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Senate

The Senate met at 3 p.m. and was called to order by the Honorable BILL CASSIDY, a Senator from the State of Louisiana.

PRAYER

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

Let us pray.

Eternal Spirit, the center of our joy, You are the source of all of our blessings. Thank You for Your unfailing love that provides us each day with the privilege of glorifying Your Name. Lord, help us to remember that You are an ever-present help for all our troubles.

Today, inspire our Senators to trust You to direct their steps. As they are pressed by many issues, help them to slow down long enough to seek Your wisdom. Cheer their hearts with the knowledge that in everything You are working for the good of those who love You, sustaining them by Your grace.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 1, 2016.

To the Senate:

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

ORRIN G. HATCH,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

ENERGY POLICY MODERNIZATION BILL

Mr. MCCONNELL. Mr. President, the senior Senator from Alaska knows that reform is urgently needed to modernize America's energy policies for a new era, with new challenges and new opportunities. Under her leadership, the energy committee has worked hard the past year to achieve that aim. The committee convened listening sessions, the committee held oversight hearings, the committee worked hard and worked across the aisle focusing on areas of common ground that can move our country forward.

That constructive and collaborative process ultimately resulted in a broad bipartisan energy bill, the Energy Policy Modernization Act. It cleared committee with the support of more than 80 percent of the Senators, Republicans and Democrats alike, including the top energy committee Republican, the Senator from Alaska, and the top energy committee Democrat, the Senator from Washington. Both recognize the importance of preparing our country for the energy challenges of today and the energy opportunities of tomorrow.

They are also committed bill managers. I ask colleagues to continue working with them as they have amendments. Talk to the Senators from Alaska and Washington and get your amendments dealt with. This is bipartisan legislation that provides a commonsense approach to help Americans produce more energy, pay less for energy, save energy, all without raising taxes or adding to the deficit.

So let's keep working and move the process forward. Let's keep working to pass this bipartisan bill.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

ENERGY POLICY MODERNIZATION ACT OF 2015

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 2012, which the clerk will report.

The bill clerk read as follows:

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

Pending:

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

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

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

The PRESIDING OFFICER (Mr. TILLIS). The Senator from Arizona.

Mr. MCCAIN. Mr. President, I ask unanimous consent to address the Senate as in morning business.

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

CONGRATULATING THE NFL'S NFC CHAMPION CAROLINA PANTHERS AND THE ARIZONA CARDINALS

Mr. MCCAIN. Last week, Senator TILLIS and I agreed to a friendly—or not so friendly—wager on the NFC championship game. The terms of that friendly wager are that the loser would

deliver a congratulatory speech on the Senate floor and wish the winner luck in the Super Bowl. Unfortunately—even tragically—this is what brings me before you today. It is also why I am wearing this unsightly blue tie, which I am sure is an assault on the senses of C–SPAN viewers all over the world.

It is with all sincerity that I wish the Carolina Panthers luck as they play the Denver Broncos in Super Bowl 50. The 15–1 NFC championship season has been nothing short of remarkable. Led by head coach Ron Rivera and the sensational quarterback Cam Newton, the Panthers have been a dominant force all season long as they certainly were against the Arizona Cardinals. I have no doubt we will see the Panthers' explosive offense continue to have success in Super Bowl 50. While I could go on about the Panthers' impressive offensive line and coaching staff, I would like to take this opportunity to congratulate my Arizona Cardinals on an exceptional season that included numerous milestones. The Cardinals' wide receiver Larry Fitzgerald wrote recently that the Cardinals ''broke the mold of what kind of football people expect to be played in the desert.'' Witnessing this team achieve a franchise record of 13 regular season wins and a No. 2 seed in the NFC, Arizonans could not agree more.

Perhaps there is no better example of the Cardinals' toughness and never-say-die attitude than their thrilling January 16 overtime win over Green Bay. After an improbable Hail Mary touchdown pass from Green Bay quarterback Aaron Rodgers to send the game into overtime, the Cardinals—boosted by two amazing and memorable plays by the legendary Larry Fitzgerald—scored the game-winning touchdown to advance to the NFC championship game.

I have always been proud to count myself among the most loyal and spirited Cardinals fans, and I am confident Arizona will continue to see exciting Super Bowl-caliber performances in the season to come.

Congratulations to Arizona Cardinals' president Michael Bidwell, head coach Bruce Arians, and the members of the 2015 Arizona Cardinals on a banner season. I also recognize Larry Fitzgerald, Carson Palmer, Patrick Peterson, Mike Iupati, Justin Bethel, Calais Campbell, and Tyrann Mathieu, known as the Honey Badger, for being selected to represent the Cardinals in the Pro Bowl this year.

All season long, these two teams stood among the best in the NFL. On any given Sunday, anything can happen. Unfortunately, for my Cardinals last Sunday was not their day.

Senator TILLIS, you may have gotten the best of me this year, but I have a good feeling this is not the last time one of us will stand before the body to offer our congratulations. You would be wise to get a head start and purchase a Cardinals' red and white tie now because you will be standing in my shoes this time next year. I guarantee it.

To Carolina Panthers head coach Ron Rivera, the NFL's probable MVP Cam Newton, and every member of the Carolina Panthers football team, good luck on Sunday. To my beloved Cardinals, thanks for an exciting season. I look forward to your bringing a Super Bowl trophy home to the valley next year. Go Cards.

Mr. President, I gladly yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WELCOMING THE NEW PAGES

Ms. MURKOWSKI. Mr. President, before I begin my remarks, I want to welcome the new pages to the Senate. We said goodbye to a great group of young men and young women from around the country last week, their last day being Friday. Here we are on Monday, and we have a whole new batch.

So to you all, through the Chair, welcome. Know that you are here at a most exciting and interesting time. We rely on our pages a great deal, and it is always nice to see these young ambassadors who come to us from around the country to serve us in the Senate. Welcome.

Mr. President, I wish to give an update as to where we are on the status of our broad bipartisan energy bill. Last week we started out a little rough because of the blizzard, the snow days. But once we began the debate, we heard some very strong statements in support of our Energy Policy Modernization Act.

We heard it from Members on both sides of the aisle, and that was very encouraging. We heard Members tout provisions that relate to supply, to innovation, to efficiency, really the whole gamut.

As we promised, we began an open amendment process, which has already drawn close to 200 proposals now. Last week we accepted 11 amendments. We had three rollcall votes, and we had eight voice votes. I think it is important to recognize that those amendments were sponsored by 10 different Senators. They were cosponsored by many, many others, and they really add to the Members whose priorities we have seen incorporated into the energy bill through the process that we had in committee. So the benefit of really getting back to regular order, where you have good, robust committee work, then being able to come to the floor, to go through the amendment process, and then to gain input from other Members is kind of good, old-fashioned governing. I like the fact that we are back to it.

We agreed to boost our efforts to develop advanced nuclear energy technologies. This came to us by way of an amendment from a very diverse group. Some might not have anticipated the collection of Senators that this advanced nuclear energy technology measure brought together. It was the two Senators from Idaho, RISCH and CRAPO, and we had Senator BOOKER, both Senator KIRK and Senator DURBIN from Illinois, as well as Senator HATCH and Senator WHITEHOUSE. With this amendment, we have all different perspectives in terms of political perspectives as well as geographic.

We also agreed to a proposal from Senator DAINES and Senator TESTER that will help facilitate the use of clean, renewable hydropower in their State of Montana.

Among others, we agreed to an amendment from Senator CAPITO and Senator MANCHIN to study the feasibility of an ethane storage and distribution hub in this country. I think that is a real possibility as a result of the shale gas revolution.

We moved through 11 amendments. Eleven is a good number, but, honestly, I would have hoped that we would have been able to process more amendments last week. What we are going to do this week—and I am going to put everybody on notice—is that we are going to redouble our efforts. I want to move forward and process even more over these next couple of days.

Our staffs have been extraordinarily busy over this weekend, as have I and as has been Senator CANTWELL, my ranking member. We were going through all of the amendments that have been offered to the bill, determining which ones we can clear, which ones we need to bring up for a vote, and which may not be offered at all. We are moving right along, and that is good. We need to keep moving right along because we know that time on the floor is not unlimited. As important as the energy bill is and as important as modernizing our energy policies are, we are not the only show in town here. There are Members and there are other committees that are either on deck or want to be on deck. They are waiting for their turn and are waiting to move to advance their bills.

If we still have Members who are thinking about filing amendments, I strongly encourage that be done today. We have dozens of options to vote on. So at this point, unfiled amendments are really at a disadvantage, just given all that we are dealing with. Know that we are going to process as many amendments as possible, but the window for advancing them is closing rapidly.

Many of the amendments we are seeing would address opportunities and challenges from across the energy spectrum. I really am thankful for the Senators who have come forward with very, very constructive suggestions and for their work to make this bill even better.

As we resume consideration of this legislation today, I also want to explain how the provisions that are already within the Energy Policy Modernization Act will help our country. I want to do that today—to spend a few minutes this afternoon—by explaining how it will benefit my home State of Alaska, how it will help Alaskans produce more energy and more minerals, how it will help Alaskans pay less for their energy, and how it will boost Alaska's economy at a time when we really need a boost.

The most obvious place to start is with supply. Alaska, as all my colleagues know, is a producer for the rest of the country—really, for the rest of the world. That is our legacy. It is also our future. That is because we are blessed with an amazing abundance of resources that most States—and, really, even most countries—cannot even dream of. You name the resource, and there is a pretty good chance that we have it. In fact, there is a pretty good chance that we have a lot of it.

How will our bill help Alaska produce more energy and minerals? For starters, it boosts hydropower development. Hydropower right now provides 24 percent of our State's electricity, which is good and critically important. There are however more than 200 promising sites with untapped hydropower potential. So our commitment to this clean, renewable resource and our efforts to improve the regulatory process for it could benefit communities throughout the southeastern part of the State, the south-central part, and the southwest. It provides benefit for all.

Our bill also streamlines the approval process for LNG exports. The Presiding Officer knows full well the benefit that this will bring to the country, but it will also ensure that in Alaska our efforts to market its stranded natural gas can proceed in a timely manner without Federal delay, which is extremely important for us as we move forward with our efforts to move Alaska's natural gas.

It will also help Alaskans harness more of our geothermal potential. We have enormous quantities of geothermal, but we have some challenges, as you know, with our extensive geography. But we are looking to develop a renewable resource that could potentially help power one-quarter of our States' communities, particularly in some very remote, high-cost energy States.

Our bill also reauthorizes a program to advance the development of electricity from ocean and river currents as well as tides and waves. I have mentioned before that Alaska has some 33,000 miles of coastline. That is a lot of area to harness the power of the tides and waves. There is considerable potential to generate electricity from our extensive river systems as well.

So working to do more with our marine hydrokinetic and our ocean energy could really provide a boost to projects that are showcasing some new technologies, such as those that we have proposed in Igiugig. Yakutat is looking at a project south of Kenai and along the Yukon River.

Within the bill we also promote the production of heat and electricity from the tremendous biomass resources within our forests, which could help the development of technology to aid the construction of wood pellet plants across the State, again taking that resource that is there and helping to reduce our energy costs. It will also renew a research program to develop Alaska's immense resources of frozen methane hydrates. This is something they sometimes call fire ice. It has significant promise as a secure, long-term source of American energy, but making sure that we are able to move out on that research is going to be important.

Then there is a subtitle on minerals, a very important part of our bill. I spoke on Thursday that we have incorporated much of the text of my American Mineral Security Act, which is designed to focus on our Nation's deepening dependence on foreign minerals and the concern that we do not want to get in the same place with our minerals that we once saw with oil, where we are reliant on foreign sources to supply the things that we need.

We are obviously known in Alaska for our oil production, but Alaska also has nearly unparalleled potential for mineral production. We had a hearing last year before the Energy and Natural Resources Committee, and we had the deputy commissioner of the Alaska Department of Natural Resources, Ed Fogels, testify. He said: If Alaska were a country, we would be in the top 10 in the world for coal, copper, lead, gold, zinc, and silver. He also noted that we have the potential to produce many of the minerals that we import from abroad. One example is our State government has already identified over 70 deposits of rare earth elements just within the borders of the State. As I mentioned last week on the floor, we use rare earth for everything from renewable energy technologies and smartphones to defense applications. Right now in this country we are not producing any of that supply—none of that supply on our own—yet we have the potential to do so in Alaska.

If we pass this bill, our Nation will begin to place a much greater priority on resource assessments so that we can understand what we have. If we have not done an inventory, if we have not done an assessment, how do we really know the extent of our mineral resources?

We will finally make some commonsense reforms to improve our notoriously slow Federal permitting system, which could benefit some of the projects that we have that we would like to get moving on. We have a project on Prince of Wales Island called Bokan Mountain that has rare earth potential. We also have a graphite deposit near Nome, and making sure that we help some of the changes that we see within this bill will be important.

As we produce more of our natural resources, Alaskans will benefit significantly. We will see new jobs created, new revenues will be generated for our State's treasury, and local energy costs, which is the next area I want to focus on, will decline, allowing Alaskans to keep more of their money for other purposes and needs. This is an issue when I am at home and I am talking to Alaskans about what their No. 1 concerns and priorities are. I do not care what part of the State I am talking to folks. It is all about the high energy costs and what we can do to make a difference. What can we do to bring down our energy costs?

The Energy Policy Modernization Act will not only boost our energy supplies, but it is also designed to help lower the costs of energy and to help lower the cost of energy for Alaskans. We are an energy and a mineral producer in the State, but due to our vast geography, energy is still extremely expensive in many parts of the State. It is always an eyepopper for people to do a comparison of what is going on with energy costs. Right now in the lower 48, people are enjoying going to the filling station and seeing prices that are less than $2 a gallon. I was in Nome, AK, just a few weeks ago, and they are paying over $5.50 a gallon at the pump. It is not unusual that in many of our communities around the State, we are still looking at $5 a gallon for fuel. This is not only fuel for your vehicles or your snow machine or your four-wheeler to move you around or for your boat. It is also your stove oil and how you are keeping warm.

So it is moving around, keeping you warm, and you are paying extraordinarily high costs. In many cases, our electricity costs are two to three times higher than in most other States. When we think about what it means to live in a community where effectively 40 to 50 percent of the household budget goes to stay warm and to keep the lights on—what does that leave for educating your kids, for feeding your kids, and for retirement? It does not leave you with much when you are spending half of your income to stay warm and to keep your lights on. This is part of the reality in Alaska that every day we work to address and every day we work to make a difference.

State Senator Lymon Hoffman is from the Bethel region and has been a voice for rural Alaska. He sent me a letter last year. He wrote that ''the high cost of diesel and home heating fuels are just crushing'' in rural Alaska and that he believes ''the energy situation is the single, most important problem facing the lives and well-being of rural Alaskans.'' I agree with him. That is why we worked so hard within the Energy Policy Modernization Act to make sure that as we are modernizing our energy policies, we are working to do everything we can to lower the costs of energy for Americans and for Alaskans. We reauthorized the

Weatherization Assistance Program, which provides our State with funding to improve the energy efficiency for low-income families' homes. We also renewed the State Energy Program, which allows Alaska to invest in energy efficiency, renewable energy, emergency preparedness, and other priorities.

As we have heard talked about on the floor, we have an entire title of the bill—Senator PORTMAN and Senator SHAHEEN have been working on this—devoted to efficiency for everything from voluntary building code improvements to the retrofitting of schools. As our vehicles, our appliances, and our homes are all becoming more energy efficient, that in turn works to reduce energy consumption as well as energy costs throughout the State.

This bill also has a provision to promote the development of hybrid microgrid systems. I get excited about this part of the bill because I can see the direct application in my State. It allows communities to utilize local resources and storage technologies. Microgrids are critical within the State of Alaska. We have multiple dozens of isolated communities that are not connected to anybody's grid. In fact, they are hundreds of miles from anything that could even be considered a grid. So how do they get their energy? They are basically burning diesel to meet their electricity needs. So what we are seeing come together are energy solutions where you take a little bit of wind and perhaps a little bit of hydromarine, hydrokinetic, coupled with battery and storage, and we are finding some solutions. It is innovative. In fact, it is so innovative we have a hearing scheduled over the Presidents Day recess up in Bethel, AK, so Members can see what we are doing when it comes to energy innovation and coupling things together to make them work.

We are never going to be part of a big energy grid in many parts of our State. We have had some great successes—such as Kodiak, a huge fishing port, which now produces 99.7 percent of its electricity from renewables. They have wind, they have hydro, and they have a storage system that has allowed it to work. But think about it. This is a major fishing port which, during the summer, needs a lot of energy when they are processing the fish. During the winter months, the local people there do not have energy needs that are as high as the demand during the summer. So how do you even this out? How do you make it meet during the highs and the lows? This is what Kodiak has done. They have taken themselves, as a community that was once 100 percent dependent on diesel for their energy needs, to being 99.7 percent on renewables.

One of the best provisions in the bill to help address energy costs is a modification that we make within DOE's Loan Guarantee Program. Instead of allowing only major corporations to apply, we allow States with energy-financing institutions to seek funding and to advance a range of energy projects.

Just to give a little context here, if the bill becomes law, the State of Alaska would be able to apply for a loan guarantee and then use those funds to help rural communities finance small hydropower projects, geothermal wells, MHK technology, marine hydrokinetic technologies, and the hybrid microgrids that I have been talking about. So instead of these top-down, government-driven programs, we would see the State DOE programs and other elements contained within this Energy Policy Modernization Act leveraging the innovation of local people—leveraging the innovation of Alaskans, the American people, and the private sector—to improve our energy landscapes.

These are just a few of the ways that this Energy Policy Modernization Act will help Alaskans produce more energy, save energy, and reduce local energy costs. In the process, the extra gain and benefit is that we create new jobs, generate new revenues, and provide other economic benefits we sorely need right now.

I have talked about Alaska and the impacts on my State as a result of modernizing our energy policies, but know that as Alaska benefits, other States benefit as well. Many of the provisions I have mentioned in my comments this afternoon are just as applicable in Louisiana, Maine, Arizona, and Montana as they are in my State. This bill will fairly bring economic benefits to every State, and as it brings economic benefits, the energy security that stems from the economic security that leads to the national security makes us all stronger—yet another reason I encourage the Senate to work with Senator CANTWELL and me over these next couple of days to move forward this broad, bipartisan effort to modernize our Nation's energy policies.

Mr. President, I know we have Members who are anxious to speak this afternoon. Again, I will make the same request I made earlier: If Members are interested in submitting any amendments to the Energy Policy Modernization Act, now is the time because we are going to be moving—and hopefully moving quickly—so we can proceed with some expediency and efficiency throughout this week.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

WELCOMING THE NEW PAGES

Mr. UDALL. Mr. President, I wish to echo the comments Senator MURKOWSKI made in terms of the new pages. We welcome all of you. We are excited about having you here. It is a big change to go from the previous pages to the new pages. We are excited about how things are moving along. As many people will tell you around here, pages end up doing great things. I have served in the House, and I have served in the Senate. There are Members of the House who started as pages, and there are Members of the Senate who started here as pages. So we are proud of you and expect good things of you.

