with a record amount of acres burned, it is essential that the Senate turn its attention to finding a wildfire solution in 2016—and through regular order.

As chairman of the Agriculture Committee, it is my first and foremost priority that the committee serve as the platform for America's farmers, ranchers, small businesses, rural communities—and forest land owners and forestry stakeholders, a constituency sometimes forgotten. As chairman of the Agriculture Committee, we intend to serve and represent all of agriculture, of which forestry plays an important role.

Last November, the Agriculture Committee held a hearing on the effects of wildfire and heard testimony from stakeholders on the budgetary impacts and threats to natural resources on Federal, State, and private forest lands. The message from that hearing was unanimous and clear: it is time for Congress to act and advocate for solutions that not only address funding fixes, but more importantly advocate for solutions that improve the management of our national forests.

H.R. 2647, the Resilient Federal Forests Act of 2015, which passed the House last summer, has been referred to the Senate Agriculture Committee. This legislation, while not perfect, includes provisions that attempt to address both the funding mechanism and incorporate meaningful forest management tools which are the paramount issues in the overall wildfire debate. I recognize the challenges that remain ahead with crafting such a legislative proposal that satisfies all interested parties involved in this larger debate. With that being said, I stand ready to work with my colleagues to find areas where common ground and consensus can be achieved to address the overall wildfire issues facing us today.

I look forward to working together with Senator MURKOWSKI, Senator ENZI, and others to provide the necessary tools to expedite the much needed work on not just Western forests, but also nationwide, encompassing Federal, State, and private forest lands.

Ms. MURKOWSKI. I thank Senator ROBERTS. I look forward to working with him as well. And he is right. The wildfire problem is not just a budgeting problem—it is also a management problem. Reforming the way we manage our forests is absolutely crucial. Healthy, resilient forests are fire-resistant forests; yet despite knowing the value of fuel reduction treatments in mitigating wildfire risks, increasing firefighter safety, and protecting and restoring the health of our forests, active management is still often met with a series of discouraging and near insurmountable obstacles.

High upfront costs, long planning horizons, and regulatory requirements—including what seem like unending environmental reviews—are impeding our ability to implement treatments at the pace and scale these wildfires are occurring. We must also work with our State agencies, local communities, and the public to increase community preparedness and install fuel breaks to break up fuel connectivity to keep fires small.

As you can see here, the chairmen of the committees with jurisdiction over the wildfire budgeting and forest management issues are ready to roll up our sleeves in 2016. We are going to work through regular order, in a transparent and collaborative manner, to come up with a legislative solution.

We look forward to the input of our colleagues, who also care deeply about these issues. My plan is to dedicate whatever time we have in February after this bill clears the floor—and the entire month of March—to producing this legislative product. I appreciate Members' willingness to work with us and believe we are on a good track to find real solutions to our wildfire challenges.

IMPROVING THE FEDERAL RESPONSE TO CHALLENGES IN MENTAL HEALTH CARE IN AMERICA

Mr. ALEXANDER. Mr. President, I ask unanimous consent that a copy of my remarks to the Senate Committee on Health, Education, Labor, and Pensions be printed in the RECORD.

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

IMPROVING THE FEDERAL RESPONSE TO CHALLENGES IN MENTAL HEALTH CARE IN AMERICA

Before we begin today's hearing, I want to briefly mention for the information of committee members one of the next items on the committee's agenda, and that's biomedical innovation. I was glad to announce yesterday our committee's plans to hold its first markup on Feb. 9 to consider the first set of bipartisan bills aimed at spurring biomedical innovation for American patients. Senators and staff on our committee have been working throughout 2015 to produce a number of bipartisan pieces of legislation that are ready for the full committee to consider.

The House has completed its work with its 21st Century Cures Act. The president announced his support for a precision medicine initiative and a cancer ''moonshot.'' It is urgent that the Senate finish its work and turn into law these ideas that will help virtually every American.

The committee has also been working for months on legislation to help achieve interoperability of electronic health records for doctors, hospitals and their patients—and the committee will be releasing a bipartisan staff draft of that legislation later today for public comment.

This February markup will be the first of three committee meetings that we have planned to debate and amend bills as the committee moves forward on the bipartisan goal of modernizing the Food and Drug Administration and the National Institutes of Health to get safe, cutting-edge drugs and devices to patients more quickly.

Last week, in his State of the Union address, the president reiterated his support for a Precision Medicine Initiative and announced the administration's cancer ''moonshot'' initiative—and I look forward to working with the president and Vice President Biden.

In addition, this year the committee intends to be busy on oversight of the Every Student Succeeds Act. A law that's not implemented appropriately is not worth the paper it's printed on, and we will plan a series of hearings this year to make sure that it's implemented the way Congress wrote it and the president signed it.

And, of course, we've done a great deal of work on reauthorizing the Higher Education

Act, which expired at the end of last year. We have a number of bipartisan proposals that will make it easier and simpler for students to attend college and for administrators to operate our 6,000 colleges and universities.

But, another priority of the committee is legislation dealing with the mental health crisis in America, which we are discussing today.

The committee has done a great deal of work on this subject. On September 30, 2015, this committee passed S. 1893, Mental Health Awareness and Improvement Act of 2015, introduced by Senator Murray and myself. This bill, cosponsored by many members of the committee, reauthorizes and improves programs administered by the Department of Health and Human Services related to awareness, prevention, and early identification of mental health conditions. The Senate passed this important piece of legislation on December 18, 2015. Senators Cassidy and Murphy have introduced legislation, and Sen. Murray and I have been working with them. We hope to move promptly to bring recommendations before the full committee.

Not everything the Senate may want to do is within the jurisdiction of this committee. We're working with Sen. Blunt, who is the chairman of the Senate's health appropriations subcommittee, on ideas that he's proposed—as well as with Sen. Cornyn on issues that the Judiciary Committee is considering and the Senate Finance Committee, which will also be involved.

Here is why there is such interest in the United States Senate in the mental health crisis in America today: A 2014 national survey from the Substance Abuse and Mental Health Services Administration found that about one in five adults had a mental health condition in the past year, and 9.8 million adults had serious mental illness, such as schizophrenia, bipolar disorder, or depression that interferes with a major life activity.

However, nearly 60 percent of adults with mental illness did not receive mental health services in 2014. Only about half of adolescents with a mental health condition received treatment for their mental health condition.

Mental health conditions that remain untreated can lead to dropping out of school, substance abuse, incarceration, unemployment, homelessness, and suicide. Suicide is the 10th leading cause of death in the United States, and 90 percent of those who die by suicide have an underlying mental illness.

I hear from many Tennesseans about the challenges faced by individuals and families living with mental illness. From 2010 to 2012, nearly 21 percent of adults in Tennessee reported having a mental illness—that's more than a million people—according to the Tennessee Department of Mental Health and Substance Abuse Services. About 4 percent had a serious mental illness—that's nearly a quarter of a million Tennesseans.

According to a 2015 report from the Tennessee Suicide Prevention Network, the most recent data available shows Tennessee's rate of suicide reached its highest level in 5 years in 2013. Also in 2013, the Centers for Disease Control and Prevention reported that suicide was the second leading cause of death for Tennesseans between the ages of 15 and 34. Scott Ridgway, head of the Tennessee Suicide Prevention Network, last year stated that suicide ''remains a major public health threat in the state of Tennessee.''

At our October hearing on mental health, this committee heard from administration witnesses about what the federal government is already doing to address mental illness. Today, I look forward to hearing from the doctors, nurses, advocates and administrators who work every day with Americans who struggle with a mental health condition about how the federal government can help patients, health care providers, communities, and states to better address mental health issues.

One way is to ensure that the latest and most innovative research findings get translated into practice and can change the lives of individuals and families across the United States. For example, at our earlier hearing, the National Institute of Mental Health's then-director, Dr. Tom Insel, discussed the Recovery After an Initial Schizophrenia Episode, or RAISE study. The study found that identifying and treating psychosis early with a comprehensive, personalized treatment plan can significantly improve an individual's quality of life. Many states have begun implementing treatment programs based on this model—and it was called a ''game changer'' by the National Alliance on Mental Illness.

I am interested to hear from our witnesses how the federal government can support state efforts to implement innovative and evidence-based treatment programs—as well as their thoughts to help ensure that Washington is not getting in the way.

Strengthening our mental health care system will require modernizing the leading agency for mental health. It will also require involvement from patients, families, communities, health care providers, health departments, law enforcement, state partners, and others.

I look forward to hearing from our witnesses here today about the challenges we face and the solutions they believe are needed to address them head on.

200TH ANNIVERSARY OF WELD, MAINE

Ms. COLLINS. Mr. President, today I wish to commemorate the 200th anniversary of the Town of Weld, ME. Known today as a gateway to the rugged and beautiful Western Maine Mountains, Weld was built with a spirit of determination and resiliency that still guides the community today.

Weld's incorporation on February 8, 1816, was but one milestone on a long journey of progress. For thousands of years, Maine's Western Mountains were the hunting grounds of the Abenaki Tribe. The reverence the Abenaki had for the natural beauty and resources of the region is upheld by the people of Weld today.

The early settlers at what was called Webb's Pond Plantation were drawn by fertile soil, vast forests, and fast-moving waters, which they turned into productive farms and busy mills. The wealth produced by the land and by hard work and determination was invested in schools and churches to create a true community.

Weld is a town of patriots. Its namesake, Benjamin Weld, was a hero of the American Revolution. Ninety-three townsmen answered freedom's call during the Civil War; more than 20 gave their lives preserving our great Nation. The veterans memorials at the town library stand in silent tribute to those who have defended America throughout our history.

Weld also is a town of involved citizens. The active historical society, volunteer fire department, and library are evidence of a strong community spirit. The planning and volunteerism that have gone into this yearlong bicentennial celebration are evidence that Weld's spirit grows only stronger.

This 200th anniversary is not just about something that is measured in calendar years; it is about human accomplishment and an occasion to celebrate the people who for more than two centuries have worked together and cared for one another. Thanks to those who came before, Weld has a wonderful history. Thanks to those who are there today, it has a bright future.

TRIBUTE TO DR. ALEXIS RUDD

Mr. THUNE. Mr. President, today I wish to recognize Dr. Alexis Rudd, a Knauss Sea Grant Fellow on the U.S. Senate Committee on Commerce, Science, and Transportation, for all of the hard work she has done for me, my staff, and other members of the committee over the past year.

Dr. Rudd received her Ph.D. in zoology from the University of Hawaii. In her postgraduate work, she has used her scientific expertise to inform public policy.

I would like to extend my sincere thanks and appreciation to Dr. Rudd for all of the fine work she has done. I wish her continued success in the years to come.

TRIBUTE TO RICHARD D. SPIEGELMAN

Mr. CASEY. Mr. President, today I wish to honor Richard D. Spiegelman. In a world of shifting alliances and temporary commitments, you occasionally come to know someone who epitomizes constancy, loyalty and devotion to the public good. And if you are very lucky, you get to work with him or her. I have had the good fortune of working with such a person, my former legislative director and counsel, Dick Spiegelman. For 8 years, Dick brought to my Senate office a piercing intellect, an intense work ethic, an unfailing good nature, and a vast collection of colorful bowties.

I first came to know Dick when he worked for my father, Governor Casey, as Pennsylvania's general counsel, the highest ranking attorney in a Governor's administration. He had sterling academic credentials: an undergraduate degree from Williams College, as well as a master's degree and a law degree from the University of Pennsylvania. More importantly, he brought a wealth of experience in both the private and public sectors to the job. Following 8 years of service in Governor Casey's administration, Dick returned to private practice as a partner in the Dilworth Paxson law firm, representing a blue-chip clientele of major telecommunications companies. After I was elected Pennsylvania auditor general in 1996, my transition leaders broached the idea of luring Dick back

into State government. The advice I got from everyone I asked was, ''Get Spiegelman; he knows everything.'' Dick did join my team and served as my chief of staff and chief counsel for 8 years. Then, when I was elected State Treasurer, he served as my chief of staff.

Dick came to the U.S. Senate with me in 2007 as my legislative director and counsel. His intellect and encyclopedic knowledge soon led the younger members of my staff to begin referring to him as ''Spiegeltron.'' During his 8 years as LD, Dick played a significant role in the big issues of our day, including the Affordable Care Act, TARP, Wall Street reform, and the American Recovery Act, as well as my legislative initiatives like the ABLE Act and pregnant women's support programs.

People from other Senate offices, the executive branch, and the lobbying world always remarked that Dick was unfailingly courteous, but always knew the substance of the matter at hand. No one could put one over on him. He supervised and mentored dozens of legislative staff members who worked under him and later moved on to key positions in government or the private sector. He was also known in the Senate for his sartorial splendor; few others could pull off a seersucker suit and a fedora.

A year ago, Dick decided to take a well-deserved retirement. Although no one believed that he would stay retired, he has confounded all of us by doing so—at least up to now. Dick's garden has expanded; he and his wife, Kathy, have dialed up their ballroom dancing skills to ''Dancing with the Stars'' levels; he sees his children, Alex and Margaret, more often; and he continues to offer wise counsel to those who seek it.

Dick Spiegelman represents the best in our American tradition of public service. The work that he did over the course of a 40-year career will live on, often permanently, in the form of well-crafted legislation; more honest and more efficient government; and the many, many young men and women who worked with him and who will follow his example throughout their own careers.

I thank Dick Spiegelman for all he has done for me, for the Commonwealth of Pennsylvania, and for the United States of America.

ADDITIONAL STATEMENTS

REMEMBERING LIEUTENANT COLONEL KENNETH R. JOHNSON

● Ms. KLOBUCHAR. Mr. President, today I wish to celebrate the life and honor the service of Vietnam veteran Lt. Col. Kenneth R. Johnson. Lieutenant Colonel Johnson passed away on August 29, 2015, and was laid to rest January 14, 2016, at Arlington National Cemetery. Born and raised in Minneapolis, Lieutenant Colonel Johnson enjoyed playing music with his garage band, the Commodores, and studying airplanes. Upon graduating from Roosevelt High School in 1955, Johnson enlisted in the Minnesota Air National Guard, where he served for 2 years before entering the U.S. Air Force Academy to become an officer.

After he received his commission as a second lieutenant, Johnson went on to earn his wings and begin his career flying the F–100 Super Sabre, one of the planes that he would fly during the Vietnam war. It was in this plane that Johnson earned the Silver Star, defending the Tong Le Chan Special Forces camp, heroically making nine passes at low altitude against intense hostile fire in support of our troops. Later in the war, after being forced to eject over North Vietnam, Johnson would spend nearly 15 months as a POW in Hanoi. Despite this trying time, Johnson's resolve and the love he had for his country remained intact, and he continued to serve for many years after his release in 1973.

Our country will always need brave men like Lt. Col. Kenneth R. Johnson. He embodied our Nation's most cherished values and served as an example to us all. Today my thoughts and prayers are with his family, including his brother Phil; his two sons, Bradley and David; and his sister, Delores. May we always remember and cherish his memory.●

REMEMBERING DR. CARTER G. WOODSON

● Mr. MANCHIN. Mr. President, today I wish to honor Dr. Carter G. Woodson, a distinguished African-American civil rights activist, author, editor, publisher, and historian who left a remarkable legacy across the Nation and in my home State of West Virginia.

Dr. Woodson was born in New Canton, Buckingham County, VA, in 1875 to former slaves Anne Eliza and James Henry Woodson. Taking care of the family farm often took priority over his education; nevertheless, his thirst for knowledge drove him forward during the course of his life. He was a very bright student when he was able to attend school. Despite being taught theories of African-American inferiority of that time period, his well-grounded beliefs, credited to his father, kept his spirits high and only added fuel to the influence he would one day share with the world.

James and Anne Eliza first moved into the region on the Ohio River that became Huntington, WV, in 1870. There, James Woodson worked with many other former slaves to complete the Chesapeake and Ohio railroad. Dr. Woodson and his older brother Robert Henry Woodson then delayed their move and took jobs working in the West Virginia coalfields of Fayette County. Here, Dr. Woodson, who had not yet attended high school, often read to his fellow coal miners who were illiterate, as he had been doing for his illiterate father. The collection of books and newspapers he accumulated for this task broadened his horizons about the world.

Ambitious for more education, the largely self-taught Dr. Woodson enrolled in 1895 at Douglas High School and received a diploma in less than 2 years. He began his teaching career in 1897 in Fayette County and would later return to Huntington to become the principal of Douglas High School. In the years to come, he continued to travel across the United States and throughout Europe and Asia. He received degrees in history from the University of Chicago and Harvard University. He became the second African American to earn a Ph.D. at Harvard.

Countless individuals inspired this great man. Whether citing a speech from Booker T. Washington or a friendship with a fellow coal miner, it is clear that Dr. Woodson saw education as the great equalizer. He could see beyond what he considered ''miseducation'' as a way to continually improve both the education of others and of himself—and ultimately generations of students of all races. He had fierce opinions and was unafraid to challenge what was then considered as ''known'' information.

Dr. Woodson continued to travel in later years, lecturing to various African-American organizations and institutions. In 1921, he created the Associated Publishers, which was dedicated to issuing books by African-American authors. In 1926, he orchestrated Negro History Week, held in connection with the birthdays of Abraham Lincoln and Frederick Douglass and later extended to African-American History Month. Libraries and schools have been named in honor of this brilliant man—a testament to his commitment of embracing our knowledge of the history that shaped this great Nation. Particularly now, as we celebrate African-American History Month, it is fitting that we should honor such a man as Dr. Woodson. He has inspired countless leaders to fearlessly challenge what they believe is unjust and to inspire others to do the same. His legacy is one of constantly striving to better oneself and truly sets the standard for all leaders who have followed and will continue to follow in his footsteps.●

TRIBUTE TO ANN MARION FURUKAWA DONDERO

● Mr. MERKLEY. Mr. President, just about every successful person can point to a teacher or other adult who inspired and encouraged them as a child, a person who spurred curiosity and love of learning. Today I wish to recognize the hard work and dedication of one of my constituents who played that role for countless Oregonians Ann Marion Furukawa Dondero from Forest Grove.

Ann was raised in Sunnyside, WA, and graduated from Whitman College in 1966 with a psychology degree and a

teacher's certificate. She taught first grade for 3 years in St. Paul, MN, while her husband, Russ, completed graduate school and later taught second and fourth grade in Boiling Springs, PA, when Russ started his political science teaching career.

When Ann and Russ moved their young family to Forest Grove, Ann continued her education and enrolled in night classes at Pacific University where Russ had started teaching. In addition to raising their two sons, Tony and Jason, Ann also began volunteering in Forest Grove's library across the street from her classes.

Eventually, Ann's enthusiasm to share her love of reading turned into a career spanning five decades. The library became Ann's classroom where she worked with parents and caregivers to help children become active readers.

In 1975, Ann and her former colleague Barbara Dunnette organized BEAR month—Be Enthusiastic About Reading—at the Forest Grove Library, and the tradition has continued ever since. January 2016 will be the 37th annual BEAR month at Forest Grove.

Ann's dedication and love of learning is an inspiration to our State and our Nation, and I have no doubt there are kids today who are better off because of Ann's selfless devotion. I thank Ann for her many years of hard work and for the great things she has done to promote reading and literacy in the Forest Grove community.●

TRIBUTE TO ANNE WOIWODE

● Mr. PETERS. Mr. President, today I wish to recognize Anne Woiwode of Okemos, MI, as she ends 35 years of service with the Sierra Club's Michigan chapter. Through her leadership, the organization's work has been critical in preserving numerous wilderness areas, tracking and curtailing pollution, and leading the fight for clean energy in the beautiful State of Michigan. I am honored to acknowledge Ms. Woiwode's career-long commitment to safeguarding the flourishing habitats and environmental wonders Michigan has to offer.

Ms. Woiwode began her involvement with the Sierra Club as a young mother after moving to Michigan with her husband, Tom, in 1980. Her impact was felt immediately, and the environmental community grew quickly. In 1983, Anne became the chapter chair, and in 1985 she became its first executive director. Knowing the power of collaboration in changing policy, she helped form the Michigan Environmental Council, MEC, in 1980, serving in many leadership roles over the years. Thanks to her direction, the MEC is a fully independent organization with over 70 member groups, and it continues to provide policy expertise to the environmental community.

Breathtaking wildernesses like the Nordhouse Dunes and Sturgeon River Gorge exist due in part to Ms. Woiwode's dedication. She was instrumental in the establishment of 90,000 acres of protected wilderness under the Michigan Wilderness Heritage Act of 1987. Today countless species of plants and animals flourish in these protected ecosystems.

In addition to working to preserve Michigan's diverse ecosystems, Ms. Woiwode also dedicated over a decade of work to reducing pollution from concentrated animal feeding operations, CAFOs, or animal factories. Ms. Woiwode came to listen when rural residents and small family farms reached out for help, even though they were too intimidated by their CAFO neighbors to provide names. Countless stories and evidence of animal waste carried into Michigan's waterways, toxic fumes from millions of gallons of raw sewage spread on massive farm fields, and sickness were responded to in attempts to reduce CAFO pollution. While it's still a problem in Michigan, thanks to Ms. Woiwode, the Sierra Club's Michigan chapter is recognized as the national expert in tracking CAFO pollution.

While her commitment to protecting Michigan's ecosystems and tracking pollution are worth acknowledging alone, Ms. Woiwode's leadership in turning Michigan toward a clean energy future is perhaps the most important step in preserving Michigan's environment. Through the Clean Energy NOW Coalition, she organized environmental and citizens groups to protest the construction of eight proposed coal power plants in Michigan without additional review by the Governor. The coalition's emphasis on citizen pressure and legal avenues led to a Governor's executive directive requiring further review of the proposed plants and eventually a complete stop in construction.

I am honored to ask my colleagues to join me today in recognizing Ms. Anne Woiwode's service to the Sierra Club's Michigan Chapter. While her passion and leadership will be dearly missed, I know she has inspired future generations to continue fighting for the natural wonders and beautiful, vibrant ecosystems of Michigan.●

VERMONT ESSAY FINALISTS

● Mr. SANDERS. Mr. President, I ask to have printed in the RECORD copies of some of the finalist essays written by Vermont High School students as part of the sixth annual ''What is the State of the Union'' essay contest conducted by my office. These finalists were selected from nearly 800 entries.

The material follows:

FARYAL AFSAR, MOUNT MANSFIELD UNION HIGH SCHOOL (FINALIST)

''Whoever kills an innocent person it is as if he has killed all humanity''—Quran 5:32.

Being a Muslim girl in the world, I hear many bad things about my religion or my country. Sometimes when people come to know that I'm a Muslim girl they may think that I'm a terrorist, yet I wonder how only 0.03% extremists can represent 1.6 billion people of the world. As a child, I grew up in a loving Muslim family. My parents didn't even permit us to kill a spider or an ant. I was never told to spread violence in the world. I was never taught in my school or house to be an extremist. In my reading of our holy book, I only found words of wisdom and peace so then why are the extremists labeled as Muslims? How can we say they belong to a certain religious group if they kill innocent people?

As an exchange student from Pakistan coming to Vermont, I was first afraid of coming to a country that may see me as a terrorist since I am a Muslim. I thought I may be bullied or someone would call me a terrorist in school but the love I have received from people here is what I had never imagined. But still when I hear negative news about Muslims or my country on TV or the internet, it hurts me. I want to help people understand Islam and my country. A month ago after the ISIS attacks in Paris, this topic was raised again and political leaders started saying that Muslims shouldn't be allowed to enter the U.S. I ask, is this really the solution to the terrorist problem? How is it that I have been welcomed so warmly through this exchange program and yet there are those who generalize and state that Muslims are not welcome here?

Each year hundreds of exchange students from the Muslim world come to the U.S and the students and their host families form a special bond. These relationships form strong connections and the memories live forever. Our country's leaders should look at what we are doing; young people can play just as an important role as our current leaders. We are not spreading any violence; we are trying to know each other. We are humans and we care about each other. It's not because we're from the same background or religion. What matters the most is how strongly we are bonded to each other.

The problem of terrorism is not a problem for one country but for the whole world, and the solution to it is not blaming each other and closing boundaries but rather knowing and helping each other. I believe that if people open themselves to new experiences and start knowing each other, the world would be a good place.

MEGAN BROMLEY, MILTON SENIOR HIGH SCHOOL (FINALIST)

My fellow Americans, sometimes overlooked are the basic human rights and needs of the people. While this may entail many topics, I would like to focus on a major issue that has slid under the radar for far too long. The epidemic of rape and sexual assault runs rampant through our country and not much has been done to change this continuing tragedy. Steps may be taken. The first step must address the unprocessed rape kits. Throughout our country there are over 20,000 unprocessed rape kits. Add to this the estimate that 68% of rapes or sexual assaults that occur go unreported. Imagine how large the number of unanalyzed kits there would then be if even 50% more were to be reported. This is a challenging issue and it cannot be solved overnight, however there are steps to take in the right direction aside from moral and ethical obligations.

One solution that could be enforced is a quota, by this I imply that every city must meet a certain number of kits processed in order to get the number of prosecutors facing jail time or other capital punishment inclining. Too many cases go without investigation even after the kit has been used and the victim has been tested, this crime is not fading away and must be faced head on not shied away from due to technical complications that can be entirely avoided. The federal government should follow through with

a funded mandate to state and city law enforcement to help them process the kits and create additional lab facilities.

Now, as I have just said the number of people who have committed a sexual assault crime in prison would increase due to the processing of more rape kits, this leads into my next point of discussion—incarceration rates and funding for prisons. 12.7% of inmates are made up of those who are serving time for drug violations and marijuana expenses. We are pouring millions of dollars into our state and federal prison systems and too much of that is going towards people for up to twenty years for marijuana possession. However I propose to use the funding instead to evaluate something such as unprocessed rape kits and begin to treat minor drug use in a proactive manner. Marijuana possession should be removed as a state and federal crime and result in no jail time. Instead, as a nation we should implement counseling after a three strike policy or enter the convicted into a rehabilitation program if the drug use worsens. Many other countries decriminalized the use and/ or possession of marijuana and they have some of the lowest rates regarding drug use and misdemeanor crimes. Just by reducing incarceration of people convicted of misdemeanor drug crimes, there would be an inclination of money to put forth on other issues at hand, not just processing rape kits. Taking one step at a time towards the issues that are more manageable such as the two I have just discussed is how America can move forward, it doesn't need to be a leap of faith and a tackle at a major issue, one objective at a time culminates for a strong, prosperous country.

MIKAYLA CLARKE, BELLOWS FALLS UNION HIGH SCHOOL (FINALIST)

There are many different issues that the U.S. is facing right now, but one of the most beneficial actions the U.S. could do right now is to legalize marijuana. By legalizing marijuana for recreational and medical uses the country would benefit in many different ways. The crime rate would dramatically decrease, the use of prescription drugs would decrease and the economy would greatly improve.

The economy is not in a great place in the U.S., as we are $18.7 trillion in debt, and counting. In 2014 the Washington Post wrote that Colorado made $700 million off of medical and recreational marijuana in the first year it was legal. By legalizing marijuana, many more job opportunities would open and a whole new industry is created. The amount that the whole country would make would be in the billions.

The use of prescription drugs such as painkillers and sleeping pills is greatly increasing. Those pills become addictive and many people use them to get high because they're legal and easy to obtain. Children are given those pills, and they may become addicted at a young age. While there is the ability to overdose on those pills, marijuana is almost impossible to overdose on and brings better relief than prescription drugs. Overdose deaths from prescription pills were significantly reduced in the 23 states that allow medical marijuana. By legalizing marijuana the dispensaries get different strains of marijuana to help people sleep or deal with pain. If it's being used in the medical form the THC can be extracted and the CBD's can be used for the pain. There are many different ways to consume marijuana, such as oils, creams, foods, and smokable. In the U.S. there are over one million people using medical marijuana, yet, it's still not legal in all states.

People all over the country are getting in legal trouble for using and possessing marijuana. Young people are getting criminal records for a non-violent civil offense, and as a result will potentially be not allowed to gain federal student loans or jobs. With our limited police and jail resources, there are more important and harmful substances to focus on. In April of 2014 MSNBC wrote an article, Study: Marijuana Legalization Doesn't Increase Crime, ''Even after Colorado legalized the sale of small amounts of marijuana for recreational use on Jan. 1 of this year, violent and property crime rates in the city are actually falling.'' Since the government is regulating the marijuana, it will be safer. There won't be strands that are laced with other harmful drugs, such as heroin or cocaine. By legalizing marijuana, less people will get arrested for the use and possession.

As a country we should legalize marijuana. First we should start with medical, because medical patients are more important. Then as a country it should be decriminalized. Then, we should legalize recreational. By legalizing marijuana not only will marijuana users benefit, even non-users will benefit.

MADDIE COLLINS, CHAMPLAIN VALLEY UNION HIGH SCHOOL (FINALIST)

The 2008 financial crisis should have paved the way for a new era of banking, for real reform and regulation, for much needed change. The 2008 financial crisis should have forged the path for breaking up the nation's largest banks, but instead the crisis has taken a back seat to other, more heavily broadcasted issues. This back seat position has allowed the same Wall Street bankers who are to blame for the greatest recession since the Great Depression, to yet again be gambling with taxpayer money. In my opinion, it is of utmost importance to regulate our financial institutions in order to hinder their increasing ability to damage the global economy. We must understand that our country and the world as a whole would be devastated if another large bank were to go bankrupt.

In our country there are four banks that hold assets of more than $1 trillion dollars. The largest, JP Morgan Chase and Company, holds $1.8 trillion dollars in total assets, the equivalent of 14% of all total assets held by U.S. commercial banks. Comparatively, in 2001, the top asset holder was Bank of America with $552 billion dollars. This increase is substantial, and will only continue to rise.

The problem with these large banks is that if they were to go unexpectedly bankrupt it would cause rippling effects on the economy, similar to what the world witnessed in 2008 with the bankruptcy of the Lehman Brothers. To give this some perspective, the Lehman Brothers' total assets were $600 billion dollars, only one third of JP Morgan Chase and Company's current assets. These banks pose a real threat to the security of our financial system. As described by William C. Dudley, the president of the Federal Reserve Bank of New York, there are two big problems with these ''too big to fail'' banks. First, to combat the threat that they pose, the government intervenes and gives large banks a funding advantage over smaller banks, thus creating an unfair playing field. Secondly, this funding advantage creates incentives for financial firms to become larger and more complex. As the banking system becomes more and more complex, the risks dramatically increase, only furthering the problem.

In a time where our government officials are advocating for the creation of more jobs and placing greater value on small businesses, we need to be more aware of what is best for this type of business. We need smaller, community banks to serve small businesses for they do a better job of fulfilling their credit needs. Unlike with large institutions, community banks allow businesses to receive loans based on their reputation and reliability within the community that they serve, rather than basing it solely on their credit scores.

With a clear perspective and a shift in focus, it is certainly achievable to break up our nation's largest banks and ensure that greed and selfishness are no longer the ruling forces that drive our financial institutions.

OLIVIER ENWA, WINOOSKI HIGH SCHOOL (FINALIST)

The country that you and I live in is fantastic and I am really proud of the things we are doing. I would like to address two problems, which are racism and prejudice. Specifically, there are people who are being judged by their skin color or their religion in the United States.

More people of color are being sent to jail than white people. More people of color are also being killed by the police and executed by the judicial system. Bryan Stevenson, a social justice activist, said ''I think that every human being falters sometime; no one is perfect. Our mistakes require the mercy and understanding of others, which we can't legitimately expect unless we offer the same to others''. Innocent people are being killed for nothing. ''Why do we want to kill all the broken people?''

The U.S. Constitution and the Bill of Rights protect people's rights, and we have the right to worship any religion. The First Amendment says that everyone in the United States has the right to worship any god or no religion at all. Over the years many Americans have forgotten the First Amendment when they think about Muslims. Innocent Muslims are blamed for things they didn't do, such as the attack in New York on September 11, 2001.

One cause of hatred against Muslims is the growth of ISIS, which uses Islam as an excuse to kill people and destroy land. Many Americans think that all Muslims are the same as ISIS, which is not true. I have friends who are Muslims and I definitely don't think they are terrorists. Innocent Muslims are being accused of terrorism and they are sent back to their countries. According to CNN, presidential candidate Donald Trump said that, ''the United States should come to a complete shutdown of Muslims entering the United States.'' I think that innocent Muslims should be left alone.

Prejudice still exists in this amazing country because I've experienced it. One day I went to the store near my house with my friends. When we got there the cashier told us to put our backpacks down. As we were getting the stuff we wanted to buy, the manager came up to us and told us to ''get out of my store'' even though we hadn't done anything wrong. I was hurt that he had judged me by my appearance.

Better education in poor parts of the country and the education of police officers will help improve racism in the U.S. The United States should improve education for poor people. Most of the people being killed and put in jail are undereducated people of color. Speaking as a black man from Mozambique, I believe that if education is improved in poorer parts of the country our country will be a better place. Education is the key to everything.●

RECOGNIZING THE CLEMSON TIGERS FOOTBALL TEAM

● Mr. SCOTT. Mr. President, this month Clemson University played in the national championship game against the University of Alabama. Although they did not bring the championship title back home to South

Carolina this year, I would like to congratulate them on an outstanding season. They are certainly champions in my eyes and in the eyes of South Carolina.

The Clemson Tigers football team ended their season with a 14–1 record, a reputation for one of the best offenses in college football, and an ACC championship. Coach Dabo Swinney has led this special group of young men to the top of the mountain, and all signs point to them staying at the top for years to come.

Therefore, I recognize and congratulate the entire Clemson Tigers football team for all the hard work they put into a successful season. I look forward to another great season from the team this year. Go Tigers.●

REMEMBERING RALPH EUGENE NIX

● Mr. SULLIVAN. Mr. President, today I wish to remember Ralph Eugene Nix, a beloved father and grandfather, a kind-hearted veteran, and a great Alaskan.

Mr. Nix served as a corporal in the Marine Corps during the Korean war, where he served as a gunner. The Korean war is often forgotten in our Nation's history. Because it was sandwiched between World War II and the Vietnam war, many in our country don't know much about the sacrifices made by so many—including Mr. Nix—during the war.

When I joined the Marine Corps, from officer candidate school on, I studied the war with great interest. Some call it the Forgotten War. I call it the Noble War. Tens of thousands of lives were lost, and the sacrifices were many in their effort to save the cause of freedom.

As the Korean War Memorial says, ''Our nation honors her sons and daughters who answered the call to defend a country they never knew and a people they never met.'' Mr. Nix was one of those sons.

He answered that call as a young man and continued his patriotism by serving his country after the war. In 1976, he moved to Anchorage. He married and had children. He became active in his church and devoted much of his life to helping other veterans. As a member of the board of directors for the Alaska veteran support group, he worked to help veterans and their families with warm meals, clothing, household goods, and food.

His devotion to his country was recognized by his participation in an honor flight to Washington, DC, in April of 2015—an experience that I know meant very much to him.

For me, greeting his honor flight in DC was one of the highlights of my career, as was the trip that we made to the Veterans Administration together in Anchorage.

Last year, after Mr. Nix received a medal from Korean officials for his efforts during the war, Mr. Nix wrote, ''To serve with you men and women is one of life's greater blessings. In some way—in some capacity we all are giving our lives for our fellow man.''

Mr. Nix lived up to that statement. He also embodied another statement etched into the marble of the Korean War Memorial: ''Freedom is not free.'' The defense of freedom comes with sacrifice. Ralph Nix knew this. Ralph Nix acted on this. Ralph Nix protected the freedom of America and our allies. His service to our country will not be forgotten.

I express condolences to his wife, Carol Nix; his son, Johnny Nix, and wife, Dawn; his grandson, Jacob Moser; his daughter, Jamie Nix, and husband, Aron Aguilar.

We lost a great American, an Alaskan treasure, and a marine. Semper fidelis, Ralph.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Armed Services.

(The message received today is printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4207. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Propanoic acid, 2-methyl-, monoester with 2,2,4-trimethyl-1,3-pentanediol; Exemption from the Requirement of a Tolerance'' (FRL No. 9941–17) received during adjournment of the Senate in the Office of the President of the Senate on January 20, 2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4208. A communication from the Acting Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Exportation of Live Animals, Hatching Eggs, and Animal Germplasm From the United States'' ((RIN0579–AE00) (Docket No. APHIS–2012–0049)) received in the Office of the President of the Senate on January 20, 2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4209. A communication from the Director of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled ''Margin and Capital Requirements for Covered Swap Entities'' (RIN3064–AE21) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4210. A communication from the President of the United States of America, transmitting, pursuant to law, a report relative to the continuation of the national emergency that was declared in Executive Order 12947 with respect to terrorists who threaten to disrupt the Middle East peace process; to the Committee on Banking, Housing, and Urban Affairs.

EC–4211. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Colorado; Revisions to Common Provisions and Regulation Number 3; Correction'' (FRL No. 9941–46-Region 8) received in the Office of the President of the Senate on January 20, 2016; to the Committee on Environment and Public Works.

EC–4212. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Implementation Plan Revisions; Rules, Public Notice and Comment Process, and Renumbering; Utah'' (FRL No. 9932–59-Region 8) received in the Office of the President of the Senate on January 20, 2016; to the Committee on Environment and Public Works.

EC–4213. A communication from the Deputy Undersecretary for International Affairs, Department of Labor, transmitting, pursuant to law , a report entitled ''Progress in Implementing Chapter 16 (Labor) and Capacity-Building under the Dominican Republic-Central America-United States Free Trade Agreement''; to the Committee on Finance.

EC–4214. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–259, ''Access to Emergency Epinephrine in Schools Amendment Act of 2015''; to the Committee on Homeland Security and Governmental Affairs.

EC–4215. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–260, ''Nuisance Abatement Notice Amendment Act of 2015''; to the Committee on Homeland Security and Governmental Affairs.

EC–4216. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–261, ''Vending Regulations Amendment Act of 2015''; to the Committee on Homeland Security and Governmental Affairs.

EC–4217. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–262, ''Workforce Job Development Grant-Making Reauthorization Amendment Act of 2015''; to the Committee on Homeland Security and Governmental Affairs.

EC–4218. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–263, ''Film DC Economic Incentive Amendment Act of 2015''; to the Committee on Homeland Security and Governmental Affairs.

EC–4219. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–264, ''Extreme Temperature Safety Amendment Act of 2015''; to the Committee on Homeland Security and Governmental Affairs.

EC–4220. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report

on D.C. Act 21–265, ''Body-Worn Camera Program Amendment Act of 2015''; to the Committee on Homeland Security and Governmental Affairs.

EC–4221. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–266, ''Omnibus Alcoholic Beverage Regulation Amendment Act of 2015''; to the Committee on Homeland Security and Governmental Affairs.

EC–4222. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–267, ''Encouraging Foster Children to Have Connections with Siblings Temporary Amendment Act of 2015''; to the Committee on Homeland Security and Governmental Affairs.

EC–4223. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–268, ''Employees' Compensation Fund Clarification Temporary Amendment Act of 2015''; to the Committee on Homeland Security and Governmental Affairs.

EC–4224. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–269, ''Parkside Parcel E and J Mixed-Income Apartments Tax Abatement Temporary Amendment Act of 2015''; to the Committee on Homeland Security and Governmental Affairs.

EC–4225. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–270, ''Classroom Animal for Educational Purposes Temporary Amendment Act of 2015''; to the Committee on Homeland Security and Governmental Affairs.

EC–4226. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–271, ''Business Improvement Districts Charter Renewal Temporary Amendment Act of 2015''; to the Committee on Homeland Security and Governmental Affairs.

EC–4227. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–272, ''Lots 36, 41, and 802 in Square 3942 and Parcels 0143/107 and 0143/110 Eminent Domain Authorization Temporary Act of 2015''; to the Committee on Homeland Security and Governmental Affairs.

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. GILLIBRAND:

S. 2465. A bill to designate the facility of the United States Postal Service located at 15 Rochester Street in Bergen, New York, as the Barry G. Miller Post Office; to the Committee on Homeland Security and Governmental Affairs.

By Mr. PETERS (for himself and Ms. STABENOW):

S. 2466. A bill to amend the Safe Water Drinking Act to authorize the Administrator of the Environmental Protection Agency to notify the public if a State agency and public water system are not taking action to address a public health risk associated with drinking water requirements; to the Committee on Environment and Public Works.

By Mr. WHITEHOUSE:

S. 2467. A bill to reduce health care-associated infections and improve antibiotic stewardship through enhanced data collection and reporting, the implementation of State-based quality improvement efforts, and improvements in provider education in patient safety, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. TESTER (for himself and Ms. CANTWELL):

S. 2468. A bill to require the Secretary of the Interior to carry out a 5-year demonstration program to provide grants to eligible Indian tribes for the construction of tribal schools, and for other purposes; to the Committee on Indian Affairs.

By Mr. BLUMENTHAL (for himself, Mr. MURPHY, Mr. MARKEY, Mr. DURBIN, Mrs. FEINSTEIN, Mr. KAINE, Mrs. MURRAY, Mr. WYDEN, and Mrs. GILLIBRAND):

S. 2469. A bill to repeal the Protection of Lawful Commerce in Arms Act; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 524

At the request of Mr. WHITEHOUSE, the name of the Senator from Indiana (Mr. DONNELLY) was added as a cosponsor of S. 524, a bill to authorize the Attorney General to award grants to address the national epidemics of prescription opioid abuse and heroin use.

S. 579

At the request of Mr. GRASSLEY, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 579, a bill to amend the Inspector General Act of 1978 to strengthen the independence of the Inspectors General, and for other purposes.

S. 627

At the request of Ms. AYOTTE, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 627, a bill to require the Secretary of Veterans Affairs to revoke bonuses paid to employees involved in electronic wait list manipulations, and for other purposes.

S. 1062

At the request of Ms. HIRONO, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1062, a bill to improve the Federal Pell Grant program, and for other purposes.

S. 1286

At the request of Mrs. SHAHEEN, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1286, a bill to amend title 38, United States Code, to reduce the backlog of appeals of decisions of the Secretary of Veterans Affairs by facilitating pro bono legal assistance for veterans before the United States Court of Veterans Appeals and the Board of Veterans' Appeals, to provide the Secretary with authority to address unreasonably delayed claims, and for other purposes.

S. 1774

At the request of Mr. BLUMENTHAL, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1774, a bill to amend title 11 of the United States Code to treat Puerto Rico as a State for purposes of chapter 9 of such title relating to the adjustment of debts of municipalities.

S. 1890

At the request of Mr. HATCH, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 1890, a bill to amend chapter 90 of title 18, United States Code, to provide Federal jurisdiction for the theft of trade secrets, and for other purposes.

S. 1944

At the request of Mr. SULLIVAN, the name of the Senator from North Carolina (Mr. TILLIS) was added as a cosponsor of S. 1944, a bill to require each agency to repeal or amend 1 or more rules before issuing or amending a rule.

S. 2185

At the request of Ms. HEITKAMP, the name of the Senator from Indiana (Mr. DONNELLY) was added as a cosponsor of S. 2185, a bill to require the Secretary of the Treasury to mint coins in recognition of the fight against breast cancer.

S. 2295

At the request of Mr. COTTON, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 2295, a bill to extend the termination date for the authority to collect certain records and make permanent the authority for roving surveillance and to treat individual terrorists as agents of foreign powers under the Foreign Intelligence Surveillance Act of 1978, and for other purposes.

S. 2334

At the request of Mr. CASSIDY, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 2334, a bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to adopt and implement a standard identification protocol for use in the tracking and procurement of biological implants by the Department of Veterans Affairs, and for other purposes.

S. 2344

At the request of Mr. COTTON, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 2344, a bill to provide authority for access to certain business records collected under the Foreign Intelligence Surveillance Act of 1978 prior to November 29, 2015, to make the authority for roving surveillance, the authority to treat individual terrorists as agents of foreign powers, and title VII of the Foreign Intelligence Surveillance Act of 1978 permanent, and to modify the certification requirements for access to telephone toll and transactional records by the Federal Bureau of Investigation, and for other purposes.

S. 2369

At the request of Mr. CARPER, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 2369, a bill to amend the Homeland Security Act of 2002 to establish an Office for Community Partnerships.

S. 2373

At the request of Ms. CANTWELL, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2373, a bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of certain lymphedema compression treatment items as items of durable medical equipment.

S. 2418

At the request of Mr. BOOKER, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 2418, a bill to authorize the Secretary of Homeland Security to establish university labs for student-developed technology-based solutions for countering online recruitment of violent extremists.

S. 2423

At the request of Mrs. SHAHEEN, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 2423, a bill making appropriations to address the heroin and opioid drug abuse epidemic for the fiscal year ending September 30, 2016, and for other purposes.

S. 2426

At the request of Mr. GARDNER, the names of the Senator from Massachusetts (Mr. MARKEY) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. 2426, a bill to direct the Secretary of State to develop a strategy to obtain observer status for Taiwan in the International Criminal Police Organization, and for other purposes.

S. 2457

At the request of Mr. WARNER, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 2457, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion for employer-provided education assistance to employer payments of student loans.

S. 2461

At the request of Mr. CRAPO, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 2461, a bill to enable civilian research and development of advanced nuclear energy technologies by private and public institutions, to expand theoretical and practical knowledge of nuclear physics, chemistry, and materials science, and for other purposes.

S. 2464

At the request of Mr. PAUL, the names of the Senator from Arkansas (Mr. BOOZMAN), the Senator from South Dakota (Mr. THUNE) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 2464, a bill to implement equal protection under the 14th Amendment to the Constitution of the United States for the right to life of each born and preborn human person.

S.J. RES. 29

At the request of Mr. MCCONNELL, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S.J. Res. 29, a joint resolution to authorize the use of United States Armed Forces against the Islamic State of Iraq and the Levant and its associated forces.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2954. Mr. CASSIDY (for himself and Mr. MARKEY) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes.

SA 2955. Mr. HATCH (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill S. 2012, supra; which was ordered to lie on the table.

SA 2956. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 2012, supra; which was ordered to lie on the table.

SA 2957. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 2958. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 2012, supra; which was ordered to lie on the table.

SA 2959. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 2960. Ms. MURKOWSKI (for herself and Mr. SULLIVAN) submitted an amendment intended to be proposed by her to the bill S. 2012, supra; which was ordered to lie on the table.

SA 2961. Ms. MURKOWSKI 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 2962. Ms. MURKOWSKI 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 2963. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra.

SA 2964. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill S. 2012, supra; which was ordered to lie on the table.

SA 2965. Mr. SCHATZ submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra.

SA 2966. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill S. 2012, supra; which was ordered to lie on the table.

SA 2967. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 2012, supra; which was ordered to lie on the table.

SA 2968. Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra.

SA 2969. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 2012, supra; which was ordered to lie on the table.

SA 2970. Mr. GARDNER (for himself, Mr. COONS, Mr. PORTMAN, and Mrs. SHAHEEN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 2971. Mr. KIRK 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 2972. Mr. KIRK 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 2973. Mr. CASSIDY 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 2974. Mr. CASSIDY (for himself, Mr. CORNYN, and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 2975. Mr. CASSIDY (for himself, Mr. CORNYN, and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 2976. Mr. CASSIDY (for himself and Mr. INHOFE) 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 2977. Mr. CASSIDY (for himself, Mr. VITTER, Mr. BARRASSO, Mr. LANKFORD, and Mr. LEE) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 2978. Mr. CASSIDY (for himself and Mr. BENNET) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 2979. Mr. UDALL submitted an amendment intended to be proposed by him to the bill S. 2012, supra; which was ordered to lie on the table.

SA 2980. Mrs. SHAHEEN (for herself and Mr. GARDNER) submitted an amendment intended to be proposed by her to the bill S. 2012, supra; which was ordered to lie on the table.

SA 2981. Ms. MURKOWSKI (for Mr. INHOFE (for himself and Mr. CARPER)) submitted an amendment intended to be proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 2982. Mr. MARKEY (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra.

SA 2983. Ms. MURKOWSKI (for Mr. INHOFE (for himself and Mr. KING)) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 2984. Ms. BALDWIN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 2985. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 2986. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 2987. Mr. BENNET (for himself and Mr. GARDNER) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 2988. Mr. BENNET (for himself and Mr. PORTMAN) 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 2989. Mr. REED (for himself and Mr. HELLER) 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 2990. Mr. REED (for himself 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 2991. Ms. MURKOWSKI (for Mr. INHOFE (for himself, Mr. MARKEY, 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 2992. Mr. CRAPO (for himself, Mr. WHITEHOUSE, Mr. RISCH, Mr. BOOKER, Mr. HATCH, Mr. KIRK, 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 2993. Mr. HELLER (for himself and Mr. REED) 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 2994. Mr. HELLER 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 2995. Mr. HELLER (for himself and Mr. INHOFE) 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 2996. Mr. SULLIVAN 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 2997. Mr. WYDEN (for himself and Mr. BOOKER) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 2998. 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 2999. Mr. WYDEN (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3000. 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 3001. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3002. Mr. WYDEN (for himself 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 3003. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3004. Mrs. GILLIBRAND (for herself and Mr. CASSIDY) 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 3005. Mr. MARKEY (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3006. Ms. MURKOWSKI (for Mr. INHOFE) 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 3007. Ms. MURKOWSKI (for Mr. INHOFE) 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 3008. Ms. MURKOWSKI (for Mr. INHOFE) 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 3009. Ms. MURKOWSKI (for Mr. INHOFE) 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 3010. Mr. ROUNDS 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 3011. Mr. KAINE (for himself and Mr. WARNER) 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 3012. Mr. KAINE (for himself and Mr. WARNER) 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 3013. Mr. KAINE (for himself and Mr. WARNER) 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 3014. Mr. SULLIVAN 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 3015. Mr. SULLIVAN 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 3016. Mr. TOOMEY (for himself, Mrs. FEINSTEIN, and Mr. FLAKE) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3017. Mr. BARRASSO (for himself and Mr. SCHATZ) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra.

SA 3018. 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 3019. Mr. MURPHY 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 3020. Mr. DAINES (for himself and Mr. TESTER) 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 3021. Mr. CRAPO (for himself, Mr. WHITEHOUSE, Mr. RISCH, Mr. BOOKER, Mr. HATCH, Mr. KIRK, and Mr. DURBIN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra.

SA 3022. Mr. LEE submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3023. Mr. LEE submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3024. Mr. CORNYN (for himself and Mr. BENNET) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3025. Mr. CASSIDY 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 3026. Mr. CORNYN 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 3027. Mr. CORNYN 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 3028. Mr. COATS 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 3029. Mr. BARRASSO (for himself and Mr. TESTER) 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 3030. Mr. BARRASSO (for himself, Ms. HEITKAMP, Mr. ENZI, and Mr. HOEVEN) 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 3031. Mr. BARRASSO (for himself, Ms. HEITKAMP, Mr. CASSIDY, Mr. ENZI, and Mr. HOEVEN) 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 3032. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3033. Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3034. Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3035. Mr. MURPHY (for himself and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3036. Mr. ROUNDS 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 3037. Mr. HOEVEN 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 3038. Mr. HOEVEN (for himself and Mr. MANCHIN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3039. Mr. HOEVEN (for himself and Mr. DONNELLY) 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 3040. 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 3041. Ms. BALDWIN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2954. Mr. CASSIDY (for himself and Mr. MARKEY) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; as follows:

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

SEC. 2102. STRATEGIC PETROLEUM RESERVE DRAWDOWN AND SALE.

Section 403 of the Bipartisan Budget Act of 2015 (Public Law 114–74; 129 Stat. 589) is amended by adding at the end the following:

''(d) INCREASE; LIMITATION.—

''(1) INCREASE.—The Secretary of Energy may increase the drawdown and sales under paragraphs (1) through (8) of subsection (a) as the Secretary of Energy determines to be appropriate to maximize the financial return to United States taxpayers.

''(2) LIMITATION.—The Secretary of Energy shall not drawdown or conduct sales of crude oil under this section after the date on which a total of $5,050,000,000 has been deposited in the general fund of the Treasury from sales authorized under this section.''.

SA 2955. Mr. HATCH (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PROHIBITION ON SUSPENSION OF COAL LEASES.

(a) IN GENERAL.—The Secretary of the Interior shall not pause the issuance of Federal coal leases (as described in section 5 of the order of the Secretary of the Interior entitled ''Discretionary Programmatic Environmental Impact Statement to Modernize the Federal Coal Program'', numbered 3338, and dated January 15, 2016), unless—

(1) the Secretary completes, and submits to Congress—

(A) a study demonstrating that the action will not result in a loss to the Treasury of the United States of Federal revenue; and

(B) a study examining the economic impact the action will have on the relevant industry and jobs; and

(2) Congress approves the action.

(b) LEASING OF FEDERAL ASSETS UNDER MLA.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall begin leasing Federal assets in accordance with the Mineral Leasing Act (30 U.S.C. 181 et seq.).

SA 2956. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. STATE AUTHORITY FOR HYDRAULIC FRACTURING REGULATION.

The Mineral Leasing Act is amended—

(1) by redesignating section 44 (30 U.S.C. 181 note) as section 45; and

(2) by inserting after section 43 (30 U.S.C. 226–3) the following:

''SEC. 44. STATE AUTHORITY FOR HYDRAULIC FRACTURING REGULATION.

''(a) DEFINITION OF HYDRAULIC FRACTURING.—In this section the term 'hydraulic fracturing' means the process by which fracturing fluids (or a fracturing fluid system) are pumped into an underground geologic formation at a calculated, predetermined rate and pressure to generate fractures or cracks in the target formation and, as a result, increase the permeability of the rock near the wellbore and improve production of natural gas or oil.

''(b) PROHIBITION.—The Secretary of the Interior shall not enforce any Federal regulation, guidance, or permit requirement regarding hydraulic fracturing, or any component of hydraulic fracturing, relating to oil, gas, or geothermal production activities on or under any land in any State that has regulations, guidance, or permit requirements for hydraulic fracturing.

''(c) STATE AUTHORITY.—The Secretary shall recognize and defer to State regulations, guidance, and permitting for all activities regarding hydraulic fracturing, or any component of hydraulic fracturing, relating to oil, gas, or geothermal production activities on Federal land regardless of whether the regulations, guidance, and permitting are duplicative, more or less restrictive, have different requirements, or do not meet Federal regulations, guidance, or permit requirements.''.

SA 2957. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 31_____. OIL SHALE, TAR SANDS, AND OTHER STRATEGIC UNCONVENTIONAL FUELS.

(a) REAFFIRMATION OF POLICY.—Congress reaffirms the continued need for the development of oil shale, tar sands, and other unconventional fuels as found and declared in section 369(b) of the Energy Policy Act of 2005 (42 U.S.C. 15927(b)).

(b) REQUIREMENT.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall fully implement section 369(e) of the Energy Policy Act of 2005 (42 U.S.C. 15927(e)).

(c) EXTENSION.—Section 369(c) of the Energy Policy Act of 2005 (42 U.S.C. 15927(c)) is amended—

(1) by striking ''In accordance'' and inserting the following:

''(1) IN GENERAL.—In accordance''; and

(2) by adding at the end the following:

''(2) EXTENSION.—At the request of a holder of a lease issued under paragraph (1), the Secretary shall extend, for a period of 10 years, the term of the lease, unless the Secretary demonstrates that the lease holder requesting the extension has committed a substantial violation of the terms of the approved plan of development of the lease holder.''.

SA 2958. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PRIORITIZATION OF CERTAIN FEDERAL REVENUES.

Section 35 of the Mineral Leasing Act (30 U.S.C. 191) is amended—

(1) by striking the section designation and all that follows through ''All money received'' in the first sentence of subsection (a) and inserting the following:

''SEC. 35. DISPOSITION OF MONEY RECEIVED.

''(a) DISPOSITION.—

''(1) IN GENERAL.—All money received''; and

(2) in subsection (a)—

(A) in the second sentence, by striking ''All moneys received'' and inserting the following:

''(2) AMOUNTS TO MISCELLANEOUS RECEIPTS.—

''(A) IN GENERAL.—All money received'';

(B) in the third sentence, by striking ''Payments to States'' and inserting the following:

''(3) DEADLINES.—Payments to States''; and

(C) in paragraph (2) (as designated by subparagraph (A)), by adding at the end the following:

''(B) PRIORITIZATION OF REVENUES.—

''(i) IN GENERAL.—Notwithstanding any other provision of this Act, if, after the date of enactment of this subparagraph, the Secretary or Congress increases a royalty rate under this Act (as in effect on the day before the date of enactment of this subparagraph), of the amount described in clause (ii), there shall be deposited annually in a special account in the Treasury only such funds as are necessary to fulfill the staffing requirements of the agencies responsible for activities relating to—

''(I) coordinating or permitting Federal oil and gas leases;

''(II) permits to drill and applications for permits to drill (APDs);

''(III) compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

''(IV) any other aspect of oil and gas permitting or leasing under this Act.

''(ii) DESCRIPTION OF AMOUNT.—The amount referred to in clause (i) is an amount equal to the difference between—

''(I) the amounts credited to miscellaneous receipts under paragraph (1), taking into account the increased royalty rate under this Act, as described in clause (i); and

''(II) the amounts credited to miscellaneous receipts under paragraph (1), as in effect on the day before the effective date of such an increased royalty rate.

''(iii) MEMORANDA OF UNDERSTANDING.—To carry out the staffing requirements prioritized under clause (i), the Director of the Bureau of Land Management may enter into memoranda of understanding for the provision of support work with—

''(I) the Administrator of the Environmental Protection Agency;

''(II) the Secretary of the Army, acting through the Chief of Engineers;

''(III) the Director of the United States Fish and Wildlife Service;

''(IV) the Chief of the Forest Service;

''(V) Indian tribes and tribal organizations; and

''(VI) Governors of the States.''.

SA 2959. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, between lines 21 and 22, insert the following:

(d) WEATHERIZATION ASSISTANCE PROGRAM FOR LOW-INCOME PERSONS.—Section 415 of the Energy Conservation and Production Act (42 U.S.C. 6865) (as amended by subsection (c)) is amended by adding at the end the following:

''(g) ADMINISTRATION.—

''(1) IN GENERAL.—A State shall use up to 8 percent of any grant made by the Secretary under this part to track applicants for and recipients of weatherization assistance under this part to determine the impact of the assistance and eliminate or reduce reliance on the low-income home energy assistance program established under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.), over a period of not more than 3 years.

''(2) USE OF SAVINGS.—Notwithstanding any other provision of law, of any savings obtained by the Secretary of Health and Human Services due to eliminated or reduced reliance on the low-income home energy assistance program established under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.) as a result of the weatherization assistance provided under this part, as determined under paragraph (1)—

''(A) 50 percent shall be transferred to the Secretary to provide assistance to States under this part, to be reallocated to the States pro rata based on the savings realized by each State under this part; and

''(B) 50 percent shall be deposited into the general fund of the Treasury for purposes of reducing the annual Federal budget deficit.

''(3) ANNUAL STATE PLANS.—A State may submit to the Secretary for approval within 90 days an annual plan for the administration of assistance under this part in the State that includes, at the option of the State—

''(A) local income eligibility standards for the assistance that are not based on the formula that are used to allocate assistance under this part; and

''(B) the establishment of revolving loan funds for multifamily affordable housing units.

''(4) EVALUATION.—Of amounts appropriated for headquarters training and technical assistance for the Weatherization Assistance Program each fiscal year, the Secretary shall use not more than 25 percent—

''(A) to carry out a 3-year evaluation of the plans submitted under paragraph (3); and

''(B) to disseminate to each State weatherization program a report describing the results of the evaluation.

''(5) REPORT TO CONGRESS.—As soon as practicable, the Secretary shall submit to Congress a report describing the training and technical assistance efforts of the Department to assist States in carrying out paragraph (1).''.

SA 2960. Ms. MURKOWSKI (for herself and Mr. SULLIVAN) submitted an amendment intended to be proposed by her to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 31_____. DENALI NATIONAL PARK AND PRESERVE NATURAL GAS PIPELINE.

(a) AMENDMENTS TO THE DENALI NATIONAL PARK IMPROVEMENT ACT.—

(1) PERMIT.—Section 3(b)(1) of the Denali National Park Improvement Act (Public Law 113–33; 127 Stat. 516) is amended by striking ''within, along, or near the approximately 7-mile segment of the George Parks Highway that runs through the Park''.

(2) TERMS AND CONDITIONS.—Section 3(c)(1) of the Denali National Park Improvement Act (Public Law 113–33; 127 Stat. 516) is amended—

(A) in subparagraph (A), by inserting ''and'' after the semicolon;

(B) by striking subparagraph (B); and

(C) by redesignating subparagraph (C) as subparagraph (B).

(b) AMENDMENT TO ANILCA.—Section 1102(4)(B)(ii) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3162(4)(B)(ii)) is amended by inserting ''(other than a high-pressure natural gas transmission pipeline (including appurtenances) that is issued a right-of-way in the Denali National Park and Preserve under section 3 of the Denali National Park Improvement Act (Public Law 113–33; 127 Stat. 516))'' after ''therefrom''.

SA 2961. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part I of subtitle A of title III, add the following:

SEC. 30_____. TERROR LAKE HYDROELECTRIC PROJECT UPPER HIDDEN BASIN DIVERSION AUTHORIZATION.

(a) DEFINITIONS.—In this section:

(1) TERROR LAKE HYDROELECTRIC PROJECT.—The term ''Terror Lake Hydroelectric Project'' means the project identified in section 1325 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3212), and which is Federal Energy Regulatory Commission project number 2743.

(2) UPPER HIDDEN BASIN DIVERSION EXPANSION.—The term ''Upper Hidden Basin Diversion Expansion'' means the expansion of the Terror Lake Hydroelectric Project as generally described in Exhibit E to the Upper Hidden Basin Grant Application dated July 2, 2014 and submitted to the Alaska Energy Authority Renewable Energy Fund Round VIII by Kodiak Electric Association, Inc.

(b) AUTHORIZATION.—The licensee for the Terror Lake Hydroelectric Project may occupy not more than 20 acres of Federal land to construct, operate, and maintain the Upper Hidden Basin Diversion Expansion without further authorization of the Secretary of the Interior or under the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.).

(c) SAVINGS CLAUSE.—The Upper Hidden Basin Diversion Expansion shall be subject to appropriate terms and conditions included in an amendment to a license issued by the Federal Energy Regulatory Commission pursuant to the Federal Power Act (16 U.S.C. 791a et seq.), including section 4(e) of that Act (16 U.S.C. 797(e)), following an environmental review by the Commission under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SA 2962. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part I of subtitle A of title III, add the following:

SEC. 30_____. STAY AND REINSTATEMENT OF FERC LICENSE NO. 11393 FOR THE MAHONEY LAKE HYDROELECTRIC PROJECT.

(a) DEFINITIONS.—In this section:

(1) COMMISSION.—The term ''Commission'' means the Federal Energy Regulatory Commission.

(2) LICENSE.—The term ''license'' means the license for Commission project number 11393.

(3) LICENSEE.—The term ''licensee'' means the holder of the license.

(b) STAY OF LICENSE.—On the request of the licensee, the Commission shall issue an order continuing the stay of the license.

(c) LIFTING OF STAY.—On the request of the licensee, but not later than 10 years after the date of enactment of this Act, the Commission shall—

(1) issue an order lifting the stay of the license under subsection (b); and

(2) make the effective date of the license the date on which the stay is lifted under paragraph (1).

(d) EXTENSION OF LICENSE.—On the request of the licensee and notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) for commencement of construction of the project subject to the license, the Commission shall, after reasonable notice and in accordance with the good faith, due diligence, and public interest requirements of that section, extend the time period during which the licensee is required to commence the construction of the project for not more than 3 consecutive 2-year periods, notwithstanding any other provision of law.

(e) EFFECT.—Nothing in this section prioritizes, or creates any advantage or disadvantage to, Commission project number 11393 under Federal law, including the Federal Power Act (16 U.S.C. 791a et seq.) or the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.), as compared to—

(1) any electric generating facility in existence on the date of enactment of this Act; or

(2) any electric generating facility that may be examined, proposed, or developed during the period of any stay or extension of the license under this section.

SA 2963. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; as follows:

Strike section 4301 and insert the following:

SEC. 4301. BULK-POWER SYSTEM RELIABILITY IMPACT STATEMENT.

Section 215 of the Federal Power Act (16 U.S.C. 824o) is amended by adding at the end the following:

''(l) RELIABILITY IMPACT STATEMENT.—

''(1) SOLICITATION BY COMMISSION.—Not later than 15 days after the date on which the head of a Federal agency proposes a major rule (as defined in section 804 of title 5, United States Code) that may significantly affect the reliable operation of the bulk-power system, the Commission shall solicit from the ERO, who shall coordinate with regional entities affected by the proposed rule, a reliability impact statement with respect to the proposed rule.

''(2) REQUIREMENTS.—A reliability impact statement under paragraph (1) shall include a detailed statement on—

''(A) the impact of the proposed rule on the reliable operation of the bulk-power system;

''(B) any adverse effects on the reliable operation of the bulk-power system if the proposed rule was implemented; and

''(C) alternatives to cure the identified adverse reliability impacts, including a no-action alternative.

''(3) SUBMISSION TO COMMISSION AND CONGRESS.—On completion of a reliability impact statement under paragraph (1), the ERO shall submit to the Commission and Congress the reliability impact statement.

''(4) TRANSMITTAL TO HEAD OF FEDERAL AGENCY.—On receipt of a reliability impact statement submitted to the Commission under paragraph (3), the Commission shall transmit to the head of the applicable Federal agency the reliability impact statement prepared under this subsection for inclusion in the public record.

''(5) INCLUSION OF DETAILED RESPONSE IN FINAL RULE.—With respect to a final major rule subject to a reliability impact statement prepared under paragraph (1), the head of the Federal agency shall—

''(A) consider the reliability impact statement;

''(B) give due weight to the technical expertise of the ERO with respect to matters that are the subject of the reliability impact statement; and

''(C) include in the final rule a detailed response to the reliability impact statement that reasonably addresses the detailed statements required under paragraph (2).''.

SA 2964. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PHASE OUT OF TAX PREFERENCES FOR FOSSIL FUELS.

(a) FINDINGS.—Congress finds the following:

(1) United States tax policy has provided tax breaks for oil and gas production for 100 years.

(2) United States tax policy has provided tax breaks for coal production for over 80 years.

(3) A substantial majority of the American public, including majorities from both political parties, support the repeal of tax preferences for fossil fuels.

(4) A substantial majority of the American public, including majorities from both political parties, favor Federal support for renewable energy.

(5) In order to ensure that all sources of energy compete on an equal footing, as tax credits for renewable energy are phased out over the next 4 years, fossil fuel tax preferences should be phased out on the same schedule.

(b) EXPENSING OF INTANGIBLE DRILLING COSTS.—Section 263 of the Internal Revenue Code of 1986 is amended—

(1) in subsection (c), by striking ''subsection (i)'' and inserting ''subsections (i) and (j)'', and

(2) by adding at the end the following new subsection:

''(j) PHASE OUT OF DEDUCTION FOR INTANGIBLE DRILLING COSTS.—In the case of intangible drilling and development costs paid or incurred with respect to an oil or gas well, the amount of such costs allowed as a deduction under subsection (c) shall be reduced by—

''(1) in the case of any costs paid or incurred after December 31, 2016, and before January 1, 2018, 20 percent,

''(2) in the case of any costs paid or incurred after December 31, 2017, and before January 1, 2019, 40 percent,

''(3) in the case of any costs paid or incurred after December 31, 2018, and before January 1, 2020, 60 percent, and

''(4) in the case of any costs paid or incurred after December 31, 2019, 100 percent.''.

(c) PERCENTAGE DEPLETION FOR OIL AND NATURAL GAS WELLS.—Section 613A(d) of such Code is amended by adding at the end the following new paragraph:

''(6) PHASE OUT OF PERCENTAGE DEPLETION FOR OIL AND NATURAL GAS WELLS.—The amount allowed as a deduction for the taxable year which is attributable to the application of subsection (c) (determined after the application of paragraphs (1) through (5) of this subsection and without regard to this paragraph) shall be reduced by—

''(A) in the case of any crude oil or natural gas produced after December 31, 2016, and before January 1, 2018, 20 percent,

''(B) in the case of any crude oil or natural gas produced after December 31, 2017, and before January 1, 2019, 40 percent,

''(C) in the case of any crude oil or natural gas produced after December 31, 2018, and before January 1, 2020, 60 percent, and

''(D) in the case of any crude oil or natural gas produced after December 31, 2019, 100 percent.''.

(d) DOMESTIC MANUFACTURING DEDUCTION FOR FOSSIL FUELS.—Section 199(d)(9) of such Code is amended by adding at the end the following new subparagraph:

''(D) PHASE OUT OF DEDUCTION FOR OIL RELATED QUALIFIED PRODUCTION ACTIVITIES INCOME.—The amount allowable as a deduction under subsection (a) (determined after the application of subparagraph (A) and without regard to this subparagraph) shall be reduced by—

''(i) in the case of any oil related qualified production activities income received or accrued after December 31, 2016, and before January 1, 2018, 20 percent,

''(ii) in the case of any oil related qualified production activities income received or accrued after December 31, 2017, and before January 1, 2019, 40 percent,

''(iii) in the case of any oil related qualified production activities income received or accrued after December 31, 2018, and before January 1, 2020, 60 percent, and

''(iv) in the case of any oil related qualified production activities income received or accrued after December 31, 2019, 100 percent.''.

(e) AMORTIZATION OF GEOLOGICAL AND GEOPHYSICAL EXPENDITURES.—Section 167(h) of such Code is amended by adding at the end the following new paragraph:

''(6) PHASE OUT OF AMORTIZATION OF GEOLOGICAL AND GEOPHYSICAL EXPENDITURES.—The amount of geological and geophysical expenses paid or incurred by a taxpayer which are allowed as a deduction under this subsection (without regard to this paragraph) shall be reduced by—

''(A) in the case of any such expenses paid or incurred after December 31, 2016, and before January 1, 2018, 20 percent,

''(B) in the case of any such expenses paid or incurred after December 31, 2017, and before January 1, 2019, 40 percent,

''(C) in the case of any such expenses paid or incurred after December 31, 2018, and before January 1, 2020, 60 percent, and

''(D) in the case of any such expenses paid or incurred after December 31, 2019, 100 percent.''.

(f) PERCENTAGE DEPLETION FOR HARD MINERAL FOSSIL FUELS.—Section 613 of such Code is amended by adding at the end the following new subsection:

''(f) PHASE OUT OF PERCENTAGE DEPLETION FOR HARD MINERAL FOSSIL FUELS.—In the case of coal, lignite, or oil shale, the allowance for depletion determined under this section (without regard to this subsection) shall be reduced by—

''(1) in the case of any income received or accrued from the property after December 31, 2016, and before January 1, 2018, 20 percent,

''(2) in the case of any income received or accrued from the property after December 31, 2017, and before January 1, 2019, 40 percent,

''(3) in the case of any income received or accrued from the property after December 31, 2018, and before January 1, 2020, 60 percent, and

''(4) in the case of any income received or accrued from the property after December 31, 2019, 100 percent.''.

(g) EXPENSING OF EXPLORATION AND DEVELOPMENT COSTS FOR HARD MINERAL FUELS.—Section 617 of such Code is amended—

(1) by redesignating subsection (i) as subsection (j), and

(2) by inserting after subsection (h) the following new subsection:

''(i) PHASE OUT OF EXPENSING OF EXPLORATION AND DEVELOPMENT COSTS FOR HARD MINERAL FUELS.—In the case of coal, lignite, or oil shale, the amount of expenditures which are allowed as a deduction under subsection (a) shall be reduced by—

''(1) in the case of any such expenditures paid or incurred after December 31, 2016, and before January 1, 2018, 20 percent,

''(2) in the case of any such expenditures paid or incurred after December 31, 2017, and before January 1, 2019, 40 percent,

''(3) in the case of any such expenditures paid or incurred after December 31, 2018, and before January 1, 2020, 60 percent, and

''(4) in the case of any such expenditures paid or incurred after December 31, 2019, 100 percent.''.

(h) CAPITAL GAINS TREATMENT FOR ROYALTIES OF COAL.—Section 631 of such Code is amended by adding at the end the following new subsection:

''(d) PHASE OUT OF CAPITAL GAINS TREATMENT FOR ROYALTIES OF COAL.—In the case of coal (including lignite), the amount of gain or loss on the sale of such coal to which subsection (c) applies shall be reduced by—

''(1) in the case of any such gain or loss after December 31, 2016, and before January 1, 2018, 20 percent,

''(2) in the case of any such gain or loss after December 31, 2017, and before January 1, 2019, 40 percent,

''(3) in the case of any such gain or loss after December 31, 2018, and before January 1, 2020, 60 percent, and

''(4) in the case of any such gain or loss after December 31, 2019, 100 percent.''.

(i) DEDUCTION FOR TERTIARY INJECTANTS.—Section 193 of such Code is amended by adding at the end the following new subsection:

''(d) PHASE OUT OF DEDUCTION FOR TERTIARY INJECTANTS.—The amount of qualified tertiary injectant expenses allowable as a deduction under subsection (a) shall be reduced by—

''(1) in the case of any such expenditures paid or incurred after December 31, 2016, and before January 1, 2018, 20 percent,

''(2) in the case of any such expenditures paid or incurred after December 31, 2017, and before January 1, 2019, 40 percent,

''(3) in the case of any such expenditures paid or incurred after December 31, 2018, and before January 1, 2020, 60 percent, and

''(4) in the case of any such expenditures paid or incurred after December 31, 2019, 100 percent.''.

(j) EXCEPTION TO PASSIVE LOSS LIMITATION FOR WORKING INTERESTS IN OIL AND NATURAL

GAS PROPERTIES.—Section 469(c) of such Code is amended by adding at the end the following new paragraph:

''(8) PHASE OUT OF EXCEPTION TO PASSIVE LOSS LIMITATION FOR WORKING INTERESTS IN OIL AND NATURAL GAS PROPERTIES.—In the case of any loss from a working interest in any oil or gas property, the amount of such loss to which paragraph (3) applies shall be reduced by—

''(A) in the case of any such loss after December 31, 2016, and before January 1, 2018, 20 percent,

''(B) in the case of any such loss after December 31, 2017, and before January 1, 2019, 40 percent,

''(C) in the case of any such loss after December 31, 2018, and before January 1, 2020, 60 percent, and

''(D) in the case of any such loss after December 31, 2019, 100 percent.''.

(k) MARGINAL WELLS CREDIT.—Section 45I(d) of such Code is amended by adding at the end the following new paragraph:

''(4) PHASE OUT OF MARGINAL WELLS CREDIT.—The amount of the credit determined under subsection (a) shall be reduced by—

''(A) in the case of any qualified crude oil production or qualified natural gas production after December 31, 2016, and before January 1, 2018, 20 percent,

''(B) in the case of any qualified crude oil production or qualified natural gas production after December 31, 2017, and before January 1, 2019, 40 percent,

''(C) in the case of any qualified crude oil production or qualified natural gas production after December 31, 2018, and before January 1, 2020, 60 percent, and

''(D) in the case of any qualified crude oil production or qualified natural gas production after December 31, 2019, 100 percent.''.

SA 2965. Mr. SCHATZ submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; as follows:

Strike section 4201(b)(5)(A)(iv) and insert the following:

(iv) by adding at the end the following:

''(F) $325,000,000 for each of fiscal years 2016 through 2018; and

''(G) $375,000,000 for each of fiscal years 2019 and 2020.''; and

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SA 2966. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. METHANE EMISSIONS STANDARDS.

Not later than 240 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall issue a proposed rule to amend the existing source performance standards for the oil and natural gas source category by setting standards for methane emissions.

SA 2967. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

Subtitle F—Heat Efficiency Through Applied Technology

SEC. 2501. SHORT TITLE.

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

SEC. 2502. FINDINGS.

Congress finds that—

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

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

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

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

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

(B) additional efficiency would—

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

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

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

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

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

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

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

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

SEC. 2503. DEFINITIONS.

(a) IN GENERAL.—In this subtitle:

(1) COMBINED HEAT AND POWER TECHNOLOGY.—The term ''combined heat and power technology'' means the generation of electric energy and heat in a single, integrated system that meets the efficiency criteria in clauses (ii) and (iii) of section 48(c)(3)(A) of the Internal Revenue Code of 1986, under which heat that is conventionally rejected is recovered and used to meet thermal energy requirements.

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

(3) QUALIFIED WASTE HEAT RESOURCE.—

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

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

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

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

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

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

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

(b) PURPA DEFINITIONS.—Section 3 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2602) is amended by adding at the end the following:

''(22) COMBINED HEAT AND POWER TECHNOLOGY.—The term 'combined heat and power technology' means the generation of electric energy and heat in a single, integrated system that meets the efficiency criteria in clauses (ii) and (iii) of section 48(c)(3)(A) of the Internal Revenue Code of 1986, under which heat that is conventionally rejected is recovered and used to meet thermal energy requirements.

''(23) QUALIFIED WASTE HEAT RESOURCE.—

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

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

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

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

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

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

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

SEC. 2504. UPDATED INTERCONNECTION PROCEDURES AND TARIFF SCHEDULE.

(a) ADOPTION OF STANDARDS.—Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end the following:

''(20) UPDATED INTERCONNECTION PROCEDURES AND TARIFF SCHEDULE.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of this paragraph, the Secretary, in consultation with the Commission and other appropriate agencies, shall establish, for generation with nameplate capacity up to 20 megawatts using all fuels—

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

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

''(iii) model rules for determining and assigning interconnection costs.

''(B) STANDARDS.—The standards established under subparagraph (A) shall, to the

maximum extent practicable, reflect current best practices (as demonstrated in model codes and rules adopted by States) to encourage the use of distributed generation (such as combined heat and power technology and waste heat to power technology) while ensuring the safety and reliability of the interconnected units and the distribution and transmission networks to which the units connect.

''(C) VARIATIONS.—In establishing the model standards under subparagraph (A), the Secretary shall consider the appropriateness of using standards or procedures that vary based on unit size, fuel type, or other relevant characteristics.''.

(b) COMPLIANCE.—

(1) TIME LIMITATIONS.—Section 112(b) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(b)) is amended by adding at the end the following:

''(7)(A) Not later than 90 days after the date on which the Secretary completes the standards required under section 111(d)(20), each State regulatory authority (with respect to each electric utility for which the authority has ratemaking authority) and each nonregulated electric utility shall commence the consideration referred to in that section, or set a hearing date for such consideration, with respect to each standard.

''(B) Not later than 2 years after the date on which the Secretary completes the standards required under section 111(d)(20), each State regulatory authority (with respect to each electric utility for which the authority has ratemaking authority) and each nonregulated electric utility shall—

''(i) complete the consideration under subparagraph (A);

''(ii) make the determination referred to in section 111 with respect to each standard established under section 111(d)(20); and

''(iii) submit to the Secretary and the Commission a report detailing the updated plans of the State regulatory authority for interconnection procedures and tariff schedules that reflect best practices to encourage the use of distributed generation.''.

(2) FAILURE TO COMPLY.—Section 112(c) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(c)) is amended by adding at the end the following: ''In the case of each standard established under paragraph (20) of section 111(d), the reference contained in this subsection to the date of enactment of this Act shall be deemed to be a reference to the date of enactment of that paragraph (20).''.

(3) PRIOR STATE ACTIONS.—

(A) IN GENERAL.—Section 112 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622) is amended by adding at the end the following:

''(g) PRIOR STATE ACTIONS.—Subsections (b) and (c) shall not apply to a standard established under paragraph (20) of section 111(d) in the case of any electric utility in a State if, before the date of enactment of this subsection—

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

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

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

(B) CROSS-REFERENCE.—Section 124 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2634) is amended by adding at the end the following: ''In the case of each standard established under paragraph (20) of section 111(d), the reference contained in this subsection to the date of enactment of this Act shall be deemed to be a reference to the date of enactment of that paragraph (20).''.

SEC. 2505. SUPPLEMENTAL, BACKUP, AND STANDBY POWER FEES OR RATES.

(a) ADOPTION OF STANDARDS.—Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) (as amended by section 2504(a)) is amended by adding at the end the following:

''(21) SUPPLEMENTAL, BACKUP, AND STANDBY POWER FEES OR RATES.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of this paragraph, the Secretary, in consultation with the Commission and other appropriate agencies, shall establish model rules and procedures for determining fees or rates for supplementary power, backup or standby power, maintenance power, and interruptible power supplied to facilities that operate combined heat and power technology and waste heat to power technology that appropriately allow for adequate cost recovery by an electric utility but are not excessive.

''(B) FACTORS.—In establishing model rules and procedures for determining fees or rates described in subparagraph (A), the Secretary shall consider—

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

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

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

''(iv) alternative arrangements to the purchase of supplementary, backup, or standby power by the owner of combined heat and power technology and waste heat to power technology generating units if the alternative arrangements—

''(I) do not compromise system reliability; and

''(II) are nondiscretionary and nonpreferential.''.

(b) COMPLIANCE.—

(1) TIME LIMITATIONS.—Section 112(b) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(b)) (as amended by section 2504(b)(1)) is amended by adding at the end the following:

''(8)(A) Not later than 90 days after the date on which the Secretary completes the standards required under section 111(d)(21), each State regulatory authority (with respect to each electric utility for which the authority has ratemaking authority) and each nonregulated electric utility shall commence the consideration referred to in that section, or set a hearing date for such consideration, with respect to each standard.

''(B) Not later than 2 years after the date on which the Secretary completes the standards required under section 111(d)(21), each State regulatory authority (with respect to each electric utility for which the authority has ratemaking authority) and each nonregulated electric utility shall—

''(i) complete the consideration under subparagraph (A);

''(ii) make the determination referred to in section 111 with respect to each standard established under section 111(d)(21); and

''(iii) submit to the Secretary and the Commission a report detailing the updated plans of the State regulatory authority for supplemental, backup, and standby power fees that reflect best practices to encourage the use of distributed generation.''.

(2) FAILURE TO COMPLY.—Section 112(c) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(c)) (as amended by section 2504(b)(2)) is amended by adding at the end the following: ''In the case of each standard established under paragraph (21) of section 111(d), the reference contained in this subsection to the date of enactment of this Act shall be deemed to be a reference to the date of enactment of that paragraph (21).''.

(3) PRIOR STATE ACTIONS.—

(A) IN GENERAL.—Section 112 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622) (as amended by section 2504(b)(3)(A)) is amended by adding at the end the following:

''(h) PRIOR STATE ACTIONS.—Subsections (b) and (c) shall not apply to a standard established under paragraph (21) of section 111(d) in the case of any electric utility in a State if, before the date of enactment of this subsection—

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

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

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

(B) CROSS-REFERENCE.—Section 124 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2634) (as amended by section 2504(b)(3)(B)) is amended by adding at the end the following: ''In the case of each standard established under paragraph (21) of section 111(d), the reference contained in this subsection to the date of enactment of this Act shall be deemed to be a reference to the date of enactment of that paragraph (21).''.