Mr. President, it has been over 8 years since we passed a comprehensive energy bill. A lot has changed since then.

I first want to thank Senators MURKOWSKI and CANTWELL for their leadership and hard work. I know both of them worked very hard to find common ground. Senator MURKOWSKI is my chairman of the Interior Department Appropriations subcommittee, and she is always trying to find a way for us to work together to move that appropriations bill forward. The same thing is true of Senator CANTWELL's very good leadership on the energy committee. They both had a very tough job, and they crafted an energy bill that I believe moves us forward.

This legislation isn't perfect, but it is bipartisan and it is moving us in the right direction. I am pleased that my bill, the Smart Energy and Water Efficiency Act, was included in this legislation. All too often, treated water is lost. A lot of it is wasted because of leaks and broken pipes. My State and many States have had historic droughts. We need every drop of water we can get. We can't afford leaking pipes. We have to do better, and we can do better.

This bill supports the Federal pilot projects to develop water and energy efficiency technology. We can create a smart grid of technology to detect leaks in pipes even before they happen. This is critical to communities all across our Nation. Saving water is saving energy. Treating and transporting water is energy intensity. The more we waste, the more we pay—now and later.

I also plan to file an amendment I have been working on with a number of other Senators. This amendment, like the House Energy bill, authorizes the WaterSense Program at EPA. The WaterSense Program is to water efficiency what the ENERGY STAR label is to energy efficiency. Products and services that have earned the WaterSense label have to be at least 20 percent more efficient without sacrificing performance. It promotes smart water use and helps consumers decide which products are water efficient. By authorizing this valuable program, we will make the WaterSense Program permanent and help consumers save water energy and money.

We face great challenges, and one thing is very clear: Our energy future depends on investment in a clean energy economy. We have to be bold, we have to be innovative, and we have to encourage investment in the kind of creativity and enterprise that change the world and move us in the right direction. So today I am proposing a new initiative that will help us make those investments: clean energy victory bonds.

During the First and Second World Wars, our country faced threats we had

never faced before. We rose to the challenge. We gave it everything we had. Everyone contributed. For many, that included investing in victory bonds. They helped pay for the costs of war—$185 billion—over $2 trillion in today's money. Folks lined up to buy those bonds. That is the spirit of the American people—to pull together. It was true then, and it is true now.

Today, we face a very different threat, but it also requires us all to come together to face our challenges and to fight. National security experts tell us that rising global temperatures are one of our greatest security concerns. In 2015, global temperature records were shattered—records that were set just the year before. Climate change threatens agriculture, public health, water resources, and weather patterns. We are already feeling the impacts. In New Mexico, temperatures have been rising 50 percent faster than the global average, not just this year or last year but for decades. We have had historic drought. We have had the worst wildfires in our history.

The science is clear: The threat is growing, and time is running out. We must act. Governments are working together to reduce emissions, as we saw in Paris last month. The United States is leading, with commitments from over 140 nations to reduce their emissions. This is providing a major signal in the marketplace and is driving up interest in investing in clean energy. Over the next 5 years, 20 nations will double their renewable energy research to $20 billion. Industry is stepping up to the plate as well, pledging to invest at least $2 billion in clean energy startups. This is progress. This is momentum. Our job now is to keep it going. Investment—public and private—is the key.

My amendment is very simple. It directs the Secretaries of Treasury and Energy to submit a plan to Congress, to develop clean energy victory bonds—bonds all Americans could invest in. These bonds would raise up to $50 billion. That money could leverage up to $150 billion to invest in clean energy technology and would create over 1 million new jobs.

People across the country want to do their part. They want to invest in a clean energy future and to help fight climate change. But most of them can't afford clean energy mutual funds with $1,000 or $5,000 minimums. Many can't afford $25 or $50. We must invest in jobs and healthier communities. Clean energy victory bonds will provide that opportunity. We can do this without any new taxes on individuals or businesses. Bonds are completely voluntary, and they are an opportunity for ordinary Americans who see the challenge and who want to do something about it.

Here is how it works: Like war bonds, clean energy victory bonds would be U.S. Treasury bonds backed by the full faith and credit of the U.S. Government. Investors will earn back their full investment—plus interest that comes from energy savings to the government—and loan repayments for solid projects. The investment would make a critical difference in our energy future.

I urge my colleagues to support this effort. We face a great challenge, and we have a great opportunity. Now is the time for action. The American people want to pitch in and do what they can to fight global warming and to help ensure that the United States leads the world in the clean energy economy. Support for this amendment is growing with groups like the American Sustainable Business Council and Green America. Americans are already asking where they can purchase these bonds.

This Energy bill is a good step, but it is a modest step. Our energy and climate challenges demand much more. Again, I thank Chairman MURKOWSKI and Ranking Member CANTWELL. They have managed to move a bipartisan bill and keep the process on track. I urge them to accept my amendment and to further strengthen this bill.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I appreciate the leaders who have worked on this bill—Senator MURKOWSKI and Senator CANTWELL—and the good work they put into it. I have served on the Energy Committee and now serve on Environment and Public Works. Those are important committees as we wrestle with how to produce energy at lower prices that is healthy for our Nation.

As we consider this Energy Policy Modernization Act, I want to focus on a critical point about public policy and what is a primary goal of the United States of America. We are in a very competitive world. Energy is a big part of how we compete on manufacturing, production, and jobs. The American people want us to focus on that.

In addition, energy impacts everybody when they fill up their tank and when they drive to work. It is important when it comes to paying the electric bill or the heating bill at home. Is it expensive or inexpensive? The price of energy has a dramatic impact on the quality of life for American people to a degree that is almost impossible to ascertain. When the price of gasoline is cut in half and somebody has a long commute every day, they may have had $200 a month in gasoline bills and now it is $100. They have $100 extra in their pocket. Without taxes, without insurance, and without house payments to be paid out of that, they can use that to take care of their own personal needs—their family, their vacation, going out to eat, or just paying down that credit card that has been run up too high.

For decades Republicans have called for producing more American energy. Our Democratic colleagues have attacked those proposals that would increase the supply of energy, claiming that these efforts are part of some corrupt deal with big oil companies to make them rich at the expense of the taxpayers and the American citizens. That has been the argument. You have heard it for the last 30 years. But is that the correct way to analyze the challenges we face? Is that the way to establish good, sound public policy that will produce more American energy and bring down the cost?

Our Democratic colleagues objected to the Keystone Pipeline. We had a number of votes over a number of years, and finally it passed, and then the President vetoed that. What would the Keystone Pipeline do? It would produce another source of oil for the United States of America. Is that good or bad for big Texas oil companies? It is bad for those companies. It made it harder for them to get a higher price. There is another substantial competitor pouring another supply of oil into the United States.

This was not a corrupt deal to try to benefit some big oil company but a way to make the supply more plentiful, to bring down the cost of energy for American people. That is what we were fighting for, and it baffled me to no end that the President finally vetoed it at the end, after the American people so clearly favored it.

The Federal ban on drilling in the Gulf of Mexico—we had the Deepwater Horizon disaster in 2010. There is no doubt about that. This country really focused on it. Great effort was made to find out how it happened and how we could prevent it in the future. Eventually the Obama administration said they were reopening production in the gulf—I thought it took longer than necessary.

There is now onsite, according to a government official, a cap, and if the Horizon Disaster were to occur again, that cap within matter of days could be taken out, and it would successfully have stopped that blowout as well. We didn't have it in advance. We should have had it. But that is fixed, and other things were done, and the President said we are going to open up drilling in the Gulf of Mexico. It wasn't so. They referred to it as a de facto moratorium. They still couldn't get approval, and we lost a lot of production that went to other places around the globe.

More production means lower prices. More American oil means more American jobs and more revenue for the Federal and State governments that benefit from that and a smaller wealth transfer from Americans to some foreign country which may be hostile to us and from which we have to buy our oil. We should look to head in that direction.

Additionally, the Obama administration recently placed a moratorium on new leases for coal mined on Federal lands. I believe the administration has bypassed Congress and the will of the American people by drafting regulations that seriously constrain the use

of coal as an energy source. We just have to use coal. It is a magnificent energy source. We can do it and are doing it cleaner year after year.

Closing producing coal mines reduces American energy competition and certainly increases the cost of everyday living for Americans, and it certainly causes economic dislocation where mine after mine is being closed and United Mine Workers are being laid off.

I have always believed in and fought for increased energy production for the American people—not for big oil companies but because greater production brings down price. We know now that is true because we have seen a worldwide increase in supplies, which has resulted in a dramatic decrease in the price of oil—an amount below what anyone may have expected. This price collapse affects Americans at the gas pump every day. Gas prices are the lowest they have been since 2008. The national average as of last week was $1.84. This is half of what it was a few months ago. This has been my goal and the goal of my Republican colleagues and a lot of Members on both sides of the aisle.

In addition, we have increased oil production throughout the country with new fracking technologies. We have had battle after battle over that, but we have never had water supplies that have been impacted adversely by fracking. It is a highly efficient technology. It also helped collapse the price of oil.

We have had good, bipartisan support for efficiency breakthroughs over the years. They have caused us to have a car that uses a little less gas, houses that are more efficient, and other energy sources that are more efficient. As a result, we have needed less oil. That also helps increase the supply as the demand increases. That has been a positive step toward seeing the collapse in prices.

If Big Oil were so powerful, how is it that the price of oil has gone from $140 a barrel to $30 a barrel? They dictate the price. They can set the price at whatever they want it to be. Not if the supply starts coming in in large numbers. The prices begin to decline. It was at $140 a barrel, and now it is at $30, $35 a barrel.

The energy industry supports 9.8 million U.S. jobs, which represents 8 percent of the U.S. economy. Low energy costs are critical to advance American manufacturing. Without affordable, efficient, and reliable energy sources, American companies cannot supply their factories and employees with the kind of production we want to see.

In a recent investment report, Standard & Poors wrote that affordable energy is critical to give U.S. manufacturers ''a competitive edge over overseas competitors.'' We have lower energy prices than Europe, Japan, and South Korea. That is an advantage. We want to keep that advantage.

We need more American jobs, not fewer. We need to see fewer offshore incidents than we have seen. We need to have some onshoring, some return of manufacturing to America. If we can keep our energy prices low, that is a way our businesses can take advantage of that and expand their production of various products, many of which can be sold around the world.

The President's agenda, which he has carried on since the beginning, has had the effect of really helping foreign countries by keeping our prices higher than they should be and blocking reasonable efforts to add more production in America. Instead of American energy being promoted at home and abroad, Iran is able to export oil more freely, thanks to the President's flawed nuclear deal. Instead of promoting the general welfare of the United States, the President has limited the production of domestic oil, further increasing costs for consumers. Regulators have delayed American production many times.

These are important dynamics, along with nuclear power. I believe this is a very valuable part of the American energy production. I have been a strong advocate of nuclear power for years, and Republicans have too. It is a direct competitor to Big Oil, to carbon fuel, and we need more of that. So I think we need to remember that.

Yes, wind and solar are getting more competitive, but it still remains for the most part more expensive in most places in the country. I hope it will continue to drop in price. Maybe it will. But I can't imagine we will see dramatic decreases any time soon. If we were to shift America immediately to a total solar and wind power system, prices would go through the roof. It would hammer Americans far more than we have ever seen before.

I think this bill has many good qualities. It helps improve efficiency and innovation, and maybe we can build on it in a way that will bring America to the point where we can produce more American supply, keep prices down, help revitalize our manufacturing base, and put this country in a position to compete far more effectively in the world marketplace.

I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. NELSON. Mr. President, I ask unanimous consent to speak for up to 20 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. NELSON. Mr. President, I wish to address an issue that the Senator from Alabama touched on before he leaves the floor. I am here to speak about the Florida Everglades, but since the Senator just raised the issue of the Gulf of Mexico, which is certainly an interest of his, just as it is for the Acting President pro tempore, the Senator from Louisiana, I just want to clarify something and make sure the Senators understand that this part of the Gulf of Mexico, which is off-limits to drilling up to and through 2022, has nothing to do with the Obama administration. It has to do with a law that Senator Martinez and I passed in the last half of the last decade.

Now, why did we do that? Well, it would be nice to say that we were prescient and understood that when the oil spilled into the gulf off of Louisiana—relative to the whole spill, a little oil got into Florida and covered up Pensacola Beach and got into Perdido Bay, Pensacola Bay, Choctawhatchee Bay and went as far east as Panama City Beach; the sugary white beaches that so many people visit were just covered with tar balls—as a result, a whole tourist season was lost, not just for Pensacola, Destin, Sandestin, and Panama City Beach but for the entire gulf coast of Florida down to Clearwater Beach, Sarasota, Fort Myers, Naples and for the farmost beaches on the west coast of Florida on the gulf and Marco Island. Now, if that were not enough, I just want the Senator to understand why we are so opposed to drilling off the coast of Florida. Clearly, there is the economic reason. So much of the environment got messed up, and it was unhealthy for the critters that get into the estuaries. Here is the ringer, and the Senator from Alabama will especially appreciate this because he has, at times, been my leader on the Armed Services Committee. The Gulf of Mexico off of Florida is the largest testing and training range in the world for the U.S. military, and every admiral, general, and the Secretaries of all of the branches will simply tell you that we cannot have drilling activities where we are testing and training some of our most sophisticated weapons.

Why do we have all of those training, tests, and evaluation activities at Eglin Air Force Base, Tyndall Air Force Base, and the Naval Training Center in Panama City? I didn't even include Pensacola and Whiting Field and all of the Department of Defense. When we shut down the U.S. Navy's testing range of Vieques, off of Puerto Rico, where did the fleet of the U.S. Navy go? They went to the gulf. They will send squadrons coming down to Key West Naval Air Station and stay there for a week or two because when they lift off the runway of Boca Chica, within 2 minutes, they are over a protected area so they can get into their training and testing activities.

I will finally say to my friend—and I am not sure that my colleague has ever been able to see this through the eyes of someone who is trying to protect the defense assets in the State of Florida——

Mr. SESSIONS. Mr. President, the Senator——

Mr. NELSON. Mr. President, I will yield to the Senator for a question.

Mr. SESSIONS. The Senator is a great friend, and we have a couple of good battles going on right now where we stand shoulder to shoulder, but for the most part the area that was approved for production was shut down

when the problem with Deepwater Horizon was fixed rather than expanding that into Florida where the Florida waters, which Senator NELSON has been an effective advocate for, would not allowing drilling there. I do believe we have a situation where we have agreed and proved that this kind of problem would not occur now. I do believe there is a tremendous advantage for America, and we can have an advantage of low energy for American workers, for our jobs, and that way we will not send money abroad.

I thank Senator NELSON for his good comments. He is highly informed on this issue. It is a pleasure to serve with him.

Mr. NELSON. Mr. President, I thank the Senator. He knows how affectionate I am toward him as a friend. I appreciate that friendship and that willingness in a bipartisan way—even when we had all kinds of thorny issues, such as national missile defense in the Armed Services Committee—that the two of us could work it out.

FLORIDA EVERGLADES

Mr. President, I come to the floor to talk about the Everglades, and I need to start by saying that the Army Corps of Engineers began releasing water from Lake Okeechobee into the two rivers on either side of the lake. The problem is that we have a dike—not like the one that Mother Nature intended, where the whole surrounding of Lake Okeechobee, which is the largest lake in Florida, was nothing but a marsh. That is how Mother Nature had it. But after people moved in—and then in the late 1920s, the hurricane that drowned 2,000 people—we came in there and diked all the way around it. Well, the dike is only so structurally sound so that as the water rises in the lake, there is more water pressure on the sides, and if you start getting above 15 feet of depth of the lake, we have to worry about the dike collapsing and all the flooding of the surrounding towns and people and farmlands. So you get the picture.

So the Army Corps of Engineers has to give some relief. So they release water to the east into the St. Lucie River and to the west into the Caloosahatchee River, and as a result, it relieves the dike pressure problem. But since Lake Okeechobee is so polluted, until we can get it cleaned up—and there is an effort—what happens when it goes into these pristine estuaries to the east into the St. Lucie and to the west into the Caloosahatchee, is that you get much too much nutrient content into those estuaries. The salinity in those estuaries goes down, which is harmful to things like oysters and certain fish, and the nitrogen and phosphorous and other pollutants come up. And what happens? Algae grows. When algae grows, it sucks up the oxygen from the water, and it becomes a dead river. The mullet can't jump because there is no mullet, the fish hawk can't dive because there is no fish, and it becomes a dead river.

Now, that is why it is so necessary that we proceed with the Everglades restoration projects that will help us clean up the pollution in Lake Okeechobee, and at the same time when the dike structure gets threatened, we will have a place to send that water instead of directly into those two estuaries. That is presently being built on the east—a storage area—and it is to be built on the west over near LaBelle on the Caloosahatchee River. Well, it is just another reason why many of us are fighting so hard to complete these Everglades restoration projects, so that impossible decisions that face the Corps of Engineers right now—that either they threaten the dam and hold it back or they release the polluted water and kill the rivers—are not choices that the Corps has to make. It is certainly not a good choice for our environment and for all the people who live in the surrounding area. So Everglades restoration must move forward aggressively and without delay, and that is why this Senator is going to be introducing legislation tomorrow to expedite that process. It is going to be called the Everglades for the Next Generation Act. It will authorize all of these Everglades restoration projects that the Army Corps of Engineers has deemed ready to begin. It would allow the Corps to begin work on them immediately instead of having to wait around for us to pass another water bill. Remember, we just passed a water bill. When was the last time we passed a water bill? It was 7 years ago. We just can't wait that long. There is too much at stake, and this is why we want to get these all bundled up, so the Army Corps of Engineers can proceed.

The Everglades, for the first three-quarters of the last century, was diked, drained, and deferred, and now we are trying to bring back as much of that plumbing and reverse it so that it will flow much more like Mother Nature had intended it and did for eons and eons. It is a monumental task. We have to look at what we are doing to protect this land that we love that has been called the ''river of grass.'' We have to do everything we can to protect it. But right now, beware. The National Park Service has in front of it and is evaluating a proposal from a Texas-based company for drilling and fracking activity. This company is looking to conduct—this is what they say: Oh, this is just a seismic survey—first on 70,000 acres, but it is just the first part of seismically mapping the entire Big Cypress National Preserve. This is a national preserve of 700,000 acres, and where is it located? It is located right next to the Everglades National Park, which is 1.5 million acres, but it includes hundreds of thousands of other acres that are part of this water discharge area where we are cleaning up that water as it is coming south.