SEC. 2506. UPDATING OUTPUT-BASED EMISSIONS STANDARDS.

(a) ESTABLISHMENT.—The Administrator of the Environmental Protection Agency (referred to in this section as the ''Administrator'') shall establish a program under which the Administrator shall provide to each State (as defined in section 302 of the Clean Air Act (42 U.S.C. 7602)) that elects to participate and that submits an application under subsection (b) a grant for use by the State in accordance with subsection (c).

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

(c) USE OF FUNDS.—

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

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

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

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

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

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

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

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

SA 2968. 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; as follows:

Beginning on page 132, strike line 22 and all that follows through page 133, line 4, and insert the following:

(5) SMART MANUFACTURING.—The term ''smart manufacturing'' means advanced technologies in information, automation, monitoring, computation, sensing, modeling, and networking that—

(A) digitally—

(i) simulate manufacturing production lines;

(ii) operate computer-controlled manufacturing equipment;

(iii) monitor and communicate production line status; and

(iv) manage and optimize energy productivity and cost throughout production;

(B) model, simulate, and optimize the energy efficiency of a factory building;

(C) monitor and optimize building energy performance;

(D) model, simulate, and optimize the design of energy efficient and sustainable products, including the use of digital prototyping and additive manufacturing to enhance product design;

(E) connect manufactured products in networks to monitor and optimize the performance of the networks, including automated network operations; and

(F) digitally connect the supply chain network.

SA 2969. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VI—FOREST INCENTIVES PROGRAM

SEC. 6001. SHORT TITLE.

This title may be cited as the ''Forest Incentives Program Act of 2016''.

SEC. 6002. FINDINGS.

Congress finds that—

(1) public and private forest land in the United States plays a crucial role in sequestering carbon and otherwise contributes to mitigation of greenhouse gas emissions;

(2) the Environmental Protection Agency has reported in the annual greenhouse gas inventory that United States forests and forest products sequester as much as 12 to 14 percent of annual United States carbon emissions, which makes forests one of the largest carbon sinks in the United States;

(3) according to the Environmental Protection Agency, carbon sequestration from forests and other land uses has grown by approximately 14 percent since 1990, largely as a result of afforestation and improved forest management;

(4) the use of forests products, such as wood products, in buildings and biobased products can also reduce carbon emissions when used in place of other, more carbon-intensive products;

(5)(A) in addition to the significant carbon mitigation benefits of using forests and forest products for carbon sequestration, the economic and societal cobenefits of forest carbon solutions are extraordinarily valuable; and

(B) incentivizing forest carbon activities, including through working forests, has the potential to provide timber and other forest commodities, improve air quality, enhance watershed function and water supply, create and sustain fish and wildlife habitat, contribute to scenic and aesthetic qualities, support historical and cultural resources, provide hunting, fishing, and recreational opportunities, and increase forest resiliency, while also supporting rural jobs and local economies;

(6) despite positive recent trends in forest carbon, as documented by the annual greenhouse gas inventory of the Environmental Protection Agency, projections of the Forest Service indicate those forest carbon and other benefits are at risk in future decades due to development pressures and other factors;

(7) while the majority of the productive forest land of the United States is under private ownership, private landowners are facing increased pressure to convert their forest land to other uses;

(8) while some landowners are able to participate in various carbon markets, the transaction costs and restrictions of those programs are often prohibitive for private landowners, particularly smallholders; and

(9) creating incentives for private forest landowners to adopt best practices to maintain and increase carbon benefits from forest land through a streamlined program that avoids excessive transaction costs will help ''keep forests as forests'' and enhance forest carbon benefits by providing incentive payments for a suite of eligible practices throughout the lifecycle of forest management, including forest products that provide long-term carbon storage benefits.

SEC. 6003. FOREST INCENTIVES PROGRAM.

(a) DEFINITIONS.—In this section:

(1) CARBON INCENTIVES CONTRACT; CONTRACT.—The term ''carbon incentives contract'' or ''contract'' means a 15- to 30-year contract that specifies—

(A) the eligible practices that will be undertaken;

(B) the acreage of eligible land on which the practices will be undertaken;

(C) the agreed rate of compensation per acre;

(D) a schedule to verify that the terms of the contract have been fulfilled; and

(E) such other terms as are determined necessary by the Secretary.

(2) CONSERVATION EASEMENT AGREEMENT; AGREEMENT.—The term ''conservation easement agreement'' or ''agreement'' means a permanent conservation easement that—

(A) covers eligible land that will not be converted for development;

(B) is enrolled under a carbon incentives contract; and

(C) is consistent with the guidelines for—

(i) the Forest Legacy Program established under section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c), subject to the condition that an eligible practice shall be considered to be a conservation value for purposes of such consistency; or

(ii) any other program approved by the Secretary for use under this section to provide consistency with Federal legal requirements for permanent conservation easements.

(3) ELIGIBLE LAND.—The term ''eligible land'' means forest land in the United States that is privately owned at the time of initiation of a carbon incentives contract or conservation easement agreement.

(4) ELIGIBLE PRACTICE.—

(A) IN GENERAL.—The term ''eligible practice'' means a forestry practice, including improved forest management that produces marketable forest products, that is determined by the Secretary to provide measurable increases in carbon sequestration and storage beyond customary practices on comparable land.

(B) INCLUSIONS.—The term ''eligible practice'' includes—

(i) afforestation on nonforested land, such as marginal crop or pasture land, windbreaks, shelterbelts, stream buffers, including working land and urban forests and parks, or other areas identified by the Secretary;

(ii) reforestation on forest land impacted by wildfire, pests, wind, or other stresses, including working land and urban forests and parks;

(iii) improved forest management through practices such as improving regeneration after harvest, planting in understocked forests, reducing competition from slow-growing species, thinning to encourage growth, changing rotations to increase carbon storage, improving harvest efficiency or wood use; and

(iv) such other practices as the Secretary determines to be appropriate.

(5) FOREST INCENTIVES PROGRAM; PROGRAM.—The term ''forest incentives program'' or ''program'' means the forest incentives program established under subsection (b)(1).

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(b) SUPPLEMENTAL GREENHOUSE GAS EMISSION REDUCTIONS IN UNITED STATES.—

(1) IN GENERAL.—The Secretary shall establish a forest incentives program to achieve supplemental greenhouse gas emission reductions and carbon sequestration on private forest land of the United States through—

(A) carbon incentives contracts; and

(B) conservation easement agreements.

(2) PRIORITY.—In selecting projects under this subsection, the Secretary shall provide a priority for contracts and agreements—

(A) that sequester the most carbon on a per acre basis; and

(B) that create forestry jobs or protect habitats and achieve significant other environmental, economic, and social benefits.

(3) ELIGIBILITY.—

(A) IN GENERAL.—To participate in the program, an owner of eligible land shall—

(i) enter into a carbon incentives contract; and

(ii) fulfill such other requirements as the Secretary determines to be necessary.

(B) CONTINUED ELIGIBLE PRACTICES.—An owner of eligible land who has been carrying out eligible practices on the eligible land shall not be barred from entering into a carbon incentives contract under this subsection to continue carrying out the eligible practices on the eligible land.

(C) DURATION OF CONTRACT.—A contract shall be for a term of not less than 15 nor more than 30 years, as determined by the owner of eligible land.

(D) COMPENSATION UNDER CONTRACT.—The Secretary shall determine the rate of compensation per acre under the contract so that the longer the term of the contract, the higher rate of compensation.

(E) RELATIONSHIP TO OTHER PROGRAMS.—An owner or operator shall not be prohibited from participating in the program due to participation of the owner or operator in other Federal or State conservation assistance programs.

(4) COMPLIANCE.—In developing regulations for carbon incentives contracts under this subsection, the Secretary shall specify requirements to address whether the owner of

eligible land has completed contract and agreement requirements.

(c) INCENTIVE PAYMENTS.—

(1) IN GENERAL.—The Secretary shall provide to owners of eligible land financial incentive payments for—

(A) eligible practices that measurably increase carbon sequestration and storage over a designated period on eligible land, as specified through a carbon incentives contract; and

(B) subject to paragraph (2), conservation easements on eligible land covered under a conservation easement agreement.

(2) COMPENSATION.—The Secretary shall determine the amount of compensation to be provided under a contract under this subsection based on the emissions reductions obtained or avoided and the duration of the reductions, with due consideration to prevailing carbon pricing as determined by any relevant or State compliance offset programs.

(3) NO CONSERVATION EASEMENT AGREEMENT REQUIRED.—Eligibility for financial incentive payments under a carbon incentives contract described in paragraph (1)(A) shall not require a conservation easement agreement.

(d) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue regulations that specify eligible practices and related compensation rates, standards, and guidelines as the basis for entering into the program with owners of eligible land.

(e) SET-ASIDE OF FUNDS FOR CERTAIN PURPOSES.—

(1) IN GENERAL.—At the discretion of the Secretary, a portion of program funds made available under this program for a fiscal year may be used—

(A) to develop forest carbon modeling and methodologies that will improve the projection of carbon gains for any forest practices made eligible under the program;

(B) to provide additional incentive payments for specified management activities that increase the adaptive capacity of land under a carbon incentives contract; and

(C) for the Forest Inventory and Analysis Program of the Forest Service to develop improved measurement and monitoring of forest carbon stocks.

(2) PROGRAM COMPONENTS.—In establishing the program, the Secretary shall provide that funds provided under this section shall not be substituted for, or otherwise used as a basis for reducing, funding authorized or appropriated under other programs to compensate owners of eligible land for activities that are not covered under the program.

(f) PROGRAM MEASUREMENT, MONITORING, VERIFICATION, AND REPORTING.—

(1) MEASUREMENT, MONITORING, AND VERIFICATION.—The Secretary shall establish and implement protocols that provide monitoring and verification of compliance with the terms of contracts and agreements.

(2) REPORTING REQUIREMENT.—At least annually, the Secretary shall submit to Congress a report that contains—

(A) an estimate of annual and cumulative reductions achieved as a result of the program, determined using standardized measures, including measures of economic efficiency;

(B) a summary of any changes to the program that will be made as a result of program measurement, monitoring, and verification;

(C) the total number of acres enrolled in the program by method; and

(D) a State-by-State summary of the data.

(3) AVAILABILITY OF REPORT.—Each report required by this subsection shall be available to the public through the website of the Department of Agriculture.

(4) PROGRAM ADJUSTMENTS.—At least once every 2 years the Secretary shall adjust eligible practices and compensation rates for future carbon incentives contracts based on the results of monitoring under paragraph (1) and reporting under paragraph (2), if determined necessary by the Secretary.

(5) ESTIMATING CARBON BENEFITS.—Any modeling, methodology, or protocol resource developed under this section—

(A) shall be suitable for estimating carbon benefits associated with eligible practices for the purpose of incentives under this section; and

(B) may be used for netting by States or emission sources under Federal programs relating to carbon emissions.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary.

SEC. 6004. MATERIAL CHOICES IN BUILDINGS FOR SUPPLEMENTAL GREENHOUSE GAS EMISSION REDUCTIONS IN UNITED STATES.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE BUILDING.—The term ''eligible building'' means a nonresidential building used for commercial or State or local government purposes.

(2) ELIGIBLE PRODUCT.—The term ''eligible product'' means a commercial or industrial product, such as an intermediate, feedstock, or end product (other than food or feed), that is composed in whole or in part of biological products, including renewable agricultural and forestry materials used as structural building material.

(3) PROGRAM.—The term ''program'' means the greenhouse gas incentives program established under this section.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(b) SUPPLEMENTAL GREENHOUSE GAS EMISSION REDUCTIONS IN BUILDINGS.—

(1) IN GENERAL.—The Secretary shall establish a greenhouse gas incentives program to achieve supplemental greenhouse gas emission reductions from material choices in buildings, based on the lifecycle assessment of the building materials.

(2) FINANCIAL INCENTIVE PAYMENTS.—The Secretary shall provide to owners of eligible buildings incentive payments for the use of eligible products in buildings for sequestering carbon based on a lifecycle assessment of the structural assemblies, as compared to a model building as a result of using eligible products in substitution for more energy-intensive materials in—

(A) new construction; or

(B) building renovation.

(c) PROGRAM REQUIREMENTS.—

(1) APPLICATIONS.—To be eligible to participate in the program, the owner of an eligible building shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(2) COMPONENTS.—In establishing the program, the Secretary shall require that payments for activities under the program shall be—

(A) established at a rate not to exceed the net estimated benefit an owner of an eligible building would receive for similar practices under any federally established carbon offset program, taking into consideration the costs associated with the issuance of credits and compliance with reversal provisions;

(B) provided to owners of eligible buildings demonstrating at least a 20-percent reduction in carbon emissions potential, based on a lifecycle assessment of the structural assemblies, as compared to the structural assemblies of a model building, subject to the requirements that—

(i) the Secretary shall identify a model baseline nonresidential building—

(I) of common size and function; and

(II) having a service life of not less than 60 years; and

(ii) applicants shall evaluate the carbon emissions potential of the baseline building and the proposed building using the same lifecycle assessment software tool and data sets, which shall be compliant with the document numbered ISO 14044; and

(C) provided on certification by the owner of an eligible building and verification by the Secretary, after consultation with the Secretary of Energy, that—

(i) the eligible building meets the requirements of the applicable State commercial building energy efficiency code (as in effect on the date of the applicable permit of the eligible building); and

(ii) the State has made the certification required pursuant to section 304 of the Energy Conservation and Production Act (42 U.S.C. 6833).

(3) INCENTIVE PAYMENTS.—A participant in the program shall receive payment under the program on completion of construction or renovation of the applicable eligible building.

(d) REPORTS.—Not less frequently than once each year, the Secretary shall submit to Congress a report that contains—

(1) an estimate of annual and cumulative reductions achieved as a result of the program—

(A) determined by using lifecycle assessment software that is compliant with the document numbered ISO 14044; and

(B) expressed in terms of the total number of cars removed from the road;

(2) a summary of any changes to the program that will be made as a result of past implementation of the program; and

(3) the total number of buildings under carbon incentives contracts as of the date of the report.

(e) ANALYTICAL REQUIREMENTS.—For purposes of this section—

(1) any carbon emissions potential calculation shall—

(A) be performed in accordance with standard lifecycle assessment practice; and

(B) include removal and sequestration of carbon dioxide from the use of biobased products, as well as recycled content materials;

(2) a full lifecycle assessment shall be conducted taking into consideration all lifecycle stages, including—

(A) resource extraction and processing;

(B) product manufacturing;

(C) onsite construction of assemblies;

(D) transportation;

(E) maintenance and replacement cycles over an assumed eligible building service life of 60 years; and

(F) demolition;

(3) structural assemblies shall be considered to include columns, beams, girders, purlins, floor deck, roof, and structural envelope elements;

(4) primary materials shall be considered to include common products used as the structural system, such as wood, steel, concrete, or masonry; and

(5) the effects of recycling, reuse, or energy recovery beyond the boundaries of an applicable study system shall not be taken in account.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SA 2970. Mr. GARDNER (for himself, Mr. COONS, Mr. PORTMAN, and Mrs. SHAHEEN) submitted an amendment intended to be proposed to amendment

SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

In section 1006, strike subsection (a) and insert the following:

(a) ENERGY MANAGEMENT REQUIREMENTS.—Section 543(f)(4) of the National Energy Conservation Policy Act (42 U.S.C. 8253(f)(4)) is amended by striking ''may'' and inserting ''shall''.

SA 2971. Mr. KIRK submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REVIEW OF LONG-TERM IMPACTS OF PROPOSED DISPOSAL OF NUCLEAR WASTE AT THE BRUCE NUCLEAR POWER PLANT IN KINCARDINE, ONTARIO.

(a) SENSES OF CONGRESS; FINDINGS.—

(1) SENSE OF CONGRESS THAT CANADA SHOULD NOT APPROVE NUCLEAR WASTE REPOSITORY.—

(A) IN GENERAL.—It is the sense of Congress that the Government of Canada should not approve the construction of a permanent nuclear waste repository in Kincardine, Ontario, Canada (referred to in this section as the ''repository'').

(B) SUPPORTING FINDINGS.—In support of the sense of Congress described in subparagraph (A), Congress finds that—

(i) the repository would be located less than 1 mile from the shores of the Great Lakes;

(ii) the repository could store up to 7,000,000 cubic feet of toxic nuclear waste; and

(iii) some of that nuclear waste will remain radioactive for over 100,000 years.

(2) SENSE OF CONGRESS THAT A GROWING BODY OF ORGANIZATIONS OPPOSES THE REPOSITORY.—

(A) IN GENERAL.—It is the sense of Congress that a growing body of lawmakers, officials, governments, and community organizations on the Federal, State, local, and international level publicly opposes the repository.

(B) SUPPORTING FINDINGS.—In support of the sense of Congress described in subparagraph (A), Congress finds that—

(i) the Committee on Appropriations of the Senate emphasized opposition to the repository in the report accompanying S. 1725 (114th Congress), as reported out on July 9, 2015—

(I) expressing concern with the proposal for the repository by Ontario Power Generation, ''which could cause irreparable harm to the shared economic and ecological wellbeing of the Great Lakes''; and

(II) recommending that ''the Department of State request an International Joint Commission review of the proposal and urge the Government of Canada to postpone its final decision until the review of the long-term impacts of locating a nuclear repository at the proposed site is complete and fully evaluated by both the Governments of the United States and Canada'';

(ii) the Great Lakes and St. Lawrence Cities Initiative, a binational coalition of over 110 United States and Canadian mayors and local officials, formally opposes the repository;

(iii) the Great Lakes Legislative Caucus, comprised of State and local lawmakers from the 8 States bordering the Great Lakes, Ontario, and Quebec, opposes the repository;

(iv) 52 local units of government and communities in Canada and 128 units of local government and communities in the United States oppose the repository; and

(v) the State Senate of Michigan unanimously enacted a law and a series of resolutions calling on the International Joint Commission to stop the repository from moving forward.

(b) DEPARTMENT OF STATE ACTIONS.—The Department of State shall—

(1) request that, pursuant to Article IX of the Boundary Waters Treaty of 1909, the International Joint Commission conduct a review of the proposed repository; and

(2) urge the Government of Canada to postpone its final decision on the proposed repository until the review of the long-term impacts of the repository requested pursuant to paragraph (1) is complete and fully evaluated by both the Governments of the United States and Canada.

SA 2972. Mr. KIRK submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REVIEW OF LONG-TERM IMPACTS OF PROPOSED DISPOSAL OF NUCLEAR WASTE AT THE BRUCE NUCLEAR POWER PLANT IN KINCARDINE, ONTARIO.

(a) SENSES OF CONGRESS; FINDINGS.—

(1) SENSE OF CONGRESS THAT CANADA SHOULD NOT APPROVE NUCLEAR WASTE REPOSITORY.—

(A) IN GENERAL.—It is the sense of Congress that the Government of Canada should not approve the construction of a permanent nuclear waste repository in Kincardine, Ontario, Canada (referred to in this section as the ''repository'').

(B) SUPPORTING FINDINGS.—In support of the sense of Congress described in subparagraph (A), Congress finds that—

(i) the repository would be located less than 1 mile from the shores of the Great Lakes;

(ii) the repository could store up to 7,000,000 cubic feet of toxic nuclear waste; and

(iii) some of that nuclear waste will remain radioactive for over 100,000 years.

(2) SENSE OF CONGRESS THAT A GROWING BODY OF ORGANIZATIONS OPPOSES THE REPOSITORY.—

(A) IN GENERAL.—It is the sense of Congress that a growing body of lawmakers, officials, governments, and community organizations on the Federal, State, local, and international level publicly opposes the repository.

(B) SUPPORTING FINDINGS.—In support of the sense of Congress described in subparagraph (A), Congress finds that—

(i) the Committee on Appropriations of the Senate emphasized opposition to the repository in the report accompanying S. 1725 (114th Congress), as reported out on July 9, 2015—

(I) expressing concern with the proposal for the repository by Ontario Power Generation, ''which could cause irreparable harm to the shared economic and ecological wellbeing of the Great Lakes''; and

(II) recommending that ''the Department of State request an International Joint Commission review of the proposal and urge the Government of Canada to postpone its final decision until the review of the long-term impacts of locating a nuclear repository at the proposed site is complete and fully evaluated by both the Governments of the United States and Canada'';

(ii) the Great Lakes and St. Lawrence Cities Initiative, a binational coalition of over 110 United States and Canadian mayors and local officials, formally opposes the repository;

(iii) the Great Lakes Legislative Caucus, comprised of State and local lawmakers from the 8 States bordering the Great Lakes, Ontario, and Quebec, opposes the repository;

(iv) 52 local units of government and communities in Canada and 128 units of local government and communities in the United States oppose the repository; and

(v) the State Senate of Michigan unanimously enacted a law and a series of resolutions calling on the International Joint Commission to stop the repository from moving forward.

(b) DEPARTMENT OF STATE ACTIONS.—The Department of State shall—

(1) request that, pursuant to Article IX of the Boundary Waters Treaty of 1909, the International Joint Commission conduct a review of the proposed repository; and

(2) urge the Government of Canada to postpone its final decision on the proposed repository until the review of the long-term impacts of the repository requested pursuant to paragraph (1) is complete and fully evaluated by both the Governments of the United States and Canada.

SA 2973. Mr. CASSIDY submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

PART V—RENEWABLE ENERGY STUDY

SEC. 3021. GAO STUDY ON INCREASING THE PERCENTAGE OF ELECTRICITY PRODUCED USING RENEWABLE ENERGY.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a study that describes the costs of increasing, by 2040, the percentage of electricity generated using renewable energy (including hydropower, wind, solar, geothermal, wood, wood waste, biogenic municipal waste, landfill gas, and other biomass) by each of the following percentages:

(1) 25 percent.

(2) 35 percent.

(3) 50 percent.

SA 2974. Mr. CASSIDY (for himself, Mr. CORNYN, and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REPORTS.

(a) DEFINITIONS.—In this section:

(1) BSEE.—The term ''BSEE'' means the Bureau of Safety and Environmental Enforcement.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the department in which the BSEE is operating.

(b) REPORT REQUIRED.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committees on Appropriations and Energy and Natural Resources of the Senate and the Committees on Appropriations and Natural Resources of the House of Representatives a report containing an analysis of each proposed regulation and rule of the BSEE, including—

(1) a description of the current safety measures in place offshore—

(A) to demonstrate the extent to which industry and government have already effectively and comprehensively enhanced offshore safety; and

(B) to identify any existing gaps and the best manner with which fill those gaps; and

(2) identification of and justification for any improvements to safety claimed in the proposed regulations and rules.

SA 2975. Mr. CASSIDY (for himself, Mr. CORNYN, and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF.

The Secretary of the Interior (referred to in this section as the ''Secretary'') shall not finalize, implement, or enforce the proposed rule entitled ''Oil and Gas and Sulphur Operations in the Outer Continental Shelf–Blowout Preventer Systems and Well Control'' (80 Fed. Reg. 21504 (April 17, 2015)) (referred to in this section as the ''proposed rule'') unless and until the Secretary—

(1) issues a revised version of the proposed rule that incorporates the information learned from additional technical workshops conducted after the date of enactment of this Act with industry experts, focusing on mitigation of prescriptive requirements contained in the proposed rule, including those that adversely impact personnel safety;

(2) provides notice and an opportunity for public comment of not less than 90 days on the revised version of the proposed rule after completion of the technical workshops described in paragraph (1); and

(3) submits to Congress a report—

(A) after the technical workshops conducted under paragraph (1), that describes distinct changes made in the proposed rule based on the workshops; and

(B) after the period for public comment under paragraph (2), that describes distinct changes made in the proposed rule based on the comments.

SA 2976. Mr. CASSIDY (for himself and Mr. INHOFE) 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. _____. OZONE NATIONAL AMBIENT AIR QUALITY STANDARD DEADLINE HARMONIZATION.

(a) DEFINITIONS.—In this section:

(1) 2008 OZONE STANDARDS.—The term ''2008 ozone standards'' means the ozone standards described in the final rule entitled ''National Ambient Air Quality Standards for Ozone'' (73 Fed. Reg. 16436 (March 27, 2008)).

(2) 2015 OZONE STANDARDS.—The term ''2015 ozone standards'' means the ozone standards described in the final rule entitled ''National Ambient Air Quality Standards for Ozone'' (80 Fed. Reg. 65292 (October 26, 2015)).

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

(4) BEST AVAILABLE CONTROL TECHNOLOGY.—The term ''best available control technology'' has the meaning given the term in section 169 of the Clean Air Act (42 U.S.C. 7479).

(5) LOWEST ACHIEVABLE EMISSION RATE.—The term ''lowest achievable emission rate'' has the meaning given the term in section 171 of the Clean Air Act (42 U.S.C. 7501).

(6) PRECONSTRUCTION PERMIT.—

(A) IN GENERAL.—The term ''preconstruction permit'' means a permit that is required under part C or D of title I of the Clean Air Act (42 U.S.C. 7470 et seq.) for the construction or modification of a major emitting facility or major stationary source.

(B) INCLUSION.—The term ''preconstruction permit'' includes a permit described in subparagraph (A) issued by the Administrator or a State, local, or tribal permitting authority.

(b) OZONE STANDARDS IMPLEMENTATION SCHEDULE HARMONIZATION.—

(1) DESIGNATION SUBMISSION.—Not later than October 26, 2024, the Governor of each State shall designate in accordance with section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)) all areas (or portions of areas) of the State as attainment, nonattainment, or unclassifiable with respect to the 2015 ozone standards.

(2) DESIGNATION PROMULGATION.—Not later than October 26, 2025, the Administrator shall promulgate final designations under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)) for all areas in all States with respect to the 2015 ozone standards, including any modifications to the designations submitted under paragraph (1).

(3) STATE IMPLEMENTATION PLANS.—Not later than October 26, 2026, notwithstanding the deadline specified in section 110(a)(1) of the Clean Air Act (42 U.S.C. 7410(d)(1)), each State shall submit the plan required by that section for the 2015 ozone standards.

(c) CERTAIN PRECONSTRUCTION PERMITS.—

(1) IN GENERAL.—The 2015 ozone standards shall not apply to the review and disposition of a preconstruction permit application if—

(A) the Administrator or the State, local, or tribal permitting authority, as applicable, determines the application to be complete on or before the date of promulgation of final designations under subsection (b)(2); or

(B) the Administrator or the State, local, or tribal permitting authority, as applicable, publishes a public notice of a preliminary determination or draft permit for the application before the date that is 60 days after the date of promulgation of final designations under subsection (b)(2).

(2) RULES OF CONSTRUCTION.—Nothing in this subsection—

(A) eliminates the obligation of a preconstruction permit applicant to install best available control technology and lowest achievable emissions rate technology, as applicable; or

(B) limits the authority of a State, local, or tribal permitting authority to impose more stringent emissions requirements pursuant to State, local, or tribal law than Federal national ambient air quality standards established by the Environmental Protection Agency.

(d) ADJUSTMENT OF 5-YEAR REVIEW CYCLE.—Notwithstanding section 109(d) of the Clean Air Act (42 U.S.C. 7409(d)), the Administrator shall not—

(1) complete, before October 26, 2025, any review of the criteria for ozone published under section 108 of that Act (42 U.S.C. 7408) or the national ambient air quality standard for ozone promulgated under section 109 of that Act (42 U.S.C. 7409); or

(2) propose, before October 26, 2025, any revisions to those criteria or standards.

SA 2977. Mr. CASSIDY (for himself, Mr. VITTER, Mr. BARRASSO, Mr. LANKFORD, and Mr. LEE) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part IV of subtitle A of title III, add the following:

SEC. 3018. REPEAL OF RENEWABLE FUEL STANDARD.

(a) IN GENERAL.—Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended—

(1) in subsection (d)—

(A) in paragraphs (1) and (2), by striking ''(n), or (o)'' each place it appears and inserting ''or (n)''; and

(B) in paragraph (1), in the second sentence, by striking ''(m), or (o)'' and inserting ''or (m)'';

(2) by striking subsection (o); and

(3) by redesignating subsections (q) through (v) as subsections (o) through (t), respectively.

(b) ADDITIONAL REPEAL.—Section 204 of the Energy Independence and Security Act of 2007 (42 U.S.C. 7545 note; Public Law 110–140) is repealed.

(c) REGULATIONS.—Effective beginning on the date of enactment of this Act, the regulations contained in subparts K and M of part 80 of title 40, Code of Federal Regulations (as in effect on that date of enactment), shall have no force or effect.

SA 2978. Mr. CASSIDY (for himself and Mr. BENNET) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following:

TITLE VI—WATERWAY LNG PARITY ACT OF 2016

SEC. 6001. SHORT TITLE.

This title may be cited as the ''Waterway LNG Parity Act of 2016''.

SEC. 6002. LIQUEFIED NATURAL GAS EQUIVALENT FOR PURPOSES OF INLAND WATERWAYS TRUST FUND FINANCING RATE.

(a) IN GENERAL.—Section 4042(b)(2)(A) of the Internal Revenue Code of 1986 is amended to read as follows:

''(A) The Inland Waterways Trust Fund financing rate is 29 cents per gallon (per energy equivalent of a gallon of diesel, in the case of liquefied natural gas).''.

(b) ENERGY EQUIVALENT OF A GALLON OF DIESEL.—Section 4042(b) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''(5) ENERGY EQUIVALENT OF A GALLON OF DIESEL WITH RESPECT TO LIQUEFIED NATURAL

GAS.—For purposes of paragraph (2)(A), the term 'energy equivalent of a gallon of diesel' means 6.06 pounds of liquefied natural gas.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any sale or use of fuel after December 31, 2015.

SA 2979. Mr. UDALL submitted an amendment intended to be proposed by him to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end add the following:

TITLE VI—MISCELLANEOUS

SEC. 6001. ADVISORY COUNCIL ON HISTORIC PRESERVATION.

(a) ADDITIONAL MEMBER.—Section 304101(a) of title 54, United States Code, is amended—

(1) by redesignating paragraphs (8), (9), (10), and (11) as paragraphs (9), (10), (11), and (12), respectively; and

(2) by inserting after paragraph (7) the following:

''(8) The General Chairman of the National Association of Tribal Historic Preservation Officers.''.

(b) FULL-TIME CHAIRMAN.—Section 304101 of title 54, United States Code, is amended—

(1) by redesignating subsections (e) and (f) as paragraphs (f) and (g), respectively; and

(2) by inserting after subsection (d) the following:

''(e) CHAIRMAN.—

''(1) IN GENERAL.—After January 1, 2016, the Chairman shall—

''(A) be appointed by the President;

''(B) serve full time; and

''(C) be compensated at a rate equal to the annual rate of basic pay payable for level III of the Executive Schedule under section 5314, of title 5, United States Code.

''(2) INTERIM PROVISION.—The Chairman that is serving immediately before an appointment under paragraph (1) shall—

''(A) receive $100 per day when engaged in the performance of the duties of the Council; and

''(B) receive reimbursement for necessary traveling and subsistence expenses incurred by the Chairman in the performance of the duties of the Council.''; and

(3) in subsection (f) (as redesignated by paragraph (1)), in the second sentence, by striking ''may act in place'' and inserting ''shall perform the functions''.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) POSITION AT LEVEL III.—Section 5314 of title 5, United States Code, is amended by inserting after the item relating to ''Director of the Office of Financial Research'' the following:

''Chairman of the Advisory Council on Historic Preservation.''.

(2) ESTABLISHMENT; VACANCIES.—Section 304101 of title 54, United States Code, is amended—

(A) in subsection (b), by striking '', (7) and (8)'' and inserting ''and (7) through (9)'';

(B) in subsection (c)—

(i) in the first sentence, by striking ''paragraphs (1) and (9) to (11)'' and inserting ''paragraphs (10) through (12)''; and

(ii) in the third sentence, by inserting '', other than the Chairman of the Council,'' before ''may not serve'';

(C) in subsection (f) (as redesignated by subsection (b)(1)), in the first sentence, by striking ''paragraph (5), (6), (9), or (10)'' and inserting ''paragraph (5), (6), (10), or (11)''; and

(D) in subsection (g) (as redesignated by subsection (b)(1)), by striking ''Twelve members'' and inserting ''13 members''.

(3) COMPENSATION OF MEMBERS OF THE COUNCIL.—Section 304104 of title 54, United States Code, is amended by inserting after the first sentence the following: ''The Chairman of the Council shall be compensated as provided in section 304101(e) of this title.''.

(4) ADMINISTRATION.—Section 304105(a) of title 54, United States Code, is amended, in the second sentence—

(A) by striking ''to the Council'' and inserting ''to the Chairman''; and

(B) by striking ''the Council may'' and inserting ''the Chairman may''.

(5) PRESERVE AMERICA PROGRAM.—Section 311103 of title 54, United States Code, is amended—

(A) in subsection (b), in the matter preceding paragraph (1), by striking ''Council'' each place it appears and inserting ''Chairman of the Council''; and

(B) in subsection (d), by striking ''Council'' and inserting ''Chairman of the Council''.

SA 2980. Mrs. SHAHEEN (for herself and Mr. GARDNER) submitted an amendment intended to be proposed by her to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VI—OTHER MATTERS

SEC. 6001. ASSESSMENT AND ANALYSIS OF OUTDOOR RECREATION ECONOMY OF THE UNITED STATES.

(a) ASSESSMENT AND ANALYSIS.—The Secretary of Commerce, acting through the Director of the Bureau of Economic Analysis, shall conduct an assessment and analysis of the outdoor recreation economy of the United States and the effects attributable to such economy on the overall economy of the United States.

(b) CONSIDERATIONS.—In conducting the assessment required by subsection (a), the Secretary may consider employment, sales, and contributions to travel and tourism, and such other contributing components of the outdoor recreation economy of the United States as the Secretary considers appropriate.

(c) CONSULTATION.—In carrying out the assessment required by subsection (a), the Secretary shall consult with the following:

(1) The heads of such agencies and offices of the Federal Government as the Secretary considers appropriate, including the Secretary of Agriculture, the Secretary of the Interior, the Director of the Bureau of the Census, and the Commissioner of the Bureau of Labor Statistics.

(2) Representatives of businesses, including small business concerns, that engage in commerce in the outdoor recreation economy of the United States.

(d) REPORT.—

(1) IN GENERAL.—Not later than December 31, 2016, the Secretary of Commerce shall submit to the appropriate committees of Congress a report on the findings of the Secretary with respect to the assessment conducted under subsection (a).

(2) APPROPRIATE COMMITTEES OF CONGRESS.—In this subsection, the term ''appropriate committees of Congress'' includes the following:

(A) The Committee on Commerce, Science, and Transportation, the Committee on Environment and Public Works, the Committee on Energy and Natural Resources, and the Committee on Small Business and Entrepreneurship of the Senate.

(B) The Committee on Energy and Commerce and the Committee on Small Business of the House of Representatives.

(e) SMALL BUSINESS CONCERN DEFINED.—In this section, the term ''small business concern'' has the meaning given such term under section 3 of the Small Business Act (15 U.S.C. 632).

SA 2981. Ms. MURKOWSKI (for Mr. INHOFE (for himself and Mr. CARPER)) submitted an amendment intended to be proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

In section 3001(b), strike paragraph (2) and insert the following:

(2) in subsection (a) (as amended by paragraph (1)), by inserting ''a number equivalent to'' before ''the total amount of electric energy'';

(3) in subsection (b), by striking paragraph (2) and inserting the following:

''(2) RENEWABLE ENERGY.—The term 'renewable energy' means energy produced or, if resulting from a thermal energy project placed in service after December 31, 2014, thermal energy generated from, or avoided by, solar, wind, biomass, landfill gas, ocean (including tidal, wave, current, and thermal), geothermal, municipal solid waste, or hydropower.''; and

(4) in subsection (c)—

(A) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively, and indenting appropriately;

(B) in the matter preceding subparagraph (A) (as so redesignated), by striking ''For purposes'' and inserting the following:

''(1) IN GENERAL.—For purposes''; and

(C) by adding at the end the following:

''(2) SEPARATE CALCULATION.—

''(A) IN GENERAL.—For purposes of determining compliance with the requirements of this section, any energy consumption that is avoided through the use of renewable energy shall be considered to be renewable energy produced.

''(B) DENIAL OF DOUBLE BENEFIT.—Avoided energy consumption that is considered to be renewable energy produced under subparagraph (A) shall not also be counted for purposes of achieving compliance with a Federal energy efficiency goal required under any other provision of law.''.

SA 2982. Mr. MARKEY (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. _____. GAO REVIEW AND REPORT.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter for 2 years, the Comptroller General of the United States shall conduct a review of—

(1) energy production in the United States; and

(2) the effects, if any, of crude oil exports from the United States on consumers, independent refiners, and shipbuilding and ship repair yards.

(b) CONTENTS OF REPORT.—Not later than 1 year after commencing each review under subsection (a), the Comptroller General of the United States shall submit to the Committees on Energy and Natural Resources, Banking, Housing, and Urban Affairs, Commerce, Science, and Transportation, and

Foreign Relations of the Senate and the Committees on Natural Resources, Energy and Commerce, Financial Services, and Foreign Affairs of the House of Representatives a report that includes—

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

(2) recommendations for Congress and the President to address any job loss in the shipbuilding and ship repair industry or adverse impacts on consumers and refiners that the Comptroller General of the United States attributes to unencumbered crude oil exports in the United States.

SA 2983. Ms. MURKOWSKI (for Mr. INHOFE (for himself and Mr. KING)) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 2309 (relating to electric transmission infrastructure permitting), add the following:

(d) GEOMATIC DATA.—If a Federal or State department or agency considering an aspect of an application for Federal authorization requires the applicant to submit environmental data, the department or agency—

(1) shall consider any such data gathered by geomatic techniques, including tools and techniques used in land surveying, remote sensing, cartography, geographic information systems, global navigation satellite systems, photogrammetry, geophysics, geography, or other remote means; and

(2) may grant a conditional approval for Federal authorization, subject to the verification of those data through a subsequent onsite inspection.

SA 2984. Ms. BALDWIN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

(A) in paragraph (2)—

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

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

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

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

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

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

ment of Energy.

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

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

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

SA 2985. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PIKE NATIONAL HISTORIC TRAIL STUDY.

Section 5(c) of the National Trails System Act (16 U.S.C. 1244(c)) is amended by adding at the end the following:

''(46) PIKE NATIONAL HISTORIC TRAIL.—The Pike National Historic Trail, a series of routes extending approximately 3,664 miles, which follows the route taken by Lt. Zebulon Montgomery Pike during the 1806–1807 Pike expedition that began in Fort Bellefontaine, Missouri, extended through portions of the States of Kansas, Nebraska, Colorado, New Mexico, and Texas, and ended in Natchitoches, Louisiana.''.

SA 2986. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. BOWHUNTING OPPORTUNITY AND WILDLIFE STEWARDSHIP.

(a) IN GENERAL.—Subchapter II of chapter 1015 of title 54, United States Code, is amended by adding at the end the following:

''§ 101513. Hunter access corridors

''(a) DEFINITIONS.—In this section:

''(1) NOT READY FOR IMMEDIATE USE.—The term 'not ready for immediate use' means—

''(A) a bow or crossbow, the arrows of which are secured or stowed in a quiver or other arrow transport case; and

''(B) with respect to a crossbow, uncocked.

''(2) VALID HUNTING LICENSE.—The term 'valid hunting license' means a State-issued hunting license that authorizes an individual to hunt on private or public land adjacent to the System unit in which the individual is located while in possession of a bow or crossbow that is not ready for immediate use.

''(b) TRANSPORTATION AUTHORIZED.—

''(1) IN GENERAL.—The Director shall not require a permit for, or promulgate or enforce any regulation that prohibits an individual from, transporting bows and crossbows that are not ready for immediate use across any System unit if—

''(A) in the case of an individual traversing the System unit on foot—

''(i) the individual is not otherwise prohibited by law from possessing the bows and crossbows;

''(ii) the bows or crossbows are not ready for immediate use throughout the period during which the bows or crossbows are transported across the System unit;

''(iii) the possession of the bows and crossbows is in compliance with the law of the State in which the System unit is located; and

''(iv)(I) the individual possesses a valid hunting license;

''(II) the individual is traversing the System unit en route to a hunting access corridor established under subsection (c)(1); or

''(III) the individual is traversing the System unit in compliance with any other applicable regulations or policies; or

''(B) the bows or crossbows are not ready for immediate use and remain inside a vehicle.

''(2) ENFORCEMENT.—Nothing in this subsection limits the authority of the Director to enforce laws (including regulations) prohibiting hunting or the taking of wildlife in any System unit.

''(c) ESTABLISHMENT OF HUNTER ACCESS CORRIDORS.—

''(1) IN GENERAL.—On a determination by the Director under paragraph (2), the Director may establish and publish (in accordance with section 1.5 of title 36, Code of Federal Regulations (or a successor regulation)), on a publicly available map, hunter access corridors across System units that are used to access public land that is—

''(A) contiguous to a System unit; and

''(B) open to hunting.

''(2) DETERMINATION BY DIRECTOR.—The determination referred to in paragraph (1) is a determination that the hunter access corridor would provide wildlife management or visitor experience benefits within the boundary of the System unit in which the hunter access corridor is located.

''(3) HUNTING SEASON.—The hunter access corridors shall be open for use during hunting seasons.

''(4) EXCEPTION.—The Director may establish limited periods during which access through the hunter access corridors is closed for reasons of public safety, administration, or compliance with applicable law.

''(5) IDENTIFICATION OF CORRIDORS.—The Director shall—

''(A) make information regarding hunter access corridors available on the individual website of the applicable System unit; and

''(B) provide information regarding any processes established by the Director for transporting legally taken game through individual hunter access corridors.

''(6) REGISTRATION; TRANSPORTATION OF GAME.—The Director may—

''(A) provide registration boxes to be located at the trailhead of each hunter access corridor for self-registration;

''(B) provide a process for online self-registration; and

''(C) allow nonmotorized conveyances to transport legally taken game through a hunter access corridor established under this subsection, including game carts and sleds.

''(7) CONSULTATION WITH STATES.—The Director shall consult with each applicable State wildlife agency to identify appropriate hunter access corridors.

''(d) EFFECT.—Nothing in this section—

''(1) diminishes, enlarges, or modifies any Federal or State authority with respect to recreational hunting, recreational shooting, or any other recreational activities within the boundaries of a System unit; or

''(2) authorizes—

''(A) the establishment of new trails in System units; or

''(B) authorizes individuals to access areas in System units, on foot or otherwise, that are not open to such access.

''(e) NO MAJOR FEDERAL ACTION.—

''(1) IN GENERAL.—Any action taken under this section shall not be considered a major Federal action significantly affecting the quality of the human environment under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(2) NO ADDITIONAL ACTION REQUIRED.—No additional identification, analyses, or consideration of environmental effects (including cumulative environmental effects) is necessary or required with respect to an action taken under this section.''.

(b) CLERICAL AMENDMENT.—The table of sections affected for title 54, United States Code, is amended by inserting after the item relating to section 101512 the following:

''§101513. Hunter access corridors.''.

SA 2987. Mr. BENNET (for himself and Mr. GARDNER) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 3105. TREATMENT OF OIL SHALE RESERVE RECEIPTS.

Section 7439 of title 10, United State States Code, is amended—

(1) in subsection (f)—

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

''(1) DISPOSITION.—

''(A) IN GENERAL.—Notwithstanding section 35 of the Mineral Leasing Act (30 U.S.C. 191), the amounts received during the period specified in paragraph (2) from a lease under this section (including moneys in the form of sales, bonuses, royalties (including interest charges collected under the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.)), and rentals) that do not exceed the sum of the amounts specified in subparagraphs (A) and (B) of paragraph (2)—

''(i) shall be deposited in the Treasury; and

''(ii) shall not be subject to distribution to the States pursuant to section 35(a) of the Mineral Leasing Act (30 U.S.C. 191(a)).

''(B) MINERAL LEASING ACT.—Any amounts received during the period specified in paragraph (2) from a lease under this section (including moneys in the form of sales, bonuses, royalties (including interest charges collected under the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.)), and rentals) that exceed the sum of the amounts specified in subparagraphs (A) and (B) of paragraph (2)—

''(i) shall be deposited in the Treasury; and

''(ii) shall be subject to distribution to the States pursuant to section 35(a) of the Mineral Leasing Act (30 U.S.C. 191(a)).

''(C) NO IMPACT ON PAYMENTS IN LIEU OF TAXES.—Nothing in this paragraph impacts or reduces any payment authorized under section 6903 of title 31, United States Code.''; and

(B) in paragraph (2)—

(i) by striking ''(2) The period'' and inserting the following:

''(2) PERIOD.—The period''; and

(ii) in the matter preceding subparagraph (A), by striking ''paragraph (1)'' and inserting ''paragraph (1)(A)''; and

(2) in subsection (g)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking ''subsection (f)(1)'' and inserting ''subsection (f)(1)(A)''; and

(B) in paragraph (2), in the first sentence, by striking ''subsection (f)(1)'' and inserting ''subsection (f)(1)(A)''.

SA 2988. Mr. BENNET (for himself and Mr. PORTMAN) 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. _____. CARBON DIOXIDE CAPTURE FACILITIES.

(a) SHORT TITLE.—This section may be cited as the ''Carbon Capture Improvement Act of 2016''.

(b) FINDINGS.—Congress finds the following:

(1) Capture and long-term storage of carbon dioxide from coal, natural gas, and biomass-fired power plants, as well as from industrial sectors such as oil refining and production of fertilizer, cement, and ethanol, can help protect the environment while improving the economy and national security of the United States.

(2) The United States is a world leader in the field of carbon dioxide capture and long-term storage, as well as the beneficial use of carbon dioxide in enhanced oil recovery operations, with many manufacturers and licensors of carbon dioxide capture technology based in the United States.

(3) While the prospects for large-scale carbon capture in the United States are promising, costs remain relatively high. Lowering the financing costs for carbon dioxide capture projects would accelerate the deployment of this technology, and if the captured carbon dioxide is subsequently sold for industrial use, such as for use in enhanced oil recovery operations, the economic prospects are further improved.

(4) Since 1968, tax-exempt private activity bonds have been used to provide access to lower-cost financing for private businesses that are purchasing new capital equipment for certain specified environmental facilities, including facilities that reduce, recycle, or dispose of waste, pollutants, and hazardous substances.

(5) Allowing tax-exempt financing for the purchase of capital equipment that is used to capture carbon dioxide will reduce the costs of developing carbon dioxide capture projects, accelerate their deployment, and, in conjunction with carbon dioxide utilization and long-term storage, help the United States meet critical environmental, economic, and national security goals.

(c) CARBON DIOXIDE CAPTURE FACILITIES.—

(1) IN GENERAL.—Section 142 of the Internal Revenue Code of 1986 is amended—

(A) in subsection (a)—

(i) in paragraph (14), by striking ''or'' at the end,

(ii) in paragraph (15), by striking the period at the end and inserting '', or'', and

(iii) by adding at the end the following new paragraph:

''(16) qualified carbon dioxide capture facilities.'', and

(B) by adding at the end the following new subsection:

''(n) QUALIFIED CARBON DIOXIDE CAPTURE FACILITY.—

''(1) IN GENERAL.—For purposes of subsection (a)(16), the term 'qualified carbon dioxide capture facility' means the eligible components of an industrial carbon dioxide facility.

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

''(A) ELIGIBLE COMPONENT.—

''(i) IN GENERAL.—The term 'eligible component' means any equipment installed in an industrial carbon dioxide facility that satisfies the requirements under paragraph (3) and is—

''(I) used for the purpose of capture, treatment and purification, compression, transportation, or on-site storage of carbon dioxide produced by the industrial carbon dioxide facility, or

''(II) integral or functionally related and subordinate to a process described in section 48B(c)(2), determined by substituting 'carbon dioxide' for 'carbon monoxide' in such section.

''(B) INDUSTRIAL CARBON DIOXIDE FACILITY.—

''(i) IN GENERAL.—Except as provided in clause (ii), the term 'industrial carbon dioxide facility' means a facility that emits carbon dioxide (including from any fugitive emissions source) that is created as a result of any of the following processes:

''(I) Fuel combustion.

''(II) Gasification.

''(III) Bioindustrial.

''(IV) Fermentation.

''(V) Any manufacturing industry described in section 48B(c)(7).

''(ii) EXCEPTIONS.—For purposes of clause (i), an industrial carbon dioxide facility shall not include—

''(I) any geological gas facility (as defined in clause (iii)), or

''(II) any air separation unit that—

''(aa) does not qualify as gasification equipment, or

''(bb) is not a necessary component of an oxy-fuel combustion process.

''(iii) GEOLOGICAL GAS FACILITY.—The term 'geological gas facility' means a facility that—

''(I) produces a raw product consisting of gas or mixed gas and liquid from a geological formation,

''(II) transports or removes impurities from such product, or

''(III) separates such product into its constituent parts.

''(3) CAPTURE AND STORAGE REQUIREMENT.—

''(A) IN GENERAL.—Subject to subparagraph (B), the eligible components of an industrial carbon dioxide facility shall have a capture and storage percentage (as determined under subparagraph (C)) that is equal to or greater than 65 percent.

''(B) EXCEPTION.—In the case of an industrial carbon dioxide facility with a capture and storage percentage that is less than 65 percent, the percentage of the cost of the eligible components installed in such facility that may be financed with tax-exempt bonds may not be greater than the capture and storage percentage.

''(C) CAPTURE AND STORAGE PERCENTAGE.—

''(i) IN GENERAL.—Subject to clause (ii), the capture and storage percentage shall be an amount, expressed as a percentage, equal to the quotient of—

''(I) the total metric tons of carbon dioxide annually captured, transported, and injected into—

''(aa) a facility for geologic storage, or

''(bb) an enhanced oil or gas recovery well followed by geologic storage, divided by

''(II) the total metric tons of carbon dioxide which would otherwise be released into the atmosphere each year as industrial emission of greenhouse gas if the eligible components were not installed in the industrial carbon dioxide facility.

''(ii) LIMITED APPLICATION OF ELIGIBLE COMPONENTS.—In the case of eligible components that are designed to capture carbon dioxide solely from specific sources of emissions or portions thereof within an industrial carbon dioxide facility, the capture and storage percentage under this subparagraph shall be determined based only on such specific sources of emissions or portions thereof.''.

(2) VOLUME CAP.—Section 146(g)(4) of such Code is amended by striking ''paragraph (11) of section 142(a) (relating to high-speed intercity rail facilities)'' and inserting ''paragraph (11) or (16) of section 142(a)''.

(3) CLARIFICATION OF PRIVATE BUSINESS USE.—Section 141(b)(6) of such Code is amended by adding at the end the following new subparagraph:

''(C) CLARIFICATION RELATING TO QUALIFIED CARBON DIOXIDE CAPTURE FACILITIES.—For purposes of this subsection, the sale of carbon dioxide produced by a qualified carbon

dioxide capture facility (as defined in section 142(n)) which is owned by a governmental unit shall not constitute private business use.''.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to obligations issued after December 31, 2015.

SA 2989. Mr. REED (for himself and Mr. HELLER) 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:

Section 2301 is amended by adding at the end the following:

(f) USE OF FUNDS.—To the maximum extent practicable, in carrying out this section, the Secretary shall ensure that the use of funds to carry out this section is coordinated among different offices within the Grid Modernization Initiative of the Department and other programs conducting energy storage research.

SA 2990. Mr. REED (for himself 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, add the following:

TITLE VI—MISCELLANEOUS

SEC. 6001. SEC INDUSTRY GUIDES.

(a) DEFINITION.—In this section, the term ''Commission'' means the Securities and Exchange Commission.

(b) UPDATES TO INDUSTRY GUIDES.—Not later than 180 days after the date of enactment of this Act, the Commission shall—

(1) update—

(A) the industry guides described in subsections (d) and (g) of section 229.801 of title 17, Code of Federal Regulations and section 229.802(g) of title 17, Code of Federal Regulations; and

(B) subpart 229.1200 of title 17, Code of Federal Regulations; and

(2) in making the updates required under paragraph (1), consider and incorporate appropriate recommendations made in the report entitled ''Climate Strategies and Metrics: Exploring Options for Institutional Investors'', published in 2015 by the 2 Degrees Investing Initiative, the World Resources Institute, and the United Nations Environment Programme Finance Initiative.

(c) ENFORCEMENT.—If the Commission fails to meet the deadline under subsection (b), the Chairman of the Commission shall provide a report to and testify before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives explaining why the Commission failed to meet the deadline.

SA 2991. Ms. MURKOWSKI (for Mr. INHOFE (for himself, Mr. MARKEY, 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, add the following:

TITLE ____—BROWNFIELDS REAUTHORIZATION

SEC. ____01. SHORT TITLE.

This title may be cited as the ''Brownfields Utilization, Investment, and Local Development Act of 2016'' or the ''BUILD Act''.

SEC. ____02. EXPANDED ELIGIBILITY FOR NONPROFIT ORGANIZATIONS.

Section 104(k)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)(1)) is amended—

(1) in subparagraph (G), by striking ''or'' after the semicolon;

(2) in subparagraph (H), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(I) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of that Code;

''(J) a limited liability corporation in which all managing members are organizations described in subparagraph (I) or limited liability corporations whose sole members are organizations described in subparagraph (I);

''(K) a limited partnership in which all general partners are organizations described in subparagraph (I) or limited liability corporations whose sole members are organizations described in subparagraph (I); or

''(L) a qualified community development entity (as defined in section 45D(c)(1) of the Internal Revenue Code of 1986).''.

SEC. ____03. MULTIPURPOSE BROWNFIELDS GRANTS.

Section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)) is amended—

(1) by redesignating paragraphs (4) through (9) and (10) through (12) as paragraphs (5) through (10) and (13) through (15), respectively;

(2) in paragraph (3)(A), by striking ''subject to paragraphs (4) and (5)'' and inserting ''subject to paragraphs (5) and (6)''; and

(3) by inserting after paragraph (3) the following:

''(4) MULTIPURPOSE BROWNFIELDS GRANTS.—

''(A) IN GENERAL.—Subject to subparagraph (D) and paragraphs (5) and (6), the Administrator shall establish a program to provide multipurpose grants to an eligible entity based on the considerations under paragraph (3)(C), to carry out inventory, characterization, assessment, planning, or remediation activities at 1 or more brownfield sites in a proposed area.

''(B) GRANT AMOUNTS.—

''(i) INDIVIDUAL GRANT AMOUNTS.—Each grant awarded under this paragraph shall not exceed $950,000.

''(ii) CUMULATIVE GRANT AMOUNTS.—The total amount of grants awarded for each fiscal year under this paragraph shall not exceed 15 percent of the funds made available for the fiscal year to carry out this subsection.

''(C) CRITERIA.—In awarding a grant under this paragraph, the Administrator shall consider the extent to which an eligible entity is able—

''(i) to provide an overall plan for revitalization of the 1 or more brownfield sites in the proposed area in which the multipurpose grant will be used;

''(ii) to demonstrate a capacity to conduct the range of eligible activities that will be funded by the multipurpose grant; and

''(iii) to demonstrate that a multipurpose grant will meet the needs of the 1 or more brownfield sites in the proposed area.

''(D) CONDITION.—As a condition of receiving a grant under this paragraph, each eligible entity shall expend the full amount of the grant not later than the date that is 3 years after the date on which the grant is awarded to the eligible entity unless the Administrator, in the discretion of the Administrator, provides an extension.''.

SEC. ____04. TREATMENT OF CERTAIN PUBLICLY OWNED BROWNFIELD SITES.

Section 104(k)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)(2)) is amended by adding at the end the following:

''(C) EXEMPTION FOR CERTAIN PUBLICLY OWNED BROWNFIELD SITES.—Notwithstanding any other provision of law, an eligible entity that is a governmental entity may receive a grant under this paragraph for property acquired by that governmental entity prior to January 11, 2002, even if the governmental entity does not qualify as a bona fide prospective purchaser (as that term is defined in section 101(40)), so long as the eligible entity has not caused or contributed to a release or threatened release of a hazardous substance at the property.''.

SEC. ____05. INCREASED FUNDING FOR REMEDIATION GRANTS.

Section 104(k)(3)(A)(ii) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)(3)(A)(ii)) is amended by striking ''$200,000 for each site to be remediated'' and inserting ''$500,000 for each site to be remediated, which limit may be waived by the Administrator, but not to exceed a total of $650,000 for each site, based on the anticipated level of contamination, size, or ownership status of the site''.

SEC. ____06. ALLOWING ADMINISTRATIVE COSTS FOR GRANT RECIPIENTS.

Paragraph (5) of section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)) (as redesignated by section 3(1)) is amended—

(1) in subparagraph (B)—

(A) in clause (i)—

(i) by striking subclause (III); and

(ii) by redesignating subclauses (IV) and (V) as subclauses (III) and (IV), respectively;

(B) by striking clause (ii);

(C) by redesignating clause (iii) as clause (ii); and

(D) in clause (ii) (as redesignated by subparagraph (C)), by striking ''Notwithstanding clause (i)(IV)'' and inserting ''Notwithstanding clause (i)(III)''; and

(2) by adding at the end the following:

''(E) ADMINISTRATIVE COSTS.—

''(i) IN GENERAL.—An eligible entity may use up to 8 percent of the amounts made available under a grant or loan under this subsection for administrative costs.

''(ii) RESTRICTION.—For purposes of clause (i), the term 'administrative costs' does not include—

''(I) investigation and identification of the extent of contamination;

''(II) design and performance of a response action; or

''(III) monitoring of a natural resource.''.

SEC. ____07. SMALL COMMUNITY TECHNICAL ASSISTANCE GRANTS.

Paragraph (7)(A) of section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)) (as redesignated by section ____03(1)) is amended—

(1) by striking ''The Administrator may provide,'' and inserting the following:

''(i) DEFINITIONS.—In this subparagraph:

''(I) DISADVANTAGED AREA.—The term 'disadvantaged area' means an area with an annual median household income that is less than 80 percent of the State-wide annual median household income, as determined by the latest available decennial census.

''(II) SMALL COMMUNITY.—The term 'small community' means a community with a population of not more than 15,000 individuals, as determined by the latest available decennial census.

''(ii) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish a program to provide grants that provide,''; and

(2) by adding at the end the following:

''(iii) SMALL OR DISADVANTAGED COMMUNITY RECIPIENTS.—

''(I) IN GENERAL.—Subject to subclause (II), in carrying out the program under clause (ii), the Administrator shall use not more than $600,000 of the amounts made available to carry out this paragraph to provide grants to States that receive amounts under section 128(a) to assist small communities, Indian tribes, rural areas, or disadvantaged areas in achieving the purposes described in clause (ii).

''(II) LIMITATION.—Each grant awarded under subclause (I) shall be not more than $7,500.''.

SEC. ___08. WATERFRONT BROWNFIELDS GRANTS.

Section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)) is amended by inserting after paragraph (10) (as redesignated by section ___03(1)) the following:

''(11) WATERFRONT BROWNFIELD SITES.—

''(A) DEFINITION OF WATERFRONT BROWNFIELD SITE.—In this paragraph, the term 'waterfront brownfield site' means a brownfield site that is adjacent to a body of water or a federally designated floodplain.

''(B) REQUIREMENTS.—In providing grants under this subsection, the Administrator shall—

''(i) take into consideration whether the brownfield site to be served by the grant is a waterfront brownfield site; and

''(ii) give consideration to waterfront brownfield sites.''.

SEC. ___09. CLEAN ENERGY BROWNFIELDS GRANTS.

Section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)) (as amended by section ___08) is amended by inserting after paragraph (11) the following:

''(12) CLEAN ENERGY PROJECTS AT BROWNFIELD SITES.—

''(A) DEFINITION OF CLEAN ENERGY PROJECT.—In this paragraph, the term 'clean energy project' means—

''(i) a facility that generates renewable electricity from wind, solar, or geothermal energy; and

''(ii) any energy efficiency improvement project at a facility, including combined heat and power and district energy.

''(B) ESTABLISHMENT.—The Administrator shall establish a program to provide grants—

''(i) to eligible entities to carry out inventory, characterization, assessment, planning, feasibility analysis, design, or remediation activities to locate a clean energy project at 1 or more brownfield sites; and

''(ii) to capitalize a revolving loan fund for the purposes described in clause (i).

''(C) MAXIMUM AMOUNT.—A grant under this paragraph shall not exceed $500,000.''.

SEC. ___10. TARGETED FUNDING FOR STATES.

Paragraph (15) of section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)) (as redesignated by section ___03(1)) is amended by adding at the end the following:

''(C) TARGETED FUNDING.—Of the amounts made available under subparagraph (A) for a fiscal year, the Administrator may use not more than $2,000,000 to provide grants to States for purposes authorized under section 128(a), subject to the condition that each State that receives a grant under this subparagraph shall have used at least 50 percent of the amounts made available to that State in the previous fiscal year to carry out assessment and remediation activities under section 128(a).''.

SEC. ___11. AUTHORIZATION OF APPROPRIATIONS.

(a) BROWNFIELDS REVITALIZATION FUNDING.—Paragraph (15)(A) of section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)) (as redesignated by section ___03(1)) is amended by striking ''2006'' and inserting ''2018''.

(b) STATE RESPONSE PROGRAMS.—Section 128(a)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9628(a)(3)) is amended by striking ''2006'' and inserting ''2018''.

SA 2992. Mr. CRAPO (for himself, Mr. WHITEHOUSE, Mr. RISCH, Mr. BOOKER, Mr. HATCH, Mr. KIRK, 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:

Strike section 3501 and insert the following:

SEC. 3501. NUCLEAR ENERGY INNOVATION CAPABILITIES.

(a) DEFINITIONS.—In this section:

(1) ADVANCED FISSION REACTOR.—The term ''advanced fission reactor'' means a nuclear fission reactor with significant improvements over the most recent generation of nuclear reactors, including improvements such as—

(A) inherent safety features;

(B) lower waste yields;

(C) greater fuel utilization;

(D) superior reliability;

(E) resistance to proliferation;

(F) increased thermal efficiency; and

(G) ability to integrate into electric and nonelectric applications.

(2) FAST NEUTRON.—The term ''fast neutron'' means a neutron with kinetic energy above 100 kiloelectron volts.

(3) NATIONAL LABORATORY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ''National Laboratory'' has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(B) LIMITATION.—With respect to the Lawrence Livermore National Laboratory, the Los Alamos National Laboratory, and the Sandia National Laboratories, the term ''National Laboratory'' means only the civilian activities of the laboratory.

(4) NEUTRON FLUX.—The term ''neutron flux'' means the intensity of neutron radiation measured as a rate of flow of neutrons applied over an area.

(5) NEUTRON SOURCE.—The term ''neutron source'' means a research machine that provides neutron irradiation services for—

(A) research on materials sciences and nuclear physics; and

(B) testing of advanced materials, nuclear fuels, and other related components for reactor systems.

(b) MISSION.—Section 951 of the Energy Policy Act of 2005 (42 U.S.C. 16271) is amended by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—The Secretary shall conduct programs of civilian nuclear research, development, demonstration, and commercial application, including activities described in this subtitle, that take into consideration the following objectives:

''(1) Providing research infrastructure—

''(A) to promote scientific progress; and

''(B) to enable users from academia, the National Laboratories, and the private sector to make scientific discoveries relevant for nuclear, chemical, and materials science engineering.

''(2) Maintaining nuclear energy research and development programs at the National Laboratories and institutions of higher education, including programs of infrastructure of National Laboratories and institutions of higher education.

''(3) Providing the technical means to reduce the likelihood of nuclear weapons proliferation.

''(4) Ensuring public safety.

''(5) Reducing the environmental impact of nuclear energy-related activities.

''(6) Supporting technology transfer from the National Laboratories to the private sector.

''(7) Enabling the private sector to partner with the National Laboratories to demonstrate novel reactor concepts for the purpose of resolving technical uncertainty associated with the objectives described in this subsection.''.

(c) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) nuclear energy, through fission or fusion, represents the highest energy density of any known attainable source and yields low air emissions;

(2) nuclear energy is of national importance to scientific progress, national security, electricity generation, heat generation for industrial applications, and space exploration; and

(3) considering the inherent complexity and regulatory burden associated with nuclear energy, the Department should focus civilian nuclear research and development activities of the Department on programs that enable the private sector, National Laboratories, and institutions of higher education to carry out experiments to promote scientific progress and enhance practical knowledge of nuclear engineering.

(d) HIGH-PERFORMANCE COMPUTATION AND SUPPORTIVE RESEARCH.—

(1) MODELING AND SIMULATION PROGRAM.—

(A) IN GENERAL.—The Secretary shall carry out a program to enhance the capabilities of the United States to develop new reactor technologies and related systems technologies through high-performance computation modeling and simulation techniques (referred to in this paragraph as the ''program'').

(B) COORDINATION REQUIRED.—In carrying out the program, the Secretary shall coordinate with relevant Federal agencies through the National Strategic Computing Initiative established by Executive Order 13702 (80 Fed. Reg. 46177) (July 29, 2015).

(C) OBJECTIVES.—In carrying out the program, the Secretary shall take into consideration the following objectives:

(i) Using expertise from the private sector, institutions of higher education, and National Laboratories to develop computational software and capabilities that prospective users may access to accelerate research and development of advanced fission reactor systems, nuclear fusion systems, and reactor systems for space exploration.

(ii) Developing computational tools to simulate and predict nuclear phenomena that may be validated through physical experimentation.

(iii) Increasing the utility of the research infrastructure of the Department by coordinating with the Advanced Scientific Computing Research program of the Office of Science.

(iv) Leveraging experience from the Energy Innovation Hub for Modeling and Simulation.

(v) Ensuring that new experimental and computational tools are accessible to relevant research communities, including private companies engaged in nuclear energy technology development.

(2) SUPPORTIVE RESEARCH ACTIVITIES.—The Secretary shall consider support for additional research activities to maximize the utility of the research facilities of the Department, including research—

(A) on physical processes to simulate degradation of materials and behavior of fuel forms; and

(B) for validation of computational tools.

(e) VERSATILE NEUTRON SOURCE.—

(1) DETERMINATION OF MISSION NEED.—

(A) IN GENERAL.—Not later than December 31, 2016, the Secretary shall determine the mission need for a versatile reactor-based fast neutron source, which shall operate as a national user facility (referred to in this subsection as the ''user facility'').

(B) CONSULTATION REQUIRED.—In carrying out subparagraph (A), the Secretary shall consult with the private sector, institutions of higher education, the National Laboratories, and relevant Federal agencies to ensure that the user facility will meet the research needs of the largest possible majority of prospective users.

(2) PLAN FOR ESTABLISHMENT.—On the determination of the mission need under paragraph (1), the Secretary, as expeditiously as practicable, 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 detailed plan for the establishment of the user facility (referred to in this section as the ''plan'').

(3) DEADLINE FOR ESTABLISHMENT.—The Secretary shall make every effort to complete construction of, and approve the start of operations for, the user facility by December 31, 2025.

(4) FACILITY REQUIREMENTS.—

(A) CAPABILITIES.—The Secretary shall ensure that the user facility shall provide, at a minimum—

(i) fast neutron spectrum irradiation capability; and

(ii) capacity for upgrades to accommodate new or expanded research needs.

(B) CONSIDERATIONS.—In carrying out the plan, the Secretary shall consider—

(i) capabilities that support experimental high-temperature testing;

(ii) providing a source of fast neutrons—

(I) at a neutron flux that is higher than the neutron flux at which research facilities operate before establishment of the user facility; and

(II) sufficient to enable research for an optimal base of prospective users;

(iii) maximizing irradiation flexibility and irradiation volume to accommodate as many concurrent users as possible;

(iv) capabilities for irradiation with neutrons of a lower energy spectrum;

(v) multiple loops for fuels and materials testing in different coolants; and

(vi) additional pre-irradiation and post-irradiation examination capabilities.

(5) COORDINATION.—In carrying out this subsection, the Secretary shall leverage the best practices of the Office of Science for the management, construction, and operation of national user facilities.

(6) REPORT.—The Secretary shall include in the annual budget request of the Department an explanation for any delay in carrying out this subsection.

(f) ENABLING NUCLEAR ENERGY INNOVATION.—

(1) ESTABLISHMENT OF NATIONAL NUCLEAR INNOVATION CENTER.—The Secretary may enter into a memorandum of understanding with the Chairman of the Nuclear Regulatory Commission to establish a center to be known as the ''National Nuclear Innovation Center'' (referred to in this subsection as the ''Center'')—

(A) to enable the testing and demonstration of reactor concepts to be proposed and funded, in whole or in part, by the private sector;

(B) to establish and operate a database to store and share data and knowledge on nuclear science between Federal agencies and private industry; and

(C) to establish capabilities to develop and test reactor electric and nonelectric integration and energy conversion systems.

(2) ROLE OF NRC.—In operating the Center, the Secretary shall—

(A) consult with the Nuclear Regulatory Commission on safety issues; and

(B) permit staff of the Nuclear Regulatory Commission to actively observe and learn about the technology being developed at the Center.

(3) OBJECTIVES.—A reactor developed under paragraph (1)(A) shall have the following objectives:

(A) Enabling physical validation of fusion and advanced fission experimental reactors at the National Laboratories or other facilities of the Department.

(B) Resolving technical uncertainty and increase practical knowledge relevant to safety, resilience, security, and functionality of novel reactor concepts.

(C) Conducting general research and development to improve novel reactor technologies.

(4) USE OF TECHNICAL EXPERTISE.—In operating the Center, the Secretary shall leverage the technical expertise of relevant Federal agencies and National Laboratories—

(A) to minimize the time required to carry out paragraph (3); and

(B) to ensure reasonable safety for individuals working at the National Laboratories or other facilities of the Department to carry out that paragraph.

(5) REPORTING REQUIREMENT.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the National Laboratories, relevant Federal agencies, and other stakeholders, shall submit to the Committee on Energy and Natural Resources and the Committee on Environment and Public Works of the Senate and the Committee on Science, Space, and Technology and the Committee on Energy and Commerce of the House of Representatives a report assessing the capabilities of the Department to authorize, host, and oversee privately proposed and funded reactors (as described in paragraph (1)(A)).

(B) CONTENTS.—The report shall address—

(i) the safety review and oversight capabilities of the Department, including options to leverage expertise from the Nuclear Regulatory Commission and the National Laboratories;

(ii) potential sites capable of hosting the activities described in paragraph (1);

(iii) the efficacy of the available contractual mechanisms of the Department to partner with the private sector and other Federal agencies, including cooperative research and development agreements, strategic partnership projects, and agreements for commercializing technology;

(iv) how the Federal Government and the private sector will address potential intellectual property concerns;

(v) potential cost structures relating to physical security, decommissioning, liability, and other long term project costs; and

(vi) other challenges or considerations identified by the Secretary.

(g) BUDGET PLAN.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, 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 3 alternative 10-year budget plans for civilian nuclear energy research and development by the Department in accordance with paragraph (2).

(2) DESCRIPTION OF PLANS.—

(A) IN GENERAL.—The 3 alternative 10-year budget plans submitted under paragraph (1) shall be the following:

(i) A plan that assumes constant annual funding at the level of appropriations for fiscal year 2016 for the civilian nuclear energy research and development of the Department, particularly for programs critical to advanced nuclear projects and development.

(ii) A plan that assumes 2 percent annual increases to the level of appropriations described in clause (i).

(iii) A plan that uses an unconstrained budget.

(B) INCLUSIONS.—Each plan shall include—

(i) a prioritized list of the programs, projects, and activities of the Department that best support the development, licensing, and deployment of advanced nuclear energy technologies;

(ii) realistic budget requirements for the Department to carry out subsections (d), (e), and (f); and

(iii) the justification of the Department for continuing or terminating existing civilian nuclear energy research and development programs.

(h) NUCLEAR REGULATORY COMMISSION REPORT.—Not later than December 31, 2016, the Chairman of the Nuclear Regulatory Commission shall submit to the Committee on Energy and Natural Resources and the Committee on Environment and Public Works of the Senate and the Committee on Science, Space, and Technology and the Committee on Energy and Commerce of the House of Representatives a report describing—

(1) the extent to which the Nuclear Regulatory Commission is capable of licensing advanced reactor designs that are developed pursuant to this section by the end of the 4-year period beginning on the date on which an application is received under part 50 or 52 of title 10, Code of Federal Regulations (or successor regulations); and

(2) any organizational or institutional barriers the Nuclear Regulatory Commission will need to overcome to be able to license the advanced reactor designs that are developed pursuant to this section by the end of the 4-year period described in paragraph (1).

SA 2993. Mr. HELLER (for himself and Mr. REED) 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___. CONSIDERATION OF ENERGY STORAGE SYSTEMS.

Section 111 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621) is amended by adding at the end the following:

''(20) CONSIDERATION OF ENERGY STORAGE SYSTEMS.—Each State shall consider requiring that, prior to undertaking investments in new generation, transmission, or other capital investments, an electric utility of the State demonstrate to the State that the electric utility considered an investment in an energy storage system based on appropriate factors, including—

''(A) total costs;

''(B) cost-effectiveness;

''(C) improved reliability;

''(D) security; and

''(E) system performance and efficiency.''.

SA 2994. Mr. HELLER 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 III, add the following:

SEC. 33___. PROHIBITION ON NEW FINANCIAL RESPONSIBILITY REQUIREMENTS BY THE ENVIRONMENTAL PROTECTION AGENCY.

Notwithstanding any other provision of law, effective beginning on the date of enactment of this Act, the Administrator of the Environmental Protection Agency may not develop, propose, finalize, implement, enforce, or administer any regulation that would establish a new financial responsibility requirement pursuant to section 108(b) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9608(b)) or any other applicable provision of law.

SA 2995. Mr. HELLER (for himself and Mr. INHOFE) 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. _____. INTERIM ASSESSMENT OF REGULATORY REQUIREMENTS AND APPLICABLE PENALTIES.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency (referred to in this section as the ''Administrator'') shall ensure that the requirements described in subsection (b) are satisfied.

(b) REQUIREMENTS.—The Administrator shall satisfy—

(1) section 4 of Executive Order 12866 (5 U.S.C. 601 note; relating to regulatory planning and review) and Executive Order 13563 (5 U.S.C. 601 note; relating to improving regulation and regulatory review) (or any successor Executive order establishing requirements applicable to the uniform reporting of regulatory and deregulatory agendas);

(2) section 602 of title 5, United States Code;

(3) section 8 of Executive Order 13132 (5 U.S.C. 601 note; relating to federalism); and

(4) section 202(a) of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1532(a)).

SA 2996. Mr. SULLIVAN 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. ___. REPEAL OF RULES REQUIRED BEFORE ISSUING OR AMENDING RULE.

(a) DEFINITIONS.—In this section—

(1) the term ''agency'' has the meaning given the term in section 551 of title 5, United States Code;

(2) the term ''covered rule'' means a rule of an agency that causes a new financial or administrative burden on businesses in the United States or on the people of the United States, as determined by the head of the agency;

(3) the term ''rule''—

(A) has the meaning given the term in section 551 of title 5, United States Code; and

(B) includes—

(i) any rule issued by an agency pursuant to an Executive Order or Presidential memorandum; and

(ii) any rule issued by an agency due to the issuance of a memorandum, guidance document, bulletin, or press release issued by an agency; and

(4) the term ''Unified Agenda'' means the Unified Agenda of Federal Regulatory and Deregulatory Actions.

(b) PROHIBITION ON ISSUANCE OF CERTAIN RULES.—

(1) IN GENERAL.—An agency may not—

(A) issue a covered rule that does not amend or modify an existing rule of the agency, unless—

(i) the agency has repealed 1 or more existing covered rules of the agency; and

(ii) the cost of the covered rule to be issued is less than or equal to the cost of the covered rules repealed under clause (i), as determined and certified by the head of the agency; or

(B) issue a covered rule that amends or modifies an existing rule of the agency, unless—

(i) the agency has repealed or amended 1 or more existing covered rules of the agency; and

(ii) the cost of the covered rule to be issued is less than or equal to the cost of the covered rules repealed or amended under clause (i), as determined and certified by the head of the agency.

(2) APPLICATION.—Paragraph (1) shall not apply to the issuance of a covered rule by an agency that—

(A) relates to the internal policy or practice of the agency or procurement by the agency; or

(B) is being revised to be less burdensome to decrease requirements imposed by the covered rule or the cost of compliance with the covered rule.

(c) CONSIDERATIONS FOR REPEALING RULES.—In determining whether to repeal a covered rule under subparagraph (A)(i) or (B)(i) of subsection (b)(1), the head of the agency that issued the covered rule shall consider—

(1) whether the covered rule achieved, or has been ineffective in achieving, the original purpose of the covered rule;

(2) any adverse effects that could materialize if the covered rule is repealed, in particular if those adverse effects are the reason the covered rule was originally issued;

(3) whether the costs of the covered rule outweigh any benefits of the covered rule to the United States;

(4) whether the covered rule has become obsolete due to changes in technology, economic conditions, market practices, or any other factors; and

(5) whether the covered rule overlaps with a covered rule to be issued by the agency.

(d) PUBLICATION OF COVERED RULES IN UNIFIED AGENDA.—

(1) REQUIREMENTS.—Each agency shall, on a semiannual basis, submit jointly and without delay to the Office of Information and Regulatory Affairs for publication in the Unified Agenda a list containing—

(A) each covered rule that the agency intends to issue during the 6-month period following the date of submission;

(B) each covered rule that the agency intends to repeal or amend in accordance with subsection (b) during the 6-month period following the date of submission; and

(C) the cost of each covered rule described in subparagraphs (A) and (B).

(2) PROHIBITION.—An agency may not issue a covered rule unless the agency complies with the requirements under paragraph (1).

SA 2997. Mr. WYDEN (for himself and Mr. BOOKER) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 1021, add the following:

(d) INTERNET OF THINGS.—

(1) DEFINITION OF INTERNET OF THINGS.—In this subsection, the term ''Internet of Things'' means a set of technologies (including endpoint devices such as cars, machinery or household appliances) that—

(A) connect to the Internet; and

(B) provide real-time and actionable analytics and predictive maintenance.

(2) IMPACT OF INTERNET OF THINGS TECHNOLOGY.—The report required under this section shall—

(A) analyze—

(i) the impact of Internet of Things technology on energy and water systems; and

(ii) the return on investment of installing Internet of Things technology solutions to increase water and energy efficiency, improve water quality, and support demand response and the flexibility and reliability of the electricity grid; and

(B) identify—

(i) ways in which to enable actionable analytics and predictive maintenance to improve the long-term viability of building systems and equipment; and

(ii) Internet of Things technology solutions that, through features embedded in hardware and software from the outset—

(I) are easily scalable; and

(II) promote security, privacy, interoperability, and open standards.

SA 2998. 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:

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

SEC. 43___. EFFICIENT CHARACTERIZATION AND VALUATION OF NEW GRID SERVICES AND TECHNOLOGIES.

The Secretary shall—

(1) evaluate the ability of distinct grid components to provide grid services and options for increasing the viability of grid

components to provide grid services, with the goal of allowing market operators and regulators to have a more complete understanding of the range of technologies and strategies that can provide grid services;

(2) convene and work with stakeholders to—

(A)(i) define the characteristics of a reliable, affordable, and environmentally sustainable electricity system; and

(ii) create approaches for valuing the defined characteristics;

(B) develop a framework for identifying attributes of services provided to the grid by electricity system components; and

(C) develop approaches for incorporating the valuation of grid service attributes in different regulatory contexts; and

(3) not later than January 1, 2018, submit to the appropriate committees of Congress a report that describes the findings of the Secretary with respect to the issues evaluated under paragraphs (1) and (2).

SA 2999. Mr. WYDEN (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. EXTENSION OF SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION PROGRAM.

(a) SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LAND.—

(1) DEFINITIONS.—Section 3(11) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7102) is amended—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) in subparagraph (C)—

(i) by striking ''fiscal year 2012 and each fiscal year thereafter'' and inserting ''each of fiscal years 2012 through 2015''; and

(ii) by striking ''year.'' and inserting ''year; and''; and

(C) by adding at the end the following:

''(D) for each of fiscal years 2016 through 2025, the amount that is equal to the full funding amount for fiscal year 2011.''.

(2) CALCULATION OF PAYMENTS.—Section 101 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7111) is amended by striking ''2015'' each place it appears and inserting ''2025''.

(3) ELECTIONS.—Section 102(b) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7112(b)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''August 1, 2013 (or as soon thereafter as the Secretary concerned determines is practicable), and August 1 of each second fiscal year thereafter'' and inserting ''August 1 of each fiscal year (or a later date specified by the Secretary concerned for the fiscal year)''; and

(ii) by adding at the end the following:

''(D) PAYMENT FOR FISCAL YEARS 2016 THROUGH 2025.—A county election otherwise required by subparagraph (A) shall not apply for fiscal years 2016 through 2025 if the county elects to receive a share of the State payment or the county payment in 2013.''; and

(B) in paragraph (2)(B)—

(i) by inserting ''or any subsequent year'' after ''2013''; and

(ii) by striking ''2015'' and inserting ''2025''.

(4) ELECTION AS TO USE OF BALANCE.—Section 102(d)(1) of the Secure Rural Schools and Community Self Determination Act of 2000 (16 U.S.C. 7112(d)(1)) is amended—

(A) in subparagraph (B)(ii), by striking ''not more than 7 percent of the total share for the eligible county of the State payment or the county payment'' and inserting ''any portion of the balance''; and

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

''(C) COUNTIES WITH MAJOR DISTRIBUTIONS.—In the case of each eligible county to which $350,000 or more is distributed for any fiscal year pursuant to either or both of paragraphs (1)(B) and (2)(B) of subsection (a), the eligible county shall elect to do 1 or more of the following with the balance of any funds not expended pursuant to subparagraph (A):

''(i) Reserve any portion of the balance for projects in accordance with title II.

''(ii) Reserve not more than 7 percent of the total share for the eligible county of the State payment or the county payment for projects in accordance with title III.

''(iii) Return to the Treasury of the United States the portion of the balance not reserved under clauses (i) and (ii).''.

(5) FAILURE TO ELECT.—Section 102(d)(3)(B)(ii) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7112(d)(3)(B)(ii)) is amended by striking ''purpose described in section 202(b)'' and inserting ''purposes described in section 202(b), section 203(c), or section 204(a)(5)''.

(6) DISTRIBUTION OF PAYMENTS TO ELIGIBLE COUNTIES.—Section 103(d)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7113(d)(2)) is amended by striking ''2015'' and inserting ''2025''.