They will say: Oh, this is just a seismic survey. But what do we have seismic surveys for? To drill. By the way, this is a company in Texas that not only drills for oil, it also fracks for oil. Why in the world would we want this to happen? Why would we spend hundreds of millions and billions of dollars to restore the Everglades and then suddenly turn around and hand it off to a Texas wildcatter to go out there and drill—a wildcatter that is also a fracker.

This Senator has nothing against fracking. Where is our fracking done? It is done in the hard shale rock of the Dakotas, of Oklahoma, of Texas. They go down under high pressure and shoot water and chemicals to break up the shale rock. It is solid rock. What does the State of Florida sit on? It sits on a porous honeycomb of limestone, and that porous rock is filled with freshwater near the surface.

So people wanted to go in there and start doing high-pressure fracking that we do successfully to shale rock, which was done by the Dan Hughes Company. They were given a permit by the State of Florida. Then the county commission of Collier County found out about it and started raising Cain, and suddenly the pressure became too great because of what that fracking would do, with the high-speed chemical going into that porous limestone, not only to the water supply of Florida but to the very foundation of Florida. If you ever look and envision a piece of coral that our divers go down to look for in some of the national reefs—we have seen that beautiful coral, and it builds up. That is very similar to how Florida was formed: Over years, over and over, those corals and shells and skeletons and limestone that created that substructure holds up the State of Florida and contains a bubble of water, which is our Floridian aquifer.

Some people think a seismic survey is no big deal, but watch out. It is just like the proverbial camel getting its nose under the tent. Watch out. That camel is pretty soon going to be in the tent. So why conduct a huge, prolonged seismic survey if we don't have the plans to extract the resources that are found? Why would the Federal Government approve risky behavior such as fracking and a brandnew type of seismic survey equipment in an area we have spent decades trying to restore? Remember, I said it is the Everglades National Park, 1.5 million acres. Right next to it, to the west, is the Big Cypress National Preserve, another 700,000 acres. To the north are all of those protected lands of the water recharge area, hundreds of thousands of acres.

All of this is why I wrote to the Interior Secretary asking her agency to complete a very thorough environmental review of this proposal. It is interesting. I wasn't the only one who responded. The National Park Service told me they had received about 8,000 comments during the public comment period. It seems to me that is a pretty clear sign that there is a great deal of concern and controversy out there in the public interest and especially those

in Collier County. My colleagues can't imagine the political backlash when this Dan Hughes oil company—not the one that is applying for the seismic survey but they were a wildcatter as well as a fracker, that Dan Hughes company—my colleagues can't imagine the political backlash that occurred from people of both parties. I can tell my colleagues there was backlash, especially from the Republican county commission in Collier County, when they found out there was fracking going on out there without their knowing about it and without any of their input into whether it should have been done.

Fortunately, the outcry was so severe that the State of Florida finally revoked the permit and they had to pull out. They had—that company—performed an unauthorized acid stimulation procedure, which is a glorified term for fracking. So we rose up and we fought that. Again, I say to the Senate, this Senator does not have a problem with fracking done environmentally well, but fracking in all of our oil reserves has been done in the shale rock. That is what has made it possible to, in a few years, be able to completely eliminate our dependence on foreign oil. This Senator has no problem with that. This Senator is thankful for that, but when we try to perform that procedure on a different kind of substrate—a porous limestone filled with water—then we are courting economical and environmental disaster.

I must say, this didn't stop some in the State Legislature of Florida who are determined to open parts of Florida to companies looking to drill. To make sure all of this local opposition doesn't get in their way, State legislators in session right now in Tallahassee have proposed a bill that would prohibit a county, a city or any other local government from limiting fracking within that city or county's borders. Such a decision, under this proposed legislation, would be left up to the State only. It is not hard to figure out how that is going to turn out, especially since it was the State of Florida that gave a permit to do the fracking that there was such a reaction to 2 years ago.

This is one of the most pristine areas on the planet. I urge my colleagues to join our efforts to protect this unique environment for generations to come.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

TRANSPARENCY IN GOVERNMENT

Mr. CORNYN. Mr. President, the Founders of our great land believed in transparency of government because they believed that only an informed citizenry was in a position to consent to what the government was doing on their behalf. The very legitimacy of our government is based on that informed consent. It is also important for the voters to be able to hold elected leaders politically accountable. Of course, they can't hold their elected leaders accountable for something they don't know about or something hidden from their view.

It is no understatement to say that the American people's confidence in the Federal Government is at if not an alltime low, certainly a new low in recent memory. Unfortunately, they see the President acting unilaterally, where he should be working on a collaborative and cooperative basis with Congress to pass legislation rather than to try to do things by Executive action. Then we see where elected officials and members of the administration have made blatant misrepresentations of the facts only to be proven wrong and then are not even embarrassed by it.

So it is important to have transparency in government, to have an open government. The American people need to know what their government is purporting to do on their behalf so they can approve or disapprove as they see fit. That is the foundation of our democracy and our Republic.

Back in October I stood on the floor of the Senate and outlined concerns I had about the evolving scandal involving Secretary Clinton's use of her private, unsecured email server during her service as Secretary of State. I said at the time that her behavior not only violated the President's promise to be the most transparent administration in history—I remember him making that statement during his first inaugural address—but it also represented a violation of the public trust. Now we learn of very serious national security concerns which I am going to speak about in just a moment.

Because we know that the Department of Justice is headed by the Attorney General—a political appointee of the President of the United States who serves at the pleasure of the President—and because of the conflict of interest by asking Attorney General Lynch to investigate and perhaps even prosecute somebody in the Obama administration, I called upon the Department of Justice, and the Attorney General in particular, to appoint a special counsel to investigate the matter, given those obvious conflicts of interest. Of course, we read in the paper and understand from testimony before the Senate Judiciary Committee just recently by Director Comey of the FBI that the FBI is conducting an investigation into this matter, as they should. For myself, I would say the FBI, notwithstanding what I have said about the Federal Government's poor reputation generally—that the FBI is still very widely respected for its integrity, as it must be, but the FBI cannot go further and convene a grand jury to consider potential violations of the criminal law. That can only be done by a court at the request of a prosecutor with the Justice Department.

If we are going to be true to the promise of equal justice under the law—those are the words carved above the entryway to the U.S. Supreme Court—if we are going to be true to that promise, we have to be able to demonstrate that the same rules and the same laws apply to everybody in this country, whether a person is the President of the United States or whether a person is one of our Nation's humblest citizens. We are all equal before the law—or at least we should be—and it is a violation of the public trust when people act as if the rules that apply to everybody else don't apply to them.

So far the Attorney General has declined to appoint a special counsel, but I think that even in the interim, since I first made that request and it was declined, we see why it is even more important today than it was back in October.

The Obama administration has demonstrated time and time again precisely why we need the decisionmaking in this case as far removed from White House politics as it can possibly be. For example, in October the President went on television and publicly opined on the results of the ongoing criminal probe. He said, ''I don't think it posed a national security problem.'' That is the President of the United States. Based on his comments, one might reasonably conclude that the White House was somehow privy and in consultation with the FBI about their ongoing criminal investigation. Subsequently, I had a chance to ask Director Comey whether in fact that was the case, and he said absolutely not. I believe Director Comey.

It is not a little matter when the President of the United States is saying ''I don't see a problem here'' when he actually doesn't even know the facts, and it might appear that he is trying to influence the conduct of that investigation. That is a real problem. In fact, the President's comments were out of line—offering his opinion on what the results of an ongoing criminal investigation might or should be.

Since that time, we found out that Secretary Clinton had 18 emails between herself and the President on her private email server. I don't know whether the President still feels like this is not a problem, but it is a big problem.

I earlier outlined the publicly reported evidence and explained the very real likelihood of criminal violation on the part of Secretary Clinton and her staff. Since then, my concerns—that the information held and sent by Secretary Clinton contained some of the most sensitive classified information of the U.S. Government—have been confirmed.

Just 2 weeks ago, several of my colleagues received a letter from the inspector general of the Office of the Director of National Intelligence, the agency whose core mission it is to integrate all the intelligence operations of the U.S. Government. That letter was

sent in response to one from the chairman of the Select Committee on Intelligence and the chairman of the Senate Foreign Relations Committee about the security of Secretary Clinton's private email server. What the inspector general said should give us all pause. He said that there were ''several dozen e-mails containing classified information.''

As we know, there are several different levels of classification for government correspondence, some more sensitive than others, but the inspector general went on to say that these emails were ''determined by the [intelligence community] element to be at the Confidential, Secret and the Top Secret/SAP level.'' That ''SAP'' term may be a new one to a lot of people, but it is an acronym that means special access programs. It is the most sensitive classified information known to the U.S. Government, and it is a classification even above ''top secret.''

Access to special access program information is so highly restricted in part because it exposes information about programs that are incredibly sensitive to national security, such as how intelligence was gathered in the first place, sources, and methods—some of which would be jeopardized, if not individuals killed if it was known that they were providing a source of intelligence for the U.S. Government. In the case of special access programs from an intelligence agency, that means exposing this information would put intelligence collection and, as I said, potentially human sources at great risk.

On Friday, more news regarding the type of information that was on Secretary Clinton's server was announced. It was widely reported for the first time that the State Department admitted that it had categorized at least 22 emails found on Secretary Clinton's server as ''top secret''—that is the agency she was responsible for that said 22 emails were top secret.

I think it is pretty obvious, even based on the public reports—most of which were generated from information produced as a result of a freedom of information lawsuit in Federal court—I think it is pretty obvious that her email server did contain information that jeopardized our national security.

Let me digress for a second to talk about a new development, a new concern that was raised by this information that some of these different classifications of information were contained on her private email server. The fact is, there are three different government email systems. There is the Secret Internet Protocol Router Network—known as the SIPRNet—which is used by the Defense Department and some other government agencies and which is separate and apart from the Internet. It is also separate and apart from the usual government system called the Nonclassified Internet Protocol Router Network, NIPRNet. The SIPRNet is secret and separate, and the NIPRNet can be used to send emails outside the government on a government email server. Then there is a third type of system known as JWICS. This is the Joint Worldwide Intelligence Communication System, which is even more sensitive than the information contained on the SIPRNet, which I mentioned earlier. If somehow, as appears to be the case, information got from the SIPRNet or JWICS onto a NIPRNet system or onto a private email server system, it would have to be physically transferred because they are not connected. Part of their security is that they are maintained as independent systems. The concern is that highly classified information from SIPRNet or the super-secure JWICS somehow jumped from those closed systems to the open system and turned up in at least 1,340 Clinton home emails.

In an article in today's New York Post, the author points to Secretary Clinton's Chief of Staff Cheryl Mills or Deputy Chiefs Huma Abedin and Jake Sullivan because in one of the emails that has been made public, Clinton pressured Sullivan to declassify cabled remarks by a foreign leader.

''Just email it,'' Clinton snapped, to which Sullivan replied: ''Trust me, I share your exasperation. But until ops converts it to the unclassified email system, there is no physical way for me to email it.''

In another recently released email, Clinton instructed Sullivan to convert a classified document into an unclassified email attachment by scanning it into an unsecured computer and sending it to her without any classified markings. ''Turn into nonpaper w no identifying heading and send nonsecure,'' she ordered.

One gentleman associated with Judicial Watch, which has been one of the entities that have filed the freedom of information litigation which has produced the huge volume of emails contained on Secretary Clinton's server, said, ''Receiving Top Secret SAP intelligence outside secure channels is a mortal sin.''

So, as one can see, these are not trivial matters; these are very serious matters.

It is important to remind folks that this issue was even made worse because it is likely that some of our adversaries had access to and monitored her private email server. We have heard many of our Nation's top national security and intelligence leaders indicate that is likely.

Recently, Secretary Gates, whose long service to our country includes being Defense Secretary under President George W. Bush and President Barrack Obama, as well as high-level jobs in the CIA, said, ''I think the odds are pretty high'' that Russians, Chinese, and Iranians had compromised Secretary Clinton's server.

Here we are now knowing that information on that server not only included classified information but information classified at the highest level known to the Federal Government.

On Friday, given these reports, President Obama's Press Secretary, his chief spokesman, Josh Earnest, was asked about the status of the investigation and if he believes Secretary Clinton would be indicted. It would have been easy enough for him to say ''No comment'' or ''We are not privy to the investigation because it is being conducted by a law enforcement agency and that is the way these things are done,'' but instead he said, ''Some officials have said she is not the target of the investigation'' and that an indictment ''does not seem to be the direction in which it is trending.''

As with the President's reckless remarks on television in October, either the White House has information they should not have about the status of this ongoing criminal investigation by the FBI or they are sending a signal to the FBI and the Department of Justice that they want this to go away. It is hard for me to interpret these comments by the President and by his Press Secretary as anything other than trying to influence the FBI and the Department of Justice on the outcome the administration prefers. That is completely inappropriate, it is outrageous, and it has to stop.

Today this Senator is back on the Senate floor where I started months ago to make the very same point but with a greater sense of urgency and with a lot of new information that has come to light. I believe Secretary Clinton has likely violated multiple criminal statutes. For a Secretary of State to conduct official business—including transmitting and receiving information that is classified as SAP level—on a private, unsecured server, when sensitive national defense information would likely pass through it, is not just a lapse of judgment, it is a reckless disregard for the security of the American people, not to mention the lives of our intelligence professionals who are involved in gaining this important intelligence. It is important for us to protect ourselves against our adversaries.

In light of the unprecedented nature of the case and of the multiple conflicts for the Department of Justice, I can see no other appropriate course of action but for Attorney General Loretta Lynch to appoint a special counsel to pursue this matter wherever the facts may lead. That need is underscored by the apparent inability of the White House to resist the temptation to try to influence or, at worst, obstruct the current investigation.

I hope the Attorney General seriously considers my request to appoint a special counsel given the conflict of interest and the extraordinary circumstances of this case because in the end it is the right thing to do for the American people. If the U.S. Government—including Congress and the administration—is going to regain the trust and confidence of the American people, they need to know that the chips will fall where they may and that our law enforcement officials, such as the FBI and the Department of Justice, will pursue these cases wherever the

facts may lead, that there isn't a separate set of rules for high government officials, such as the Secretary of State, and you and me.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I rise to speak on an amendment that I submitted last week, amendment No. 3140, which is a tripartisan amendment to the Energy Policy Modernization Act, which is the pending legislation. I submitted the amendment last week with Senators KLOBUCHAR and KING as my lead cosponsors. Our amendment would support the key role that the forests in this country can play in helping to meet our country's energy needs.

The carbon benefits of forest biomass are clearly established. Yet current policy uncertainty could end up jeopardizing—rather than encouraging—investment in working forests, harvesting operations, bioenergy, wood products, and paper manufacturing. Biomass energy is sustainable, responsible, renewable, and economically significant as an energy source. Many States are already relying on biomass to meet their renewable energy goals. There is a great deal of support for renewable biomass, which creates the benefits of establishing jobs, boosting economic growth, and helping us to meet our Nation's energy needs. Federal policies across all departments and agencies must remove any uncertainties and contradictions through a clear policy that forest bioenergy is an essential part of our Nation's energy future.

With these goals in mind, I have offered a very straightforward amendment with a group of colleagues who span the ideological spectrum. They include, as I mentioned, Senators KLOBUCHAR and KING, as well as Senators AYOTTE, FRANKEN, DAINES, CRAPO, and RISCH. I am very pleased to have all of these colleagues cosponsoring my bill.

Our amendment supports the key role that forests in the United States can play in addressing the Nation's energy needs. The amendment echoes the principles outlined in the June 2015 letter that we sent, which was signed by 46 Senators. As the Acting President pro tempore knows, it is very unusual for 46 Senators on both sides of the aisle to come together in support of a policy.

Specifically, our amendment would require the Secretary of Energy, the Secretary of Agriculture, and the Administrator of the EPA to jointly ensure that Federal policy relating to forest bioenergy is consistent across all departments and agencies and that the full benefits of forest biomass for energy conservation and responsible forest management are recognized.

The amendment would also direct these Federal agencies to establish clear and simple policy for the utilization of biomass as an energy solution. These include policies that reflect the carbon neutrality of forest bioenergy that recognize biomass as a renewable energy source, that encourage private investment throughout the biomass supply chain, that encourage forest management to improve forest health, and that recognize State initiatives to use biomass.

The carbon neutrality of biomass harvested from sustainably managed forests has been recognized repeatedly by numerous studies, agencies, institutions, and rules around the world, and there has been no dispute about the carbon neutrality of biomass derived from the residuals of forest products manufacturing and agriculture.

Our tripartisan amendment would help ensure that Federal policies for the use of clean, renewable energy solutions are clear and simple.

I am in conversations with the two managers of this important bill, the chairman, Senator MURKOWSKI, and the ranking member, Senator CANTWELL, about our amendment. I hope that it will be adopted, and I encourage our colleagues to support its adoption.

As I mentioned, Senators KLOBUCHAR and KING joined with me last week in submitting this bill.

Mr. President, I ask unanimous consent that Senator AYOTTE, Senator FRANKEN, Senator DAINES, Senator CRAPO, and Senator RISCH be added as cosponsors to the amendment as well.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I yield the floor.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

STUDENT LOAN DEBT

Ms. WARREN. Mr. President, 2 weeks ago, Senate Democrats announced our commitment to end the crushing burden of student loan debt. Our campaign is called ''In the Red'' because we agree with what President Obama said during his final State of the Union: ''No hard-working student should be stuck in the red.''

My special guest at President Obama's final State of the Union address highlighted exactly this point. Alexis Ploss is a student at UMass Lowell. She is a first-generation college student working on a degree in math. She wants to get a master's degree so she can become a public school teacher, but she has already taken on over $50,000 in student loan debt.

Think about that, smart, hard-working students who want to build a future for themselves and who want to teach the next generation of kids are weighing the benefits of more education against the fear of an unmanageable debt load.

I don't think Alexis will quit, but I want my Republican colleagues to explain to me how America is any better off if a young woman doesn't get a master's degree and become a first-rate math teacher. How is this country any better off if young people get scared by debt, quit school, and take a job that requires less education?

What Alexis and hundreds of thousands of other people like her end up doing will be affected by decisions we make right in this room. If Congress does nothing, then Alexis and hundreds of thousands of other students just get squeezed harder. The debts get bigger, they grow faster, and the decision to give up is just a little closer.

Seventy percent of students now need to borrow money in order to make it through school. Democrats are here to say: Enough is enough, and that is what this ''In the Red'' campaign is all about. The Democratic plan has two basic parts: debt-free college and refinancing student loans.

There are a lot of ways to get to debt-free college. We can give students the opportunity to graduate from community college without student debt by making it completely tuition free. We can increase Pell grants. We can hold colleges accountable for keeping costs low and providing a high-quality education that will help students get ahead.