(b) CONTINUATION OF AUTHORITY TO CONDUCT SPECIAL PROJECTS ON FEDERAL LAND.—

(1) PILOT PROGRAM.—Section 204(e) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7124(e)) is amended by striking paragraph (3).

(2) AVAILABILITY OF PROJECT FUNDS.—Section 207(d)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7127(d)(2)) is amended by striking ''subparagraph (B)'' and inserting ''subparagraph (B)(i)''.

(3) TERMINATION OF AUTHORITY.—Section 208 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7128) is amended—

(A) in subsection (a), by striking ''2017'' and inserting ''2027''; and

(B) in subsection (b), by striking ''2018'' and inserting ''2028''.

(c) CONTINUATION OF AUTHORITY TO USE COUNTY FUNDS.—

(1) FUNDING FOR SEARCH AND RESCUE.—Section 302(a) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7142(a)) is amended—

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

''(2) to reimburse the participating county or sheriff for amounts paid for by the participating county or sheriff, as applicable, for—

''(A) search and rescue and other emergency services, including firefighting and law enforcement patrols, that are performed on Federal land; and

''(B) emergency response vehicles or aircraft but only in the amount attributable to the use of the vehicles or aircraft to provide the services described in subparagraph (A);'';

(B) by redesignating paragraph (3) as paragraph (4); and

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

''(3) to cover training costs and equipment purchases directly related to the emergency services described in paragraph (2); and''.

(2) TERMINATION OF AUTHORITY.—Section 304 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7144) is amended—

(A) in subsection (a), by striking ''2017'' and inserting ''2027''; and

(B) in subsection (b), by striking ''2018'' and inserting ''2028''.

(d) NO REDUCTION IN PAYMENT.—Title IV of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7151 et seq.) is amended by adding at the end the following:

''SEC. 404. NO REDUCTION IN PAYMENTS.

''Payments under this Act for fiscal year 2016 and each fiscal year thereafter shall be exempt from direct spending reductions under section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a).''.

(e) AVAILABILITY OF FUNDS.—

(1) TITLE II FUNDS.—Any funds that were not obligated by September 30, 2014, as required by section 208 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7128) (as in effect on the day before the date of enactment of the Medicare Access and CHIP Reauthorization Act of 2015 (Public Law 114–10; 129 Stat. 87)) shall be available for use in accordance with title II of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7121 et seq.).

(2) TITLE III FUNDS.—Any funds that were not obligated by September 30, 2014, as required by section 304 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7144) (as in effect on the day before the date of enactment of the Medicare Access and CHIP Reauthorization Act of 2015 (Public Law 114–10; 129 Stat. 87)) shall be available for use in accordance with title III of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7141 et seq.).

SEC. _____. RESTORING MANDATORY FUNDING STATUS TO THE PAYMENT IN LIEU OF TAXES PROGRAM.

Section 6906 of title 31, United States Code, is amended in the matter preceding paragraph (1), by striking ''of fiscal years 2008 through 2014'' and inserting ''fiscal year''.

In section 5002, add at the end the following:

(e) FULL FUNDING OF LAND AND WATER CONSERVATION FUND.—

(1) IN GENERAL.—Section 200303 of title 54, United States Code, is amended to read as follows:

''§ 200303. Availability of funds

''(a) IN GENERAL.—Amounts deposited in the Fund under section 200302 shall be made available for expenditure, without further appropriation or fiscal year limitation, to carry out the purposes of the Fund (including accounts and programs made available from the Fund under the Consolidated and Further Continuing Appropriations Act, 2015 (Public Law 113–235; 128 Stat. 2130)).

''(b) ADDITIONAL AMOUNTS.—Amounts made available under subsection (a) shall be in addition to amounts made available to the Fund under section 105 of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432) or otherwise appropriated from the Fund.

''(c) ALLOCATION AUTHORITY.—

''(1) SUBMISSION OF COST ESTIMATES.—The President shall submit to Congress detailed account, program, and project allocations to be funded under subsection (a) as part of the annual budget submission of the President.

''(2) ALTERNATE ALLOCATION.—

''(A) IN GENERAL.—Appropriations Acts may provide for alternate allocation of amounts made available under subsection (a), including allocations by account and program.

''(B) ALLOCATION BY PRESIDENT.—

''(i) NO ALTERNATE ALLOCATIONS.—If Congress has not enacted legislation establishing alternate allocations by the date that is 120 days after the date on which the applicable fiscal year begins, amounts made available under subsection (a) shall be allocated by the President.

''(ii) INSUFFICIENT ALTERNATE ALLOCATION.—If Congress enacts legislation establishing alternate allocations for amounts made available under subsection (a) that are less than the full amount appropriated under that subsection, the difference between the amount appropriated and the alternate allocation shall be allocated by the President.

''(3) ANNUAL REPORT.—The President shall submit to Congress an annual report that describes the final allocation by account, program, and project of amounts made available under subsection (a), including a description of the status of obligations and expenditures.''.

(2) CLERICAL AMENDMENT.—The table of sections for title 54 is amended by striking the item relating to section 200303 and inserting the following:

''200303. Availability of funds.''.

SA 3000. 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:

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

SEC. 220__. MARKET-DRIVEN REINSTATEMENT OF OIL EXPORT BAN.

(a) DEFINITIONS.—In this section:

(1) AVERAGE NATIONAL PRICE OF GASOLINE.—The term ''average national price of gasoline'' means the average of retail regular gasoline prices in the United States, as calculated (on a weekday basis) by, and published on the Internet website of, the Energy Information Administration.

(2) GASOLINE INDEX PRICE.—The term ''gasoline index price'' means the average of retail regular gasoline prices in the United States, as calculated (on a monthly basis) by, and published on the Internet website of, the Energy Information Administration, during the 60-month period preceding the date of the calculation.

(b) REINSTATEMENT OF OIL EXPORT BAN.—

(1) IN GENERAL.—Effective on the date on which the event described in paragraph (2) occurs, subsections (a), (b), (c), and (d) of section 101 of division O of the Consolidated Appropriations Act, 2016 (Public Law 114–113), are repealed, and the provisions of law amended or repealed by those subsections are restored or revived as if those subsections had not been enacted.

(2) EVENT DESCRIBED.—The event referred to in paragraph (1) is the date on which the average national price of gasoline has been greater than the gasoline index price for 30 consecutive days.

(c) PRESIDENTIAL AUTHORITY.—Notwithstanding subsection (b), the President may affirmatively allow the export of crude oil from the United States to continue for a period of not more than 1 year after the date of the reinstatement described in subsection (b), if the President—

(1) declares a national emergency and formally notices the declaration of a national emergency in the Federal Register; or

(2) finds and reports to Congress that a ban on the export of crude oil pursuant to this section has caused undue economic hardship.

(d) EFFECTIVE DATE.—This section takes effect on the date that is 5 years after the date of enactment of the Consolidated Appropriations Act, 2016 (Public Law 114–113).

SA 3001. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

SA 3002. Mr. WYDEN (for himself 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:

Strike section 3017 (relating to bio-power) and insert the following:

SEC. 3017. BIO-POWER.

(a) DEFINITIONS.—In this section:

(1) BIO-POWER.—The term ''bio-power'' means the use of woody biomass to generate electricity.

(2) SECRETARIES.—The term ''Secretaries'' means the Secretary and the Secretary of Agriculture, acting jointly.

(3) WOODY BIOMASS THERMAL.—The term ''woody biomass thermal'' means the use of woody biomass—

(A) to generate heat; or

(B) for cooling purposes.

(b) WOODY BIOMASS THERMAL AND BIO-POWER.—The Secretaries shall coordinate research and development activities relating to bio-power and woody biomass thermal projects—

(1) between the Department of Agriculture and the Department; and

(2) with other departments and agencies of the Federal Government.

(c) WOODY BIOMASS THERMAL AND BIO-POWER GRANTS.—

(1) ESTABLISHMENT.—The Secretaries shall establish a program under which the Secretaries shall provide grants to relevant projects to support innovation, market development, and expansion of the commercial, institutional, industrial, and residential bioenergy sectors in woody biomass thermal and bio-power.

(2) APPLICATIONS.—

(A) IN GENERAL.—To be eligible to receive a grant under this subsection, the owner or operator of a relevant project shall submit to the Secretaries an application at such time, in such manner, and containing such information as the Secretaries may require.

(B) ADMINISTRATION.—In administering the application process under subparagraph (A)—

(i) the Secretary, in consultation with the Secretary of Agriculture, shall administer the process with respect to applications for grants under subparagraphs (A) and (C) of paragraph (3); and

(ii) the Secretary of Agriculture, in consultation with the Secretary, shall administer the process with respect to applications for grants under paragraph (3)(B).

(3) ALLOCATION.—Of the amounts appropriated to carry out this subsection, the Secretaries shall not provide more than—

(A) $15,000,000 for projects that develop innovative techniques for preprocessing biomass for woody biomass thermal and bio-power, with the goals of 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;

(B) $15,000,000 for woody biomass thermal and bio-power demonstration projects, including—

(i) district energy projects;

(ii) combined heat and power;

(iii) small-scale gasification;

(iv) innovation in transportation; and

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

(C) $5,000,000 for demonstration projects and 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).

(4) REGIONAL DISTRIBUTION.—In selecting projects to receive grants under this subsection, the Secretaries shall ensure, to the maximum extent practicable, diverse geographical distribution among the projects.

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

(6) DUTIES OF RECIPIENTS.—As a condition of receiving a grant under this subsection, the owner or operator of a project shall—

(A) participate in the applicable working group under paragraph (7);

(B) submit to the Secretaries a report that includes—

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

(ii) such other information as the Secretaries determine to be necessary to complete the report of the Secretaries under paragraph (8); and

(C) carry out such other activities as the Secretaries determine to be necessary.

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

(A) 1 shall be comprised of representatives of projects that receive grants under paragraph (3)(A);

(B) 1 shall be comprised of representatives of projects that receive grants under paragraph (3)(B); and

(C) 1 shall be comprised of representatives of projects that receive grants under paragraph (3)(C).

(8) REPORTS.—Not later than 5 years after the date of enactment of the Energy Policy Modernization Act of 2015, the Secretaries shall submit to Congress a report describing—

(A) each project for which a grant has been provided under this subsection;

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

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

(9) 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.

(d) LOW-INTEREST LOAN PROGRAM.—

(1) ESTABLISHMENT.—The Secretary of Agriculture shall establish, within the Rural Development Office, a low-interest loan program to support construction of residential, commercial or institutional, and industrial woody biomass thermal and bio-power systems.

(2) REQUIREMENTS.—The program under this subsection shall be—

(A) carried out in accordance with such requirements as the Secretary of Agriculture

may establish, by regulation, taking into consideration best practices; and

(B) designed so that small businesses and organizations—

(i) can readily apply for loans with minimal paperwork burdens; and

(ii) shall receive a loan approval decision by not later than 90 days after the date of submission of the loan application.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Agriculture to carry out this subsection $100,000,000.

(e) STATEWIDE WOOD ENERGY TEAMS.—

(1) ESTABLISHMENT.—The Secretary of Agriculture shall establish a program, to be administered by the Chief of the Forest Service, to establish interdisciplinary teams, to be known as ''Statewide Wood Energy Teams'', in eligible States interested in expanding woody biomass thermal and biopower.

(2) APPLICATION PROCESS.—

(A) IN GENERAL.—A State desiring formal designation and funding for a Statewide Wood Energy Team shall submit to the Chief of the Forest Service an application at such time, in such manner, and containing such information as the Chief of the Forest Service may require.

(B) APPLICATIONS FOR NEW TEAMS.—

(i) IN GENERAL.—A State without a Statewide Wood Energy Team in existence as of the date of enactment of this subsection may apply for formal designation and funding in accordance with the process established under subparagraph (A).

(ii) PREFERENCE.—The Chief of the Forest Service shall give preference to applications that show interdisciplinary engagement by a diversity of stakeholders in States with significant forest health challenges.

(3) PRIORITY OF FUNDING.—A Statewide Wood Energy Team in existence as of the date of enactment of this subsection through cooperative agreements with the Forest Service shall receive highest priority as funds are allocated at the discretion of the Chief of the Forest Service.

(4) REPORT.—Once every 2 years, the Secretary of Agriculture shall submit to Congress a report on the progress of the Statewide Wood Energy Teams.

(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Agriculture to carry out this subsection $20,000,000.

(f) PROMOTING BIOENERGY IN FEDERAL FACILITIES.—

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary to fund biopower and woody biomass thermal energy system installations at new or existing Federal facilities $20,000,000.

(2) CONSULTATION REQUIRED.—The Secretary, the Secretary of Agriculture, and the Administrator of General Services shall consult regularly to ensure optimal success of the activities described in paragraph (1).

(g) 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.

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

(i) FUELS TO SCHOOLS AND BEYOND PROGRAM.—

(1) IN GENERAL.—The Secretaries shall establish a program, to be known as the ''Fuels for Schools And Beyond'', to convert public, tribal, or nonprofit facilities, such as hospitals, schools, clinics, prisons, and local government buildings, to woody biomass based heating, cooling, or electricity systems.

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

(3) PRIORITY.—The program described in paragraph (1) shall give priority to facilities located in rural or economically disadvantaged areas of the United States.

(4) USE OF FUNDS.—Funds made available under the program described in paragraph (1) may be used for feasibility assessments, fuel supply assessments, engineering design, identifying financing and funding for infrastructure investments, and permitting of the systems described in that paragraph.

(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $15,000,000 for each of fiscal years 2017 through 2026.

(j) WOOD ENERGY WORKS PROGRAM.—

(1) IN GENERAL.—The Secretary of Agriculture shall grant funding to a non-Federal organization to create and deliver an initiative for the purpose of providing free project assistance from design through construction 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.

(2) REPORTS.—

(A) IN GENERAL.—The initiative described in paragraph (1) shall report quarterly to the Secretary of Agriculture on the progress and accomplishments of the initiative.

(B) REPORT TO CONGRESS.—On receipt of a report under subparagraph (A), the Secretary of Agriculture shall submit to Congress a report on the progress and accomplishments of the initiative.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection—

(A) $2,000,000 for fiscal year 2017; and

(B) $5,000,000 for each of fiscal years 2018 through 2027.

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

(1) IN GENERAL.—The Secretaries and the Administrator of the Environmental Protection Agency shall conduct an evaluation of Federal policies as of the date of the evaluation and make recommendations on how Congress can better support the industrial, commercial, and residential wood energy sectors in the United States.

(2) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretaries shall submit to Congress a report on the evaluation conducted under paragraph (1).

(3) FUNDING.—There is authorized to be appropriated to carry out this subsection $500,000.

(l) REGIONAL TECHNICAL ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretaries shall establish a regional biomass energy program that provides technical assistance to install wood energy systems for heating, cooling, or electricity at new or existing facilities.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $200,000,000 for the period of fiscal years 2017 through 2026, of which—

(A) 50 percent shall be made available to the Secretary; and

(B) 50 percent shall be made available to the Secretary of Agriculture.

(m) STRATEGIC ANALYSIS AND RESEARCH.—

(1) IN GENERAL.—The Secretary, acting jointly with the Secretary of Agriculture (acting through the Chief of the Forest Service) and the Administrator of the Environmental Protection Agency, shall establish a woody biomass thermal and bio-power research program—

(A) the costs of which shall be divided equally between the Department, the Department of Agriculture, and the Environmental Protection Agency; and

(B) to carry out projects and activities—

(i)(I) to advance research and analysis on the environmental, social, and economic costs and benefits of the United States biopower and woody biomass thermal industries, including—

(aa) complete lifecycle analysis of greenhouse gas emissions;

(bb) net energy analysis;

(cc) integrated analysis of the impacts of spatial and temporal scales on greenhouse gas and net energy life cycle analysis;

(dd) stand- and landscape-level implications of biomass harvest on biodiversity, ecosystem function and ancillary benefits of forest; and

(ee) advanced modeling of coupled land use change and future climate impacts on future forest health and biomass production; and

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

(ii) to identify and assess, through a joint effort between the Chief of the Forest Service 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 of the Forest Service, including by conducting broad regional assessments, feasibility studies, and preliminary engineering assessments at individual facilities.

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

(A) $2,000,000 to carry out paragraph (1)(B)(i); and

(B) $1,000,000 to carry out paragraph (1)(B)(ii).

SA 3003. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part I of subtitle A of title III, add the following:

SEC. 3004A. EXTENSION OF TIME FOR A FEDERAL ENERGY REGULATORY COMMISSION PROJECT INVOLVING CANNONSVILLE DAM.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 13287, the Federal Energy Regulatory Commission (referred to in this section as the ''Commission'') may, at the request of the licensee for the project, and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the procedures of the Commission under that section, extend the time period during which the licensee is required to commence construction of the project for up to 4 consecutive 2-year periods after the

required date of the commencement of construction described in Article 301 of the license.

(b) REINSTATEMENT OF EXPIRED LICENSE.—

(1) IN GENERAL.—If the required date of the commencement of construction described in subsection (a) has expired prior to the date of enactment of this Act, the Commission may reinstate the license effective as of that date of expiration.

(2) EXTENSION.—If the Commission reinstates the license under paragraph (1), the first extension authorized under subsection (a) shall take effect on the date of that expiration.

SA 3004. Mrs. GILLIBRAND (for herself and Mr. CASSIDY) 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. _____. USE OF FEDERAL DISASTER RELIEF AND EMERGENCY ASSISTANCE FOR ENERGY-EFFICIENT PRODUCTS AND STRUCTURES.

(a) IN GENERAL.—Title III of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141 et seq.) is amended by adding at the end the following:

''SEC. 327. USE OF ASSISTANCE FOR ENERGY-EFFICIENT PRODUCTS AND STRUCTURES.

''(a) DEFINITIONS.—In this section—

''(1) the term 'energy-efficient product' means a product that—

''(A) meets or exceeds the requirements for designation under an Energy Star program established under section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a); or

''(B) meets or exceeds the requirements for designation as being among the highest 25 percent of equivalent products for energy efficiency under the Federal Energy Management Program; and

''(2) the term 'energy-efficient structure' means a residential structure, a public facility, or a private nonprofit facility that meets or exceeds the requirements of Standard 90.1–2013 of the American Society of Heating, Refrigerating and Air-Conditioning Engineers or the 2015 International Energy Conservation Code, or any successor thereto.

''(b) USE OF ASSISTANCE.—A recipient of assistance relating to a major disaster or emergency may use the assistance to replace or repair a damaged product or structure with an energy-efficient product or energy-efficient structure.''.

(b) APPLICABILITY.—The amendment made by this section shall apply to assistance made available under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) before, on, or after the date of enactment of this Act that is expended on or after the date of enactment of this Act.

SA 3005. Mr. MARKEY (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. INCLUSION OF OIL DERIVED FROM TAR SANDS AS CRUDE OIL.

This Act shall not take effect prior to 10 days following the date that diluted bitumen and other bituminous mixtures derived from tar sands or oil sands are treated as crude oil for purposes of section 4612(a)(1) of the Internal Revenue Code of 1986.

SA 3006. Ms. MURKOWSKI (for Mr. INHOFE) 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. _____. INDEPENDENT RELIABILITY ANALYSIS.

(a) DEFINITIONS.—In this section:

(1) ELECTRIC RELIABILITY ORGANIZATION.—The term ''Electric Reliability Organization'' has the meaning given the term in section 215(a) of the Federal Power Act (16 U.S.C. 824o(a)).

(2) FINAL RULE.—The term ''final rule'' means the final rule of the Administrator entitled ''Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units'' (80 Fed. Reg. 64662 (October 23, 2015)).

(b) RELIABILITY ANALYSIS REQUIRED.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the final rule shall not go into effect until the date on which the Federal Energy Regulatory Commission, in consultation with the Electric Reliability Organization, conducts an independent reliability analysis of the final rule to evaluate anticipated effects of implementation and enforcement of the final rule on—

(A) electric reliability and resource adequacy;

(B) the electricity generation portfolio of the United States;

(C) the operation of wholesale electricity markets; and

(D) energy delivery and infrastructure, including electric transmission facilities and natural gas pipelines.

(2) AVAILABILITY.—Not later than 120 days after the date of enactment of this Act, the Federal Energy Regulatory Commission shall submit to Congress and make publicly available the reliability analysis described in paragraph (1).

SA 3007. Ms. MURKOWSKI (for Mr. INHOFE) 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. _____. REPORT ON CARBON POLLUTION EMISSION GUIDELINES.

(a) DEFINITIONS.—In this section:

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

(2) FINAL RULE.—The term ''final rule'' means the final rule of the Administrator entitled ''Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units'' (80 Fed. Reg. 64662 (October 23, 2015)).

(b) REPORT REQUIRED.—Notwithstanding any other provision of law, the final rule shall not go into effect until the date on which the Administrator submits to Congress and makes available to the public a report that contains—

(1) an analysis of the expected environmental impacts of the final rule, including—

(A) a description of the quantity of greenhouse gas emissions the final rule is projected to reduce, as compared to overall domestic and global greenhouse gas emissions; and

(B) expected impacts of the final rule on the 30 climate change indicators described in the report of the Administrator entitled ''Climate Change Indicators in the United States'';

(2) an independent analysis from the Secretary, in consultation with the Federal Energy Regulatory Commission and the Administrator of the Energy Information Administration, to determine whether the final rule will cause—

(A) an increase in energy prices for consumers, including low-income households, fixed-income households, minority communities, small businesses (including women-owned businesses), veterans, and manufacturers;

(B) any impact on national, regional, or local electric reliability; or

(C) any other adverse effect on energy supply, distribution, or use; and

(3) an independent analysis from the Secretary, in consultation with the Secretary of Commerce, the Secretary of Labor, and the Administrator of the Small Business Administration, to determine whether the final rule will cause—

(A) reduced gross domestic product;

(B) unemployment;

(C) increased consumer prices;

(D) reduced business and manufacturing activity; or

(E) reduced foreign investment.

SA 3008. Ms. MURKOWSKI (for Mr. INHOFE) 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. _____. ANALYSIS OF EMPLOYMENT EFFECTS UNDER THE CLEAN AIR ACT.

The Administrator of the Environmental Protection Agency shall not propose or finalize any major rule (as defined in section 804 of title 5, United States Code) under the Clean Air Act (42 U.S.C. 7401 et seq.) until after the date on which the Administrator—

(1) completes an economy-wide analysis capturing the costs and cascading effects across industry sectors and markets in the United States of the implementation of major rules promulgated under the Clean Air Act (42 U.S.C. 7401 et seq.); and

(2) establishes a process to update that analysis not less frequently than semiannually, so as to provide for the continuing evaluation of potential loss or shifts in employment, pursuant to section 321(a) of the Clean Air Act (42 U.S.C. 7621(a)), that may result from the implementation of major rules under the Clean Air Act (42 U.S.C. 7401 et seq.).

SA 3009. Ms. MURKOWSKI (for Mr. INHOFE) 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. _____. PRESIDENT'S CLIMATE ACTION PLAN.

The Federal Government shall not take any action pursuant to the President's Climate Action Plan (published in June 2013), including implementation of the final rule entitled ''Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units'' (80 Fed. Reg. 64662 (October 23, 2015)), that would result in increased electricity prices that would cause unnecessary harm to low-income and fixed-income households, minority communities, minority-owned and women-owned businesses, veterans, and rural communities.

SA 3010. Mr. ROUNDS submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

In section 5002, strike subsection (a).

In section 5002(b), strike ''(b) ALLOCATION OF FUNDS.—'' and insert ''(a) ALLOCATION OF FUNDS.—''.

In section 5002, strike subsection (c) and insert the following:

(b) CONSERVATION EASEMENTS.—Section 200306 of title 54, United States Code, is amended by adding at the end the following:

''(c) CONSERVATION EASEMENTS.—

''(1) IN GENERAL.—The Secretary and the Secretary of Agriculture shall consider the acquisition of conservation easements and other similar interests in land where appropriate and feasible.

''(2) REQUIREMENT.—Any conservation easement or other similar interest in land acquired under paragraph (1) shall be subject to terms and conditions that ensure that—

''(A) the grantor of the conservation easement or other similar interest in land has been provided with information relating to all available conservation options, including conservation options that involve the conveyance of a real property interest for a limited period of time; and

''(B) the provision of the information described in subparagraph (A) has been documented.''.

In section 5002(d), strike ''(d) ACQUISITION CONSIDERATIONS.—Section 200306'' and insert ''(c) ACQUISITION CONSIDERATIONS.—Section 200306''.

SA 3011. Mr. KAINE (for himself and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part I of subtitle A of title III, add the following:

SEC. 3004A. EXTENSION OF DEADLINE FOR CERTAIN HYDROELECTRIC PROJECTS.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission (referred to in this section as the ''Commission'') projects numbered 12737 and 12740, the Commission may, at the request of the licensee for the applicable project, and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the procedures of the Commission under that section, extend the time period during which the licensee is required to commence the construction of the applicable project for up to 3 consecutive 2-year periods from the date of the expiration of the extension originally issued by the Commission.

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

(1) the Commission may reinstate the license for the applicable project effective as of the date of the expiration of the license; and

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

SA 3012. Mr. KAINE (for himself and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VI—MISCELLANEOUS

SEC. 6001. REMOVAL OF USE RESTRICTION.

Public Law 101–479 (104 Stat. 1158) is amended—

(1) by striking section 2(d); and

(2) by adding the following new section at the end:

''SEC. 4. REMOVAL OF USE RESTRICTION.

''(a) The approximately 1-acre portion of the land referred to in section 3 that is used for purposes of a child care center, as authorized by this Act, shall not be subject to the use restriction imposed in the deed referred to in section 3.

''(b) Upon enactment of this section, the Secretary of the Interior shall execute an instrument to carry out subsection (a).''.

SA 3013. Mr. KAINE (for himself and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VI—MISCELLANEOUS

SEC. 6001. ESTABLISHMENT OF A VISITOR SERVICES FACILITY ON THE ARLINGTON RIDGE TRACT.

(a) DEFINITION OF ARLINGTON RIDGE TRACT.—In this section, the term ''Arlington Ridge tract'' means the parcel of Federal land located in Arlington County, Virginia, known as the ''Nevius Tract'' and transferred to the Department of the Interior in 1953, that is bounded generally by—

(1) Arlington Boulevard (United States Route 50) to the north;

(2) Jefferson Davis Highway (Virginia Route 110) to the east;

(3) Marshall Drive to the south; and

(4) North Meade Street to the west.

(b) ESTABLISHMENT OF VISITOR SERVICES FACILITY.—Notwithstanding section 2863(g) of the Military Construction Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1332), the Secretary of the Interior may construct a structure for visitor services to include a public restroom facility on the Arlington Ridge tract in the area of the United States Marine Corps War Memorial.

SA 3014. Mr. SULLIVAN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 44___. JUDICIAL REVIEW OF ENERGY RELATED ACTIONS.

(a) TIME FOR FILING COMPLAINT.—Any energy related action must be filed not later than the end of the 60-day period beginning on the date of the final agency action. Any energy related action not filed within this time period shall be barred.

(b) DISTRICT COURT VENUE AND DEADLINE.—All energy related actions—

(1) shall be brought in the United States District Court for the District of Columbia; and

(2) shall be resolved as expeditiously as possible, and in any event not more than 180 days after such cause of action is filed.

(c) APPELLATE REVIEW.—An interlocutory order or final judgment, decree or order of the district court in an energy related action may be reviewed by the United States Court of Appeals for the District of Columbia Circuit. The District of Columbia Circuit Court of Appeals shall resolve such appeal as expeditiously as possible, and in any event not more than 180 days after such interlocutory order or final judgment, decree or order of the district court was issued.

(d) LIMITATION ON CERTAIN PAYMENTS.—Notwithstanding section 1304 of title 31, United States Code, no award may be made under section 504 of title 5, United States Code, or under section 2412 of title 28, United States Code, and no amounts may be obligated or expended from the Claims and Judgment Fund of the United States Treasury to pay any fees or other expenses under such sections, to any person or party in an energy related action.

(e) LEGAL FEES.—In any energy related action in which the plaintiff does not ultimately prevail, the court shall award to the defendant (including any intervenor-defendants), other than the United States, fees and other expenses incurred by that party in connection with the energy related action, unless the court finds that the position of the plaintiff was substantially justified or that special circumstances make an award unjust. Whether or not the position of the plaintiff was substantially justified shall be determined on the basis of the administrative record, as a whole, which is made in the energy related action for which fees and other expenses are sought.

(f) DEFINITIONS.—For the purposes of this section, the following definitions apply:

(1) AGENCY ACTION.—The term ''agency action'' has the same meaning given such term in section 551 of title 5, United States Code.

(2) INDIAN LAND.—The term ''Indian Land'' has the same meaning given such term in section 203(c)(3) of the Energy Policy Act of 2005 (Public Law 109–58; 25 U.S.C. 3501), including lands owned by Native Corporations under the Alaska Native Claims Settlement Act (Public Law 92–203; 43 U.S.C. 1601).

(3) ENERGY RELATED ACTION.—The term ''energy related action'' means a cause of action that—

(A) is filed on or after the effective date of this Act; and

(B) seeks judicial review of a final agency action to issue a permit, license, or other form of agency permission allowing:

(i) any person or entity to conduct activities on Indian Land, which activities involve the exploration, development, production or transportation of oil, gas, coal, shale gas, oil shale, geothermal resources, wind or solar resources, underground coal gasification, biomass, or the generation of electricity; or

(ii) any Indian Tribe, or any organization of two or more entities, at least one of which is an Indian tribe, to conduct activities involving the exploration, development, production or transportation of oil, gas, coal, shale gas, oil shale, geothermal resources, wind or solar resources, underground coal gasification, biomass, or the generation of electricity, regardless of where such activities are undertaken.

(4) ULTIMATELY PREVAIL.—The phrase ''ultimately prevail'' means, in a final enforceable judgment, the court rules in the party's favor on at least one cause of action which is an underlying rationale for the preliminary injunction, administrative stay, or other relief requested by the party, and does not include circumstances where the final agency action is modified or amended by the issuing agency unless such modification or amendment is required pursuant to a final enforceable judgment of the court or a court-ordered consent decree.

SA 3015. Mr. SULLIVAN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 44____. ENVIRONMENTAL REVIEWS OF MAJOR FEDERAL ACTIONS ON INDIAN LAND.

Section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before the first sentence; and

(2) by adding at the end the following:

''(b) REVIEW OF MAJOR FEDERAL ACTIONS ON INDIAN LAND.—

''(1) REVIEW AND COMMENT.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the statement required under subsection (a)(2)(C) for a major Federal action regarding an activity on Indian land of an Indian tribe shall only be available for review and comment by the members of the Indian tribe, other individuals residing within the affected area, and State, federally recognized tribal, and local governments within the affected area.

''(B) EXCEPTION.—Subparagraph (A) shall not apply to a statement for a major Federal action regarding an activity on Indian land of an Indian tribe related to gaming under the Indian Gaming Regulatory Act.

''(2) REGULATIONS.—The Chairman of the Council on Environmental Quality shall develop regulations to implement this section, including descriptions of affected areas for specific major Federal actions, in consultation with Indian tribes.

''(3) DEFINITIONS.—In this subsection, each of the terms 'Indian land' and 'Indian tribe' has the meaning given that term in section 2601 of the Energy Policy Act of 1992 (25 U.S.C. 3501).

''(4) CLARIFICATION OF AUTHORITY.—Nothing in this subsection gives the Secretary any additional authority over energy projects on Alaska Native Claims Settlement Act land.''.

SA 3016. Mr. TOOMEY (for himself, Mrs. FEINSTEIN, and Mr. FLAKE) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

Subtitle I—Renewable Fuel

SEC. 3801. ELIMINATION OF CORN ETHANOL MANDATE FOR RENEWABLE FUEL.

(a) REMOVAL OF TABLE.—Section 211(o)(2)(B)(i) of the Clean Air Act (42 U.S.C. 7545(o)(2)(B)(i)) is amended by striking subclause (I).

(b) CONFORMING AMENDMENTS.—Section 211(o)(2)(B) of the Clean Air Act (42 U.S.C. 7545(o)(2)(B)) is amended—

(1) in clause (i)—

(A) by redesignating subclauses (II) through (IV) as subclauses (I) through (III), respectively;

(B) in subclause (I) (as so redesignated), by striking ''of the volume of renewable fuel required under subclause (I),''; and

(C) in subclauses (II) and (III) (as so redesignated), by striking ''subclause (II)'' each place it appears and inserting ''subclause (I)''; and

(2) in clause (v), by striking ''clause (i)(IV)'' and inserting ''clause (i)(III)''.

(c) ADMINISTRATION.—Nothing in this section or the amendments made by this section affects the volumes of advanced biofuel, cellulosic biofuel, or biomass-based diesel that are required under section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)).

SA 3017. Mr. BARRASSO (for himself and Mr. SCHATZ) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; as follows:

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

SEC. 46___. CARBON DIOXIDE CAPTURE TECHNOLOGY PRIZE.

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

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

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

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

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

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

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

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

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

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

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

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

''(i) the competition process;

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

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

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

''(C) offer financial awards for—

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

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

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

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

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

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

''(D) submit to Congress—

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

''(ii) not later than 1 year after the date of enactment of this subsection, a report that describes the levels of funding that are necessary to achieve the purposes of this subsection.

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

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

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

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

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

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

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

''(i) climate science;

''(ii) physics;

''(iii) chemistry;

''(iv) biology;

''(v) engineering;

''(vi) economics;

''(vii) business management; and

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

''(C) TERM; VACANCIES.—

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

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

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

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

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

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

''(F) QUORUM.—A majority of the members of the Board shall constitute a quorum, but

a lesser number of members may hold hearings.

''(G) CHAIRPERSON AND VICE CHAIRPERSON.—The Board shall select a Chairperson and Vice Chairperson from among the members of the Board.

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

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

''(7) INTELLECTUAL PROPERTY.—

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

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

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

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

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

''(8) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as are necessary.

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

SA 3018. 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, add the following:

TITLE VI—MISCELLANEOUS

SEC. 6001. STUDY OF JAMES K. POLK HOME IN COLUMBIA, TENNESSEE.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this section as the ''Secretary'') shall conduct a special resource study of the site of the James K. Polk Home in Columbia, Tennessee, and adjacent property (referred to in this section as the ''site'').

(b) CRITERIA.—The Secretary shall conduct the study under subsection (a) in accordance with section 100507 of title 54, United States Code.

(c) CONTENTS.—In conducting the study under subsection (a), the Secretary shall—

(1) evaluate the national significance of the site;

(2) determine the suitability and feasibility of designating the site as a unit of the National Park System;

(3) include cost estimates for any necessary acquisition, development, operation, and maintenance of the site;

(4) consult with interested Federal, State, or local governmental entities, private and nonprofit organizations, or other interested individuals; and

(5) identify alternatives for the management, administration, and protection of the site.

(d) REPORT.—Not later than 3 years after the date on which funds are made available to carry out the study under subsection (a), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the findings and conclusions of the study; and

(2) any recommendations of the Secretary.

SA 3019. Mr. MURPHY 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. _____. PROMOTING USE OF RECLAIMED REFRIGERANTS IN FEDERAL FACILITIES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of General Services shall issue guidance relating to the procurement of reclaimed refrigerants to service existing equipment of Federal facilities.

(b) PREFERENCE.—The guidance issued under subsection (a) shall give preference to the use of reclaimed refrigerants, on the conditions that—

(1) the refrigerant has been reclaimed by a person or entity that is certified under the laboratory certification program of the Air Conditioning, Heating, and Refrigeration Institute; and

(2) the price of the reclaimed refrigerant does not exceed the price of a newly manufactured (virgin) refrigerant.

SA 3020. Mr. DAINES (for himself and Mr. TESTER) 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 229, after line 22, add the following:

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

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

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

SA 3021. Mr. CRAPO (for himself, Mr. WHITEHOUSE, Mr. RISCH, Mr. BOOKER, Mr. HATCH, Mr. KIRK, 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; as follows:

Strike section 3501 and insert the following:

SEC. 3501. NUCLEAR ENERGY INNOVATION CAPABILITIES.

(a) DEFINITIONS.—In this section:

(1) ADVANCED FISSION REACTOR.—The term ''advanced fission reactor'' means a nuclear fission reactor with significant improvements over the most recent generation of nuclear reactors, including improvements such as—

(A) inherent safety features;

(B) lower waste yields;

(C) greater fuel utilization;

(D) superior reliability;

(E) resistance to proliferation;

(F) increased thermal efficiency; and

(G) ability to integrate into electric and nonelectric applications.

(2) FAST NEUTRON.—The term ''fast neutron'' means a neutron with kinetic energy above 100 kiloelectron volts.

(3) NATIONAL LABORATORY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ''National Laboratory'' has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(B) LIMITATION.—With respect to the Lawrence Livermore National Laboratory, the Los Alamos National Laboratory, and the Sandia National Laboratories, the term ''National Laboratory'' means only the civilian activities of the laboratory.

(4) NEUTRON FLUX.—The term ''neutron flux'' means the intensity of neutron radiation measured as a rate of flow of neutrons applied over an area.

(5) NEUTRON SOURCE.—The term ''neutron source'' means a research machine that provides neutron irradiation services for—

(A) research on materials sciences and nuclear physics; and

(B) testing of advanced materials, nuclear fuels, and other related components for reactor systems.

(b) MISSION.—Section 951 of the Energy Policy Act of 2005 (42 U.S.C. 16271) is amended by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—The Secretary shall conduct programs of civilian nuclear research, development, demonstration, and commercial application, including activities described in this subtitle, that take into consideration the following objectives:

''(1) Providing research infrastructure—

''(A) to promote scientific progress; and

''(B) to enable users from academia, the National Laboratories, and the private sector to make scientific discoveries relevant for nuclear, chemical, and materials science engineering.

''(2) Maintaining nuclear energy research and development programs at the National Laboratories and institutions of higher education, including programs of infrastructure of National Laboratories and institutions of higher education.

''(3) Providing the technical means to reduce the likelihood of nuclear weapons proliferation.

''(4) Ensuring public safety.

''(5) Reducing the environmental impact of nuclear energy-related activities.

''(6) Supporting technology transfer from the National Laboratories to the private sector.

''(7) Enabling the private sector to partner with the National Laboratories to demonstrate novel reactor concepts for the purpose of resolving technical uncertainty associated with the objectives described in this subsection.''.

(c) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) nuclear energy, through fission or fusion, represents the highest energy density of any known attainable source and yields low air emissions;

(2) nuclear energy is of national importance to scientific progress, national security, electricity generation, heat generation

for industrial applications, and space exploration; and

(3) considering the inherent complexity and regulatory burden associated with nuclear energy, the Department should focus civilian nuclear research and development activities of the Department on programs that enable the private sector, National Laboratories, and institutions of higher education to carry out experiments to promote scientific progress and enhance practical knowledge of nuclear engineering.

(d) HIGH-PERFORMANCE COMPUTATION AND SUPPORTIVE RESEARCH.—

(1) MODELING AND SIMULATION PROGRAM.—

(A) IN GENERAL.—The Secretary shall carry out a program to enhance the capabilities of the United States to develop new reactor technologies and related systems technologies through high-performance computation modeling and simulation techniques (referred to in this paragraph as the ''program'').

(B) COORDINATION REQUIRED.—In carrying out the program, the Secretary shall coordinate with relevant Federal agencies through the National Strategic Computing Initiative established by Executive Order 13702 (80 Fed. Reg. 46177) (July 29, 2015).

(C) OBJECTIVES.—In carrying out the program, the Secretary shall take into consideration the following objectives:

(i) Using expertise from the private sector, institutions of higher education, and National Laboratories to develop computational software and capabilities that prospective users may access to accelerate research and development of advanced fission reactor systems, nuclear fusion systems, and reactor systems for space exploration.

(ii) Developing computational tools to simulate and predict nuclear phenomena that may be validated through physical experimentation.

(iii) Increasing the utility of the research infrastructure of the Department by coordinating with the Advanced Scientific Computing Research program of the Office of Science.

(iv) Leveraging experience from the Energy Innovation Hub for Modeling and Simulation.

(v) Ensuring that new experimental and computational tools are accessible to relevant research communities, including private companies engaged in nuclear energy technology development.

(2) SUPPORTIVE RESEARCH ACTIVITIES.—The Secretary shall consider support for additional research activities to maximize the utility of the research facilities of the Department, including research—

(A) on physical processes to simulate degradation of materials and behavior of fuel forms; and

(B) for validation of computational tools.

(e) VERSATILE NEUTRON SOURCE.—

(1) DETERMINATION OF MISSION NEED.—

(A) IN GENERAL.—Not later than December 31, 2016, the Secretary shall determine the mission need for a versatile reactor-based fast neutron source, which shall operate as a national user facility (referred to in this subsection as the ''user facility'').

(B) CONSULTATION REQUIRED.—In carrying out subparagraph (A), the Secretary shall consult with the private sector, institutions of higher education, the National Laboratories, and relevant Federal agencies to ensure that the user facility will meet the research needs of the largest possible majority of prospective users.

(2) PLAN FOR ESTABLISHMENT.—On the determination of the mission need under paragraph (1), the Secretary, as expeditiously as practicable, 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 detailed plan for the establishment of the user facility (referred to in this section as the ''plan'').

(3) DEADLINE FOR ESTABLISHMENT.—The Secretary shall make every effort to complete construction of, and approve the start of operations for, the user facility by December 31, 2025.

(4) FACILITY REQUIREMENTS.—

(A) CAPABILITIES.—The Secretary shall ensure that the user facility shall provide, at a minimum—

(i) fast neutron spectrum irradiation capability; and

(ii) capacity for upgrades to accommodate new or expanded research needs.

(B) CONSIDERATIONS.—In carrying out the plan, the Secretary shall consider—

(i) capabilities that support experimental high-temperature testing;

(ii) providing a source of fast neutrons—

(I) at a neutron flux that is higher than the neutron flux at which research facilities operate before establishment of the user facility; and

(II) sufficient to enable research for an optimal base of prospective users;

(iii) maximizing irradiation flexibility and irradiation volume to accommodate as many concurrent users as possible;

(iv) capabilities for irradiation with neutrons of a lower energy spectrum;

(v) multiple loops for fuels and materials testing in different coolants; and

(vi) additional pre-irradiation and post-irradiation examination capabilities.

(5) COORDINATION.—In carrying out this subsection, the Secretary shall leverage the best practices of the Office of Science for the management, construction, and operation of national user facilities.

(6) REPORT.—The Secretary shall include in the annual budget request of the Department an explanation for any delay in carrying out this subsection.

(f) ENABLING NUCLEAR ENERGY INNOVATION.—

(1) ESTABLISHMENT OF NATIONAL NUCLEAR INNOVATION CENTER.—The Secretary may enter into a memorandum of understanding with the Chairman of the Nuclear Regulatory Commission to establish a center to be known as the ''National Nuclear Innovation Center'' (referred to in this subsection as the ''Center'')—

(A) to enable the testing and demonstration of reactor concepts to be proposed and funded, in whole or in part, by the private sector;

(B) to establish and operate a database to store and share data and knowledge on nuclear science between Federal agencies and private industry; and

(C) to establish capabilities to develop and test reactor electric and nonelectric integration and energy conversion systems.

(2) ROLE OF NRC.—In operating the Center, the Secretary shall—

(A) consult with the Nuclear Regulatory Commission on safety issues; and

(B) permit staff of the Nuclear Regulatory Commission to actively observe and learn about the technology being developed at the Center.

(3) OBJECTIVES.—A reactor developed under paragraph (1)(A) shall have the following objectives:

(A) Enabling physical validation of fusion and advanced fission experimental reactors at the National Laboratories or other facilities of the Department.

(B) Resolving technical uncertainty and increase practical knowledge relevant to safety, resilience, security, and functionality of novel reactor concepts.

(C) Conducting general research and development to improve novel reactor technologies.

(4) USE OF TECHNICAL EXPERTISE.—In operating the Center, the Secretary shall leverage the technical expertise of relevant Federal agencies and National Laboratories—

(A) to minimize the time required to carry out paragraph (3); and

(B) to ensure reasonable safety for individuals working at the National Laboratories or other facilities of the Department to carry out that paragraph.

(5) REPORTING REQUIREMENT.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the National Laboratories, relevant Federal agencies, and other stakeholders, shall submit to the Committee on Energy and Natural Resources and the Committee on Environment and Public Works of the Senate and the Committee on Science, Space, and Technology and the Committee on Energy and Commerce of the House of Representatives a report assessing the capabilities of the Department to authorize, host, and oversee privately proposed and funded reactors (as described in paragraph (1)(A)).

(B) CONTENTS.—The report shall address—

(i) the safety review and oversight capabilities of the Department, including options to leverage expertise from the Nuclear Regulatory Commission and the National Laboratories;

(ii) potential sites capable of hosting the activities described in paragraph (1);

(iii) the efficacy of the available contractual mechanisms of the Department to partner with the private sector and other Federal agencies, including cooperative research and development agreements, strategic partnership projects, and agreements for commercializing technology;

(iv) how the Federal Government and the private sector will address potential intellectual property concerns;

(v) potential cost structures relating to physical security, decommissioning, liability, and other long term project costs; and

(vi) other challenges or considerations identified by the Secretary.

(g) BUDGET PLAN.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, 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 3 alternative 10-year budget plans for civilian nuclear energy research and development by the Department in accordance with paragraph (2).

(2) DESCRIPTION OF PLANS.—

(A) IN GENERAL.—The 3 alternative 10-year budget plans submitted under paragraph (1) shall be the following:

(i) A plan that assumes constant annual funding at the level of appropriations for fiscal year 2016 for the civilian nuclear energy research and development of the Department, particularly for programs critical to advanced nuclear projects and development.

(ii) A plan that assumes 2 percent annual increases to the level of appropriations described in clause (i).

(iii) A plan that uses an unconstrained budget.

(B) INCLUSIONS.—Each plan shall include—

(i) a prioritized list of the programs, projects, and activities of the Department that best support the development, licensing, and deployment of advanced nuclear energy technologies;

(ii) realistic budget requirements for the Department to carry out subsections (d), (e), and (f); and

(iii) the justification of the Department for continuing or terminating existing civilian nuclear energy research and development programs.

(h) NUCLEAR REGULATORY COMMISSION REPORT.—Not later than December 31, 2016, the Chairman of the Nuclear Regulatory Commission shall submit to the Committee on Energy and Natural Resources and the Committee on Environment and Public Works of the Senate and the Committee on Science, Space, and Technology and the Committee on Energy and Commerce of the House of Representatives a report describing—

(1) the extent to which the Nuclear Regulatory Commission is capable of licensing advanced reactor designs that are developed pursuant to this section by the end of the 4-year period beginning on the date on which an application is received under part 50 or 52 of title 10, Code of Federal Regulations (or successor regulations); and

(2) any organizational or institutional barriers the Nuclear Regulatory Commission will need to overcome to be able to license the advanced reactor designs that are developed pursuant to this section by the end of the 4-year period described in paragraph (1).

SA 3022. Mr. LEE submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 424, strike lines 11 through 18.

SA 3023. Mr. LEE submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 44_____. MODIFICATION OF AUTHORITY TO DECLARE NATIONAL MONUMENTS.

Section 320301 of title 54, United States Code, is amended by adding at the end the following:

''(e) EFFECTIVE DATE.—A proclamation or reservation issued after the date of enactment of this subsection under subsection (a) or (b) shall expire 3 years after proclaimed or reserved unless specifically approved by—

''(1) a Federal law enacted after the date of the proclamation or reservation; and

''(2) a State law, for each State where the land covered by the proclamation or reservation is located, enacted after the date of the proclamation or reservation.''.

SA 3024. Mr. CORNYN (for himself and Mr. BENNET) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. TAXATION OF NATURAL GAS PIPELINE PROPERTY.

(a) LIMITATION ON DISCRIMINATORY TAXATION OF NATURAL GAS PIPELINE PROPERTY.—

(1) DEFINITIONS.—In this section:

(A) ASSESSMENT.—The term ''assessment'' means valuation for a property tax that is levied by a taxing authority.

(B) ASSESSMENT JURISDICTION.—The term ''assessment jurisdiction'' means a geographical area used in determining the assessed value of property for ad valorem taxation.

(C) COMMERCIAL AND INDUSTRIAL PROPERTY.—The term ''commercial and industrial property'' means property (excluding natural gas pipeline property, public utility property, and land used primarily for agricultural purposes or timber growth) devoted to commercial or industrial use and subject to a property tax levy.

(D) NATURAL GAS PIPELINE PROPERTY.—The term ''natural gas pipeline property'' means all property (whether real, personal, and intangible) used by a natural gas pipeline providing transportation or storage of natural gas subject to the jurisdiction of the Federal Regulatory Commission.

(E) PUBLIC UTILITY PROPERTY.—The term ''public utility property'' means property (excluding natural gas pipeline property) that is devoted to public service and is owned or used by any entity that performs a public service and is regulated by any governmental agency.

(2) DISCRIMINATORY ACTS.—A State, subdivision of a State, authority acting for a State or subdivision of a State, or any other taxing authority (including a taxing jurisdiction and a taxing district) may not do any of the following:

(A) ASSESSMENTS.—Assess natural gas pipeline property at value that has a higher ratio to the true market value of the natural gas pipeline property than the ratio that the assessed value of commercial and industrial property in the same assessment jurisdiction has to the true market value of such commercial and industrial property.

(B) ASSESSMENT TAXES.—Levy or collect a tax on an assessment that may not be made under subparagraph (A).

(C) AD VALOREM TAXES.—Levy or collect an ad valorem property tax on natural gas pipeline property at a tax rate that exceeds the tax rate applicable to commercial and industrial property in the same assessment jurisdiction.

(D) OTHER TAXES.—Impose any other tax that discriminates against a natural gas pipeline providing transportation or storage of natural gas subject to the jurisdiction of the Federal Energy Regulatory Commission.

(b) JURISDICTION OF COURTS; RELIEF.—

(1) GRANT OF JURISDICTION.—Notwithstanding section 1341 of title 28, United States Code, and without regard to the amount in controversy or citizenship of the parties, the district courts of the United States shall have jurisdiction, concurrent with other jurisdiction of the courts of the United States, of States, and of all other taxing authorities and taxing jurisdictions, to prevent a violation of subsection (a).

(2) RELIEF IN GENERAL.—Except as provided in this paragraph, relief may be granted under this section only if the ratio of assessed value to true market value of natural gas pipeline property exceeds by at least 5 percent the ratio of assessed value to true market value of commercial and industrial property in the same assessment jurisdiction. If the ratio of the assessed value of commercial and industrial property in the assessment jurisdiction to the true market value of commercial and industrial property cannot be determined to the satisfaction of the court through the random-sampling method known as a sales assessment ratio study (to be carried out under statistical principles applicable to such a study), each of the following shall be a violation of subsection (a) for which relief under this section may be granted:

(A) An assessment of the natural gas pipeline property at a value that has a higher ratio of assessed value to the true market value of the natural gas pipeline property than the ratio of the assessed value of all other property (excluding public utility property) subject to a property tax levy in the assessment jurisdiction has to the true market value of all other property (excluding public utility property).

(B) The collection of an ad valorem property tax on the natural gas pipeline property at a tax rate that exceeds the tax rate applicable to all other taxable property (excluding public utility property) in the taxing jurisdiction.

SA 3025. Mr. CASSIDY submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ENERGY CONSUMERS RELIEF.

(a) DEFINITIONS.—In this section:

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

(2) DIRECT COSTS.—The term ''direct costs'' has the meaning given the term in chapter 8 of the report of the Environmental Protection Agency entitled ''Guidelines for Preparing Economic Analyses'' and dated December 17, 2010.

(3) ENERGY-RELATED RULE THAT IS ESTIMATED TO COST MORE THAN $1,000,000,000.—The term ''energy-related rule that is estimated to cost more than $1,000,000,000'' means a rule of the Environmental Protection Agency that—

(A) regulates any aspect of the production, supply, distribution, or use of energy or provides for such regulation by States or other governmental entities; and

(B) is estimated by the Administrator or the Director of the Office of Management and Budget to impose direct costs and indirect costs, in the aggregate, of more than $1,000,000,000.

(4) INDIRECT COSTS.—The term ''indirect costs'' has the meaning given the term in chapter 8 of the report of the Environmental Protection Agency entitled ''Guidelines for Preparing Economic Analyses'' and dated December 17, 2010.

(5) RULE.—The term ''rule'' has the meaning given to the term in section 551 of title 5, United States Code.

(b) PROHIBITION AGAINST FINALIZING CERTAIN ENERGY-RELATED RULES THAT WILL CAUSE SIGNIFICANT ADVERSE EFFECTS TO THE ECONOMY.—Notwithstanding any other provision of law, the Administrator may not promulgate as final an energy-related rule that is estimated to cost more than $1,000,000,000 if the Secretary determines under subsection (c)(2)(C) that the rule will cause significant adverse effects to the economy.

(c) REPORTS AND DETERMINATIONS PRIOR TO PROMULGATING AS FINAL CERTAIN ENERGY-RELATED RULES.—

(1) IN GENERAL.—Before promulgating as final any energy-related rule that is estimated to cost more than $1,000,000,000, the Administrator shall carry out the requirements of paragraph (2).

(2) REQUIREMENTS.—

(A) REPORT TO CONGRESS.—The Administrator shall submit to Congress and the Secretary a report containing—

(i) a copy of the rule;

(ii) a concise general statement relating to the rule;

(iii) an estimate of the total costs of the rule, including the direct costs and indirect costs of the rule;

(iv)(I) an estimate of the total benefits of the rule and when such benefits are expected to be realized;

(II) a description of the modeling, the calculations, the assumptions, and the limitations due to uncertainty, speculation, or lack of information associated with the estimates under this clause; and

(III) a certification that all data and documents relied upon by the Environmental Protection Agency in developing the estimates—

(aa) have been preserved; and

(bb) are available for review by the public on the website of the Environmental Protection Agency, except to the extent to which publication of the data and documents would constitute disclosure of confidential information in violation of applicable Federal law;

(v) an estimate of the increases in energy prices, including potential increases in gasoline or electricity prices for consumers, that may result from implementation or enforcement of the rule; and

(vi) a detailed description of the employment effects, including potential job losses and shifts in employment, that may result from implementation or enforcement of the rule.

(B) INITIAL DETERMINATION ON INCREASES AND IMPACTS.—The Secretary, in consultation with the Federal Energy Regulatory Commission and the Administrator of the Energy Information Administration, shall prepare an independent analysis to determine whether the rule will cause any—

(i) increase in energy prices for consumers, including low-income households, small businesses, and manufacturers;

(ii) impact on fuel diversity of the electricity generation portfolio of the United States or on national, regional, or local electric reliability;

(iii) adverse effect on energy supply, distribution, or use due to the economic or technical infeasibility of implementing the rule; or

(iv) other adverse effect on energy supply, distribution, or use, including a shortfall in supply and increased use of foreign supplies.

(C) SUBSEQUENT DETERMINATION ON ADVERSE EFFECTS TO THE ECONOMY.—If the Secretary determines under subparagraph (B) that the rule will cause an increase, impact, or effect described in that subparagraph, the Secretary, in consultation with the Administrator, the Secretary of Commerce, the Secretary of Labor, and the Administrator of the Small Business Administration, shall—

(i) determine whether the rule will cause significant adverse effects to the economy, taking into consideration—

(I) the costs and benefits of the rule and limitations in calculating the costs and benefits due to uncertainty, speculation, or lack of information; and

(II) the positive and negative impacts of the rule on economic indicators, including those related to gross domestic product, unemployment, wages, consumer prices, and business and manufacturing activity; and

(ii) publish the results of the determination made under clause (i) in the Federal Register.

(d) PROHIBITION ON USE OF SOCIAL COST OF CARBON IN ANALYSIS.—

(1) DEFINITION OF SOCIAL COST OF CARBON.—In this subsection, the term ''social cost of carbon'' means—

(A) the social cost of carbon as described in the technical support document entitled ''Technical Support Document: Technical Update of the Social Cost of Carbon for Regulatory Impact Analysis Under Executive Order 12866'', published by the Interagency Working Group on Social Cost of Carbon, United States Government, in May 2013 (or any successor or substantially related document); or

(B) any other estimate of the monetized damages associated with an incremental increase in carbon dioxide emissions in a given year.

(2) PROHIBITION ON USE OF SOCIAL COST OF CARBON IN ANALYSIS.—Notwithstanding any other provision of law or any Executive order, the Administrator may not use the social cost of carbon to incorporate social benefits of reducing carbon dioxide emissions, or for any other reason, in any cost-benefit analysis relating to an energy-related rule that is estimated to cost more than $1,000,000,000 unless a Federal law is enacted authorizing the use.

SA 3026. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 4405. RED RIVER PRIVATE PROPERTY PROTECTION.

(a) DISCLAIMER AND OUTDATED SURVEYS.—

(1) IN GENERAL.—The Secretary hereby disclaims any right, title, and interest to all land located south of the South Bank boundary line of the Red River in the affected area.

(2) CLARIFICATION OF PRIOR SURVEYS.—Previous surveys conducted by the Bureau of Land Management shall have no force or effect in determining the current South Bank boundary line.

(b) IDENTIFICATION OF CURRENT BOUNDARY.—

(1) BOUNDARY IDENTIFICATION.—To identify the current South Bank boundary line along the affected area, the Secretary shall commission a new survey that—

(A) adheres to the gradient boundary survey method;

(B) spans the entire length of the affected area;

(C) is conducted by Licensed State Land Surveyors chosen by the Texas General Land Office; and

(D) is completed not later than 2 years after the date of the enactment of this Act.

(2) APPROVAL OF THE SURVEY.—The Secretary shall submit the survey conducted under this section to the Texas General Land Office for approval. State approval of the completed survey shall satisfy the requirements under this section.

(c) APPEAL.—Not later than 1 year after the survey is completed and approved pursuant to subsection (b), a private property owner who holds right, title, or interest in the affected area may appeal public domain claims by the Secretary to an Administrative Law Judge.

(d) RESOURCE MANAGEMENT PLAN.—The Secretary shall ensure that no parcels of land in the affected area are treated as Federal land for the purpose of any resource management plan until the survey has been completed and approved and the Secretary ensures that the parcel is not subject to further appeal pursuant to this section.

(e) CONSTRUCTION.—This section does not change or affect in any manner the interest of the States or sovereignty rights of federally recognized Indian tribes over lands located to the north of the South Bank boundary line of the Red River as established by this section.

(f) SALE OF REMAINING RED RIVER SURFACE RIGHTS.—

(1) COMPETITIVE SALE OF IDENTIFIED FEDERAL LANDS.—After the survey has been completed and approved and the Secretary ensures that a parcel is not subject to further appeal under this section, the Secretary shall offer any and all such remaining identified Federal lands for disposal by competitive sale for not less than fair market value as determined by an appraisal conducted in accordance with nationally recognized appraisal standards, including the Uniform Appraisal Standards for Federal Land Acquisitions; and the Uniform Standards of Professional Appraisal Practice.

(2) EXISTING RIGHTS.—The sale of identified Federal lands under this subsection shall be subject to valid existing tribal, State, and local rights.

(3) PROCEEDS OF SALE OF LANDS.—Net proceeds from the sale of identified Federal lands under this subsection shall be used to offset any costs associated with this section.

(4) REPORT.—Not later than 5 years after the date of the enactment of this Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a list of any identified Federal lands that have not been sold under paragraph (1) and the reasons such lands were not sold.

(g) DEFINITIONS.—For the purposes of this section:

(1) AFFECTED AREA.—The term ''affected area'' means lands along the approximately 116-mile stretch of the Red River from its confluence with the North Fork of the Red River on the west to the 98th meridian on the east between the States of Texas and Oklahoma.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of Bureau of Land Management.

(3) SOUTH BANK.—The term ''South Bank'' means the water-washed and relatively permanent elevation or acclivity, commonly called a cut bank, along the southerly or right side of the Red River which separates its bed from the adjacent upland, whether valley or hill, and usually serves to confine the waters within the bed and to preserve the course of the river; as specified in the fifth paragraph of the decree rendered March 12, 1923, in Oklahoma v. Texas, 261 U.S. 340, 43 S. Ct. 376, 67 L. Ed. 687.

(4) SOUTH BANK BOUNDARY LINE.—The term ''South Bank boundary line'' means the boundary between Texas and Oklahoma identified through the gradient boundary survey method; as specified in the sixth and seventh paragraphs of the decree rendered March 12, 1923, in Oklahoma v. Texas, 261 U.S. 340, 43 S. Ct. 376, 67 L. Ed. 687.

(5) GRADIENT BOUNDARY SURVEY METHOD.—The term ''gradient boundary survey method'' means the measurement technique used to locate the South Bank boundary line under the methodology established by the United States Supreme Court which recognizes that the boundary line between the States of Texas and Oklahoma along the Red River is subject to such changes as have been or may be wrought by the natural and gradual processes known as erosion and accretion as specified in the second, third, and fourth paragraphs of the decree rendered March 12, 1923, in Oklahoma v. Texas, 261 U.S. 340, 43 S. Ct. 376, 67 L. Ed. 687.

SA 3027. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and

for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 4405. APPROVAL OF CERTAIN SETTLEMENTS.

(a) DEFINITIONS.—Section 3 of the Endangered Species Act of 1973 (16 U.S.C. 1532) is amended—

(1) by redesignating—

(A) paragraphs (1) through (4) as paragraphs (2) through (5), respectively;

(B) paragraphs (5) through (10) as paragraphs (7) through (12), respectively; and

(C) paragraphs (12) through (21) as paragraphs (13) through (22), respectively;

(2) by adding before paragraph (2) (as so redesignated) the following:

''(1) AFFECTED PARTIES.—The term 'affected party' means any person, including a business entity, or any State, tribal government, or local subdivision the rights of which may be affected by a determination made under section 4(a) in a suit brought under section 11(g)(1)(C).''; and

(3) by adding after paragraph (5) (as so redesignated) the following:

''(6) COVERED SETTLEMENT.—The term 'covered settlement' means a consent decree or a settlement agreement in an action brought under section 11(g)(1)(C).''.

(b) INTERVENTION; APPROVAL OF COVERED SETTLEMENT.—Section 11(g) of the Endangered Species Act of 1973 (16 U.S.C. 1540) is amended—

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

''(C) PUBLISHING COMPLAINT; INTERVENTION.—

''(i) PUBLISHING COMPLAINT.—

''(I) IN GENERAL.—Not later than 30 days after the date on which the plaintiff serves the defendant with the complaint in an action brought under paragraph (1)(C) in accordance with Rule 4 of the Federal Rules of Civil Procedure, the Secretary of the Interior shall publish the complaint in a readily accessible manner, including electronically.

''(II) FAILURE TO MEET DEADLINE.—The failure of the Secretary to meet the 30-day deadline described in subclause (I) shall not be the basis for an action under paragraph (1)(C).

''(ii) INTERVENTION.—

''(I) IN GENERAL.—After the end of the 30-day period described in clause (i), each affected party shall be given a reasonable opportunity to move to intervene in the action described in clause (i), until the end of which a party may not file a motion for a consent decree or to dismiss the case pursuant to a settlement agreement.

''(II) REBUTTABLE PRESUMPTION.—In considering a motion to intervene by any affected party, the court shall presume, subject to rebuttal, that the interests of that party would not be represented adequately by the parties to the action described in clause (i).

''(III) REFERRAL TO ALTERNATIVE DISPUTE RESOLUTION.—

''(aa) IN GENERAL.—If the court grants a motion to intervene in the action, the court shall refer the action to facilitate settlement discussions to—

''(AA) the mediation program of the court; or

''(BB) a magistrate judge.

''(bb) PARTIES INCLUDED IN SETTLEMENT DISCUSSIONS.—The settlement discussions described in item (aa) shall include each—

''(AA) plaintiff;

''(BB) defendant agency; and

''(CC) intervenor.'';

(2) by striking paragraph (4) and inserting the following:

''(4) LITIGATION COSTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the court, in issuing any final order in any suit brought under paragraph (1), may award costs of litigation (including reasonable attorney and expert witness fees) to any party, whenever the court determines such award is appropriate.

''(B) COVERED SETTLEMENT.—

''(i) CONSENT DECREES.—The court shall not award costs of litigation in any proposed covered settlement that is a consent decree.

''(ii) OTHER COVERED SETTLEMENTS.—

''(I) IN GENERAL.—For a proposed covered settlement other than a consent decree, the court shall ensure that the covered settlement does not include payment to any plaintiff for the costs of litigation.

''(II) MOTIONS.—The court shall not grant any motion, including a motion to dismiss, based on the proposed covered settlement described in subclause (I) if the covered settlement includes payment to any plaintiff for the costs of litigation.''; and

(3) by adding at the end the following:

''(6) APPROVAL OF COVERED SETTLEMENT.—

''(A) DEFINITION OF SPECIES.—In this paragraph, the term 'species' means a species that is the subject of an action brought under paragraph (1)(C).

''(B) IN GENERAL.—

''(i) CONSENT DECREES.—The court shall not approve a proposed covered settlement that is a consent decree unless each State and county in which the Secretary of the Interior believes a species occurs approves the covered settlement.

''(ii) OTHER COVERED SETTLEMENTS.—

''(I) IN GENERAL.—For a proposed covered settlement other than a consent decree, the court shall ensure that the covered settlement is approved by each State and county in which the Secretary of the Interior believes a species occurs.

''(II) MOTIONS.—The court shall not grant any motion, including a motion to dismiss, based on the proposed covered settlement described in subclause (I) unless the covered settlement is approved by each State and county in which the Secretary of the Interior believes a species occurs.

''(C) NOTICE.—

''(i) IN GENERAL.—The Secretary of the Interior shall provide each State and county in which the Secretary of the Interior believes a species occurs notice of a proposed covered settlement.

''(ii) DETERMINATION OF RELEVANT STATES AND COUNTIES.—The defendant in a covered settlement shall consult with each State described in clause (i) to determine each county in which the Secretary of the Interior believes a species occurs.

''(D) FAILURE TO RESPOND.—The court may approve a covered settlement or grant a motion described in subparagraph (B)(ii)(II) if, not later than 45 days after the date on which a State or county is notified under subparagraph (C)—

''(i)(I) a State or county fails to respond; and

''(II) of the States or counties that respond, each State or county approves the covered settlement; or

''(ii) all of the States and counties fail to respond.

''(E) PROOF OF APPROVAL.—The defendant in a covered settlement shall prove any State or county approval described in this paragraph in a form—

''(i) acceptable to the State or county, as applicable; and

''(ii) signed by the State or county official authorized to approve the covered settlement.''.

SA 3028. Mr. COATS 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. _____. RELIEF PENDING REVIEW.

Section 705 of title 5, United States Code, is amended—

(1) by striking ''When'' and inserting the following:

''(a) IN GENERAL.—When''; and

(2) by adding at the end the following:

''(b) HIGH-IMPACT RULES.—

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

''(A) the term 'Administrator' means the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget; and

''(B) the term 'high-impact rule' means any rule that the Administrator determines may impose an annual cost on the economy of not less than $1,000,000,000.

''(2) RELIEF.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), an agency shall postpone the effective date of a high-impact rule of the agency pending judicial review.

''(B) FAILURE TO TIMELY SEEK JUDICIAL REVIEW.—Notwithstanding section 553(d), if no person seeks judicial review of a high-impact rule during the 60-day period beginning on the date on which the high-impact rule is published in the Federal Register, the high-impact rule shall take effect on the date that is 60 days after the date on which the high-impact rule is published.''.

SA 3029. Mr. BARRASSO (for himself and Mr. TESTER) 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—INDIAN TRIBAL ENERGY DEVELOPMENT AND SELF-DETERMINATION

SECTION 6001. SHORT TITLE.

This title may be cited as the ''Indian Tribal Energy Development and Self-Determination Act Amendments of 2016''.

Subtitle A—Indian Tribal Energy Development and Self-determination Act Amendments

SEC. 6011. INDIAN TRIBAL ENERGY RESOURCE DEVELOPMENT.

(a) IN GENERAL.—Section 2602(a) of the Energy Policy Act of 1992 (25 U.S.C. 3502(a)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (C), by striking ''and'' after the semicolon;

(B) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(E) consult with each applicable Indian tribe before adopting or approving a well spacing program or plan applicable to the energy resources of that Indian tribe or the members of that Indian tribe.''; and

(2) by adding at the end the following:

''(4) PLANNING.—

''(A) IN GENERAL.—In carrying out the program established by paragraph (1), the Secretary shall provide technical assistance to interested Indian tribes to develop energy plans, including—

''(i) plans for electrification;

''(ii) plans for oil and gas permitting, renewable energy permitting, energy efficiency, electricity generation, transmission

planning, water planning, and other planning relating to energy issues;

''(iii) plans for the development of energy resources and to ensure the protection of natural, historic, and cultural resources; and

''(iv) any other plans that would assist an Indian tribe in the development or use of energy resources.

''(B) COOPERATION.—In establishing the program under paragraph (1), the Secretary shall work in cooperation with the Office of Indian Energy Policy and Programs of the Department of Energy.''.

(b) DEPARTMENT OF ENERGY INDIAN ENERGY EDUCATION PLANNING AND MANAGEMENT ASSISTANCE PROGRAM.—Section 2602(b)(2) of the Energy Policy Act of 1992 (25 U.S.C. 3502(b)(2)) is amended—

(1) in the matter preceding subparagraph (A), by inserting '', intertribal organization,'' after ''Indian tribe'';

(2) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

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

''(C) activities to increase the capacity of Indian tribes to manage energy development and energy efficiency programs;''.

(c) DEPARTMENT OF ENERGY LOAN GUARANTEE PROGRAM.—Section 2602(c) of the Energy Policy Act of 1992 (25 U.S.C. 3502(c)) is amended—

(1) in paragraph (1), by inserting ''or a tribal energy development organization'' after ''Indian tribe'';

(2) in paragraph (3)—

(A) in the matter preceding subparagraph (A), by striking ''guarantee'' and inserting ''guaranteed'';

(B) in subparagraph (A), by striking ''or'';

(C) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

(D) by adding at the end the following:

''(C) a tribal energy development organization, from funds of the tribal energy development organization.''; and

(3) in paragraph (5), by striking ''The Secretary of Energy may'' and inserting ''Not later than 1 year after the date of enactment of the Indian Tribal Energy Development and Self-Determination Act Amendments of 2016, the Secretary of Energy shall''.

SEC. 6012. INDIAN TRIBAL ENERGY RESOURCE REGULATION.

Section 2603(c) of the Energy Policy Act of 1992 (25 U.S.C. 3503(c)) is amended—

(1) in paragraph (1), by striking ''on the request of an Indian tribe, the Indian tribe'' and inserting ''on the request of an Indian tribe or a tribal energy development organization, the Indian tribe or tribal energy development organization''; and

(2) in paragraph (2)(B), by inserting ''or tribal energy development organization'' after ''Indian tribe''.

SEC. 6013. TRIBAL ENERGY RESOURCE AGREEMENTS.

(a) AMENDMENT.—Section 2604 of the Energy Policy Act of 1992 (25 U.S.C. 3504) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''or'' after the semicolon at the end;

(ii) in subparagraph (B)—

(I) by striking clause (i) and inserting the following:

''(i) an electric production, generation, transmission, or distribution facility (including a facility that produces electricity from renewable energy resources) located on tribal land; or''; and

(II) in clause (ii)—

(aa) by inserting '', at least a portion of which have been'' after ''energy resources'';

(bb) by inserting ''or produced from'' after ''developed on''; and

(cc) by striking ''and'' after the semicolon at the end and inserting ''or''; and

(iii) by adding at the end the following:

''(C) pooling, unitization, or communitization of the energy mineral resources of the Indian tribe located on tribal land with any other energy mineral resource (including energy mineral resources owned by the Indian tribe or an individual Indian in fee, trust, or restricted status or by any other persons or entities) if the owner, or, if appropriate, lessee, of the resources has consented or consents to the pooling, unitization, or communitization of the other resources under any lease or agreement; and''; and

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

''(2) a lease or business agreement described in paragraph (1) shall not require review by, or the approval of, the Secretary under section 2103 of the Revised Statutes (25 U.S.C. 81), or any other provision of law (including regulations), if the lease or business agreement—

''(A) was executed—

''(i) in accordance with the requirements of a tribal energy resource agreement in effect under subsection (e) (including the periodic review and evaluation of the activities of the Indian tribe under the agreement, to be conducted pursuant to subparagraphs (D) and (E) of subsection (e)(2)); or

''(ii) by the Indian tribe and a tribal energy development organization for which the Indian tribe has obtained a certification pursuant to subsection (h); and

''(B) has a term that does not exceed—

''(i) 30 years; or

''(ii) in the case of a lease for the production of oil resources, gas resources, or both, 10 years and as long thereafter as oil or gas is produced in paying quantities.'';

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

''(b) RIGHTS-OF-WAY.—An Indian tribe may grant a right-of-way over tribal land without review or approval by the Secretary if the right-of-way—

''(1) serves—

''(A) an electric production, generation, transmission, or distribution facility (including a facility that produces electricity from renewable energy resources) located on tribal land;

''(B) a facility located on tribal land that extracts, produces, processes, or refines energy resources; or

''(C) the purposes, or facilitates in carrying out the purposes, of any lease or agreement entered into for energy resource development on tribal land;

''(2) was executed—

''(A) in accordance with the requirements of a tribal energy resource agreement in effect under subsection (e) (including the periodic review and evaluation of the activities of the Indian tribe under the agreement, to be conducted pursuant to subparagraphs (D) and (E) of subsection (e)(2)); or

''(B) by the Indian tribe and a tribal energy development organization for which the Indian tribe has obtained a certification pursuant to subsection (h); and

''(3) has a term that does not exceed 30 years.'';

(3) by striking subsection (d) and inserting the following:

''(d) VALIDITY.—No lease or business agreement entered into, or right-of-way granted, pursuant to this section shall be valid unless the lease, business agreement, or right-of-way is authorized by subsection (a) or (b).'';

(4) in subsection (e)—

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

''(1) IN GENERAL.—

''(A) AUTHORIZATION.—On or after the date of enactment of the Indian Tribal Energy Development and Self-Determination Act Amendments of 2016, a qualified Indian tribe may submit to the Secretary a tribal energy resource agreement governing leases, business agreements, and rights-of-way under this section.

''(B) NOTICE OF COMPLETE PROPOSED AGREEMENT.—Not later than 60 days after the date on which the tribal energy resource agreement is submitted under subparagraph (A), the Secretary shall—

''(i) notify the Indian tribe as to whether the agreement is complete or incomplete;

''(ii) if the agreement is incomplete, notify the Indian tribe of what information or documentation is needed to complete the submission; and

''(iii) identify and notify the Indian tribe of the financial assistance, if any, to be provided by the Secretary to the Indian tribe to assist in the implementation of the tribal energy resource agreement, including the environmental review of individual projects.

''(C) EFFECT.—Nothing in this paragraph precludes the Secretary from providing any financial assistance at any time to the Indian tribe to assist in the implementation of the tribal energy resource agreement.'';

(B) in paragraph (2)—

(i) by striking ''(2)(A)'' and all that follows through the end of subparagraph (A) and inserting the following:

''(2) PROCEDURE.—

''(A) EFFECTIVE DATE.—

''(i) IN GENERAL.—On the date that is 271 days after the date on which the Secretary receives a tribal energy resource agreement from a qualified Indian tribe under paragraph (1), the tribal energy resource agreement shall take effect, unless the Secretary disapproves the tribal energy resource agreement under subparagraph (B).

''(ii) REVISED TRIBAL ENERGY RESOURCE AGREEMENT.—On the date that is 91 days after the date on which the Secretary receives a revised tribal energy resource agreement from a qualified Indian tribe under paragraph (4)(B), the revised tribal energy resource agreement shall take effect, unless the Secretary disapproves the revised tribal energy resource agreement under subparagraph (B).'';

(ii) in subparagraph (B)—

(I) by striking ''(B)'' and all that follows through clause (ii) and inserting the following:

''(B) DISAPPROVAL.—The Secretary shall disapprove a tribal energy resource agreement submitted pursuant to paragraph (1) or (4)(B) only if—

''(i) a provision of the tribal energy resource agreement violates applicable Federal law (including regulations) or a treaty applicable to the Indian tribe;

''(ii) the tribal energy resource agreement does not include 1 or more provisions required under subparagraph (D); or''; and

(II) in clause (iii)—

(aa) in the matter preceding subclause (I), by striking ''includes'' and all that follows through ''section—'' and inserting ''does not include provisions that, with respect to any lease, business agreement, or right-of-way to which the tribal energy resource agreement applies—'';

(bb) by striking subclauses (I), (II), (V), (VIII), and (XV);

(cc) by redesignating clauses (III), (IV), (VI), (VII), (IX) through (XIV), and (XVI) as clauses (I), (II), (III), (IV), (V) through (X), and (XI), respectively;

(dd) in item (bb) of subclause (XI) (as redesignated by item (cc))—

(AA) by striking ''or tribal''; and

(BB) by striking the period at the end and inserting a semicolon; and

(ee) by adding at the end the following:

''(XII) include a certification by the Indian tribe that the Indian tribe has—

''(aa) carried out a contract or compact under title I or IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) for a period of not less than 3 consecutive years ending on the date on which the Indian tribe submits the application without material audit exception (or without any material audit exceptions that were not corrected within the 3-year period) relating to the management of tribal land or natural resources; or

''(bb) substantial experience in the administration, review, or evaluation of energy resource leases or agreements or has otherwise substantially participated in the administration, management, or development of energy resources located on the tribal land of the Indian tribe; and

''(XIII) at the option of the Indian tribe, identify which functions, if any, authorizing any operational or development activities pursuant to a lease, right-of-way, or business agreement approved by the Indian tribe, that the Indian tribe intends to conduct.'';

(iii) in subparagraph (C)—

(I) by striking clauses (i) and (ii);

(II) by redesignating clauses (iii) through (v) as clauses (ii) through (iv), respectively; and

(III) by inserting before clause (ii) (as redesignated by subclause (II)) the following:

''(i) a process for ensuring that—

''(I) the public is informed of, and has reasonable opportunity to comment on, any significant environmental impacts of the proposed action; and

''(II) the Indian tribe provides responses to relevant and substantive public comments on any impacts described in subclause (I) before the Indian tribe approves the lease, business agreement, or right-of-way.'';

(iv) in subparagraph (D)(ii), by striking ''subparagraph (B)(iii)(XVI)'' and inserting ''subparagraph (B)(iv)(XI)''; and

(v) by adding at the end the following:

''(F) EFFECTIVE PERIOD.—A tribal energy resource agreement that takes effect pursuant to this subsection shall remain in effect to the extent any provision of the tribal energy resource agreement is consistent with applicable Federal law (including regulations), unless the tribal energy resource agreement is—

''(i) rescinded by the Secretary pursuant to paragraph (7)(D)(iii)(II); or

''(ii) voluntarily rescinded by the Indian tribe pursuant to the regulations promulgated under paragraph (8)(B) (or successor regulations).'';

(C) in paragraph (4), by striking ''date of disapproval'' and all that follows through the end of subparagraph (C) and inserting the following: ''date of disapproval, provide the Indian tribe with—

''(A) a detailed, written explanation of—

''(i) each reason for the disapproval; and

''(ii) the revisions or changes to the tribal energy resource agreement necessary to address each reason; and

''(B) an opportunity to revise and resubmit the tribal energy resource agreement.'';

(D) in paragraph (6)—

(i) in subparagraph (B)—

(I) by striking ''(B) Subject to'' and inserting the following:

''(B) Subject only to''; and

(II) by striking ''subparagraph (D)'' and inserting ''subparagraphs (C) and (D)'';

(ii) in subparagraph (C), in the matter preceding clause (i), by inserting ''to perform the obligations of the Secretary under this section and'' before ''to ensure''; and

(iii) in subparagraph (D), by adding at the end the following:

''(iii) Nothing in this section absolves, limits, or otherwise affects the liability, if any, of the United States for any—

''(I) term of any lease, business agreement, or right-of-way under this section that is not a negotiated term; or

''(II) losses that are not the result of a negotiated term, including losses resulting from the failure of the Secretary to perform an obligation of the Secretary under this section.'';

(E) in paragraph (7)—

(i) in subparagraph (A), by striking ''has demonstrated'' and inserting ''the Secretary determines has demonstrated with substantial evidence'';

(ii) in subparagraph (B), by striking ''any tribal remedy'' and inserting ''all remedies (if any) provided under the laws of the Indian tribe'';

(iii) in subparagraph (D)—

(I) in clause (i), by striking ''determine'' and all that follows through the end of the clause and inserting the following: ''determine—

''(I) whether the petitioner is an interested party; and

''(II) if the petitioner is an interested party, whether the Indian tribe is not in compliance with the tribal energy resource agreement as alleged in the petition.'';

(II) in clause (ii), by striking ''determination'' and inserting ''determinations''; and

(III) in clause (iii), in the matter preceding subclause (I) by striking ''agreement'' the first place it appears and all that follows through '', including'' and inserting ''agreement pursuant to clause (i), the Secretary shall only take such action as the Secretary determines necessary to address the claims of noncompliance made in the petition, including'';

(iv) in subparagraph (E)(i), by striking ''the manner in which'' and inserting '', with respect to each claim made in the petition, how''; and

(v) by adding at the end the following:

''(G) Notwithstanding any other provision of this paragraph, the Secretary shall dismiss any petition from an interested party that has agreed with the Indian tribe to a resolution of the claims presented in the petition of that party.'';

(F) in paragraph (8)—

(i) by striking subparagraph (A);

(ii) by redesignating subparagraphs (B) through (D) as subparagraphs (A) through (C), respectively; and

(iii) in subparagraph (A) (as redesignated by clause (ii))—

(I) in clause (i), by striking ''and'' at the end;

(II) in clause (ii), by adding ''and'' after the semicolon; and

(III) by adding at the end the following:

''(iii) amend an approved tribal energy resource agreement to assume authority for approving leases, business agreements, or rights-of-way for development of another energy resource that is not included in an approved tribal energy resource agreement without being required to apply for a new tribal energy resource agreement;'' and

(G) by adding at the end the following:

''(9) EFFECT.—Nothing in this section authorizes the Secretary to deny a tribal energy resource agreement or any amendment to a tribal energy resource agreement, or to limit the effect or implementation of this section, due to lack of promulgated regulations.'';

(5) by redesignating subsection (g) as subsection (j); and

(6) by inserting after subsection (f) the following:

''(g) FINANCIAL ASSISTANCE IN LIEU OF ACTIVITIES BY THE SECRETARY.—

''(1) IN GENERAL.—Any amounts that the Secretary would otherwise expend to operate or carry out any program, function, service, or activity (or any portion of a program, function, service, or activity) of the Department that, as a result of an Indian tribe carrying out activities under a tribal energy resource agreement, the Secretary does not expend, the Secretary shall, at the request of the Indian tribe, make available to the Indian tribe in accordance with this subsection.