We can also cut the outstanding debt. Some student loans are charging 6 percent, 8 percent, 10 percent, and even higher interest rates. We could cut those interest rates right now. Democrats are ready to go, but the Republicans are blocking us every step of the way. Instead of lowering the cost of student loans, they support the status quo, where the U.S. Government turns young people who are trying to get an education into profit centers to bring in more revenue for the Federal Government.

In fact, Congress has set interest rates so high on loans that just one slice of those loans—those issued from 2007 to 2012—are now on target to make $66 billion in profits for the U.S. Government. This is obscene. The Federal Government should be helping students get an education, not making a profit off their backs.

The main response from Republicans in Congress has been to claim that refinancing wouldn't save students that much money. Really? There are more than 40 million people currently dealing with student loan debt. When their interest rates are cut, many will save hundreds of dollars a year and some will save thousands of dollars a year.

That is money that can help someone out of a hole or money to save for a downpayment on a home or money to pay off those student loans faster—but Republicans say that money is trivial? What comes next? Do Republicans say let them eat cake?

Where are all those Republicans who think Washington takes too much of our money? These artificially high interest rates are a tax we impose on students to fund government, a tax that keeps hard-working young people from buying homes, from starting businesses or for from saving for retirement.

The Republicans may not want to tax billionaires or Fortune 500 corporations, but evidently they don't mind squeezing students who have to borrow money to pay for college.

For 2 years now, Democrats have tried to get a bill through Congress to lower the interest rate on student loans, and for 2 years the Republicans have blocked this bill. As the Republicans have said no, hardworking people who are just trying to build a life have paid and paid and paid.

So I am here to ask the Republicans: What is your idea? What is your plan for how to deal with existing student loan debt? Democrats have put a proposal on the table to make college affordable, but I don't hear anything from the Republicans except ''no, no, no.'' Well, it is time for change—debt-free college and lower interest rates on student loans. That is what Senate Democrats are fighting for, and together that is what we are going to win.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

TRANS-PACIFIC PARTNERSHIP AGREEMENT

Mr. SESSIONS. Mr. President, on Wednesday of this week, in the dead of the night—at least here—the President intends to have his trade representative sign the Trans-Pacific Partnership, a massive trade agreement, for our Pacific trading partners. It is the product of fast-track, a procedure that cleared the Senate. Presumably at some point, it will then be advanced to the Congress for approval. The advancement will be the result of the President filing implementing legislation that will move the agreement forward.

Even though the President regards this deal as one of his signature accomplishments, he is not making the trip. Instead, he has deputized Trade Representative Michael Froman to sign the agreement in New Zealand on behalf of the United States. New Zealand is a long way away.

We haven't had much talk about this event. The reason is that the American people are very uneasy about it. The American people are not happy with this agreement. The American people, I believe, fully oppose it and would oppose it even more so if they knew more about it, and they will learn more about it. So I think there has been an effort not to talk about it, to keep the language low, and to see if it can't be brought up some way and passed. I think that would be a mistake.

This trade agreement is 5,554 pages long and stacks 3 feet high on my desk, so I would like to point my colleagues to examples of what the deal will do.

The American Automobile Policy Council recently issued a report which stated that the TPP would threaten 90,000 American automotive jobs because of its failure to include strong currency protections. This is just one of the problems we have. It has to be dealt with. Currency manipulation is exceedingly dangerous. It has very large impacts, and on a $20,000, $30,000, $40,000 automobile, we are talking about thousands of dollars difference through currency.

American industries across the board are beginning to oppose TPP. Many believe that all of the businesses are for it. But that is not the case. Many American manufacturers would see their future even more problematic under the TPP.

Ford released a statement opposing the deal. They argued that the TPP is not adequately open and does not adequately open foreign markets to U.S. goods.

We are going to further open our markets to foreign goods, but we are not going to make the kind of progress that must be made to help our exports, which is why we are told this agreement should pass—because it is going to open up markets for us. Ford says no.

Last week Ford announced they were leaving the Japanese market—Japan being the key country in this agreement—because they say that Japan has nontariff barriers that have limited their ability to sell cars in Japan.

For example, in 2015, Ford sold fewer than 5,000 cars in Japan. Ford is an international manufacturer. They sell large numbers of automobiles in Europe, in Mexico, in South America, but they cannot penetrate the Japanese market. Hyundai, a superb South Korean manufacturer, also not too long ago gave up trying to sell automobiles in Japan. It is not tariffs; it is nontariff factors, constructed by Japan, that make this happen.

Given this evidence, one would hope that the United States would be able to negotiate a deal that would support American manufacturing and American workers, but that is not the case with the TPP.

This is the World Bank's evaluation. The World Bank has concluded that Japan would see an extra economic growth of 2.7 percent by 2030 while the United States can expect only fourtenths of 1 percent of additional economic growth.

The White House's own study—a study they cite with pride, although they omit many of the facts that are set forth in that report—conducted by the Peterson Institute for International Economics claimed that TPP will decrease the growth of manufacturing in the United States by 20 percent by 2030. In other words, without this deal, manufacturing in the United States would grow 20 percent more than if we signed the TPP.

Is this good for America? Manufacturing jobs are high-paying jobs. Manufacturing jobs demand resources from the community, and all kinds of people support those manufacturing jobs. The products that Americans manufacture are sold in the United States, around the world, and money is brought home, and it pours into that community to buy more products, more machines, more gasoline, more electricity, and to pay the workers who work in the plants.

You have to have manufacturing in this world. A nation cannot get by without it. A nation that has the greatest economy in the world, a nation that has the greatest military in the world must maintain a manufacturing base.

According to the Peterson Institute for International Economics, this 20 percent reduction in potential growth would result in around 120,000 fewer jobs than would have been created otherwise. That is a very large number—120,000 high-paying, good jobs in manufacturing plants. But that is the President's study. That is his group that they got to give the results he wanted. Trust me—and we are going to show this over time—the predictions for these trade agreements have fallen massively short of what the administration has promised.

However, a more critical study by the economists at Tufts University—that prestigious university—recently found that TPP would cost up to 400,000 jobs in the United States. We are supposed to sign this deal, and it is supposed to make America better, and it is going to cost us jobs. That is what the other deals have done. I think this one is likely to do the same. I wish it weren't so.

We need better trade deals. We don't need to enter into trade deals that don't protect the legitimate interest of American workers and American manufacturers. Our trading partners, good countries, good people—Japan, South Korea, Philippines, and others—are tough trading partners. They are mercantilists. They are not free traders, really. They are out to maximize their exports, and the export market they lust after the most is the U.S. market. That is where they want to export their products and bring home American dollars. We haven't done a good job of defending our interests.

The United States already has trade agreements with major Asian nations. We have many of them now. How have they turned out? Shouldn't we study

that? Has anyone talked about that? Have we had hearings on how well they worked out before? No.

We haven't really looked into the effects of previous agreements because we don't want to talk about that. What we want to say in the Senate and the House of Representatives is that trade deals are good. If anybody has a trade deal, be for it. That is not a sound way to proceed.

South Korea is a good ally of the United States. It is a good country, but they are tough competitors. Our trade deficit with South Korea last year from January through November was $26 billion, and by the end of the year, that country alone will be about $28-plus billion. They have not published numbers yet, but estimates suggest that the 2015 trade deficit will be 15 percent higher than the previous year—2014. Is that a good deal for the United States?

Trade deficits reduced U.S. GDP, as products that Americans consume are made abroad instead of produced here as part of our gross domestic product. It is not good for economic growth. Our growth fell way below expectations—0.7 percent—in the fourth quarter of this year, and every dollar of trade deficit subtracts from our GDP.

Some think we could be heading into a recession. Many people are seriously discussing this. Who knows what will happen? We are not in a booming economy; there is absolutely no doubt about it. Wages are down. Job prospects are down. We have the lowest percentage of Americans in their working years actually working since the 1970s. It is not a healthy environment.

In 2010, President Obama promised that the South Korean trade deal—he said this when he signed the agreement. They have been promising these kinds of things in advance. It passed, and he signed the agreement. I voted for it. I voted for most of these deals, but it is time for us to be honest about it, to evaluate how well they are actually turning out. When he signed the deal, he promised it would increase American exports to South Korea by $11 billion a year. That was nice. We would like to have seen that. However, in the 11 months of last year, the United States exported only $1.2 billion more than we did when the deal was signed 6 years ago. The year before that, it was a $0.8 billion export increase; it was not even $1 billion.

What about Korean exports to the United States, what we import from Korea? Since 2010, our trade deficit with South Korea has risen nearly 260 percent, from $10.1 billion in 2010 to more than $26 billion this year. That is a very serious matter. I am very concerned about this loss of jobs.

I think the American people need to know what is happening. The Transpacific Partnership Agreement not only fails to deal with manufacturing jobs in general, but it also fails to include any kind of serious measure that would address currency manipulation.

During the time President Reagan was President, the economy went through a tough period, but it rebounded under his leadership. Paul Volcker and Reagan's leadership put us on a path of sound, solid growth that went all the way through the 1990s. Mr. Volcker once said a moment of currency manipulation can wipe out years of trade agreements with our trading partners.

Currency is a huge thing. That is why the American Automotive Council is concerned about it, why Ford and other manufacturers care about it, and why we had a series of votes on the Senate floor to try to do something about currency.

But the powers that be had the ultimate victory. We got to vote for a bill that wouldn't become law; that would push back and allow us to resist currency manipulation. We got to vote on that one, but they made sure it didn't get on the bill that is going to become law—the Trans-Pacific Partnership Agreement. It was a show vote. The President was not going to execute it, and he threatened to veto it.

The Wall Street Journal, on November 5, wrote:

> Mexico, Canada and other countries signaled that they were open to the [currency] deal when they realized it [would not] include binding currency rules that could lead to trade sanctions through the TPP.

These countries want to be able to manipulate their currency. Obviously, they agreed to go forward with the trade deal because they knew there were no binding currency rules. In fact, last year the Japanese Finance Minister, Taro Aso, said that ''there [will not] be any change'' in Japan's currency policy because of the provisions included in the TPP.

Some milk toast language got in the agreement. The Senators were able to say they voted for a bill that had teeth to it, but that was in a separate bill that would not become law. My currency provisions in the bill, the language with real teeth, was stripped out during the Conference Committee because the President threatened to veto it. It is never going to become law.

But the agreement included alongside the TPP is meaningless. Japan and others say it is not going to make any change in their currency policy. Japan significantly devalued the yen again recently. China devalued its currency by 6 percent last summer alone, and many expect they will devalue it even further.

I have to say, it is time for the United States of America to understand something. We are the largest economy in the world. We have the greatest military in the world. We need to demand that people who sell in our markets—and whose exports to the United States are critical to their economic well-being—don't get to do this if they are not playing by the rules. They don't get to manipulate their currencies. They don't get to subsidize their manufacturing, and we are not going to allow them to use nontariff barriers to prohibit the imports of American products.

That is what we need from the leadership in this country—not an agreement that allows continued manipulation of currency and that does not deal effectively with the nontariff barriers and subsidies these countries use to take market share away from U.S. companies.

What happens to an American business? U.S. Steel just closed some production and laid off 1,000 workers in Birmingham last year. Is that plant going to reopen? We would like to think so, but I doubt it. Once these American plants that get no support from their government to compete abroad are closed, they don't reopen. Our competitors know that, and they take market share. They get to sell more in the United States and bring home strong American dollars.

I think it is time for us to slow down on this. We are going to continue to look at how these trade agreements have worked. I don't think they have worked very well for the American worker. They haven't done very well for American manufacturing. I think few would dispute that this Nation can be prosperous without manufacturing. One time they said you could do it with a service economy and high-tech economy. Saturday's Barron's did a report on a study that has been done about our high-tech companies, which we are so proud of and hear so much talk about. What about the job prospects they have for this year? Are they going to add more jobs to high-tech computer companies in America? No, this analysis said that the information technology companies in America would reduce employment by 330,000 people this year.

I have to tell you that if we lose automobile manufacturing and steel plants, these people are not going to work in computer companies. That is one of the biggest misrepresentations I have ever heard. The facts are becoming very clear on that. Microsoft laid off over 100,000 people the year before last. We have had a continual decline in high-tech job creation. Oh yes, some plant somewhere is adding jobs, but more plants are laying off workers. There is an election going on out there. People are concerned about their future. They need to know about the trade agreement. They need to be asking their Representatives and their Presidential candidates how they feel about it. Which side are you going to be on? Let's hear the reasons why you are for or against this agreement. After they hear that, I think they will be in a better position to decide how to cast their vote.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I come to the floor as we are moving forward, as many of my colleagues know, on this energy package. I thank my colleagues who have already come to the floor today to talk about it, and I especially thank Senator MURKOWSKI

for helping us to move through so many different proposals by our colleagues. We were able to clear some of these amendments by voice votes, and, hopefully, we will be able to move forward over the next 24 hours on this bill by getting some votes locked in.

One of the things we are going to talk about this week is energy efficiency, which is creating jobs and making our economy more competitive by holding down the cost of energy. Many of us know that for centuries the use of energy has been a very important factor in our economy. Last week I mentioned that the Northwest economy was built on a hydrosystem. Cheap hydropower has worked for us over and over again, as companies that use a lot of electricity have moved to the Northwest. We have stored everything from apples to terabytes of data because of the huge efficiencies that we were able to pull off with cheap hydropower.

As my colleague from Alaska will say, energy costs are high in Alaska and she wants to make sure we are making it more affordable and enabling distributed generation, as she just mentioned earlier today. Ensuring that we have a microgrid to do that is a key component to how the state will successfully diversify their economy. As we debate this bill on the Senate floor, each of us is thinking about the regions of our country we represent and how to make sure we are dealing with energy successfully.

One important thing I wanted to discuss is that in 2007, for the first time in our history, the United States actually delinked economic growth from energy use. Now, our economy is producing more in goods and services, yet it is using less in electricity. The chart behind me demonstrates this.

This is a very important point because it shows that we can still grow our economy while consuming and using less energy. This is important if you are a homeowner and want to use the energy in your home more efficiently, while still having many apps and devices that require electricity but make your life easier. It is also important for businesses. As U.S. businesses compete in a global economy, they want to produce goods and services and do so in a cost-effective manner. So the more you can drive down energy costs without having to drive down consumption, the better.

If we want to continue to compete in that global economy, we must continue to improve our energy productivity, and that is exactly what title I of the bill does. The Energy Policy Modernization Act will help ensure that the Nation is eliminating energy waste and making improvements in new technologies that will improve our competitiveness for the 21st century.

Energy efficiency is the cheapest and most affordable energy resource because it is typically about one-third of the cost of new production; that is, by saving energy at home, by using what we already have more efficiently—and there are all sorts of smart ways to do this—you can actually spend only one-third of the cost of what it would take to get new production online.

In the last 40 years, since the oil embargo, energy efficiency became an integral part of our energy policy. We have learned that efficiency is not like most other resources that are depleted and consumed. Instead, we found that as we keep making progress on energy efficiency, we have created new technologies. These have become the most cost-effective ways to cut waste and the most cost-effective ways to take the ''low-hanging fruit'' available in front of us and help businesses and homeowners alike.

There are two examples of this that we, as the Federal Government, had a hand in: No. 1, automobiles and No. 2, lighting technology. Now both of these were in the previous 2007 Energy bill. Since then, average automobile fuel economy has improved dramatically, from 15 miles per gallon in 1978 to 28 miles per gallon in 2016, thanks to the CAFE standards in effect. That was something we pushed here that made our automobiles more efficient.

With respect to lighting, the latest light-emitting diode, LED, technology is 6 to 7 times more efficient in energy consumption than traditional incandescent lights and can last at least 25 times longer. In 2012 alone, nearly 50,000 LEDs were installed in the United States, saving an estimated $675 million in annual electricity costs.

What we are saying here is that we want to continue to move forward on energy efficiency. It is saving money for businesses and homeowners. We also want to continue the advancements of these energy-efficiency technologies and make sure that we are making the right investments. So I want to remind my colleagues that there are going to be several ways in which we are going to try to build on this progress. Energy efficiency must be a major part of our policies here, and I know many States across the country are also making investments in this.

So tomorrow I expect us to have a vote on an amendment to establish a Federal energy efficiency resource standard, or an EERS.

Since its establishment, the Department of Energy has implemented successful energy efficiency programs that develop new technologies and promote best practices within the major sectors of our energy economy. Yet many States have used their role to also establish energy efficiency standards. Behind me, you will see the number of States that have already developed these incentives for investments in energy efficiency by giving utilities an incentive to invest in low-cost, energy efficiency programs before investing in more expensive new energy production. You can see that many of these States across the United States have adopted such initiatives—25 States with energy efficiency resource standards.

Why is that important? Well, once you start down the road of energy efficiency, you continue to make your grid more efficient, which is something California has done. California made a huge investment as a marketplace for energy efficiency, and now they continue to be on the cutting edge of energy efficiency. They have continued to grow as an economy yet use less energy. In fact, the 19 States with the greatest energy savings in the Nation all have energy efficiency resource standards.

So, to me, this is an area of the bill that I think we would like to improve. States are the laboratories of democracy, and because 25 of them have demonstrated the benefits of this policy, I believe it is time the Federal Government should also establish a national energy efficiency resource standard. My colleague Senator FRANKEN from Minnesota will be offering an amendment to do just that on this bill.

The Federal Government could require States to do their part in reducing the waste of resources and increasing our Nation's energy productivity by establishing an energy efficiency resource standard that would promote investments in efficiency—everything from cost effectiveness in new buildings to production capacity. The proposed EERS would set a very modest, easily achievable energy savings target that electrical and natural gas utilities must meet as is already required in half of these States.

The American Council for an Energy-Efficient Economy estimates that implementing the Federal EERS would save $130 billion, or about $1,000 per household by 2040. The adoption of this EERS amendment would more than triple the energy efficiency savings benefits of the act before us today. A Federal EERS would not only save every American money by reducing their energy bill, but it would also strengthen our Nation's economic competitiveness by improving our energy's productivity and maintaining our leadership in the commercialization of these products.

This is something I learned during my time in the private sector. Anytime you can make something that is of value to everybody more efficient, such as energy, you are on the winning path; that is, if you become the experts of constantly knowing how to make everything more efficient, whether you are talking about development in China, in Europe or in other parts of Asia, the fact that we are experts on energy efficiency by deploying this here in the United States gives us a winning hand on deploying it around the world. Anytime you can be more efficient, you are also being more cost effective and saving dollars. That is what we are pushing in this bill. It will move us forward on energy efficiency.

As we have seen, energy efficiency—and I am sure Senator FRANKEN will talk more about this tomorrow—is not only commonsense economics, but it

also has the ability to focus on some of the cleaner sources of energy that we have been discussing too.

The Federal Government has had a history of promoting energy efficiency, and the government itself, being the single largest energy user in the Nation, could benefit from this. We hope that when we look at the Federal Government, we will also be talking about energy efficiency products. One of the examples of how Congress directed the Federal Government to lead was by the enactment of section 433 of the Energy Independence and Security Act of 2007. This provision established a Federal leadership role in the development of high-efficiency, low-emission commercial buildings by requiring the Federal Government to phase out the use of fossil fuel energy in Federal buildings and major renovations by 2030.

The U.S. Government, as the single largest occupant of Federal buildings in the Nation, should continue, I believe, to demonstrate its energy efficiency as well. I know in the Pacific Northwest we have the Bullitt Center, which is the greenest commercial building in the United States. We have a hospital in Issaquah that is one of the most energy efficient hospitals in the United States, and we have other businesses that are developing these buildings that are smart buildings that are driving down the costs. What does that mean? It means that businesses can invest money into R&D or into the manufacturing of goods or into the promotion of ideas instead of spending it on energy costs.

For us in the Pacific Northwest, someone might ask: With the cheapest kilowatt rates in the Nation, why would everybody spend so much time on energy efficiency? We spend so much time on energy in the Northwest because we know it pays dividends. We know it gives us a competitive edge, and we know it continues to put us in the driver's seat with technology. Even though we have the cheapest kilowatt rates, we continue to make an investment.

These buildings were designed by architects to show what is now technologically possible and to feature state-of-the-art ground-source heating and cooling, both photovoltaic and thermal solar energy collection, and computers that automatically adjust the building systems in order to keep them comfortable and efficient. Some buildings have an elevator that converts kinetic energy from braking into usable electricity. All of these things are about cutting-edge technology. The Bullitt Center and other buildings like it in the United States demonstrate that it is technologically feasible and cost effective to phase out the use of fossil fuel generated energy in new Federal buildings within the next 14 years, as required by current law.

These are not radical policies. These laws, which were passed in 2007, are things that I know people here would like to strike and repeal. Let me mention another one we will likely hear about, which is the SAFE Act, offered by our colleagues from Georgia and Colorado. The Senators likely will offer this bill for sensible accounting to value energy. This bipartisan amendment was included in the Shaheen-Portman bill that would help homeowners account for the energy efficiency of their home during the mortgage and underwriting process. The average homeowner pays more than $2,000 annually for the energy in their home. After the mortgage, this is typically the second largest cost in buying and owning a home, but it is not accounted for in the mortgage underwriting process. Many of us have gone through this process of buying a home and getting a mortgage. So why can't a homeowner, on a voluntary basis, have their home audited for its energy efficiency characteristics and have that information accounted for in the mortgage underwriting process? This is what Senators ISAKSON, BENNET, SHAHEEN, and PORTMAN have introduced in an amendment, and I think it will be one of the things we will hear about tomorrow and one of the potential votes we will be having.

A recent study from the University of North Carolina found that owners of more efficient homes are less likely to default on their mortgages. Adopting this amendment creates an incentive for homeowners to invest in energy efficiency improvement because those improvements will be accounted for in the underwriting process for their homes. Organizations as diverse as the U.S. Chamber of Commerce, the National Association of Manufacturers, the Alliance to Save Energy, and the U.S. Green Building Council all support this amendment. So this is another idea that is not in the underlying bill that we will be discussing.

Today we are here with many amendments that were added last week to this legislation. I thank my colleagues on both sides of the aisle for their hard work and for continuing to move forward with my colleague, the Senator from Alaska, Ms. MURKOWSKI, and myself in getting through the next couple of days of these policies.

I know my colleagues want to continue to discuss this legislation, as I do, but we also know there is a limited time that we will be able to be on this legislation. So I urge our colleagues to bring any amendments to the floor tonight that they would like to have considered, if they haven't already filed them today.

We need to continue to build on the successes of the last 40 years, continue to cut our energy waste, and de-link our economic growth from energy use so we can make sure we can continue to grow in the most cost-effective way, and continue to produce the jobs that these new renewables and energy efficiency opportunities are creating for us. I think this legislation will help give us another foothold toward a future economy that is cleaner, more efficient, and a better driver of U.S. competitiveness on an international global basis for the types of energy solutions that we think will help the world as well.

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

I suggest the absence of a quorum.

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

The 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, the Senate is currently considering a bipartisan energy bill that could lead America on a pathway to rebuilding our Nation's economy in this century. It has been 9 years since we passed an energy bill and a lot of things have changed.

The bill we are considering contains important provisions to build domestic clean energy sources, strengthen energy efficiency measures, and modernize our electric grid.

This bill also represents a commitment to basic science research at the Department of Energy. I believe it can and should do more than what the original bill proposes. We need more robust support for basic science research—the kind of research that costs too much and takes too long for any individual company to undertake. We need to invest in medical and basic science research. The investment will pay off for generations to come.

I cochair the Senate National Lab Caucus, and I know that if we invest in research in the National Labs, it will lead to breakthroughs that will help keep America competitive and create good-paying jobs.

At Fermi National Accelerator Lab in Illinois, the development of superconducting wire technology enabled the large-scale manufacture of the magnetic resonance imaging—or MRI—machines doctors use today. Sometimes it is hard for the scientists and engineers and leaders at these labs to explain in simple words what they are doing and why it is important. This is an example. They were working on a wire technology that probably didn't mean much certainly to me or to many people, but when they finished, they came up with an MRI—a brandnew way of imaging our bodies to detect illnesses and plot a way to cure them.

In the 1970s, the scientists building Fermilab's particle accelerator drove cutting-edge research in superconducting wire fabrication. Rather than patent these advances, Fermilab made them freely available to the public and private sector, opening the door to large-scale superconducting wire manufacturing by private industry. Since MRI machines rely on superconducting wires, this made commercialization possible.

Today, MRI machines are widely used to image the human body. Using

MRIs nearly eliminates the need for exploratory surgery, which, of course, means it is cheaper in the long run and safer.

Last month, a new generation of MRI machines at the Illinois Neurological Institute saved the life of a 27-year-old farmer from Canton, IL, Cody Krulac. Cody had a tumor that was located in the part of his brain that would have been difficult to image using old technology and would have relied on surgery and guesswork, but using the new MRI machine, his doctors were able to pinpoint exactly where the tumor was and exactly how much to remove, meaning Cody spent less time in surgery and recovered more quickly.

Another example of the Department of Energy's success can be found in Argonne's Advanced Photon Source. Its power x-ray beams enable the observation of extremely small objects in unprecedented detail. This allows scientists to see how viruses, such as HIV, replicate and how cancer grows. This understanding led to the discovery of a new drug for AIDS therapy, a drug called Kaletra, which is now the most prescribed drug in its class for this deadly disease. It also led to the development of a drug, Zelboraf, to treat melanoma. This drug has been used by 11,000 patients worldwide and is approved in 43 countries. The research at this National Lab really paved the way.

Building and operating a facility like the Advanced Photon Source is too expensive and specialized for any single company to do. Only investment by America in its own Department of Energy can make something like this possible.

Let me give one final example of how the Department of Energy's Office Of Science has had an impact on every American life. Researchers from Illinois University, Fermilab, and Argonne have teamed up to give a tenfold boost to normal CT scanning capabilities. The result was a next-generation CT scanner that limits the patient's exposure to radiation while giving better images that allow doctors to more accurately detect and treat cancer and save lives. This research also led to two U.S. patents and spurred an Illinois startup company called ProtonVDA through the National Institutes of Health small business innovation research grant.

These are only some of the Department of Energy's and the National Lab's success stories, but they are examples that show that this investment, which cannot be effectively made by most businesses in America, can really make America safer, healthier, and pave the way for new businesses and jobs. America's place as a world leader in cutting-edge research is at risk if we fail to make the necessary investments in basic science research.

I want to commend my colleagues in the Senate, particularly Senator ROY BLUNT, a Republican from Missouri; Senator LAMAR ALEXANDER, a Republican from Tennessee; and Senator PATTY MURRAY, a Democrat from the State of Washington. They really stepped up when it came to NIH research—the National Institutes of Health. In this year's budget, we are going to have virtually a 5-percent real increase in research—$2 billion of new money going to NIH. I am willing to stake my future in the Senate and tell you that investment at the NIH this year in research will ultimately lead to breakthroughs that will save lives. This is another area which is equally promising.

I remember visiting the Department of Energy a few months back with Ernest Moniz, our Secretary, whom I respect very much. I told him the story of how I am committed to NIH's basic biomedical research. I said one example is Alzheimer's.

I was surprised when my staff said one American is diagnosed with Alzheimer's every 67 seconds. I said: Go back to the drawing board. That can't be true.

They went back and came back and said: No, Senator, that is exactly right. One in every 67 seconds on average, an American is diagnosed with Alzheimer's.

I told that story to Ernest Moniz, the Secretary of Energy, and I said that is why we need this NIH research.

He said: Senator, my Office of Science in the Department of Energy is developing the imaging techniques so that we can detect Alzheimer's in living human beings.

Currently, the only confirmation of the diagnosis is confirmed in autopsy. If we can look at the early onset of Alzheimer's, we can better respond to it. That is why, if one is interested in curing diseases, in finding ways to avoid expensive surgery, in reducing the cost of medicine but still protecting America, this generation of lawmakers needs to make a commitment to science research.

I have already thanked my colleagues by name who have done so much for the NIH, and I will be offering an amendment with Senator ALEXANDER of Tennessee that is going to help increase our commitment to research in the Energy bill which is before us. The 4-percent growth in the bill is good, but unfortunately it does not protect against inflation. What we are calling for is 5-percent growth over inflation in this Department. I can guarantee that the breakthroughs that will come from this research will make life better and create more opportunities for people living in this country. We need to have sustained funding to ensure that cutting-edge research can bear fruit, and we are asking that they maintain this growth period of 5-percent real growth for 5 years.

Congress needs to help America's best and brightest do what they do best. This amendment represents an investment that will save lives.

I will say parenthetically that this morning I made a trip to Atlanta, GA. Every 2 or 3 years, I go down to visit the Centers for Disease Control and Prevention. This agency is not well known or well understood by most Americans. The Centers for Disease Control and Prevention in Atlanta, GA, is the first line in America's national defense when it comes to public health threats.

We now have a mosquito called the Zika mosquito spreading a virus in Brazil to the point where women are being warned that now is not the time to be pregnant. If one of those mosquitoes should sting you and if some of the virus gets into your body, it can cause a miscarriage or some terrible birth defects in the baby. That is how dangerous it is. The frontline of defense in the United States is the Centers for Disease Control and Prevention in Atlanta, GA.

As I walked through there and met with the pathologists, the doctors, veterinarians, and others who work there, I saw this amazing array of extraordinary talent, people who were excited about their work, about making our country and the world safer. The Zika virus, of course, is our current threat, but there are many more. They faced the Ebola crisis in Africa, and luckily it did not spread beyond the few countries where it was first reported. So when we talk about investments in research by the U.S. Federal Government, it is research that is good for us and our families, and it is good for the world.

I will be offering this amendment probably this week with Senator ALEXANDER and others to increase this commitment to research. It is an investment that will lead to new breakthroughs in this bill on energy, in scientific discoveries, energy innovation, and national security. This amendment strengthens the bill before us and helps us move to our 21st-century economy in the world. I urge my colleagues to support it.

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.

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 have had an opportunity to have a few speakers here this afternoon. Senator CANTWELL and I have come to the floor and urged our colleagues to help us as we work to advance the Energy Policy Modernization Act. We have, for the information of colleagues, an order, in terms of several—a couple of votes tomorrow.

Mr. President, I ask unanimous consent that it be in order to call up the following amendments: amendment No. 3023 by Senator LEE and amendment No. 3115 by Senator FRANKEN; that on Tuesday, February 2, 2016, at 2:30 p.m.,

the Senate proceed to vote in relation to the above amendments in the order listed, with no second-degree amendments in order prior to the votes and a 60-vote affirmative threshold required for adoption; further, that the time between 2:15 p.m. and 2:30 p.m. be equally divided in the usual form and that there be 2 minutes of debate equally divided prior to each vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENTS NOS. 2970, 2989, 2991, 3119, 3019, 3066, 3137, AND 3056, AS MODIFIED, TO AMENDMENT NO. 2953

Ms. MURKOWSKI. We are now ready to process a handful of amendments with a series of voice votes.

Mr. President, I ask unanimous consent that the following amendments be called up and reported by number: Gardner amendment No. 2970; Reed amendment No. 2989; Inhofe amendment No. 2991; Daines amendment No. 3119; Murphy amendment No. 3019; Hirono amendment No. 3066; Udall amendment No. 3137; and Flake amendment No. 3056, as modified.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the amendments by number.

The senior assistant legislative clerk read as follows:

The Senator from Alaska [Ms. MURKOWSKI], for others, proposes amendments numbered 2970, 2989, 2991, 3119, 3019, 3066, 3137, and 3056, as modified, to amendment No. 2953.

The amendments are as follows:

AMENDMENT NO. 2970

(Purpose: To modify a provision relating to energy management requirements)

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''.

AMENDMENT NO. 2989

(Purpose: To ensure that funds for research and development of electric grid energy storage are used efficiently)

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.

AMENDMENT NO. 2991

(Purpose: To modify provisions relating to brownfields grants)

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

AMENDMENT NO. 3119

(Purpose: To require that the 21st Century Energy Workforce Advisory Board membership also represent cybersecurity)

On page 316, line 15, strike ''and'' and insert ''cybersecurity, and''.

AMENDMENT NO. 3019

(Purpose: To promote the use of reclaimed refrigerants in Federal facilities)

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.

AMENDMENT NO. 3066

(Purpose: To modify a provision relating to the energy workforce pilot grant program)

In section 3602(d), strike paragraph (2) and insert the following:

(2) work with the Secretary of Defense and the Secretary of Veterans Affairs or veteran service organizations recognized by the Secretary of Veterans Affairs under section 5902 of title 38, United States Code, to transition members of the Armed Forces and veterans to careers in the energy sector;

AMENDMENT NO. 3137

(Purpose: To modify a provision relating to a Secretarial order)

On page 302, strike lines 6 through 9 and insert the following:

(2) SECRETARIAL ORDER NOT AFFECTED.—This subtitle shall not apply to any mineral described in Secretarial Order No. 3324, issued by the Secretary of the Interior on December 3, 2012, in any area to which the order applies.

AMENDMENT NO. 3056, AS MODIFIED

(Purpose: To include other Federal departments and agencies in an evaluation of potentially duplicative green building programs)

Strike section 1020 (relating to an evaluation of potentially duplicative green building programs within the Department of Energy) and insert the following:

SEC. 1020. EVALUATION OF POTENTIALLY DUPLICATIVE GREEN BUILDING PROGRAMS.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATIVE EXPENSES.—

(A) IN GENERAL.—The term ''administrative expenses'' has the meaning given the term by the Director of the Office of Management and Budget under section 504(b)(2) of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (31 U.S.C. 1105 note; Public Law 111–85).

(B) INCLUSIONS.—The term ''administrative expenses'' includes, with respect to an agency—

(i) costs incurred by—

(I) the agency; or

(II) any grantee, subgrantee, or other recipient of funds from a grant program or other program administered by the agency; and

(ii) expenses relating to personnel salaries and benefits, property management, travel, program management, promotion, reviews and audits, case management, and communication regarding, promotion of, and outreach for programs and program activities administered by the agency.

(2) APPLICABLE PROGRAM.—The term ''applicable program'' means any program that is—

(A) listed in Table 9 (pages 348–350) of the report of the Government Accountability Office entitled ''2012 Annual Report: Opportunities to Reduce Duplication, Overlap and Fragmentation, Achieve Savings, and Enhance Revenue''; and

(B) administered by—

(i) the Secretary;

(ii) the Secretary of Agriculture;

(iii) the Secretary of Defense;

(iv) the Secretary of Education;

(v) the Secretary of Health and Human Services;

(vi) the Secretary of Housing and Urban Development;

(vii) the Secretary of Transportation;

(viii) the Secretary of the Treasury;

(ix) the Administrator of the Environmental Protection Agency;

(x) the Director of the National Institute of Standards and Technology; or

(xi) the Administrator of the Small Business Administration.

(3) SERVICE.—

(A) IN GENERAL.—Subject to subparagraph (B), the term ''service'' has the meaning given the term by the Director of the Office of Management and Budget.

(B) REQUIREMENTS.—For purposes of subparagraph (A), the term ''service'' shall be limited to activities, assistance, or other aid that provides a direct benefit to a recipient, such as—

(i) the provision of technical assistance;

(ii) assistance for housing or tuition; or

(iii) financial support (including grants, loans, tax credits, and tax deductions).

(b) REPORT.—

(1) IN GENERAL.—Not later than January 1, 2017, the Secretary, in consultation with the agency heads described in clauses (ii) through (xi) of subsection (a)(2)(B), shall submit to Congress and make available on the public Internet website of the Department a report that describes the applicable programs.

(2) REQUIREMENTS.—In preparing the report under paragraph (1), the Secretary shall—

(A) determine the approximate annual total administrative expenses of each applicable program attributable to green buildings;

(B) determine the approximate annual expenditures for services for each applicable program attributable to green buildings;

(C) describe the intended market for each applicable program attributable to green buildings, including the—

(i) estimated the number of clients served by each applicable program; and

(ii) beneficiaries who received services or information under the applicable program (if applicable and if data is readily available);

(D) estimate—

(i) the number of full-time employees who administer activities attributable to green buildings for each applicable program; and

(ii) the number of full-time equivalents (the salary of whom is paid in part or full by the Federal Government through a grant or contract, a subaward of a grant or contract, a cooperative agreement, or another form of financial award or assistance) who assist in administering activities attributable to green buildings for the applicable program;

(E) briefly describe the type of services each applicable program provides attributable to green buildings, such as information, grants, technical assistance, loans, tax credits, or tax deductions;

(F) identify the type of recipient who is intended to benefit from the services or information provided under the applicable program attributable to green buildings, such as individual property owners or renters, local

governments, businesses, nonprofit organizations, or State governments; and

(G) identify whether written program goals are available for each applicable program.

(c) RECOMMENDATIONS.—Not later than January 1, 2017, the Secretary, in consultation with the agency heads described in clauses (ii) through (xi) of subsection (a)(2)(B), shall submit to Congress a report that includes—

(1) a recommendation of whether any applicable program should be eliminated or consolidated, including any legislative changes that would be necessary to eliminate or consolidate applicable programs; and

(2) methods to improve the applicable programs by establishing program goals or increasing collaboration to reduce any potential overlap or duplication, taking into account—

(A) the 2011 report of the Government Accountability Office entitled ''Federal Initiatives for the Nonfederal Sector Could Benefit from More Interagency Collaboration''; and

(B) the report of the Government Accountability Office entitled ''2012 Annual Report: Opportunities to Reduce Duplication, Overlap and Fragmentation, Achieve Savings, and Enhance Revenue''.

(d) ANALYSES.—Not later than January 1, 2017, the Secretary, in consultation with the agency heads described in clauses (ii) through (xi) of subsection (a)(2)(B), shall identify—

(1) which applicable programs were specifically authorized by Congress; and

(2) which applicable programs are carried out solely under the discretionary authority of the Secretary or any agency head described in clauses (ii) through (xi) of subsection (a)(2)(B).

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, if I could just say, I so appreciate our colleagues working in such a bipartisan fashion to work through these eight amendments and set votes for these amendments tomorrow. We are making good progress on this legislation. I hope our colleagues will give attention to these matters so tomorrow we can move further on some more votes to clear up the remaining issues before us on this bill.

I appreciate all our colleagues working together in earnest and the chair of the committee to make sure we have made this progress so far today. Thank you.

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

The amendments (Nos. 2970, 2989, 2991, 3119, 3019, 3066, 3137, and 3056, as modified) were agreed to en bloc.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 458.

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

The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Ricardo A. Aguilera, of Virginia, to be an Assistant Secretary of the Air Force.

Thereupon, the Senate proceeded to consider the nomination.

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

The PRESIDING OFFICER. Is there any further debate?

Hearing none, the question is, Will the Senate advise and consent to the Aguilera nomination?

The nomination was confirmed.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to the nomination; that any statements related to the nomination be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

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

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

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.

ANNIVERSARY OF THE LILLY LEDBETTER FAIR PAY ACT

Ms. MIKULSKI. Mr. President, today I wish to recognize the anniversary of the signing of the Lilly Ledbetter Fair Pay Act.

Lilly Ledbetter is an inspiring woman and a courageous trailblazer. She fought the system in her workplace and the courtroom. She was a longstanding and loyal employee at the Goodyear Tire & Rubber Company for 19 years. But then she found out that Goodyear thought she was worth less than her male counterparts. A jury found Goodyear owed her almost $400,000 in backpay, but the Supreme Court said that she was too late. When Justice Ginsburg read her dissent from the bench, she called for Congress to fix it, so we went to work.

It has been over 7 years since we passed this historic legislation. I was so proud to lead the charge in the Senate to keep the courthouse doors open to sue for discrimination. This wasn't an easy road. When we lost the first vote on this bill, I called upon the women in the Senate and across America to put their lipstick on, square their shoulders, and suit up to fight for an American revolution.

We did just that, and the Lilly Ledbetter Act became the first bill that President Obama signed into law in 2009.

Passing the Lilly Ledbetter Fair Pay Act was a big accomplishment—but our work is far from done. We need to finish what we started by passing the Paycheck Fairness Act. The Lilly Ledbetter Act kept the courthouse door open, but the Paycheck Fairness Act will make it more difficult to discriminate in the first place.

Women are tired of being paid crumbs. Women still only make 79 cents for every dollar a man makes, and it is even worse for women of color—African-American women earn 62 cents on the dollar, and Hispanic women earn 54 cents. By retirement, the average woman loses $431,000 to the pay gap. This affects Social Security, pensions, and retirement security. Everybody says, ''Oh you've come a long way,'' but women have only gained 20 cents in 50 years.

We will not take no for an answer. We will continue to demand equal pay for all. We are going to change the Federal law books, so women get change in their family checkbooks.

NATIONAL SCHOOL CHOICE WEEK

Mr. COTTON. Mr. President, as National School Choice Week came to a close last week, I want to highlight the important role school choice plays in our education system in Arkansas and across the country.

I am the proud graduate of Arkansas's public schools and the son of a public school teacher and principal. Throughout my life, I was blessed with wonderful parents, teachers, and coaches who taught the skills, knowledge, and values needed for success in the workforce. Unfortunately, not all children have the same experience.

Dardanelle High School was the right choice for me, but the local public school isn't always the right fit for everyone. Too many children aren't receiving the attention or education they deserve. This is especially true in areas with poor performing schools. But it is not always about the quality of education; sometimes local schools cannot make adequate accommodations for a child's religious beliefs or personal needs. Quite simply, one size fits all isn't the key to success for education.

That is why I believe in school choice.

Parents—not politicians and bureaucrats—know what is best for their children. We should empower them and ensure they have access to alternatives to the traditional public system. This includes home schooling, charter schools, and private and religious schools. That way, every child will receive the type of education that best fits their learning style.

To countless families across America, school choice means accessing the best possible education for their children. By providing school choice, we can promote innovation in our schools, provide more personalized education for our children, and improve racial and economic disparities in educational outcomes.

I am pleased to have celebrated National School Choice Week and the improvements that school choice has brought to our country.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

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:

SARA MANFREDI, MILTON HIGH SCHOOL (FINALIST)

Before I begin this address, I would like to take a moment to thank all of you for being here today. But, there are issues our country must conquer in order to make our home safer, as well as more equal, for both ourselves, and the generations to come.

In recent years, it has come to attention of our government that there have been over 400,000 untested rape kits stuck in backlog all around the country. One precinct held over 5,000 in backlog, all untested, most cases left without any trial. How dare we do this to those hundreds upon thousands of victims? Who are we to deny them any sense of safety or justice? These facts have done nothing more than allow rapists to get out of any sort of punishment. This horrid trend must be stopped, and can only be stopped if this government takes immediate action. The issue with this is that many of these local jurisdictions do not have the money to process these kits, because of the innate lack of funding for said kits to be processed. I am willing to offer more funding through federal grants to these precincts, so these long backlogs can finally be tested, and the victims of these crimes can get the justice they deserve. To ensure this money is used to test these rape kits, I will work with Congress to pass a law into action that will give precincts a time constraint in which they must have these kits tested, most likely within 72 hours. By having this deadline set into place, as well as the money to fund said testing, this national backlog will gradually dwindle down. This justice is owed to the survivors of these vicious assaults.

Some victims, however, cannot be given the justice they deserve. A recent influx of mass shootings have killed 380 American citizens, and left hundreds of families in mourning over their lost loved ones. I am not going to say that any one of the perpetrators of the 294 mass shootings in the past year killed because they were lonely, lost outsiders. These killers were not in the right mind, no, but mental health is not to blame. What is to blame is American gun laws. These men were able to commit these heinous crimes because of how accessible guns are in this country. How do we stop this? We restrict and complicate. If we are to ensure the safety of the American public, we must ensure that only those who are specifically trained to use a gun, those who are able to handle one and not go awry are allowed to carry one. Police officers and military personnel should be the only ones to be able to carry handguns at all times for their jobs. Rifles shall be heavily restricted as well, only distributed to those who undergo a complicated vetting process, as to ensure that they will not become the next person to kill innocent bystanders. I just want the American public to be safe. I do not want any more men, women, and children to be victims of these preventable crimes. I only wish the best for us. Thank you.

WILLIAM MARTIN, MOUNT ABRAHAM UNION HIGH SCHOOL (FINALIST)

The United States is being cornered by problems, of all shapes and magnitude, from every direction. These issues need more attention and they will not be solved unless action is taken against them. Many of these situations will only get worse the longer we put them off. There are a variety of problems ranging from climate change to healthcare and we should be looking for a solution for all of them. The three issues that the U.S. should put most of its focus on, however, is the threat from ISIS, the price of higher education, and the cases of racism, especially those in police shootings.

The United States should spend more money to prevent ISIS from growing and causing more damage, because ISIS is a danger to the U.S., as well as other countries around the world and their citizens. Terrorism could also continue for a lot longer if we do not stop it soon. Terrorism really came onto the world stage after September 11, 2001. In a single day, a small group of people managed to kill thousands. Even before this, al-Qaeda truly started in the 1990s. This shows how long these groups have managed to continue, despite our efforts, which means we need to do more. Not only do we need to get rid of the organizations like ISIS that are here now, but we have to provide a stable system to make sure these types of groups don't return, or we could risk another disaster. ISIS will actually pay foreign fighters $1,000 a month, which is how they get many of their recruits. Unfortunately, ISIS has a wide spread with connections in many places. This is a reason why it is hard to eradicate them, but also shows that we need to invest more into it if we want to get it done. The U.S. is however, already spending $40 billion on fighting ISIS annually. This is a large sum of money, but of the $1.1 trillion that the U.S. had for discretionary spending in 2015, it is only about 3.6 percent. The U.S. has a responsibility to help with the fight against ISIS, and the government should spend more money to disrupt this organization because they are a threat to everyone, everywhere, and will not go away unless we make them.

The U.S. should also spend more money on education, to make college more accessible to the average student, because it is important for getting good jobs and it costs far too much now. The average cost to go to a private college is $32,405 which deters a lot of students who can't afford that price for four years. Since this price is so high, and those who can't afford it simply can't go, it leaves many without the education needed for higher paying jobs. This number is far too high. This even gives some doubt about getting their degrees, simply from the fear of debt. It is necessary to get a high paying job to be able to happily provide for a family, however the cost to get there is damaging, which is why the government has to step in. If the government did decide to make public college tuition free, it would cost $62.6 billion. This cost may be high, but it's not even what is needed. There simply needs to be more spent on making it more affordable. Also, theoretically, if the government needed to raise taxes to make tuition affordable, and nearly everyone had gone to college and had a high paying job, then after a couple years they could raise taxes without too much effect. The U.S. needs to make college easier for everyone and make it more affordable, because it costs far too much and could help citizens live an easier life with more money.

The U.S. government needs to take more action against racial events because they defy the constitutional values of the United States and these problems only get worse when left unsolved. The U.S. abolished slavery in 1865 under President Lincoln, but since then there has always been a separation of people of color because of the false thought of white superiority. We can see this in the way black people were treated in the 20th century, in how they were allowed little compared to those who were white. This shows a deep root of racism in this country, and though we have been making efforts to reduce it more and more, it still seems to not be enough. A large racism topic that has been in the media for a while is the shooting and other abuse white cops have committed on people of color. One example is Michael Brown, a black 18 year old, who was fatally shot in 2014 by a white officer. After there was no conviction of Darren Wilson, the shooter, many cried out in outrage. The commotion that was caused from that killing, and others, caused massive amounts of damage in protests to both people and property. There needs to be a better way to deal with these situations, otherwise the outrage will continue. There is also a question raised by statistics like that only 13.2% of the U.S. population is black, and yet they make up 39.4% of the prison population, or that nearly 50% of hate crimes are about racism. These numbers show how we need to increase the involvement of the government in these events—we cannot just ignore the danger behind these statistics. On the other hand, all U.S. citizens have the same legal rights, no matter their gender, race, or religion. This fact however, may not be fully true, because though on paper it may say there is no discrimination, that does not mean that there aren't people who do discriminate based on race. The government needs to step in on this issue, and use their power to end it, because it is dangerous to all and defies our American morals.

The U.S. will find itself in trouble if solutions are not quickly found to ISIS, the price of higher education, and acts of racism. If action is not taken against ISIS to permanently disrupt them, the danger they cause for everyone will only increase and get worse. Similarly, if money is not put towards helping offset the cost of higher education, we could see more and more people who can't afford to get a degree that could get them a job they can live off of, which would increase the separation of the upper and middle class. Lastly, it is very important that the U.S. finds a solution to the acts of racism that cause only harm and anarchy. The U.S. will never become the true country it was meant to be, and the ''American Dream'' will be fiction for many, until the problems we face today are solved.

HADLEY MENK, CHAMPLAIN VALLEY UNION HIGH SCHOOL (FINALIST)

All men are created equal. America was founded upon this fundamental belief, but today the meaning of these words has been lost.

Americans are not equal when some cannot afford healthcare, when a woman's power over her body is diminished, or when the pursuit of happiness is lost in the struggle to

feed a family. Economically, there is more inequality in America than ever. According to the Pew Research Center, since 1983 ''virtually all wealth gains made by U.S. families have gone to the upper-income group.'' The top 1% of American families received 22.5% of all pre-tax income in 2012, with the bottom 90% receiving less than 50% of total income for the first time ever.

For the plights of everyday Americans to rightfully regain the attention of the government, the deluge of money being pumped into the electoral system by big corporations and wealthy donors must be stopped. New campaign finance regulations and a reversal of the Citizens United decision will take the government out of the control of the wealthy elite and put it back into the hands of the people.

Policies designed to combat income inequality at its roots are the only way to fix our broken system. For example, we need a minimum wage that allows families an equal chance at happiness. We need political leadership that will give low-income women an equal chance at personal liberty, instead of seeking to strip funding from organizations like Planned Parenthood, which for many women are their only option for reproductive healthcare. We need a healthcare system that ensures that no one has less of a right to health because of their socioeconomic class. We need affordable education and job training programs to give young people the tools they need to contribute to our economy. Tax cuts for the wealthiest have only widened the gap and made life harder for too many Americans. It's time to unite, rather than divide, our country.

In order for the American people to unite, elected officials must lead the way, by following the will of the people, instead of the dictates of their wealthy donors. For example, in their 2014 National Climate Assessment, the White House found that low-income and minority communities suffer the most from climate change-induced events, including heat waves and floods. Still, many in Congress who benefit from oil companies continue to deny climate change exists. Congress must begin a full-scale attack on climate change including carbon emission taxes, incentives for renewable energy companies and consumers, and efforts to protect valuable natural resources.

''Life, Liberty, and the pursuit of Happiness . . . to secure these rights, Governments are instituted among men.'' It's time for our government to reaffirm its commitment to the founding document which formed it 250 years ago, one which outlined a government whose purpose was to uphold its people's fundamental rights. When these rights are infringed upon by inequality, it is the duty of the government to address that inequality in order to preserve our American identity.

SOPHIA PARKER, VERGENNES UNION HIGH SCHOOL (FINALIST)

Nelson Mandela proclaimed: ''It is in your hands to make of our world a better one for all.''

It is easy to feel overwhelmed by the complex and devastating crises we face today as a nation, to believe the solutions are out of our hands. I see two parallel sets of problems. On one hand, we have institutionalized problems which will require institutional solutions, financial resources, and political will. On the other hand, there is a personal malaise, discouragement, and alienation among citizens. The two problems are related because the alienation and discouragement stem in part from systems that have become corrupt and ineffective, serving the needs of the few at the expense of the many. However, there is also power in our simple personal choices and actions, which is often overlooked. Engaging this power does not require a political solution. A child can bring this forth. The most disenfranchised person can make a difference. This power resides in the simple personal choice to do good, to take action, to care, to make one small or large movement towards making life a little better for somebody.

Every one of us has strengths that we can bring to bear for the sake of another individual, our community, a specific cause, or the world at large. If each person devoted even an hour a week to making the world a better place, it would have a tremendous impact.

You are never too young or old to make a difference. You are never too poor, too weak, or too busy to make a difference. Every single one of us has strengths that we can harness to make the world better for the people around us. My 10 year-old neighbor drives his family's tractor to plow our driveway after every snowstorm, out of the kindness of his heart. My mom and I run wildlife camps for kids; one of our 9 year-old campers started an organization to help older shelter cats find homes. A sophomore at my high school helped organize a winter sleep-out to end homelessness, attended by over a hundred people. These are all young people seeing problems and finding ways to take action through compassion, courage, creativity, and community service.

I serve as Miss Vermont's Outstanding Teen; my platform is wildlife rehabilitation and stewardship of the natural world, which is a cause to which I have been devoted since I was a small child. I travel across Vermont encouraging young people to find their own passion and get involved in contributing something of value to their communities. The response is always inspiring.

The problems around us are daunting indeed. However, we cannot underestimate the power for good that resides in each individual. It can begin with something as simple as lending each other a hand, and can build into making our world a better one for all.●

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

150TH ANNIVERSARY OF NORWAY SAVINGS BANK

● Mr. KING. Mr. President, today I wish to commemorate the 150th anniversary of Norway Savings Bank, a mutual savings bank based in southern Maine. This community bank has a long and proud history of serving the people of Maine, and I am proud to add my voice to those in our grateful State in recognizing this milestone. Norway Savings Bank will celebrate its anniversary by hosting events on February 5, 2016, at each of their 24 locations across western and southern Maine.

When Norway Savings Bank was incorporated in 1866, Norway was a small but growing town with a third of the population settled today. A century and a half later, Norway has become a bustling mill town, as well as a popular tourist destination. And since it opened its original building on Main Street in Norway in 1894, Norway Savings Bank has proven itself to be an exemplary community bank.

As a mutual savings bank, Norway Savings Bank is first and foremost accountable to its depositors and the community. At Norway Savings Bank, customers not only find high-quality service, but also an engaged and warm environment. Its dedicated employees have continued the tradition of providing customers with prompt and personalized solutions, regardless of the financial challenge. The bank's great customer service and hard work even has people ''from away'' taking notice: DepositAccounts.com named them one of the top 200 healthiest banks in 2014.

Norway Savings Bank's investment in its employees is also commendable. The bank consistently prioritizes the well-being of its staff and is consistently recognized as a top employer in the State of Maine. The bank was named one of the Best Banks to Work For in America in 2013 by the American Bankers Association, and branches of the company have been awarded Best Places to Work in Maine by the Society for Human Resource Management's, SHRM, Maine State Council.

Finally, bank leadership and employees prove that they understand the true meaning of ''relationship banking'' by devoting countless hours of their valuable time, as well as their resources, to the betterment of Maine by regularly supporting important community initiatives and issues. Between 2012 and 2014, Norway Savings Bank employees volunteered 27,788 hours of their time to different organizations in the community.

The bank's core business model of putting community first remains true today even as Norway, ME, and the broader financial depository industry have changed dramatically. I am proud to join the people of Norway, ME, and communities across western and southern Maine in thanking Norway Savings Bank for their commitment to the people of Maine and continued work on behalf of our great State. This milestone is a testament to their hard work over the past 150 years, and I wish them many more years of success.●

ADDITIONAL STATEMENTS

RECOGNIZING LEFT HAND DITCH COMPANY

● Mr. GARDNER. Mr. President, today I honor the Left Hand Ditch Company, based in Boulder County, CO, on its 150th anniversary. Left Hand Ditch Company was founded on February 27, 1866, 10 years before Colorado became a State. It provides an essential resource for water in the Boulder and Longmont region of the Northern Front Range.

Left Hand has played an important role in the history of water law in Colorado and the American West. In the case of Coffin v. Left Hand Ditch Company in 1882, the Colorado Supreme Court upheld Left Hand's right to continue its use of the water supply in the area. This ''first-in, first-right'' decision became the basis for water law in the West, known as the Doctrine of Prior Appropriation. As one historian

has said, ''The story of the Left Hand Ditch is the story of water in the west.''