''(2) ANNUAL FUNDING AGREEMENTS.—The Secretary shall make the amounts described in paragraph (1) available to an Indian tribe through an annual written funding agreement that is negotiated and entered into with the Indian tribe that is separate from the tribal energy resource agreement.

''(3) EFFECT OF APPROPRIATIONS.—Notwithstanding paragraph (1)—

''(A) the provision of amounts to an Indian tribe under this subsection is subject to the availability of appropriations; and

''(B) the Secretary shall not be required to reduce amounts for programs, functions, services, or activities that serve any other Indian tribe to make amounts available to an Indian tribe under this subsection.

''(4) DETERMINATION.—

''(A) IN GENERAL.—The Secretary shall calculate the amounts under paragraph (1) in accordance with the regulations adopted under section 6013(b) of the Indian Tribal Energy Development and Self-Determination Act Amendments of 2016.

''(B) APPLICABILITY.—The effective date or implementation of a tribal energy resource agreement under this section shall not be delayed or otherwise affected by—

''(i) a delay in the promulgation of regulations under section 6013(b) of the Indian Tribal Energy Development and Self-Determination Act Amendments of 2016;

''(ii) the period of time needed by the Secretary to make the calculation required under paragraph (1); or

''(iii) the adoption of a funding agreement under paragraph (2).

''(h) CERTIFICATION OF TRIBAL ENERGY DEVELOPMENT ORGANIZATION.—

''(1) IN GENERAL.—Not later than 90 days after the date on which an Indian tribe submits an application for certification of a tribal energy development organization in accordance with regulations promulgated under section 6013(b) of the Indian Tribal Energy Development and Self-Determination Act Amendments of 2016, the Secretary shall approve or disapprove the application.

''(2) REQUIREMENTS.—The Secretary shall approve an application for certification if—

''(A)(i) the Indian tribe has carried out a contract or compact under title I or IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.); and

''(ii) for a period of not less than 3 consecutive years ending on the date on which the Indian tribe submits the application, the contract or compact—

''(I) has been carried out by the Indian tribe without material audit exceptions (or without any material audit exceptions that were not corrected within the 3-year period); and

''(II) has included programs or activities relating to the management of tribal land; and

''(B)(i) the tribal energy development organization is organized under the laws of the Indian tribe;

''(ii)(I) the majority of the interest in the tribal energy development organization is owned and controlled by the Indian tribe (or the Indian tribe and 1 or more other Indian tribes) the tribal land of which is being developed; and

''(II) the organizing document of the tribal energy development organization requires that the Indian tribe with jurisdiction over the land maintain at all times the controlling interest in the tribal energy development organization;

''(iii) the organizing document of the tribal energy development organization requires that the Indian tribe (or the Indian tribe and 1 or more other Indian tribes) the tribal land of which is being developed own and control at all times a majority of the interest in the tribal energy development organization; and

''(iv) the organizing document of the tribal energy development organization includes a statement that the organization shall be subject to the jurisdiction, laws, and authority of the Indian tribe.

''(3) ACTION BY SECRETARY.—If the Secretary approves an application for certification pursuant to paragraph (2), the Secretary shall, not more than 10 days after making the determination—

''(A) issue a certification stating that—

''(i) the tribal energy development organization is organized under the laws of the Indian tribe and subject to the jurisdiction, laws, and authority of the Indian tribe;

''(ii) the majority of the interest in the tribal energy development organization is owned and controlled by the Indian tribe (or the Indian tribe and 1 or more other Indian tribes) the tribal land of which is being developed;

''(iii) the organizing document of the tribal energy development organization requires that the Indian tribe with jurisdiction over the land maintain at all times the controlling interest in the tribal energy development organization;

''(iv) the organizing document of the tribal energy development organization requires that the Indian tribe (or the Indian tribe and 1 or more other Indian tribes the tribal land of which is being developed) own and control at all times a majority of the interest in the tribal energy development organization; and

''(v) the certification is issued pursuant this subsection;

''(B) deliver a copy of the certification to the Indian tribe; and

''(C) publish the certification in the Federal Register.

''(i) SOVEREIGN IMMUNITY.—Nothing in this section waives the sovereign immunity of an Indian tribe.''.

(b) REGULATIONS.—Not later than 1 year after the date of enactment of the Indian Tribal Energy Development and Self-Determination Act Amendments of 2016, the Secretary shall promulgate or update any regulations that are necessary to implement this section, including provisions to implement—

(1) section 2604(e)(8) of the Energy Policy Act of 1992 (25 U.S.C. 3504(e)(8)), including the process to be followed by an Indian tribe amending an existing tribal energy resource agreement to assume authority for approving leases, business agreements, or rights-of-way for development of an energy resource that is not included in the tribal energy resource agreement;

(2) section 2604(g) of the Energy Policy Act of 1992 (25 U.S.C. 3504(g)) including the manner in which the Secretary, at the request of an Indian tribe, shall—

(A) identify the programs, functions, services, and activities (or any portions of programs, functions, services, or activities) that the Secretary will not have to operate or carry out as a result of the Indian tribe carrying out activities under a tribal energy resource agreement;

(B) identify the amounts that the Secretary would have otherwise expended to operate or carry out each program, function, service, and activity (or any portion of a program, function, service, or activity) identified pursuant to subparagraph (A); and

(C) provide to the Indian tribe a list of the programs, functions, services, and activities (or any portions of programs, functions, services, or activities) identified pursuant subparagraph (A) and the amounts associated with each program, function, service, and activity (or any portion of a program, function, service, or activity) identified pursuant to subparagraph (B); and

(3) section 2604(h) of the Energy Policy Act of 1992 (25 U.S.C. 3504(h)), including the process to be followed by, and any applicable criteria and documentation required for, an Indian tribe to request and obtain the certification described in that section.

SEC. 6014. TECHNICAL ASSISTANCE FOR INDIAN TRIBAL GOVERNMENTS.

Section 2602(b) of the Energy Policy Act of 1992 (25 U.S.C. 3502(b)) is amended—

(1) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively; and

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

''(3) TECHNICAL AND SCIENTIFIC RESOURCES.—In addition to providing grants to Indian tribes under this subsection, the Secretary shall collaborate with the Directors of the National Laboratories in making the full array of technical and scientific resources of the Department of Energy available for tribal energy activities and projects.''.

SEC. 6015. CONFORMING AMENDMENTS.

(a) DEFINITION OF TRIBAL ENERGY DEVELOPMENT ORGANIZATION.—Section 2601 of the Energy Policy Act of 1992 (25 U.S.C. 3501) is amended—

(1) by redesignating paragraphs (9) through (12) as paragraphs (10) through (13), respectively;

(2) by inserting after paragraph (8) the following:

''(9) The term 'qualified Indian tribe' means an Indian tribe that has—

''(A) carried out a contract or compact under title I or IV of the Indian Self Determination and Education Assistance Act (25 U.S.C. 450 et seq.) for a period of not less than 3 consecutive years ending on the date on which the Indian tribe submits the application without material audit exception (or without any material audit exceptions that were not corrected within the 3-year period) relating to the management of tribal land or natural resources; or

''(B) substantial experience in the administration, review, or evaluation of energy resource leases or agreements or has otherwise substantially participated in the administration, management, or development of energy resources located on the tribal land of the Indian tribe.''; and

(3) by striking paragraph (12) (as redesignated by paragraph (1)) and inserting the following:

''(12) The term 'tribal energy development organization' means—

''(A) any enterprise, partnership, consortium, corporation, or other type of business organization that is engaged in the development of energy resources and is wholly owned by an Indian tribe (including an organization incorporated pursuant to section 17 of the Indian Reorganization Act of 1934 (25 U.S.C. 477) or section 3 of the Act of June 26, 1936 (25 U.S.C. 503) (commonly known as the 'Oklahoma Indian Welfare Act')); and

''(B) any organization of 2 or more entities, at least 1 of which is an Indian tribe, that has the written consent of the governing bodies of all Indian tribes participating in the organization to apply for a grant, loan, or other assistance under section 2602 or to enter into a lease or business agreement with, or acquire a right-of-way from, an Indian tribe pursuant to subsection (a)(2)(A)(ii) or (b)(2)(B) of section 2604.''.

(b) INDIAN TRIBAL ENERGY RESOURCE DEVELOPMENT.—Section 2602 of the Energy Policy Act of 1992 (25 U.S.C. 3502) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''tribal energy resource development organizations'' and inserting ''tribal energy development organizations''; and

(B) in paragraph (2), by striking ''tribal energy resource development organizations'' each place it appears and inserting ''tribal energy development organizations''; and

(2) in subsection (b)(2), by striking ''tribal energy resource development organization'' and inserting ''tribal energy development organization''.

(c) WIND AND HYDROPOWER FEASIBILITY STUDY.—Section 2606(c)(3) of the Energy Policy Act of 1992 (25 U.S.C. 3506(c)(3)) is amended by striking ''energy resource development'' and inserting ''energy development''.

(d) CONFORMING AMENDMENTS.—Section 2604(e) of the Energy Policy Act of 1992 (25 U.S.C. 3504(e)) is amended—

(1) in paragraph (3)—

(A) by striking ''(3) The Secretary'' and inserting the following:

''(3) NOTICE AND COMMENT; SECRETARIAL REVIEW.—The Secretary''; and

(B) by striking ''for approval'';

(2) in paragraph (4), by striking ''(4) If the Secretary'' and inserting the following:

''(4) ACTION IN CASE OF DISAPPROVAL.—If the Secretary'';

(3) in paragraph (5)—

(A) by striking ''(5) If an Indian tribe'' and inserting the following:

''(5) PROVISION OF DOCUMENTS TO SECRETARY.—If an Indian tribe''; and

(B) in the matter preceding subparagraph (A), by striking ''approved'' and inserting ''in effect'';

(4) in paragraph (6)—

(A) by striking ''(6)(A) In carrying out'' and inserting the following:

''(6) SECRETARIAL OBLIGATIONS AND EFFECT OF SECTION.—

''(A) In carrying out'';

(B) in subparagraph (A), by indenting clauses (i) and (ii) appropriately;

(C) in subparagraph (B), by striking ''approved'' and inserting ''in effect''; and

(D) in subparagraph (D)—

(i) in clause (i), by striking ''an approved tribal energy resource agreement'' and inserting ''a tribal energy resource agreement in effect under this section''; and

(ii) in clause (ii), by striking ''approved by the Secretary'' and inserting ''in effect''; and

(5) in paragraph (7)—

(A) by striking ''(7)(A) In this paragraph'' and inserting the following:

''(7) PETITIONS BY INTERESTED PARTIES.—

''(A) In this paragraph'';

(B) in subparagraph (A), by striking ''approved by the Secretary'' and inserting ''in effect'';

(C) in subparagraph (B), by striking ''approved by the Secretary'' and inserting ''in effect''; and

(D) in subparagraph (D)(iii)—

(i) in subclause (I), by striking ''approved''; and

(ii) in subclause (II)—

(I) by striking ''approval of'' in the first place it appears; and

(II) by striking ''subsection (a) or (b)'' and inserting ''subsection (a)(2)(A)(i) or (b)(2)(A)''.

SEC. 6016. REPORT.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary of the Interior shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of

the House of Representatives a report that details with respect to activities for energy development on Indian land, how the Department of the Interior—

(1) processes and completes the reviews of energy-related documents in a timely and transparent manner;

(2) monitors the timeliness of agency review for all energy-related documents;

(3) maintains databases to track and monitor the review and approval process for energy-related documents associated with conventional and renewable Indian energy resources that require Secretarial approval prior to development, including—

(A) any seismic exploration permits;

(B) permission to survey;

(C) archeological and cultural surveys;

(D) access permits;

(E) environmental assessments;

(F) oil and gas leases;

(G) surface leases;

(H) rights-of-way agreements; and

(I) communitization agreements;

(4) identifies in the databases—

(A) the date lease applications and permits are received by the agency;

(B) the status of the review;

(C) the date the application or permit is considered complete and ready for review;

(D) the date of approval; and

(E) the start and end dates for any significant delays in the review process;

(5) tracks in the databases, for all energy-related leases, agreements, applications, and permits that involve multiple agency review—

(A) the dates documents are transferred between agencies;

(B) the status of the review;

(C) the date the required reviews are completed; and

(D) the date interim or final decisions are issued.

(b) INCLUSIONS.—The report under subsection (a) shall include—

(1) a description of any intermediate and final deadlines for agency action on any Secretarial review and approval required for Indian conventional and renewable energy exploration and development activities;

(2) a description of the existing geographic database established by the Bureau of Indian Affairs, explaining—

(A) how the database identifies—

(i) the location and ownership of all Indian oil and gas resources held in trust;

(ii) resources available for lease; and

(iii) the location of—

(I) any lease of land held in trust or restricted fee on behalf of any Indian tribe or individual Indian; and

(II) any rights-of-way on that land in effect;

(B) how the information from the database is made available to—

(i) the officials of the Bureau of Indian Affairs with responsibility over the management and development of Indian resources; and

(ii) resource owners; and

(C) any barriers to identifying the information described in subparagraphs (A) and (B) or any deficiencies in that information; and

(3) an evaluation of—

(A) the ability of each applicable agency to track and monitor the review and approval process of the agency for Indian energy development; and

(B) the extent to which each applicable agency complies with any intermediate and final deadlines.

Subtitle B—Miscellaneous Amendments

SEC. 6201. ISSUANCE OF PRELIMINARY PERMITS OR LICENSES.

(a) IN GENERAL.—Section 7(a) of the Federal Power Act (16 U.S.C. 800(a)) is amended by striking ''States and municipalities'' and inserting ''States, Indian tribes, and municipalities''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall not affect—

(1) any preliminary permit or original license issued before the date of enactment of the Indian Tribal Energy Development and Self-Determination Act Amendments of 2016; or

(2) an application for an original license, if the Commission has issued a notice accepting that application for filing pursuant to section 4.32(d) of title 18, Code of Federal Regulations (or successor regulations), before the date of enactment of the Indian Tribal Energy Development and Self-Determination Act Amendments of 2016.

(c) DEFINITION OF INDIAN TRIBE.—For purposes of section 7(a) of the Federal Power Act (16 U.S.C. 800(a)) (as amended by subsection (a)), 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).

SEC. 6202. TRIBAL BIOMASS DEMONSTRATION PROJECT.

(a) PURPOSE.—The purpose of this section is to establish a biomass demonstration project for federally recognized Indian tribes and Alaska Native corporations to promote biomass energy production.

(b) TRIBAL BIOMASS DEMONSTRATION PROJECT.—The Tribal Forest Protection Act of 2004 (Public Law 108–278; 118 Stat. 868) is amended—

(1) in section 2(a), by striking ''In this section'' and inserting ''In this Act''; and

(2) by adding at the end the following:

''SEC. 3. TRIBAL BIOMASS DEMONSTRATION PROJECT.

''(a) STEWARDSHIP CONTRACTS OR SIMILAR AGREEMENTS.—For each of fiscal years 2017 through 2021, the Secretary shall enter into stewardship contracts or similar agreements (excluding direct service contracts) with Indian tribes to carry out demonstration projects to promote biomass energy production (including biofuel, heat, and electricity generation) on Indian forest land and in nearby communities by providing reliable supplies of woody biomass from Federal land.

''(b) DEMONSTRATION PROJECTS.—In each fiscal year for which projects are authorized, at least 4 new demonstration projects that meet the eligibility criteria described in subsection (c) shall be carried out under contracts or agreements described in subsection (a).

''(c) ELIGIBILITY CRITERIA.—To be eligible to enter into a contract or agreement under this section, an Indian tribe shall submit to the Secretary an application—

''(1) containing such information as the Secretary may require; and

''(2) that includes a description of—

''(A) the Indian forest land or rangeland under the jurisdiction of the Indian tribe; and

''(B) the demonstration project proposed to be carried out by the Indian tribe.

''(d) SELECTION.—In evaluating the applications submitted under subsection (c), the Secretary shall—

''(1) take into consideration—

''(A) the factors set forth in paragraphs (1) and (2) of section 2(e); and

''(B) whether a proposed project would—

''(i) increase the availability or reliability of local or regional energy;

''(ii) enhance the economic development of the Indian tribe;

''(iii) result in or improve the connection of electric power transmission facilities serving the Indian tribe with other electric transmission facilities;

''(iv) improve the forest health or watersheds of Federal land or Indian forest land or rangeland;

''(v) demonstrate new investments in infrastructure; or

''(vi) otherwise promote the use of woody biomass; and

''(2) exclude from consideration any merchantable logs that have been identified by the Secretary for commercial sale.

''(e) IMPLEMENTATION.—The Secretary shall—

''(1) ensure that the criteria described in subsection (c) are publicly available by not later than 120 days after the date of enactment of this section; and

''(2) to the maximum extent practicable, consult with Indian tribes and appropriate intertribal organizations likely to be affected in developing the application and otherwise carrying out this section.

''(f) REPORT.—Not later than September 20, 2019, the Secretary shall submit to Congress a report that describes, with respect to the reporting period—

''(1) each individual tribal application received under this section; and

''(2) each contract and agreement entered into pursuant to this section.

''(g) INCORPORATION OF MANAGEMENT PLANS.—In carrying out a contract or agreement under this section, on receipt of a request from an Indian tribe, the Secretary shall incorporate into the contract or agreement, to the maximum extent practicable, management plans (including forest management and integrated resource management plans) in effect on the Indian forest land or rangeland of the respective Indian tribe.

''(h) TERM.—A contract or agreement entered into under this section—

''(1) shall be for a term of not more than 20 years; and

''(2) may be renewed in accordance with this section for not more than an additional 10 years.''.

(c) ALASKA NATIVE BIOMASS DEMONSTRATION PROJECT.—

(1) DEFINITIONS.—In this subsection:

(A) FEDERAL LAND.—The term ''Federal land'' means—

(i) land of the National Forest System (as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)) administered by the Secretary of Agriculture, acting through the Chief of the Forest Service; and

(ii) public lands (as defined in section 103 of the Federal Land Policy Management Act of 1976 (43 U.S.C. 1702)), the surface of which is administered by the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(B) 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).

(C) SECRETARY.—The term ''Secretary'' means—

(i) the Secretary of Agriculture, with respect to land under the jurisdiction of the Forest Service; and

(ii) the Secretary of the Interior, with respect to land under the jurisdiction of the Bureau of Land Management.

(D) TRIBAL ORGANIZATION.—The term ''tribal organization'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(2) AGREEMENTS.—For each of fiscal years 2017 through 2021, the Secretary shall enter into an agreement or contract with an Indian tribe or a tribal organization to carry out a demonstration project to promote biomass energy production (including biofuel, heat, and electricity generation) by providing reliable supplies of woody biomass from Federal land.

(3) DEMONSTRATION PROJECTS.—In each fiscal year for which projects are authorized, at

least 1 new demonstration project that meets the eligibility criteria described in paragraph (4) shall be carried out under contracts or agreements described in paragraph (2).

(4) ELIGIBILITY CRITERIA.—To be eligible to enter into a contract or agreement under this subsection, an Indian tribe or tribal organization shall submit to the Secretary an application—

(A) containing such information as the Secretary may require; and

(B) that includes a description of the demonstration project proposed to be carried out by the Indian tribe or tribal organization.

(5) SELECTION.—In evaluating the applications submitted under paragraph (4), the Secretary shall—

(A) take into consideration whether a proposed project would—

(i) increase the availability or reliability of local or regional energy;

(ii) enhance the economic development of the Indian tribe;

(iii) result in or improve the connection of electric power transmission facilities serving the Indian tribe with other electric transmission facilities;

(iv) improve the forest health or watersheds of Federal land or non-Federal land;

(v) demonstrate new investments in infrastructure; or

(vi) otherwise promote the use of woody biomass; and

(B) exclude from consideration any merchantable logs that have been identified by the Secretary for commercial sale.

(6) IMPLEMENTATION.—The Secretary shall—

(A) ensure that the criteria described in paragraph (4) are publicly available by not later than 120 days after the date of enactment of this subsection; and

(B) to the maximum extent practicable, consult with Indian tribes and appropriate tribal organizations likely to be affected in developing the application and otherwise carrying out this subsection.

(7) REPORT.—Not later than September 20, 2019, the Secretary shall submit to Congress a report that describes, with respect to the reporting period—

(A) each individual application received under this subsection; and

(B) each contract and agreement entered into pursuant to this subsection.

(8) TERM.—A contract or agreement entered into under this subsection—

(A) shall be for a term of not more than 20 years; and

(B) may be renewed in accordance with this subsection for not more than an additional 10 years.

SEC. 6203. WEATHERIZATION PROGRAM.

Section 413(d) of the Energy Conservation and Production Act (42 U.S.C. 6863(d)) is amended—

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

''(1) RESERVATION OF AMOUNTS.—

''(A) IN GENERAL.—Subject to subparagraph (B) and notwithstanding any other provision of this part, the Secretary shall reserve from amounts that would otherwise be allocated to a State under this part not less than 100 percent, but not more than 150 percent, of an amount which bears the same proportion to the allocation of that State for the applicable fiscal year as the population of all low-income members of an Indian tribe in that State bears to the population of all low-income individuals in that State.

''(B) RESTRICTIONS.—Subparagraph (A) shall apply only if—

''(i) the tribal organization serving the low-income members of the applicable Indian tribe requests that the Secretary make a grant directly; and

''(ii) the Secretary determines that the low-income members of the applicable Indian tribe would be equally or better served by making a grant directly than a grant made to the State in which the low-income members reside.

''(C) PRESUMPTION.—If the tribal organization requesting the grant is a tribally designated housing entity (as defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103)) that has operated without material audit exceptions (or without any material audit exceptions that were not corrected within a 3-year period), the Secretary shall presume that the low-income members of the applicable Indian tribe would be equally or better served by making a grant directly to the tribal organization than by a grant made to the State in which the low-income members reside.'';

(2) in paragraph (2)—

(A) by striking ''The sums'' and inserting ''ADMINISTRATION.—The amounts'';

(B) by striking ''on the basis of his determination'';

(C) by striking ''individuals for whom such a determination has been made'' and inserting ''low-income members of the Indian tribe''; and

(D) by striking ''he'' and inserting ''the Secretary''; and

(3) in paragraph (3), by striking ''In order'' and inserting ''APPLICATION.—In order''.

SEC. 6204. APPRAISALS.

(a) IN GENERAL.—Title XXVI of the Energy Policy Act of 1992 (25 U.S.C. 3501 et seq.) is amended by adding at the end the following:

''SEC. 2607. APPRAISALS.

''(a) IN GENERAL.—For any transaction that requires approval of the Secretary and involves mineral or energy resources held in trust by the United States for the benefit of an Indian tribe or by an Indian tribe subject to Federal restrictions against alienation, any appraisal relating to fair market value of those resources required to be prepared under applicable law may be prepared by—

''(1) the Secretary;

''(2) the affected Indian tribe; or

''(3) a certified, third-party appraiser pursuant to a contract with the Indian tribe.

''(b) SECRETARIAL REVIEW AND APPROVAL.—Not later than 45 days after the date on which the Secretary receives an appraisal prepared by or for an Indian tribe under paragraph (2) or (3) of subsection (a), the Secretary shall—

''(1) review the appraisal; and

''(2) approve the appraisal unless the Secretary determines that the appraisal fails to meet the standards set forth in regulations promulgated under subsection (d).

''(c) NOTICE OF DISAPPROVAL.—If the Secretary determines that an appraisal submitted for approval under subsection (b) should be disapproved, the Secretary shall give written notice of the disapproval to the Indian tribe and a description of—

''(1) each reason for the disapproval; and

''(2) how the appraisal should be corrected or otherwise cured to meet the applicable standards set forth in the regulations promulgated under subsection (d).

''(d) REGULATIONS.—The Secretary shall promulgate regulations to carry out this section, including standards the Secretary shall use for approving or disapproving the appraisal described in subsection (a).''.

SEC. 6205. LEASES OF RESTRICTED LANDS FOR NAVAJO NATION.

(a) IN GENERAL.—Subsection (e)(1) of the first section of the Act of August 9, 1955 (commonly known as the ''Long-Term Leasing Act'') (25 U.S.C. 415(e)(1)), is amended—

(1) by striking '', except a lease for'' and inserting '', including a lease for'';

(2) by striking subparagraph (A) and inserting the following:

''(A) in the case of a business or agricultural lease, 99 years;'';

(3) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(C) in the case of a lease for the exploration, development, or extraction of any mineral resource (including geothermal resources), 25 years, except that—

''(i) any such lease may include an option to renew for 1 additional term of not to exceed 25 years; and

''(ii) any such lease for the exploration, development, or extraction of an oil or gas resource shall be for a term of not to exceed 10 years, plus such additional period as the Navajo Nation determines to be appropriate in any case in which an oil or gas resource is produced in a paying quantity.''.

(b) GAO REPORT.—Not later than 5 years after the date of enactment of this Act, the Comptroller General of the United States shall prepare and submit to Congress a report describing the progress made in carrying out the amendment made by subsection (a).

SEC. 6206. EXTENSION OF TRIBAL LEASE PERIOD FOR THE CROW TRIBE OF MONTANA.

Subsection (a) of the first section of the Act of August 9, 1955 (25 U.S.C. 415(a)), is amended in the second sentence by inserting '', land held in trust for the Crow Tribe of Montana'' after ''Devils Lake Sioux Reservation''.

SEC. 6207. TRUST STATUS OF LEASE PAYMENTS.

(a) DEFINITION OF SECRETARY.—In this section, the term ''Secretary'' means the Secretary of the Interior.

(b) TREATMENT OF LEASE PAYMENTS.—

(1) IN GENERAL.—Except as provided in paragraph (2) and at the request of the Indian tribe or individual Indian, any advance payments, bid deposits, or other earnest money received by the Secretary in connection with the review and Secretarial approval under any other Federal law (including regulations) of a sale, lease, permit, or any other conveyance of any interest in any trust or restricted land of any Indian tribe or individual Indian shall, upon receipt and prior to Secretarial approval of the contract or conveyance instrument, be held in the trust fund system for the benefit of the Indian tribe and individual Indian from whose land the funds were generated.

(2) RESTRICTION.—If the advance payment, bid deposit, or other earnest money received by the Secretary results from competitive bidding, upon selection of the successful bidder, only the funds paid by the successful bidder shall be held in the trust fund system.

(c) USE OF FUNDS.—

(1) IN GENERAL.—On the approval of the Secretary of a contract or other instrument for a sale, lease, permit, or any other conveyance described in subsection (b)(1), the funds held in the trust fund system and described in subsection (b), along with all income generated from the investment of those funds, shall be disbursed to the Indian tribe or individual Indian landowners.

(2) ADMINISTRATION.—If a contract or other instrument for a sale, lease, permit, or any other conveyance described in subsection (b)(1) is not approved by the Secretary, the funds held in the trust fund system and described in subsection (b), along with all income generated from the investment of those funds, shall be paid to the party identified in, and in such amount and on such terms as set out in, the applicable regulations, advertisement, or other notice governing the proposed conveyance of the interest in the land at issue.

(d) APPLICABILITY.—This section shall apply to any advance payment, bid deposit,

or other earnest money received by the Secretary in connection with the review and Secretarial approval under any other Federal law (including regulations) of a sale, lease, permit, or any other conveyance of any interest in any trust or restricted land of any Indian tribe or individual Indian on or after the date of enactment of this Act.

SA 3030. Mr. BARRASSO (for himself, Ms. HEITKAMP, Mr. ENZI, and Mr. HOEVEN) 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. _____. NATURAL GAS GATHERING ENHANCEMENT.

(a) CERTAIN NATURAL GAS GATHERING LINES LOCATED ON FEDERAL LAND AND INDIAN LAND.—

(1) IN GENERAL.—Subtitle B of title III of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 685) is amended by adding at the end the following:

"SEC. 319. CERTAIN NATURAL GAS GATHERING LINES LOCATED ON FEDERAL LAND AND INDIAN LAND.

''(a) DEFINITIONS.—In this section:

''(1) GAS GATHERING LINE AND ASSOCIATED FIELD COMPRESSION UNITS.—

''(A) IN GENERAL.—The term 'gas gathering line and associated field compression unit' means—

''(i) a pipeline that is installed to transport natural gas production associated with 1 or more wells drilled and completed to produce oil or gas; and

''(ii) if necessary, 1 or more compressors to raise the pressure of that transported natural gas to higher pressures suitable to enable the gas to flow into pipelines and other facilities.

''(B) EXCLUSIONS.—The term 'gas gathering line and associated field compression unit' does not include a pipeline or compression unit that is installed to transport natural gas from a processing plant to a common carrier pipeline or facility.

''(2) FEDERAL LAND.—

''(A) IN GENERAL.—The term 'Federal land' means land the title to which is held by the United States.

''(B) EXCLUSIONS.—The term 'Federal land' does not include—

''(i) a unit of the National Park System;

''(ii) a unit of the National Wildlife Refuge System;

''(iii) a component of the National Wilderness Preservation System; or

''(iv) Indian land.

''(3) INDIAN LAND.—The term 'Indian land' means land the title to which is held by—

''(A) the United States in trust for an Indian tribe or an individual Indian; or

''(B) an Indian tribe or an individual Indian subject to a restriction by the United States against alienation.

''(b) CERTAIN NATURAL GAS GATHERING LINES.—

''(1) IN GENERAL.—Subject to paragraph (2), the issuance of a sundry notice or right-of-way for a gas gathering line and associated field compression unit that is located on Federal land or Indian land and that services any oil or gas well shall be considered to be an action that is categorically excluded (as defined in section 1508.4 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this section)) for purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) if the gas gathering line and associated field compression unit are—

''(A) within a field or unit for which an approved land use plan or an environmental document prepared pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) analyzed transportation of natural gas produced from 1 or more oil or gas wells in that field or unit as a reasonably foreseeable activity; and

''(B) located adjacent to or within—

''(i) any existing disturbed area; or

''(ii) an existing corridor for a right-of-way.

''(2) APPLICABILITY.—Paragraph (1) shall apply to Indian land, or a portion of Indian land, for which the Indian tribe with jurisdiction over the Indian land submits to the Secretary of the Interior a written request that paragraph (1) apply to that Indian land (or portion of Indian land).

''(c) EFFECT ON OTHER LAW.—Nothing in this section affects or alters any requirement—

''(1) relating to prior consent under—

''(A) section 2 of the Act of February 5, 1948 (25 U.S.C. 324); or

''(B) section 16(e) of the Act of June 18, 1934 (25 U.S.C. 476(e)) (commonly known as the 'Indian Reorganization Act');

''(2) under section 306108 of title 54, United States Code; or

''(3) under any other Federal law (including regulations) relating to tribal consent for rights-of-way across Indian land.''.

(2) ASSESSMENTS.—Title XVIII of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 1122) (as amended by section 2311) is amended by adding at the end the following:

"SEC. 1842. NATURAL GAS GATHERING SYSTEM ASSESSMENTS.

''(a) DEFINITION OF GAS GATHERING LINE AND ASSOCIATED FIELD COMPRESSION UNIT.—In this section, the term 'gas gathering line and associated field compression unit' has the meaning given the term in section 319.

''(b) STUDY.—Not later than 1 year after the date of enactment of this section, the Secretary of the Interior, in consultation with other appropriate Federal agencies, States, and Indian tribes, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a study identifying—

''(1) any actions that may be taken, under Federal law (including regulations), to expedite permitting for gas gathering lines and associated field compression units that are located on Federal land or Indian land, for the purpose of transporting natural gas associated with oil and gas production on any land to a processing plant or a common carrier pipeline for delivery to markets; and

''(2) any proposed changes to Federal law (including regulations) to expedite permitting for gas gathering lines and associated field compression units that are located on Federal land, for the purpose of transporting natural gas associated with oil and gas production on any land to a processing plant or a common carrier pipeline for delivery to markets.

''(c) REPORT.—Not later than 1 year after the date of enactment of this section, and every 1 year thereafter, the Secretary of the Interior, in consultation with other appropriate Federal agencies, States, and Indian tribes, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes—

''(1) the progress made in expediting permits for gas gathering lines and associated field compression units that are located on Federal land or Indian land, for the purpose of transporting natural gas associated with oil and gas production on any land to a processing plant or a common carrier pipeline for delivery to markets; and

''(2) any issues impeding that progress.''.

(3) TECHNICAL AMENDMENTS.—

(A) Section 1(b) of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 594) is amended by adding at the end of subtitle B of title III the following:

''Sec. 319. Natural gas gathering lines located on Federal land and Indian land.''.

(B) Section (1)(b) of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 594) is amended by adding at the end of title XXVIII the following:

''Sec. 1842. Natural gas gathering system assessments.''.

(b) DEADLINES FOR PERMITTING NATURAL GAS GATHERING LINES UNDER THE MINERAL LEASING ACT.—Section 28 of the Mineral Leasing Act (30 U.S.C. 185) is amended by adding at the end the following:

''(z) NATURAL GAS GATHERING LINES.—The Secretary of the Interior or other appropriate agency head shall issue a sundry notice or right-of-way for a gas gathering line and associated field compression unit (as defined in section 319(a) of the Energy Policy Act of 2005) that is located on Federal land not later than 90 days after the date on which the applicable agency head receives the request for issuance unless the Secretary or agency head finds that the sundry notice or right-of-way would violate division A of subtitle III of title 54, United States Code, or the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).''.

SA 3031. Mr. BARRASSO (for himself, Ms. HEITKAMP, Mr. CASSIDY, Mr. ENZI, and Mr. HOEVEN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 44_____. AUTHORITY TO APPROVE NATURAL GAS PIPELINES IN UNITS OF THE NATIONAL PARK SYSTEM.

Section 100902 of title 54, United States Code, is amended—

(1) in subsection (a)(1)—

(A) in the matter preceding subparagraph (A), by striking ''Under regulations'' and inserting ''Notwithstanding section 28 of the Mineral Leasing Act (30 U.S.C. 185), under regulations'';

(B) in subparagraph (B), by striking ''and'' at the end;

(C) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(D) natural gas pipelines.''; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking ''and'' at the end;

(ii) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(D) natural gas pipelines.'';

(B) in paragraph (2), in the matter preceding subparagraph (A), by striking ''A right of way under'' and inserting ''Except as provided in paragraph (5), a right-of-way granted under''; and

(C) by adding at the end the following:

''(5) RIGHT-OF-WAY FOR NATURAL GAS PIPELINES.—Notwithstanding paragraph (2), a right-of-way granted under paragraph (1)(D) shall—

''(A) be for a term of not more than 30 years; and

''(B) not exceed 50 feet in width after construction of the natural gas pipeline.''.

SA 3032. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

In section 5002, strike subsections (a) and (b) and insert the following:

(a) REAUTHORIZATION.—Section 200302 of title 54, United States Code, is amended—

(1) in subsection (b), in the matter preceding paragraph (1), by striking ''September 30, 2018'' and inserting ''September 30, 2028''; and

(2) in subsection (c)(1), by striking ''September 30, 2018'' and inserting ''September 30, 2028''.

(b) ALLOCATION OF FUNDS.—Section 200304 of title 54, United States Code, is amended—

(1) by striking ''There'' and inserting ''(a) IN GENERAL.—There''; and

(2) by striking the second sentence and inserting the following:

''(b) ALLOCATION.—Of the appropriations from the Fund—

''(1) not more than 40 percent shall be used collectively for Federal purposes under section 200306;

''(2) not less than 60 percent shall be used collectively—

''(A) to provide financial assistance to States under section 200305;

''(B) for the Forest Legacy Program established under section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c);

''(C) for cooperative endangered species grants authorized under section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1535); and

''(D) for the American Battlefield Protection Program established under chapter 3081; and

''(3) not less than 1.5 percent or $10,000,000, whichever is greater, shall be used for projects that secure recreational public access to Federal public land for hunting, fishing, or other recreational purposes.''.

SA 3033. Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REISSUANCE OF FINAL RULES REGARDING GRAY WOLVES IN THE WESTERN GREAT LAKES AND WYOMING.

(a) IN GENERAL.—Notwithstanding any other provision of law, not later than 60 days after the date of enactment of this Act, the Secretary of the Interior shall reissue—

(1) the final rule entitled ''Endangered and Threatened Wildlife and Plants; Revising the Listing of the Gray Wolf (Canis lupus) in the Western Great Lakes'' (76 Fed. Reg. 81666 (December 28, 2011)); and

(2) the final rule entitled ''Endangered and Threatened Wildlife and Plants; Removal of the Gray Wolf in Wyoming from the Federal List of Endangered and Threatened Wildlife and Removal of the Wyoming Wolf Population's Status as an Experimental Population'' (77 Fed. Reg. 55530 (September 10, 2012)).

(b) NO JUDICIAL REVIEW.—The reissuance of the final rules described in subsection (a) shall not be subject to judicial review.

SA 3034. Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PROHIBITION ON LISTING THE NORTHERN LONG-EARED BAT AS AN ENDANGERED SPECIES.

Notwithstanding any other provision of law, the Director of the United States Fish and Wildlife Service shall not list the northern long-eared bat as an endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

SA 3035. Mr. MURPHY (for himself and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 168, strike line 16 and insert the following:

year limitation.

''(4) USE OF AMERICAN IRON, STEEL, AND MANUFACTURED GOODS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), amounts in the Account may not be obligated by the Secretary of Energy for purposes of paragraph (1)(D) unless all of the iron, steel, and manufactured goods used for the construction, maintenance, repair, or replacement project are produced in the United States.

''(B) EXCEPTION.—Subparagraph (A) shall not apply in any case or category of cases in which the Secretary of Energy finds that—

''(i) applying subparagraph (A) would be inconsistent with the public interest;

''(ii) iron, steel, and the relevant manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

''(iii) inclusion of iron, steel, and manufactured goods produced in the United States will increase the cost of the overall project by more than 25 percent.

''(C) JUSTIFICATION.—If the Secretary of Energy determines that it is necessary to waive the application of subparagraph (A) based on a finding under subparagraph (B), the Secretary of Energy shall publish in the Federal Register a detailed written justification as to why the provision is being waived.

''(D) RELATIONSHIP TO OTHER LAW.—This paragraph shall be applied in a manner consistent with United States obligations under international agreements.''.

SA 3036. Mr. ROUNDS submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

In section 5002, strike subsection (c) and insert the following:

(c) CONSERVATION EASEMENTS.—Section 200306 of title 54, United States Code, is amended by adding at the end the following:

''(c) CONSERVATION EASEMENTS.—

''(1) IN GENERAL.—The Secretary and the Secretary of Agriculture shall consider the acquisition of conservation easements and other similar interests in land where appropriate and feasible.

''(2) REQUIREMENT.—Any conservation easement or other similar interest in land acquired under paragraph (1) shall be subject to terms and conditions that ensure that—

''(A) the grantor of the conservation easement or other similar interest in land has been provided with information relating to all available conservation options, including conservation options that involve the conveyance of a real property interest for a limited period of time; and

''(B) the provision of the information described in subparagraph (A) has been documented.''.

SA 3037. Mr. HOEVEN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 31___. REGULATION OF OIL OR NATURAL GAS DEVELOPMENT ON FEDERAL LAND IN STATES.

(a) IN GENERAL.—The Mineral Leasing Act is amended—

(1) by redesignating section 44 (30 U.S.C. 181 note) as section 45; and

(2) by inserting after section 43 (30 U.S.C. 226–3) the following:

''SEC. 44. REGULATION OF OIL OR NATURAL GAS DEVELOPMENT ON FEDERAL LAND IN STATES.

''(a) IN GENERAL.—Subject to subsection (b), the Secretary of the Interior shall not issue or promulgate any guideline or regulation relating to oil or gas exploration or production on Federal land in a State if the State has otherwise met the requirements under this Act or any other applicable Federal law.

''(b) EXCEPTION.—The Secretary may issue or promulgate guidelines and regulations relating to oil or gas exploration or production on Federal land in a State if the Secretary of the Interior determines that as a result of the oil or gas exploration or production there is an imminent and substantial danger to the public health or environment.''.

(b) REGULATIONS.—Part E of the Safe Drinking Water Act (42 U.S.C. 300j et seq.) is amended by adding at the end the following:

''SEC. 1459. REGULATIONS.

''(a) COMMENTS RELATING TO OIL AND GAS EXPLORATION AND PRODUCTION.—Before issuing or promulgating any guideline or regulation relating to oil and gas exploration and production on Federal, State, tribal, or fee land pursuant to this Act, the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), the Act entitled 'An Act to regulate the leasing of certain Indian lands for mining purposes', approved May 11, 1938 (commonly known as the 'Indian Mineral Leasing Act of 1938') (25 U.S.C. 396a et seq.), the Mineral Leasing Act (30 U.S.C. 181 et seq.), or any other provision of law or Executive order, the head of a Federal department or agency shall seek comments from and consult with the head of each affected State, State agency, and Indian tribe at a location within the jurisdiction of the State or Indian tribe, as applicable.

''(b) STATEMENT OF ENERGY AND ECONOMIC IMPACT.—Each Federal department or agency described in subsection (a) shall develop a

Statement of Energy and Economic Impact, which shall consist of a detailed statement and analysis supported by credible objective evidence relating to—

''(1) any adverse effects on energy supply, distribution, or use, including a shortfall in supply, price increases, and increased use of foreign supplies; and

''(2) any impact on the domestic economy if the action is taken, including the loss of jobs and decrease of revenue to each of the general and educational funds of the State or affected Indian tribe.