Water is a foundational aspect of Colorado's history and is a primary driver for agriculture, commerce, and community development in the State. Left Hand's contributions have helped spur growth in this region and set an important precedent for our Nation's water laws. Congratulations to the Left Hand Ditch Company on reaching this significant milestone.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

PRESIDENTIAL MESSAGE

AGREEMENT ON SOCIAL SECURITY BETWEEN THE UNITED STATES AND HUNGARY, CONSISTING OF A PRINCIPAL AGREEMENT AND AN ADMINISTRATIVE AGREEMENT—PM 38

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States:

Pursuant to section 233(e)(1) of the Social Security Act, as amended by the Social Security Amendments of 1977 (Public Law 95-216, 42 U.S.C. 433(e)(1)), I transmit herewith a social security totalization agreement with Hungary, titled, ''Agreement on Social Security between the Government of the United States of America and the Government of Hungary,'' and a related agreement titled, ''Administrative Arrangement for the Implementation of the Agreement on Social Security between the United States of America and the Government of Hungary'' (collectively the ''Agreements''). The Agreements were signed in Budapest, Hungary, on February 3, 2015.

The Agreements are similar in objective to the social security agreements already in force with most European Union countries, Australia, Canada, Chile, Japan, Norway, the Republic of Korea, and Switzerland. Such bilateral agreements provide for limited coordination between the United States and foreign social security systems to eliminate dual social security coverage and taxation, and to help prevent the lost benefit protection that can occur when workers divide their careers between two countries.

The Agreements contain all provisions mandated by section 233 of the Social Security Act and the provisions that I deem appropriate to carry out the purposes of section 233, pursuant to section 233(c)(4) of the Social Security Act.

I also transmit for the information of the Congress a report required by section 233(e)(1) of the Social Security Act on the estimated number of individuals who will be affected by the Agreements and the estimated cost effect. The Department of State and the Social Security Administration have recommended the Agreements to me.

I commend the Agreements and related documents.

BARACK OBAMA.

THE WHITE HOUSE, *February 1, 2016*.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GRASSLEY, from the Committee on the Judiciary, with an amendment:

H.R. 1428. A bill to extend Privacy Act remedies to citizens of certified states, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. COTTON:

S. 2474. A bill to allow for additional markings, including the words ''Israel'' and ''Product in Israel,'' to be used for country of origin marking requirements for goods made in the geographical areas known as the West Bank and Gaza Strip; to the Committee on Finance.

By Mr. SULLIVAN (for himself and Mr. DAINES):

S. 2475. A bill to establish a Commission on Structural Alternatives for the Federal Courts of Appeals; to the Committee on the Judiciary.

By Mr. PORTMAN (for himself, Ms. CANTWELL, Mrs. SHAHEEN, and Mr. MCCONNELL):

S. 2476. A bill to exclude power supply circuits, drivers, and devices designed to be connected to, and power, light-emitting diodes or organic light-emitting diodes providing illumination or ceiling fans using direct current motors from energy conservation standards for external power supplies; to the Committee on Energy and Natural Resources.

By Mr. DAINES (for himself and Mr. SULLIVAN):

S. 2477. A bill to amend title 28, United States Code, to provide for the appointment of additional Federal circuit judges, to divide the Ninth Judicial Circuit of the United States into 2 circuits, and for other purposes; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 356

At the request of Mr. LEE, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 356, a bill to improve the provisions relating to the privacy of electronic communications.

S. 366

At the request of Mr. TESTER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 366, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 429

At the request of Ms. BALDWIN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 429, a bill to amend title XIX of the Social Security Act to provide a standard definition of therapeutic foster care services in Medicaid.

S. 569

At the request of Mr. LEAHY, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 569, a bill to reauthorize the farm to school program, and for other purposes.

S. 649

At the request of Mr. LEE, the name of the Senator from Arkansas (Mr. COTTON) was added as a cosponsor of S. 649, a bill to amend the eligibility requirements for funding under title IV of the Higher Education Act of 1965.

S. 1195

At the request of Mr. WYDEN, the name of the Senator from Arkansas (Mr. COTTON) was added as a cosponsor of S. 1195, a bill to amend the Higher Education Act of 1965 to update reporting requirements for institutions of higher education and provide for more accurate and complete data on student retention, graduation, and earnings outcomes at all levels of postsecondary enrollment.

S. 1333

At the request of Mr. GARDNER, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of S. 1333, a bill to amend the Controlled Substances Act to exclude cannabidiol and cannabidiol-rich plants from the definition of marihuana, and for other purposes.

S. 1479

At the request of Mr. MARKEY, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 1479, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to modify provisions relating to grants, and for other purposes.

S. 1890

At the request of Mr. HATCH, the name of the Senator from Louisiana (Mr. CASSIDY) 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. 2042

At the request of Mrs. MURRAY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2042, a bill to amend the National Labor Relations Act to strengthen protections for employees wishing

to advocate for improved wages, hours, or other terms or conditions of employment and to provide for stronger remedies for interference with these rights, and for other purposes.

S. 2116

At the request of Mrs. SHAHEEN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2116, a bill to improve certain programs of the Small Business Administration to better assist small business customers in accessing broadband technology, and for other purposes.

S. 2119

At the request of Mr. CARDIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2119, a bill to provide for greater congressional oversight of Iran's nuclear program, and for other purposes.

S. 2185

At the request of Ms. HEITKAMP, the names of the Senator from Nevada (Mr. REID) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 2185, a bill to require the Secretary of the Treasury to mint coins in recognition of the fight against breast cancer.

S. 2344

At the request of Mr. COTTON, the name of the Senator from South Carolina (Mr. GRAHAM) 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. 2403

At the request of Mr. BLUNT, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 2403, a bill to amend title 10, United States Code, to provide a period for the relocation of spouses and dependents of certain members of the Armed Forces undergoing a permanent change of station in order to ease and facilitate the relocation of military families, and for other purposes.

S. 2423

At the request of Ms. AYOTTE, her name 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. 2451

At the request of Mr. RUBIO, his name was added as a cosponsor of S. 2451, a bill to designate the area between the intersections of International Drive, Northwest and Van Ness Street, Northwest and International Drive, Northwest and International Place, Northwest in Washington, District of Columbia, as ''Liu Xiaobo Plaza'', and for other purposes.

S. 2452

At the request of Mr. MORAN, the names of the Senator from Illinois (Mr. KIRK) and the Senator from Florida (Mr. RUBIO) were added as cosponsors of S. 2452, a bill to prohibit the use of funds to make payments to Iran relating to the settlement of claims brought before the Iran-United States Claims Tribunal until Iran has paid certain compensatory damages awarded to United States persons by United States courts.

S. 2455

At the request of Mr. LEE, his name was added as a cosponsor of S. 2455, a bill to expand school choice in the District of Columbia.

S. 2459

At the request of Mr. MCCONNELL, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 2459, a bill to require the Director of the Bureau of Prisons to be appointed by and with the advice and consent of the Senate.

S. 2462

At the request of Mr. BLUMENTHAL, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 2462, a bill to amend section 117 of the Internal Revenue Code of 1986 to exclude Federal student aid from taxable gross income.

S. 2466

At the request of Mr. PETERS, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 2466, a bill to amend the Safe Water Drinking Act to authorize the Administrator of the Environmental Protection Agency to notify the public if a State agency and public water system are not taking action to address a public health risk associated with drinking water requirements.

S. CON. RES. 27

At the request of Mr. DAINES, the name of the Senator from Alaska (Mr. SULLIVAN) was added as a cosponsor of S. Con. Res. 27, a concurrent resolution affirming the importance of religious freedom as a fundamental human right that is essential to a free society and is protected for all Americans by the text of the Constitution, and recognizing the 230th anniversary of the enactment of the Virginia Statute for Religious Freedom.

S. RES. 347

At the request of Mr. BOOKER, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. Res. 347, a resolution honoring the memory and legacy of Anita Ashok Datar and condemning the terrorist attack in Bamako, Mali, on November 20, 2015.

AMENDMENT NO. 2971

At the request of Mr. KIRK, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of amendment No. 2971 intended to be proposed to S. 2012, an original bill to provide for the modernization of the energy policy of the United States, and for other purposes.

AMENDMENT NO. 2972

At the request of Mr. KIRK, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of amendment No. 2972 intended to be proposed to S. 2012, an original bill to provide for the modernization of the energy policy of the United States, and for other purposes.

AMENDMENT NO. 2990

At the request of Mr. REED, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of amendment No. 2990 intended to be proposed to S. 2012, an original bill to provide for the modernization of the energy policy of the United States, and for other purposes.

AMENDMENT NO. 3005

At the request of Mr. MARKEY, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of amendment No. 3005 intended to be proposed to S. 2012, an original bill to provide for the modernization of the energy policy of the United States, and for other purposes.

AMENDMENT NO. 3035

At the request of Mr. MURPHY, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of amendment No. 3035 intended to be proposed to S. 2012, an original bill to provide for the modernization of the energy policy of the United States, and for other purposes.

AMENDMENT NO. 3042

At the request of Mr. ISAKSON, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of amendment No. 3042 intended to be proposed to S. 2012, an original bill to provide for the modernization of the energy policy of the United States, and for other purposes.

AMENDMENT NO. 3057

At the request of Mr. FLAKE, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of amendment No. 3057 intended to be proposed to S. 2012, an original bill to provide for the modernization of the energy policy of the United States, and for other purposes.

AMENDMENT NO. 3061

At the request of Mrs. CAPITO, the names of the Senator from Missouri (Mr. BLUNT) and the Senator from North Dakota (Mr. HOEVEN) were added as cosponsors of amendment No. 3061 intended to be proposed to S. 2012, an original bill to provide for the modernization of the energy policy of the United States, and for other purposes.

AMENDMENT NO. 3069

At the request of Mr. HEINRICH, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of amendment No. 3069 intended to be proposed to S. 2012, an original bill to

provide for the modernization of the energy policy of the United States, and for other purposes.

AMENDMENT NO. 3072

At the request of Mr. DONNELLY, the names of the Senator from North Dakota (Mr. HOEVEN) and the Senator from Nebraska (Mr. SASSE) were added as cosponsors of amendment No. 3072 intended to be proposed to S. 2012, an original bill to provide for the modernization of the energy policy of the United States, and for other purposes.

AMENDMENT NO. 3082

At the request of Mr. BARRASSO, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of amendment No. 3082 intended to be proposed to S. 2012, an original bill to provide for the modernization of the energy policy of the United States, and for other purposes.

AMENDMENT NO. 3083

At the request of Mr. BARRASSO, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of amendment No. 3083 intended to be proposed to S. 2012, an original bill to provide for the modernization of the energy policy of the United States, and for other purposes.

AMENDMENT NO. 3095

At the request of Mr. DURBIN, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Delaware (Mr. COONS) were added as cosponsors of amendment No. 3095 intended to be proposed to S. 2012, an original bill to provide for the modernization of the energy policy of the United States, and for other purposes.

AMENDMENT NO. 3096

At the request of Mr. COONS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 3096 intended to be proposed to S. 2012, an original bill to provide for the modernization of the energy policy of the United States, and for other purposes.

AMENDMENT NO. 3097

At the request of Mr. COONS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 3097 intended to be proposed to S. 2012, an original bill to provide for the modernization of the energy policy of the United States, and for other purposes.

AMENDMENT NO. 3098

At the request of Mr. COONS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 3098 intended to be proposed to S. 2012, an original bill to provide for the modernization of the energy policy of the United States, and for other purposes.

AMENDMENT NO. 3099

At the request of Mr. COONS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 3099 intended to be proposed to S. 2012, an original bill to provide for the modernization of the energy policy of the United States, and for other purposes.

AMENDMENT NO. 3100

At the request of Ms. WARREN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of amendment No. 3100 intended to be proposed to S. 2012, an original bill to provide for the modernization of the energy policy of the United States, and for other purposes.

AMENDMENT NO. 3105

At the request of Mr. MENENDEZ, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of amendment No. 3105 intended to be proposed to S. 2012, an original bill to provide for the modernization of the energy policy of the United States, and for other purposes.

AMENDMENT NO. 3107

At the request of Ms. BALDWIN, the names of the Senator from Connecticut (Mr. MURPHY) and the Senator from Massachusetts (Ms. WARREN) were added as cosponsors of amendment No. 3107 intended to be proposed to S. 2012, an original bill to provide for the modernization of the energy policy of the United States, and for other purposes.

AMENDMENT NO. 3135

At the request of Mrs. MCCASKILL, the name of the Senator from Louisiana (Mr. CASSIDY) was added as a cosponsor of amendment No. 3135 intended to be proposed to S. 2012, an original bill to provide for the modernization of the energy policy of the United States, and for other purposes.

AMENDMENT NO. 3136

At the request of Mr. MENENDEZ, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of amendment No. 3136 intended to be proposed to S. 2012, an original bill to provide for the modernization of the energy policy of the United States, and for other purposes.

AMENDMENT NO. 3138

At the request of Mrs. SHAHEEN, the names of the Senator from Hawaii (Ms. HIRONO), the Senator from Maine (Mr. KING) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of amendment No. 3138 intended to be proposed to S. 2012, an original bill to provide for the modernization of the energy policy of the United States, and for other purposes.

AMENDMENT NO. 3140

At the request of Ms. COLLINS, the names of the Senator from New Hampshire (Ms. AYOTTE), the Senator from Montana (Mr. DAINES), the Senator from Minnesota (Mr. FRANKEN), the Senator from Idaho (Mr. CRAPO) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of amendment No. 3140 intended to be proposed to S. 2012, an original bill to provide for the modernization of the energy policy of the United States, and for other purposes.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3143. Mr. CARPER (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.

SA 3144. Ms. CANTWELL 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 3145. Mr. CARPER (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 3146. 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; which was ordered to lie on the table.

SA 3147. Mr. RISCH 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 3148. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3149. 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 3150. 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 3151. Mr. BURR 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 3152. Mr. BOOZMAN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3153. Mr. VITTER (for himself 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 3154. Mr. HEINRICH (for himself and Mr. UDALL) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3155. Mr. HEINRICH submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3156. Ms. BALDWIN (for herself and Ms. STABENOW) 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 3157. 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 3158. 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 3159. Mrs. CAPITO (for herself, Ms. HEITKAMP, and Mr. CASEY) 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 3160. Mr. BOOKER (for himself, Ms. MIKULSKI, Mr. MENENDEZ, and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3161. 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 3162. Mr. UDALL (for himself, Mr. PORTMAN, Mrs. BOXER, Mr. ALEXANDER, Mr. WYDEN, 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 3163. Mrs. FISCHER (for herself, Mr. BOOKER, Mr. DAINES, and Mr. PETERS) submitted an amendment intended to be proposed by her to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3164. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3165. Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3166. Mrs. SHAHEEN (for herself and Mr. MARKEY) submitted an amendment intended to be proposed by her to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3167. 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 3168. Mr. PORTMAN (for himself, Ms. CANTWELL, Mrs. SHAHEEN, Mr. MCCONNELL, and Mr. DONNELLY) submitted an amendment intended to be proposed by him to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3169. 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 3170. Mr. SULLIVAN (for himself, Mrs. CAPITO, and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3171. Ms. HEITKAMP 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 3172. Ms. HEITKAMP (for herself and Mr. FRANKEN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3173. Ms. HEITKAMP (for herself 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 3174. Ms. HEITKAMP (for herself, Mrs. CAPITO, Mr. BOOKER, Mr. WHITEHOUSE, Mr. TESTER, Mr. MANCHIN, Mr. BLUNT, and Mr. FRANKEN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3175. Mr. BURR (for himself and Mr. TILLIS) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3176. Mr. SCHATZ (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3177. 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 3178. 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 3179. Ms. KLOBUCHAR (for herself, Mr. HOEVEN, 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 3180. Ms. KLOBUCHAR (for herself and Mr. GRAHAM) 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 3181. Ms. HEITKAMP (for herself and Mrs. CAPITO) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3182. 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 3183. Ms. HIRONO submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3143. Mr. CARPER (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 end of part III of subtitle D of title I, add the following:

SEC. 131__. REAUTHORIZATION OF DIESEL EMISSIONS REDUCTION PROGRAM.

Section 797(a) of the Energy Policy Act of 2005 (42 U.S.C. 16137(a)) is amended by striking ''2016'' and inserting ''2021''.

SA 3144. Ms. CANTWELL 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, between lines 20 and 21, insert the following:

(d) DRAWDOWN AND SALE OF REFINED PETROLEUM PRODUCTS.—

(1) DEFINITION OF SEVERE ENERGY SUPPLY INTERRUPTION.—Section 3(8) of the Energy Policy and Conservation Act (42 U.S.C. 6202(8)) is amended by striking ''or (iii)'' and inserting ''(iii) an interruption of the worldwide supply of crude petroleum that is likely to cause a severe increase in the price of domestic petroleum products, or (iv)''.

(2) DRAWDOWN AND SALE OF PETROLEUM PRODUCTS.—Section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241) is amended by adding at the end the following:

''(k) DRAWDOWN AND SALE OF REFINED PETROLEUM PRODUCTS.—

''(1) IN GENERAL.—The Secretary may draw down and sell refined petroleum products in accordance with this subsection if the President finds that—

''(A) a circumstance exists that constitutes, or is likely to become, a regional severe energy supply interruption of significant scope or duration; and

''(B) action taken under this subsection would assist directly and significantly in preventing or reducing the adverse impact of the shortage.

''(2) REFINED PETROLEUM PRODUCTS.—Refined petroleum products covered by this subsection include all petroleum products other than crude oil held by the Secretary as part of—

''(A) the Strategic Petroleum Reserve established by section 154; or

''(B) the Northeast Home Heating Oil Reserve established under section 181.

''(3) SALES.—Sales of refined petroleum products under this subsection—

''(A) shall be made at public sale to the highest qualified bidder; but

''(B) do not need not comply with the requirements of subsection (e)(1) or section 183.''.

SA 3145. Mr. CARPER (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 end of title III, add the following:

Subtitle I—Thermal Energy

SEC. 3801. MODIFYING THE DEFINITION OF RENEWABLE ENERGY TO INCLUDE THERMAL ENERGY.

(a) IN GENERAL.—Section 203 of the Energy Policy Act of 2005 (42 U.S.C. 15852) (as amended by section 3001(b)) is amended—

(1) in subsection (a), by inserting ''a number equivalent to'' before ''the total amount of electric energy'';

(2) in subsection (b)—

(A) by redesignating paragraph (2) as paragraph (3);

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

''(2) QUALIFIED WASTE HEAT RESOURCE.—The term 'qualified waste heat resource' means—

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

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

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

''(D) such other forms of waste heat as the Secretary determines appropriate.''; and

(C) in paragraph (3) (as redesignated by subparagraph (A))—

(i) by striking ''produced from'' and inserting ''produced or, if resulting from a thermal energy project placed in service after December 31, 2014, thermal energy generated from, or avoided by,''; and

(ii) by inserting ''qualified waste heat resource,'' after ''municipal solid waste,''; and

(3) 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 another Federal energy efficiency goal.''.

(b) CONFORMING AMENDMENT.—Section 2410q(a) of title 10, United States Code, is amended by striking ''section 203(b)(2) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)(2))'' and inserting ''section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b))''.

SA 3146. 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; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE ____—BUREAU OF RECLAMATION

SEC. ___01. SHORT TITLE.

This title may be cited as the ''Bureau of Reclamation Transparency Act''.

SEC. ___02. FINDINGS.

Congress finds that—

(1) the water resources infrastructure of the Bureau of Reclamation provides important benefits related to irrigated agriculture, municipal and industrial water, hydropower, flood control, fish and wildlife, and recreation in the 17 Reclamation States;

(2) as of 2013, the combined replacement value of the infrastructure assets of the Bureau of Reclamation was $94,500,000,000;

(3) the majority of the water resources infrastructure facilities of the Bureau of Reclamation are at least 60 years old;

(4) the Bureau of Reclamation has previously undertaken efforts to better manage the assets of the Bureau of Reclamation, including an annual review of asset maintenance activities of the Bureau of Reclamation known as the ''Asset Management Plan''; and

(5) actionable information on infrastructure conditions at the asset level, including information on maintenance needs at individual assets due to aging infrastructure, is needed for Congress to conduct oversight of Reclamation facilities and meet the needs of the public.

SEC. ___03. DEFINITIONS.

In this title:

(1) ASSET.—

(A) IN GENERAL.—The term ''asset'' means any of the following assets that are used to achieve the mission of the Bureau of Reclamation to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the people of the United States:

(i) Capitalized facilities, buildings, structures, project features, power production equipment, recreation facilities, or quarters.

(ii) Capitalized and noncapitalized heavy equipment and other installed equipment.

(B) INCLUSIONS.—The term ''asset'' includes assets described in subparagraph (A) that are considered to be mission critical.

(2) ASSET MANAGEMENT REPORT.—The term ''Asset Management Report'' means—

(A) the annual plan prepared by the Bureau of Reclamation known as the ''Asset Management Plan''; and

(B) any publicly available information relating to the plan described in subparagraph (A) that summarizes the efforts of the Bureau of Reclamation to evaluate and manage infrastructure assets of the Bureau of Reclamation.

(3) MAJOR REPAIR AND REHABILITATION NEED.—The term ''major repair and rehabilitation need'' means major nonrecurring maintenance at a Reclamation facility, including maintenance related to the safety of dams, extraordinary maintenance of dams, deferred major maintenance activities, and all other significant repairs and extraordinary maintenance.

(4) RECLAMATION FACILITY.—The term ''Reclamation facility'' means each of the infrastructure assets that are owned by the Bureau of Reclamation at a Reclamation project.

(5) RECLAMATION PROJECT.—The term ''Reclamation project'' means a project that is owned by the Bureau of Reclamation, including all reserved works and transferred works owned by the Bureau of Reclamation.

(6) RESERVED WORKS.—The term ''reserved works'' means buildings, structures, facilities, or equipment that are owned by the Bureau of Reclamation for which operations and maintenance are performed by employees of the Bureau of Reclamation or through a contract entered into by the Bureau of Reclamation, regardless of the source of funding for the operations and maintenance.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(8) TRANSFERRED WORKS.—The term ''transferred works'' means a Reclamation facility at which operations and maintenance of the facility is carried out by a non-Federal entity under the provisions of a formal operations and maintenance transfer contract or other legal agreement with the Bureau of Reclamation.

SEC. ___04. ASSET MANAGEMENT REPORT ENHANCEMENTS FOR RESERVED WORKS.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress an Asset Management Report that—

(1) describes the efforts of the Bureau of Reclamation—

(A) to maintain in a reliable manner all reserved works at Reclamation facilities; and

(B) to standardize and streamline data reporting and processes across regions and areas for the purpose of maintaining reserved works at Reclamation facilities; and

(2) expands on the information otherwise provided in an Asset Management Report, in accordance with subsection (b).

(b) INFRASTRUCTURE MAINTENANCE NEEDS ASSESSMENT.—

(1) IN GENERAL.—The Asset Management Report submitted under subsection (a) shall include—

(A) a detailed assessment of major repair and rehabilitation needs for all reserved works at all Reclamation projects; and

(B) to the extent practicable, an itemized list of major repair and rehabilitation needs of individual Reclamation facilities at each Reclamation project.

(2) INCLUSIONS.—To the extent practicable, the itemized list of major repair and rehabilitation needs under paragraph (1)(B) shall include—

(A) a budget level cost estimate of the appropriations needed to complete each item; and

(B) an assignment of a categorical rating for each item, consistent with paragraph (3).

(3) RATING REQUIREMENTS.—

(A) IN GENERAL.—The system for assigning ratings under paragraph (2)(B) shall be—

(i) consistent with existing uniform categorization systems to inform the annual budget process and agency requirements; and

(ii) subject to the guidance and instructions issued under subparagraph (B).

(B) GUIDANCE.—As soon as practicable after the date of enactment of this Act, the Secretary shall issue guidance that describes the applicability of the rating system applicable under paragraph (2)(B) to Reclamation facilities.

(4) PUBLIC AVAILABILITY.—Except as provided in paragraph (5), the Secretary shall make publicly available, including on the Internet, the Asset Management Report required under subsection (a).

(5) CONFIDENTIALITY.—The Secretary may exclude from the public version of the Asset Management Report made available under paragraph (4) any information that the Secretary identifies as sensitive or classified, but shall make available to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a version of the report containing the sensitive or classified information.

(c) UPDATES.—Not later than 2 years after the date on which the Asset Management Report is submitted under subsection (a) and biennially thereafter, the Secretary shall update the Asset Management Report, subject to the requirements of section ___05(b)(2).

(d) CONSULTATION.—To the extent that such consultation would assist the Secretary in preparing the Asset Management Report under subsection (a) and updates to the Asset Management Report under subsection (c), the Secretary shall consult with—

(1) the Secretary of the Army (acting through the Chief of Engineers); and

(2) water and power contractors.

SEC. ___05. ASSET MANAGEMENT REPORT ENHANCEMENTS FOR TRANSFERRED WORKS.

(a) IN GENERAL.—The Secretary shall coordinate with the non-Federal entities responsible for the operation and maintenance of transferred works in developing reporting requirements for Asset Management Reports with respect to major repair and rehabilitation needs for transferred works that are similar to the reporting requirements described in section ___04(b).

(b) GUIDANCE.—

(1) IN GENERAL.—After considering input from water and power contractors of the Bureau of Reclamation, the Secretary shall develop and implement a rating system for transferred works that incorporates, to the maximum extent practicable, the rating system for major repair and rehabilitation needs for reserved works developed under section ___04(b)(3).

(2) UPDATES.—The ratings system developed under paragraph (1) shall be included in the updated Asset Management Reports under section ___04(c).

SEC. ___06. OFFSET.

Notwithstanding any other provision of law, in the case of the project authorized by section 1617 of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h–12c), the maximum amount of the Federal share of the cost of the project under section 1631(d)(1) of that Act (43 U.S.C. 390h–13(d)(1)) otherwise available as of the date of enactment of this Act shall be reduced by $2,000,000.

SA 3147. Mr. RISCH 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___. RECOGNITION OF STATE OR LOCAL DETERMINATIONS.

Section 210(m) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 824a–3(m)) is amended—

(1) by redesignating paragraphs (3), (4), (5), (6), and (7) as paragraphs (4), (5), (6), (7), and (8), respectively;

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

''(3) STATE OR LOCAL DETERMINATION.—

''(A) IN GENERAL.—After the date of enactment of the Energy Policy Modernization Act of 2016, no electric utility shall be required to enter into a new contract or legally enforceable obligation to purchase electric energy from a qualifying small power production facility that produces electric energy solely by the use, as a primary energy source, of a resource other than waste and water, under this section if the State regulatory agency (with respect to each electric utility for which the State regulatory authority has ratemaking authority) or the nonregulated electric utility has determined that the electric utility has no need to acquire additional generation resources in order to meet the obligation of the electric utility to serve customers in the public interest.

''(B) REASSESSMENT.—Not later than 3 years after the date of a determination under subparagraph (A) and every 3 years thereafter, the State regulatory agency (with respect to each electric utility for which the State regulatory authority has ratemaking authority) or the nonregulated electric utility shall reassess the determination under that subparagraph.'';

(3) in paragraph (4) (as so redesignated)—

(A) in the second sentence, by striking ''of this subsection''; and

(B) by inserting ''or in paragraph (3)'' after ''paragraph (1)'' each place it appears; and

(4) in paragraph (5) (as so redesignated)—

(A) in the first sentence, by striking ''paragraph (3)'' and inserting ''paragraph (4)'';

(B) in the second sentence, by striking ''of this subsection''; and

(C) by inserting ''or in paragraph (3)'' after ''paragraph (1)'' each place it appears.

SA 3148. Mr. INHOFE 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. _____. 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 reduce electric grid reliability, which would—

(1) unnecessarily endanger the health and welfare of senior citizens in the United States; and

(2) result in increased electricity prices that disproportionately impact low-income and fixed-income households, minority communities, minority-owned and women-owned businesses, manufacturers, and rural communities.

SA 3149. 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___. REPORT REQUIREMENT FOR FEDERAL ONSHORE OIL AND GAS.

(a) IN GENERAL.—The Secretary of the Interior may not alter royalties for Federal onshore oil and gas development without first—

(1) submitting a report to Congress—

(A) demonstrating that the proposed action would not result in a net loss in jobs to the affected communities where the Federal onshore oil and gas development occurs;

(B) detailing any potential economic impacts the action would have on rural economies; and

(C) containing an independent analysis of the direct and indirect impact of the action on small businesses impacted by a change in royalty structure; and

(2) giving the appropriate committees of Congress not fewer than 90 days to review the report submitted under paragraph (1).

(b) REQUIREMENTS FOR REPORT.—The report submitted under subsection (a) shall include information describing the impact the action will have on—

(1) net revenue to the Treasury of the United States and to the States, taking into consideration the effect the new royalty will have on the net loss in jobs in affected communities where the Federal onshore oil and gas development occurs;

(2) rural economies, specifically areas dependent on the Federal onshore oil and gas development; and

(3) domestic energy production and energy independence.

SA 3150. 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___. ONLINE AUCTIONS AUTHORIZED.

Section 36 of the Mineral Leasing Act (30 U.S.C. 192) is amended by adding before the period at the end the following: ''*And provided further*, that in the event of a protest activity or other unforeseen event causing a disruption to a sale under this section, the Secretary of the Interior, as expeditiously as practicable and in any case during the same quarter as the originally announced sale, shall hold the sale through an Internet-based lease sale in accordance with section 17(b)(1)(C)''.

SA 3151. Mr. BURR 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___. EXTENSION OF DEADLINE FOR HYDROELECTRIC PROJECT.

(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 12642, 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 the construction of the 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 the project described in subsection (a) has expired prior to the date of enactment of this Act—

(1) the Federal Energy Regulatory 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 3152. Mr. BOOZMAN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. DEPARTMENT OF ENERGY INSPECTOR GENERAL EXTENDED VACANCY PREVENTION.

If the Council of the Inspectors General on Integrity and Efficiency (referred to in this section as the ''Council'') determines that a vacancy exists at the position of Inspector General of the Office of Inspector General at the Department and the President has not nominated an Inspector General to fill that vacancy by the end of the 210-day period beginning on the date the vacancy began, notwithstanding any other provision of law, there shall be transferred from the salaries and expenses account of the White House to the Office of Inspector General account of the Department $20,000 for each month during which the Council determines that the President has not nominated an Inspector General to fill that vacancy, to continue on a monthly basis until the President has made the nomination.

SA 3153. Mr. VITTER (for himself 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 end of subtitle E of title IV, add the following:

SEC. 44___. GAO INVESTIGATION OF BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT ACTIONS RELATING TO THE SEIZURE OF HELICOPTER FUEL.

(a) INVESTIGATION.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall conduct an investigation of actions taken by employees of the Bureau of Safety and Environmental Enforcement (referred to in this section as the ''Bureau'') regarding the demand for, or seizure of, without permission and with or without offering to provide compensation in exchange for, privately

owned helicopter fuel from lessees, permit holders, or operators of federally leased offshore facilities, independent contractors, or third-party vendors.

(2) PURPOSES.—The purposes of the investigation conducted under paragraph (1) shall be to determine—

(A)(i) whether the Bureau has the explicit authority under law (including regulations consistent with the statutory authority of the Bureau) to demand or seize, whether for valid inspections or operational convenience, privately owned helicopter fuel from lessees, permit holders, or operators of federally leased offshore facilities, independent contractors, or third-party vendors, even in cases in which the Bureau offers compensation for the fuel demanded or seized; and

(ii) if the Comptroller General of the United States determines that the Bureau has the authority described in clause (i), whether—

(I) the Bureau may demand or seize the helicopter fuel at any time and for any purpose; or

(II) the authority under that clause is subject to conditions or limitations;

(B) whether an independent helicopter service provider not under agreement with the Bureau or a contracted helicopter service provider of the Bureau qualifies as ''a designated operator or agent of the lessee(s), a pipeline right-of-way holder, or a State lessee granted a right-of-use and easement'' under section 250.105 of title 30, Code of Federal Regulations (as in effect on the date of enactment of this Act);

(C) whether the Bureau is or has been conducting random, unscheduled inspections at any facility of a lessee or permit holder of the Bureau—

(i) to allow the Bureau to take helicopter fuel at the facility for the convenience of the Bureau; and

(ii) to justify the taking of helicopter fuel in connection with an inspection that otherwise would not have occurred; and

(D) whether employees of the Bureau, by demanding or seizing, or directing participation of third parties in the demand for or seizure of, helicopter fuel, through intimidation, coercion, or other means, directly or indirectly, without the consent of the private owner of the fuel, would be—

(i) subject to civil liability under section 2680(h) of title 28, United States Code; or

(ii) subject to civil or criminal liability under any other law.

(b) REPORT.—On completion of the investigation under subsection (a), the Comptroller General of the United States 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 the results of the investigation under that subsection.

SA 3154. Mr. HEINRICH (for himself and Mr. UDALL) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

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

(a) FINDINGS.—Congress finds that—

(1) laboratory directed research and development (referred to in this subsection as ''LDRD'') is an investment for the future;

(2) the purposes of LDRD are—

(A) to recruit, to develop, and to retain a creative workforce for a laboratory; and

(B) to produce innovative ideas that are vital to the ability of a laboratory to produce the best scientific work in accordance with the mission of the laboratory;

(3) LDRD has a long history of support and accomplishment since 1954, when Congress first authorized LDRD in the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.);

(4) formal requirements, external review, and oversight by the Secretary with respect to LDRD projects ensure that LDRD projects—

(A) are selected competitively; and

(B) explore innovative and new areas of research that are not covered by existing research programs;

(5) LDRD is a resource to support cutting-edge exploratory research prior to the identification and development of a research program by the Department or a strategic partner of the Department;

(6) LDRD projects in the same topic area may be funded at various laboratories to explore potential paths for a program in that topic area;

(7) LDRD projects provide valuable insights for peer-review strategic assessments conducted by the Department in the program planning process;

(8) LDRD is an important recruitment and retention tool for the National Laboratories;

(9) the recruitment and retention tool that LDRD provides is especially crucial for the laboratories operated by the National Nuclear Security Administration, which must attract new staff to the laboratories in order to maintain a highly trained workforce to support the missions of the National Nuclear Security Administration with respect to nuclear weapons and national security; and

(10) the October 28, 2015, Final Report of the Commission to Review the Effectiveness of the National Energy Laboratories—

(A) strongly endorsed LDRD programs both now and into the future; and

(B) supported restoration of the cap on LDRD to 6 percent unburdened or the equivalent of 6 percent unburdened.

(b) GENERAL AND ADMINISTRATIVE OVERHEAD FOR LABORATORY DIRECTED RESEARCH AND DEVELOPMENT.—The Secretary shall ensure that the laboratory operating contractors for Lawrence Livermore National Laboratory, Los Alamos National Laboratory, and Sandia National Laboratories do not allocate costs of general and administrative overhead to laboratory directed research and development.

SA 3155. Mr. HEINRICH submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 320, between lines 2 and 3, insert the following:

(f) OUTREACH TO MINORITY-SERVING INSTITUTIONS.—In developing the strategy under subsection (a), the Board shall—

(1) give special consideration to increasing outreach to minority-serving institutions (including historically black colleges and universities, predominantly black institutions, Hispanic serving institutions, and tribal institutions);

(2) make resources available to minority-serving institutions with the objective of increasing the number of skilled minorities and women trained to go into the energy and manufacturing sectors; and

(3) encourage industry to improve the opportunities for students of minority-serving institutions to participate in industry internships and cooperative work-study programs.

On page 320, line 3, strike ''(f)'' and insert ''(g)''.

On page 324, strike line 9 and insert the following:

(j) DIRECT ASSISTANCE.—In awarding grants under this section, the Secretary shall provide direct assistance (including technical expertise, wraparound services, career coaching, mentorships, internships, and partnerships) to entities that receive a grant under this section.

(k) TECHNICAL ASSISTANCE.—The Secretary shall

On page 324, line 14, strike ''(k)'' and insert ''(l)''.

On page 325, line 3, strike ''(l)'' and insert ''(m)''.

SA 3156. Ms. BALDWIN (for herself and Ms. STABENOW) 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 130, strike line 18 and all that follows through page 131, line 5.

Beginning on page 419, line 26, strike ''(as amended'' and all that follows through ''1201(d)(3))'' on page 420, line 1.

SA 3157. 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:

On page 329, line 9, insert ''unless the paper has been segregated for the purpose of assured destruction'' after ''electricity''.

SA 3158. 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 of Health and Human Services 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 3159. Mrs. CAPITO (for herself, Ms. HEITKAMP, and Mr. CASEY) 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 322, strike lines 21 through 25 and insert the following:

(9) work with minority-serving institutions to provide job training to increase the number of skilled minorities and women in the energy sector;

(10) provide job training for displaced and unemployed workers in the energy sector; or

(11) establish or support an existing Center of Excellence for energy workforce training based in a community college or an institution of higher education offering 2-year technical programs that offers programs located in shale play areas of the United States.

SA 3160. Mr. BOOKER (for himself, Ms. MIKULSKI, Mr. MENENDEZ, and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 263, line 5, strike ''or the Atlantic Ocean Basin''.

SA 3161. Mr. BOOKER submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 35___. FAIRNESS IN COMPETITION FOR SOLICITATIONS FOR INTERNATIONAL PROJECT ACTIVITIES.

Section 33 of the Atomic Energy Act of 1954 (42 U.S.C. 2053) is amended by adding at the end the following: ''For purposes of this section, with respect to international research projects, the term 'private facilities or laboratories