''(c) REGULATIONS.—

''(1) IN GENERAL.—A Federal department or agency shall not impose any new or modified regulation unless the head of the applicable Federal department or agency determines—

''(A) that the rule is necessary to prevent imminent substantial danger to the public health or the environment; and

''(B) by clear and convincing evidence, that the State or Indian tribe does not have an existing reasonable alternative to the proposed regulation.

''(2) DISCLOSURE.—Any Federal regulation promulgated on or after the date of enactment of the Energy Policy Modernization Act of 2016 that requires disclosure of hydraulic fracturing chemicals shall refer to the database managed by the Ground Water Protection Council and the Interstate Oil and Gas Compact Commission (as in effect on the date of enactment of the Energy Policy Modernization Act of 2016).

''(d) JUDICIAL REVIEW.—

''(1) IN GENERAL.—With respect to any regulation described in this section, a State or Indian tribe adversely affected by an action carried out under the regulation shall be entitled to review by a United States district court located in the State or the District of Columbia of compliance by the applicable Federal department or agency with the requirements of this section.

''(2) ACTION BY COURT.—

''(A) IN GENERAL.—A district court providing review under this subsection may enjoin or mandate any action by a relevant Federal department or agency until the district court determines that the department or agency has complied with the requirements of this section.

''(B) DAMAGES.—The court shall not order money damages.

''(3) SCOPE AND STANDARD OF REVIEW.—In reviewing a regulation under this subsection—

''(A) the court shall not consider any evidence outside of the record that was before the agency; and

''(B) the standard of review shall be de novo.''.

SA 3038. Mr. HOEVEN (for himself and Mr. MANCHIN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—COAL COMBUSTION RESIDUALS

SEC. ___01. SHORT TITLE.

(a) SHORT TITLE.—This title may be cited as the ''Improving Coal Combustion Residuals Regulation Act of 2016''.

SEC. ___02. MANAGEMENT AND DISPOSAL OF COAL COMBUSTION RESIDUALS.

(a) IN GENERAL.—Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) is amended by adding at the end the following:

''SEC. 4011. MANAGEMENT AND DISPOSAL OF COAL COMBUSTION RESIDUALS.

''(a) STATE PERMIT PROGRAMS FOR COAL COMBUSTION RESIDUALS.—Each State may adopt and implement a coal combustion residuals permit program in accordance with this section.

''(b) STATE ACTIONS.—

''(1) NOTIFICATION.—Not later than 6 months after the date of enactment of this section, the Governor of each State shall notify the Administrator, in writing, whether such State will adopt and implement a coal combustion residuals permit program.

''(2) APPLICATION FOR, AND APPROVAL OF, STATE COAL COMBUSTION RESIDUALS PERMIT PROGRAM.—

''(A) IN GENERAL.—Not later than 24 months after the date of enactment of this section, each State that has notified the Administrator that it will adopt and implement a coal combustion residuals permit program under paragraph (1) shall submit to the Administrator an application for such coal combustion residuals permit program for review and approval by the Administrator.

''(B) CONTENTS OF APPLICATION.—An application submitted under this paragraph shall include—

''(i) a letter identifying the lead State implementing agency, signed by the head of such agency;

''(ii) identification of any other State agencies to be involved with the implementation of the coal combustion residuals permit program;

''(iii) an explanation of how the State coal combustion residuals permit program will meet the requirements of this section, including—

''(I) a description of the State's—

''(aa) process to inspect or otherwise determine compliance with such permit program;

''(bb) process to enforce the requirements of such permit program, including any enforcement of the requirements of subsection (c)(3)(A);

''(cc) public participation process for the promulgation, amendment, or repeal of regulations for, and the issuance of permits under, such permit program;

''(dd) process for judicial review;

''(ee) proposed or existing statutes, regulations, or policies pertaining to public access to information, including information on groundwater monitoring data, structural stability assessments, emergency action plans, fugitive dust control plans, notifications of closure (including any certification of closure by a qualified professional engineer), and corrective action remedies; and

''(ff) proposed coordination plan under subsection (c)(1)(C); and

''(II) if a State proposes to apply a definition different from a definition included in section 257.53 of title 40, Code of Federal Regulations, for purposes of the State coal combustion residuals permit program, an explanation of such application, including an explanation of the reasonable basis for applying such different definition, in accordance with subsection (i)(4);

''(iv) a statement that the State has in effect, at the time of application, statutes or regulations necessary to implement a coal combustion residuals permit program that meets the requirements described in subsection (c);

''(v) copies of State statutes and regulations described in clause (iv);

''(vi) copies of any proposed forms used to administer the coal combustion residuals permit program; and

''(vii) such other information as the Administrator may require.

''(C) APPROVAL.—

''(i) IN GENERAL.—The Administrator may approve an application for a State coal combustion residuals permit program only if the Administrator determines that such application demonstrates that the coal combustion residuals permit program meets the requirements described in subsection (c).

''(ii) EVIDENCE OF ADEQUACY.—In evaluating an application for a State coal combustion residuals permit program under this paragraph, the Administrator shall consider a State's approved permit program or other system of prior approval and conditions under section 4005(c) or authorized program under section 3006 as evidence regarding the State's ability to effectively implement a coal combustion residuals program.

''(iii) ADOPTION BY STATE.—A State may adopt and implement a coal combustion residuals permit program if, not later than 90 days after receipt of a complete application under this paragraph (including a revised application under subparagraph (D))—

''(I) the Administrator publishes in the Federal Register a notice of the Administrator's decision to approve such application; or

''(II) the Administrator does not publish in the Federal Register a notice of the Administrator's decision to approve or deny such application, in which case such application shall be deemed approved.

''(D) REVISED APPLICATION.—If the Administrator denies an initial application for a State coal combustion residuals program under this paragraph—

''(i) the Administrator shall notify the State of the reasons for such denial; and

''(ii) the State may, not later than 60 days after the date of such notification, submit to the Administrator a revised application for such coal combustion residuals permit program for review and approval by the Administrator.

''(c) REQUIREMENTS FOR A COAL COMBUSTION RESIDUALS PERMIT PROGRAM.—A coal combustion residuals permit program shall consist of the following:

''(1) GENERAL REQUIREMENTS.—

''(A) PERMITS.—The implementing agency shall require that owners or operators of structures apply for and obtain permits incorporating the applicable requirements of the coal combustion residuals permit program.

''(B) PUBLIC AVAILABILITY OF INFORMATION.—The implementing agency shall ensure that—

''(i) documents for permit determinations are made publicly available for review and comment under the public participation process of the coal combustion residuals permit program;

''(ii) final determinations on permit applications are made publicly available; and

''(iii) information regarding the exercise by the implementing agency of any discretionary authority granted under this section and not provided for in the rule described in subsection (i)(1) is made publicly available.

''(C) COORDINATION PLAN.—The implementing agency shall develop and maintain a plan for coordination among States in the event of a release that crosses State lines.

''(2) CRITERIA.—The implementing agency shall apply the following criteria with respect to structures:

''(A) DESIGN REQUIREMENTS.—For new structures, including lateral expansions of existing structures, the criteria regarding design requirements described in sections 257.70 through 257.72 of title 40, Code of Federal Regulations, as applicable.

''(B) GROUNDWATER MONITORING AND CORRECTIVE ACTION.—

''(i) IN GENERAL.—Except as provided in clause (ii), for all structures, the criteria regarding groundwater monitoring and corrective action requirements described in sections 257.90 through 257.98 of title 40, Code of Federal Regulations, including—

''(I) for the purposes of detection monitoring, the constituents described in appendix III to part 257 of such title; and

''(II) for the purposes of assessment monitoring, establishing a groundwater protection standard, and assessment of corrective measures, the constituents described in appendix IV to part 257 of such title.

''(ii) EXCEPTIONS AND ADDITIONAL AUTHORITY.—

''(I) ALTERNATIVE POINT OF COMPLIANCE.—Notwithstanding section 257.91(a)(2) of title 40, Code of Federal Regulations, the implementing agency may establish the relevant point of compliance for the down-gradient monitoring system as provided in section 258.51(a)(2) of such title.

''(II) ALTERNATIVE GROUNDWATER PROTECTION STANDARDS.—Notwithstanding section 257.95(h) of title 40, Code of Federal Regulations, the implementing agency may establish an alternative groundwater protection standard as provided in section 258.55(i) of such title.

''(III) ABILITY TO DETERMINE THAT CORRECTIVE ACTION IS NOT NECESSARY OR TECHNICALLY FEASIBLE.—Notwithstanding section 257.97 of title 40, Code of Federal Regulations, the implementing agency may determine that remediation of a release to groundwater from a structure is not necessary as provided in section 258.57(e) of such title.

''(C) CLOSURE.—For all structures, the criteria for closure described in sections 257.101, 257.102, and 257.103 of title 40, Code of Federal Regulations, except the criteria described in section 257.101(b)(1) of such title shall not apply to existing structures that comply with the criteria described in section 257.60 of such title by making a demonstration in accordance with subparagraph (E) of this paragraph.

''(D) POST-CLOSURE.—For all structures, the criteria for post-closure care described in section 257.104 of title 40, Code of Federal Regulations.

''(E) LOCATION RESTRICTIONS.—For all structures, the criteria for location restrictions described in sections 257.60 through 257.64 of title 40, Code of Federal Regulations, except—

''(i) for existing structures that are landfills, sections 257.60 through 257.63 shall not apply; and

''(ii) the owner or operator of an existing structure that is a surface impoundment may comply with the criteria described in section 257.60 of such title by demonstrating that—

''(I) the design and construction of the existing structure that is a surface impoundment will prevent an intermittent, recurring, or sustained hydraulic connection between any portion of the base of the structure and the upper limit of the uppermost aquifer; and

''(II) the existing structure that is a surface impoundment is designed and constructed to prevent the release of the constituents listed in appendices III and IV to part 257 of such title at levels above the groundwater protection standards established under this section.

''(F) AIR CRITERIA.—For all structures, the criteria for air quality described in section 257.80 of title 40, Code of Federal Regulations.

''(G) FINANCIAL ASSURANCE.—For all structures, the criteria for financial assurance described in subpart G of part 258 of title 40, Code of Federal Regulations.

''(H) RECORDKEEPING.—For all structures, the criteria for recordkeeping described in section 257.105 of title 40, Code of Federal Regulations.

''(I) RUN-ON AND RUN-OFF CONTROLS.—For all structures that are landfills, sand or gravel pits, or quarries, the criteria for run-on and run-off control described in section 257.81 of title 40, Code of Federal Regulations.

''(J) HYDROLOGIC AND HYDRAULIC CAPACITY REQUIREMENTS.—For all structures that are surface impoundments, the criteria for inflow design flood control systems described in section 257.82 of title 40, Code of Federal Regulations.

''(K) STRUCTURAL INTEGRITY.—For structures that are surface impoundments, the criteria for structural integrity described in sections 257.73 and 257.74 of title 40, Code of Federal Regulations.

''(L) INSPECTIONS.—For all structures, the criteria described in sections 257.83 and 257.84 of title 40, Code of Federal Regulations.

''(M) PUBLIC AVAILABILITY OF INFORMATION.—For all structures, the criteria described in section 257.107 of title 40, Code of Federal Regulations.

''(N) NOTIFICATION.—For all structures, the criteria described in section 257.106 of title 40, Code of Federal Regulations.

''(3) PERMIT PROGRAM IMPLEMENTATION FOR EXISTING STRUCTURES.—

''(A) COMPLIANCE WITH CERTAIN REQUIREMENTS.—

''(i) INITIAL DEADLINES.—The State, in the case of a State that has notified the Administrator under subsection (b)(1) that it will adopt and implement a coal combustion residuals permit program, or the Administrator, in the case of each other State, shall require owners or operators of existing structures to comply with—

''(I) as of October 19, 2015, the requirements under paragraphs (2)(F), (2)(H), and (2)(L);

''(II) not later than 6 months after the date of enactment of this section, the requirement under paragraph (2)(G); and

''(III) not later than 12 months after the date of enactment of this section, the requirements under paragraphs (2)(A), (2)(I), (2)(J), (2)(K), and the requirement for a written closure plan under the criteria described in paragraph 2(C).

''(ii) SUBSEQUENT DEADLINES.—The implementing agency shall require owners or operators of existing structures to comply with—

''(I) not later than 24 months after the date of enactment of this section, the requirements under paragraph (2)(B); and

''(II) not later than 36 months after the date of enactment of this section, the requirements under paragraph (2)(E).

''(B) PERMITS.—Not later than 72 months after the date of enactment of this section, the implementing agency shall issue, with respect to an existing structure, a final permit incorporating the applicable requirements of the coal combustion residuals permit program, or a final denial of an application submitted requesting such a permit.

''(C) EFFECT OF COMPLIANCE.—

''(i) INTERIM REQUIREMENTS.—Prior to the date on which a final permit or final denial is issued under subparagraph (B), compliance with the requirements of subparagraph (A), as determined by the State or Administrator, as applicable, shall constitute compliance with the requirements of this section and the rule described in subsection (i)(1) for the purpose of enforcement.

''(ii) FINAL PERMIT.—Compliance with a final permit issued by the implementing agency, as determined by the implementing agency, shall constitute compliance with this section and the rule described in subsection (i)(1) for the purpose of enforcement.

''(4) REQUIREMENTS FOR INACTIVE COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS.—

''(A) NOTICE.—Not later than 2 months after the date of enactment of this section, each owner or operator of an inactive coal combustion residuals surface impoundment shall submit to the Administrator and the State in which such inactive coal combustion residuals surface impoundment is located a notice stating whether such inactive coal combustion residuals surface impoundment will—

''(i) not later than 3 years after the date of enactment of this section, complete closure in accordance with section 257.100 of title 40, Code of Federal Regulations; or

''(ii) comply with the requirements of the coal combustion residuals permit program applicable to existing structures that are surface impoundments (except as provided in subparagraph (C)(ii)).

''(B) FINANCIAL ASSURANCE.—The implementing agency shall require the owner or operator of an inactive surface impoundment that has closed pursuant to this paragraph to perform post-closure care in accordance with the criteria described in section 257.104(b)(1) of title 40, Code of Federal Regulations, and to provide financial assurance for such post-closure care in accordance with the criteria described in section 258.72 of such title.

''(C) TREATMENT AS STRUCTURE.—

''(i) IN GENERAL.—An inactive coal combustion residuals surface impoundment shall be treated as an existing structure that is a surface impoundment for the purposes of this section, including with respect to the requirements of paragraphs (1) and (2), if—

''(I) the owner or operator does not submit a notice in accordance with subparagraph (A); or

''(II) the owner or operator submits a notice described in subparagraph (A)(ii).

''(ii) INACTIVE COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS THAT FAIL TO CLOSE.—An inactive coal combustion residuals surface impoundment for which the owner or operator submits a notice described in subparagraph (A)(i) that does not close by the deadline provided under subparagraph (A)(i) shall be treated as an existing structure for purposes of this section beginning on the date that is the day after such applicable deadline, including by—

''(I) being required to comply with the requirements of paragraph (1), as applicable; and

''(II) being required to comply, beginning on such date, with each requirement of paragraph (2).

''(d) IMPLEMENTATION BY ADMINISTRATOR.—

''(1) FEDERAL BACKSTOP AUTHORITY.—The Administrator shall implement a coal combustion residuals permit program for a State if—

''(A) the Governor of the State notifies the Administrator under subsection (b)(1) that the State will not adopt and implement a coal combustion residuals permit program;

''(B) the State fails to submit a notification or an application by the applicable deadline under subsection (b);

''(C) the Administrator denies an application submitted by a State under subsection (b)(2) and, if applicable, any revised application submitted by the State under subparagraph (E) of such subsection;

''(D) the State informs the Administrator, in writing, that such State will no longer implement such a permit program; or

''(E) the Administrator withdraws approval of a State coal combustion residuals program after the Administrator—

''(i) determines that the State is not implementing a coal combustion residuals permit program approved under this section in accordance with the requirements of this section;

''(ii) notifies the State of such determination, including the reasons for such determination and the particular deficiencies that need to be remedied; and

''(iii) after allowing the State to take actions to remedy such deficiencies within a

reasonable time, not to exceed 90 days, the Administrator determines that the State has not remedied such deficiencies.

''(2) REVIEW.—A State may obtain a review of a determination by the Administrator under paragraph (1)(E)(iii) as if the determination were a final regulation for purposes of section 7006.

''(3) INDIAN COUNTRY.—The Administrator shall implement a coal combustion residuals permit program in Indian country.

''(4) REQUIREMENTS.—If the Administrator implements a coal combustion residuals permit program under paragraph (1) or (3), the permit program shall consist of the requirements described in subsection (c).

''(5) ENFORCEMENT.—If the Administrator implements a coal combustion residuals permit program for a State under paragraph (1) or in Indian country under paragraph (3)—

''(A) the authorities referred to in section 4005(c)(2)(A) shall apply with respect to coal combustion residuals, structures, and inactive coal combustion residuals surface impoundments for which the Administrator is implementing the coal combustion residuals permit program; and

''(B) the Administrator may use those authorities to inspect, gather information, and enforce the requirements of this section in the State or Indian country.

''(6) PUBLIC PARTICIPATION PROCESS.—If the Administrator implements a coal combustion residuals permit program under this subsection, the Administrator shall provide a 30-day period for the public participation process required under subsection (c)(1)(B)(i).

''(e) STATE CONTROL AFTER IMPLEMENTATION BY ADMINISTRATOR.—

''(1) NEW ADOPTION BY STATE.—For a State for which the Administrator is implementing a coal combustion residuals permit program under subparagraphs (A) through (D) of subsection (d), the State may adopt and implement such a permit program through the application process described in subsection (b)(2) (notwithstanding the deadline described in subparagraph (A) of such subsection). An application submitted pursuant to this paragraph shall include a timeline for transition to the State coal combustion residuals permit program.

''(2) RESUMPTION AFTER REMEDYING DEFICIENT PERMIT PROGRAM.—

''(A) PROCESS.—For a State for which the Administrator is implementing a coal combustion residuals permit program under subparagraph (E) of subsection (d)(1), the State may adopt and implement such a permit program if—

''(i) the State remedies only the deficiencies included in the notice described in such subparagraph; and

''(ii) by the date that is 90 days after the date on which the State notifies the Administrator that the deficiencies have been remedied—

''(I) the Administrator publishes in the Federal Register—

''(aa) a determination, after providing a 30-day period for notice and public comment, that the deficiencies included in such notice have been remedied; and

''(bb) a timeline for transition to the State coal combustion residuals permit program; or

''(II) the Administrator does not publish in the Federal Register a determination regarding whether the deficiencies included in such notice been remedied, in which case such deficiencies shall be deemed remedied.

''(B) REVIEW.—A State may obtain a review of a determination by the Administrator under this paragraph as if such determination were a final regulation for purposes of section 7006.

''(f) IMPLEMENTATION DURING TRANSITION.—

''(1) EFFECT ON ACTIONS AND ORDERS.—Program requirements of, and actions taken or orders issued pursuant to, a coal combustion residuals permit program shall remain in effect if—

''(A) a State takes control of its coal combustion residuals permit program from the Administrator under subsection (e); or

''(B) the Administrator takes control of a coal combustion residuals permit program from a State under subsection (d).

''(2) CHANGE IN REQUIREMENTS.—Paragraph (1) shall apply to such program requirements, actions, and orders until such time as—

''(A) the implementing agency that took control of the coal combustion residuals permit program changes the requirements of the coal combustion residuals permit program with respect to the basis for the action or order; or

''(B) with respect to an ongoing corrective action, the State or the Administrator, whichever took the action or issued the order, certifies the completion of the corrective action that is the subject of the action or order.

''(3) SINGLE PERMIT PROGRAM.—Except as otherwise provided in this subsection—

''(A) if a State adopts and implements a coal combustion residuals permit program under subsection (e), the Administrator shall cease to implement the coal combustion residuals permit program implemented under subsection (d) for such State; and

''(B) if the Administrator implements a coal combustion residuals permit program for a State under subsection (d)(1), the State shall cease to implement its coal combustion residuals permit program.

''(g) AUTHORITY.—

''(1) STATE AUTHORITY.—Nothing in this section shall preclude or deny any right of any State to adopt or enforce any regulation or requirement respecting coal combustion residuals that is more stringent or broader in scope than a regulation or requirement under this section.

''(2) AUTHORITY OF THE ADMINISTRATOR.—

''(A) IN GENERAL.—Except as provided in subsections (d) and (f) of this section and section 6005, the Administrator shall, with respect to the regulation of coal combustion residuals under this Act, defer to the States pursuant to this section.

''(B) IMMINENT HAZARD.—Nothing in this section shall be construed as affecting the authority of the Administrator under section 7003 with respect to coal combustion residuals.

''(C) ENFORCEMENT ASSISTANCE ONLY UPON REQUEST.—Upon request from the head of a lead State implementing agency, the Administrator may, including through the use of the authorities referred to in section 4005(c)(2)(A), provide to such State agency only the enforcement assistance requested.

''(D) CONCURRENT ENFORCEMENT.—Except as provided in subparagraph (C) of this paragraph and subsection (f), the Administrator shall not have concurrent enforcement authority when a State is implementing a coal combustion residuals permit program, including during any period of interim operation described in subsection (c)(3)(C).

''(3) CITIZEN SUITS.—Nothing in this section shall be construed to affect the authority of a person to commence a civil action in accordance with section 7002.

''(h) USE OF COAL COMBUSTION RESIDUALS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), use of coal combustion residuals in any of the following ways, and storage prior to such use, shall not be considered to be receipt of coal combustion residuals for the purposes of this section:

''(A) Use as—

''(i) engineered structural fill constructed in accordance with—

''(I) ASTM E2277 entitled 'Standard Guide for Design and Construction of Coal Ash Structural Fills', including any amendment or revision to that guidance;

''(II) any other published national standard determined appropriate by the implementing agency, including standards issued by the American Association of State and Highway Transportation Officials and the Federal Highway Administration; or

''(III) a State standard or program relating to—

''(aa) fill operations for coal combustion residuals; or

''(bb) the management of coal combustion residuals for beneficial use; or

''(ii) engineered structural fill for—

''(I) a building site or foundation;

''(II) a base or embankment for a bridge, roadway, runway, or railroad; or

''(III) a dike, levee, berm, or dam that is not part of a structure.

''(B) Beneficial use—

''(i) that provides a functional benefit;

''(ii) that is a substitute for the use of a virgin material; and

''(iii) that meets relevant product specifications and regulatory or design standards, if any, including standards issued by voluntary consensus standards bodies such as ASTM International and the American Concrete Institute.

''(2) EXCEPTION.—With respect to a use described in paragraph (1) that involves placement on the land of coal combustion residuals in non-roadway and non-highway applications, the implementing agency may, on a case-by-case basis, determine that long-term storage of coal combustion residuals at the generating facility for such a use or permanent unencapsulated use of very large volumes of coal combustion residuals constitutes receipt of coal combustion residuals for the purposes of this section if the storage or use results in releases of hazardous constituents to groundwater, surface water, soil, or air—

''(A) in greater amounts than those that would occur from long-term storage or use of a material that would be used instead of coal combustion residuals; or

''(B) that exceed relevant regulatory and health-based benchmarks, as determined by the implementing agency.

''(i) EFFECT OF RULE.—

''(1) IN GENERAL.—With respect to the final rule entitled 'Hazardous and Solid Waste Management System; Disposal of Coal Combustion Residuals from Electric Utilities' and published in the Federal Register on April 17, 2015 (80 Fed. Reg. 21302)—

''(A) such rule shall be implemented only through a coal combustion residuals permit program under this section; and

''(B) to the extent that any provision or requirement of such rule conflicts, or is inconsistent, with a provision or requirement of this section, the provision or requirement of this section shall control.

''(2) EFFECTIVE DATE.—For purposes of this section, any reference in part 257 of title 40, Code of Federal Regulations, to the effective date of such part shall be considered to be a reference to the date of enactment of this section, except that, in the case of any deadline established by such a reference that is in conflict with a deadline established by this section, the deadline established by this section shall control.

''(3) APPLICABILITY OF OTHER REGULATIONS.—The application of section 257.52 of title 40, Code of Federal Regulations, is not affected by this section.

''(4) DEFINITIONS.—The definitions under section 257.53 of title 40, Code of Federal Regulations, shall apply with respect to any criteria described in subsection (c) the requirements of which are incorporated into a coal combustion residuals permit program under this section, except—

''(A) as provided in paragraph (1); and

''(B) a lead State implementing agency may apply different definitions if—

''(i) the different definitions do not conflict with the definitions in subsection (j); and

''(ii) the lead State implementing agency—

''(I) identifies the different definitions in the explanation included with the application submitted under subsection (b)(2); and

''(II) provides in such explanation a reasonable basis for the application of the different definitions.

''(j) DEFINITIONS.—In this section:

''(1) COAL COMBUSTION RESIDUALS.—The term 'coal combustion residuals' means the following wastes generated by electric utilities and independent power producers:

''(A) The solid wastes listed in section 3001(b)(3)(A)(i) that are generated primarily from the combustion of coal, including recoverable materials from such wastes.

''(B) Coal combustion wastes that are comanaged with wastes produced in conjunction with the combustion of coal, provided that such wastes are not segregated and disposed of separately from the coal combustion wastes and comprise a relatively small proportion of the total wastes being disposed in the structure.

''(C) Fluidized bed combustion wastes that are generated primarily from the combustion of coal.

''(D) Wastes from the co-burning of coal with non-hazardous secondary materials, provided that coal makes up at least 50 percent of the total fuel burned.

''(E) Wastes from the co-burning of coal with materials described in subparagraph (A) that are recovered from monofills.

''(2) COAL COMBUSTION RESIDUALS PERMIT PROGRAM.—The term 'coal combustion residuals permit program' means all of the authorities, activities, and procedures that comprise a system of prior approval and conditions implemented under this section to regulate the management and disposal of coal combustion residuals.

''(3) ELECTRIC UTILITY; INDEPENDENT POWER PRODUCER.—The terms 'electric utility' and 'independent power producer' include only electric utilities and independent power producers that produce electricity on or after the date of enactment of this section.

''(4) EXISTING STRUCTURE.—The term 'existing structure' means a structure the construction of which commenced before the date of enactment of this section.

''(5) IMPLEMENTING AGENCY.—The term 'implementing agency' means the agency responsible for implementing a coal combustion residuals permit program, which shall either be the lead State implementing agency identified under subsection (b)(2)(B)(i) or the Administrator pursuant to subsection (d).

''(6) INACTIVE COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENT.—The term 'inactive coal combustion residuals surface impoundment' means a surface impoundment, located at an electric utility or independent power producer, that, as of the date of enactment of this section—

''(A) does not receive coal combustion residuals;

''(B) contains coal combustion residuals; and

''(C) contains liquid.

''(7) INDIAN COUNTRY.—The term 'Indian country' has the meaning given that term in section 1151 of title 18, United States Code.

''(8) STRUCTURE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'structure' means a landfill, surface impoundment, sand or gravel pit, or quarry that receives coal combustion residuals on or after the date of enactment of this section.

''(B) EXCEPTIONS.—

''(i) MUNICIPAL SOLID WASTE LANDFILLS.—The term 'structure' does not include a municipal solid waste landfill meeting the revised criteria promulgated under section 4010(c).

''(ii) COAL MINES.—The term 'structure' does not include the location of surface coal mining and reclamation operations or surface coal mining operations (as those terms are defined in section 701 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1291)) or an active or abandoned underground coal mine.

''(iii) DE MINIMIS RECEIPT.—The term 'structure' does not include any landfill or surface impoundment that receives only de minimis quantities of coal combustion residuals if the presence of coal combustion residuals is incidental to the material managed in the landfill or surface impoundment.

''(9) UNLINED SURFACE IMPOUNDMENT.—The term 'unlined surface impoundment' means a surface impoundment that does not have a liner system described in section 257.71 of title 40, Code of Federal Regulations.''.

(b) CONFORMING AMENDMENT.—The table of contents contained in section 1001 of the Solid Waste Disposal Act is amended by inserting after the item relating to section 4010 the following:

''Sec. 4011. Management and disposal of coal combustion residuals.''.

SEC. ___03. EFFECT ON REGULATORY DETERMINATIONS.

Nothing in this title, or the amendments made by this title, shall be construed to alter in any manner the effect on coal combustion residuals (as defined in section 4011 of the Solid Waste Disposal Act, as added by this title) of the Environmental Protection Agency's regulatory determinations entitled—

(1) ''Notice of Regulatory Determination on Wastes From the Combustion of Fossil Fuels'', published at 65 Fed. Reg. 32214 (May 22, 2000); and

(2) ''Final Regulatory Determination on Four Large-Volume Wastes From the Combustion of Coal by Electric Utility Power Plants'', published at 58 Fed. Reg. 42466 (August 9, 1993).

SEC. 4. TECHNICAL ASSISTANCE.

Nothing in this title, or the amendments made by this title, shall be construed to affect the authority of a State to request, or the Administrator of the Environmental Protection Agency to provide, technical assistance under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

SEC. 5. FEDERAL POWER ACT.

Nothing in this title, or the amendments made by this title, shall be construed to affect the obligations of an owner or operator of a structure (as such term is defined in section 4011 of the Solid Waste Disposal Act, as added by this Act) under section 215(b)(1) of the Federal Power Act (16 U.S.C. 824o(b)(1)).

SA 3039. Mr. HOEVEN (for himself and Mr. DONNELLY) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

Subtitle F—North American Energy Infrastructure Act

SEC. 2501. DEFINITIONS.

In this subtitle:

(1) CROSS-BORDER SEGMENT.—The term ''cross-border segment'' means the portion of an oil or natural gas pipeline or electric transmission facility that is located at the national boundary of the United States with Canada or Mexico.

(2) ELECTRIC RELIABILITY ORGANIZATION.—The term ''Electric Reliability Organization'' has the meaning given the term in section 215(a) of the Federal Power Act (16 U.S.C. 824o(a)).

(3) INDEPENDENT SYSTEM OPERATOR.—The term ''Independent System Operator'' has the meaning given the term in section 3 of the Federal Power Act (16 U.S.C. 796).

(4) MODIFICATION.—The term ''modification'' includes—

(A) a change in ownership;

(B) a volume expansion;

(C) a downstream or upstream interconnection; or

(D) an adjustment to maintain flow (such as a reduction or increase in the number of pump or compressor stations).

(5) NATURAL GAS.—The term ''natural gas'' has the meaning given the term in section 2 of the Natural Gas Act (15 U.S.C. 717a).

(6) OIL.—The term ''oil'' means petroleum or a petroleum product.

(7) REGIONAL ENTITY.—The term ''regional entity'' has the meaning given the term in section 215(a) of the Federal Power Act (16 U.S.C. 824o(a)).

(8) REGIONAL TRANSMISSION ORGANIZATION.—The term ''Regional Transmission Organization'' has the meaning given the term in section 3 of the Federal Power Act (16 U.S.C. 796).

SEC. 2502. AUTHORIZATION OF CERTAIN ENERGY INFRASTRUCTURE PROJECTS AT THE NATIONAL BOUNDARY OF THE UNITED STATES.

(a) AUTHORIZATION.—Except as provided in subsection (c) and section 2506, no person may construct, connect, operate, or maintain a cross-border segment of an oil pipeline or electric transmission facility for the import or export of oil or the transmission of electricity to or from Canada or Mexico without obtaining a certificate of crossing for the construction, connection, operation, or maintenance of the cross-border segment under this section.

(b) CERTIFICATE OF CROSSING.—

(1) REQUIREMENT.—Not later than 120 days after final action is taken under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to a cross-border segment for which a request is received under this section, the relevant official identified under paragraph (2), in consultation with appropriate Federal agencies, shall issue a certificate of crossing for the cross-border segment unless the relevant official finds that the construction, connection, operation, or maintenance of the cross-border segment is not in the public interest of the United States.

(2) RELEVANT OFFICIAL.—The relevant official referred to in paragraph (1) is—

(A) the Secretary of State with respect to oil pipelines; and

(B) the Secretary of Energy with respect to electric transmission facilities.

(3) ADDITIONAL REQUIREMENT FOR ELECTRIC TRANSMISSION FACILITIES.—In the case of a request for a certificate of crossing for the construction, connection, operation, or maintenance of a cross-border segment of an electric transmission facility, the Secretary of Energy shall require, as a condition of issuing the certificate of crossing for the request under paragraph (1), that the cross-

border segment of the electric transmission facility be constructed, connected, operated, or maintained consistent with all applicable policies and standards of—

(A) the Electric Reliability Organization and the applicable regional entity; and

(B) any Regional Transmission Organization or Independent System Operator with operational or functional control over the cross-border segment of the electric transmission facility.

(c) EXCLUSIONS.—This section shall not apply to any construction, connection, operation, or maintenance of a cross-border segment of an oil pipeline or electric transmission facility for the import or export of oil or the transmission of electricity to or from Canada or Mexico—

(1) if the cross-border segment is operating for the import, export, or transmission as of the date of enactment of this Act;

(2) if a permit described in section 2505 for the construction, connection, operation, or maintenance has been issued;

(3) if a certificate of crossing for the construction, connection, operation, or maintenance has previously been issued under this section; or

(4) if an application for a permit described in section 2505 for the construction, connection, operation, or maintenance is pending on the date of enactment of this Act, until the earlier of—

(A) the date on which the application is denied; or

(B) July 1, 2016.

(d) EFFECT OF OTHER LAWS.—

(1) APPLICATION TO PROJECTS.—Nothing in this section or section 2506 affects the application of any other Federal law to a project for which a certificate of crossing for the construction, connection, operation, or maintenance of a cross-border segment is sought under this section.

(2) ENERGY POLICY AND CONSERVATION ACT.—Nothing in this section or section 2506 shall affect the authority of the President under section 103(a) of the Energy Policy and Conservation Act (42 U.S.C. 6212(a)).

SEC. 2503. IMPORTATION OR EXPORTATION OF NATURAL GAS TO CANADA AND MEXICO.

Section 3(c) of the Natural Gas Act (15 U.S.C. 717b(c)) is amended—

(1) by striking ''(c) For purposes'' and inserting the following:

''(c) EXPEDITED APPLICATION AND APPROVAL PROCESS.—

''(1) IN GENERAL.—For purposes''; and

(2) by adding at the end the following:

''(2) DEADLINE FOR APPROVAL OF APPLICATIONS RELATING TO CANADA AND MEXICO.—In the case of an application for the importation or exportation of natural gas to or from Canada or Mexico, the Commission shall approve the application not later than 30 days after the date of receipt of the application.''.

SEC. 2504. TRANSMISSION OF ELECTRIC ENERGY TO CANADA AND MEXICO.

(a) REPEAL OF REQUIREMENT TO SECURE ORDER.—Section 202 of the Federal Power Act (16 U.S.C. 824a) is amended—

(1) by striking subsection (e); and

(2) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(b) CONFORMING AMENDMENTS.—

(1) STATE REGULATIONS.—Subsection (e) of section 202 of the Federal Power Act (16 U.S.C. 824a) (as redesignated by subsection (a)(2)) is amended in the second sentence by striking ''insofar as such State regulation does not conflict with the exercise of the Commission's powers under or relating to subsection 202(e)''.

(2) SEASONAL DIVERSITY ELECTRICITY EXCHANGE.—Section 602(b) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 824a–4(b)) is amended by striking ''the Commission has conducted hearings and made the findings required under section 202(e) of the Federal Power Act'' and all that follows through the period at the end of the second sentence and inserting ''the Secretary has conducted hearings and finds that the proposed transmission facilities would not impair the sufficiency of electric supply within the United States or would not impede or tend to impede the coordination in the public interest of facilities subject to the jurisdiction of the Secretary.''.

SEC. 2505. NO PRESIDENTIAL PERMIT REQUIRED.

(a) IN GENERAL.—No Presidential permit (or similar permit) required under an applicable provision described in subsection (b) shall be necessary for the construction, connection, operation, or maintenance of an oil or natural gas pipeline or electric transmission facility, or any cross-border segment of the pipeline or facility.

(b) APPLICABLE PROVISIONS.—Subsection (a) applies to—

(1) section 301 of title 3, United States Code;

(2) Executive Order 11423 (3 U.S.C. 301 note);

(3) Executive Order 13337 (3 U.S.C. 301 note);

(4) Executive Order 10485 (15 U.S.C. 717b note);

(5) Executive Order 12038 (42 U.S.C. 7151 note); and

(6) any other Executive order.

SEC. 2506. MODIFICATIONS TO EXISTING PROJECTS.

No certificate of crossing under section 2502, or permit described in section 2505, shall be required for a modification to the construction, connection, operation, or maintenance of an oil or natural gas pipeline or electric transmission facility—

(1) that is operating for the import or export of oil or natural gas or the transmission of electricity to or from Canada or Mexico as of the date of enactment of the Act;

(2) for which a permit described in section 2505 for the construction, connection, operation, or maintenance has been issued; or

(3) for which a certificate of crossing for the cross-border segment of the pipeline or facility has previously been issued under section 2502.

SEC. 2507. EFFECTIVE DATE; RULEMAKING DEADLINES.

(a) EFFECTIVE DATE.—Sections 2502 through 2506, and the amendments made by those sections, take effect on July 1, 2016.

(b) RULEMAKING DEADLINES.—Each relevant official described in section 2502(b)(2) shall—

(1) not later than 180 days after the date of enactment of this Act, publish in the Federal Register notice of a proposed rulemaking to carry out the applicable requirements of section 2502; and

(2) not later than 1 year after the date of enactment of this Act, publish in the Federal Register a final rule to carry out the applicable requirements of section 2502.

SA 3040. 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:

At the appropriate place, insert the following:

SEC. _____. REGULATION OF TRANSPORTATION AND STORAGE OF PETROLEUM COKE.

This Act shall not take effect prior to the date that—

(1) the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Transportation, promulgates rules to ensure that all petroleum coke that results from the refining of oil transported by a pipeline in the United States is stored and transported in a manner that protects public and ecological health; and

(2) petroleum coke is no longer exempt from regulation under section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(14)), which may be established either by an Act of Congress or any regulations, rules, or guidance issued by the Administrator of the Environmental Protection Agency.

SA 3041. Ms. BALDWIN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 320, strike line 22 and all that follows through line 25 on page 322 and insert the following:

(C) secondary and postsecondary education organizations; and

(D) workforce development boards;

(2) demonstrates experience in implementing and operating job training and education programs;

(3) demonstrates the ability to recruit and support individuals who plan to work in the energy industry in the successful completion of relevant job training and education programs; and

(4) provides students who complete the job training and education program with an industry-recognized credential.

(c) APPLICATIONS.—Eligible entities desiring a grant under this section shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(d) PRIORITY.—In selecting eligible entities to receive grants under this section, the Secretary shall prioritize applicants that—

(1) house the job training and education programs in—

(A) a community college or institution of higher education that includes basic science and math education in the curriculum of the community college, institution of higher education; or

(B) an apprenticeship program registered with the Department of Labor or a State;

(2) work with the Secretary of Defense or veterans organizations to transition members of the Armed Forces and veterans to careers in the energy sector;

(3) work with Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b));

(4) apply as a State or regional consortia to leverage best practices already available in the State or region in which the community college or institution of higher education is located;

(5) have a State-supported entity included in the consortium applying for the grant;

(6) include an apprenticeship program registered with the Department of Labor or a State as part of the job training and education program;

(7) provide support services and career coaching;

(8) provide introductory energy workforce development training;

(9) work with not less than 1 local educational agency, area career and technical education school, or educational service agency (as such terms are defined in section 3 of the Carl D. Perkins Career and Technical

Education Act of 2006 (20 U.S.C. 2302)), that offers a relevant career and technical program of study (as described in section 122(c)(1)(A) of such Act (20 U.S.C. 2342(c)(1)(A)));

(10) work with minority-serving institutions to provide job training to increase the number of skilled minorities and women in the energy sector; or

(11) provide job training for displaced and unemployed workers in the energy sector.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on January 27, 2016, at 9:30 a.m.

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

COMMITTEE ON THE JUDICIARY

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on January 27, 2016, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Attacking America's Epidemic on Heroin and Prescription Drug Abuse.''

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

COMMITTEE ON THE JUDICIARY

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on January 27, 2016, at 2 p.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Nominations.''

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

SUBCOMMITTEE ON STRATEGIC FORCES

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on January 27, 2016, at 2:30 p.m.

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

PRIVILEGES OF THE FLOOR

Mr. GARDNER. Mr. President, I ask unanimous consent that the following members of Senator DAINES' staff be granted floor privileges for the remainder of the 114th Congress: Ben Johnson, Amy Coffman, and James Fortner.

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

ORDERS FOR THURSDAY, JANUARY 28, 2016

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:45 a.m., Thursday, January 28; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; finally, that following leaders remarks, the Senate resume consideration of S. 2012.

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

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

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

There being no objection, the Senate, at 7:26 p.m., adjourned until Thursday, January 28, 2016, at 9:45 a.m.

NOMINATIONS

Executive nomination received by the Senate:

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. JOHN W. NICHOLSON, JR.

CONFIRMATION

Executive nomination confirmed by the Senate January 27, 2016:

THE JUDICIARY

JOHN MICHAEL VAZQUEZ, OF NEW JERSEY, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY.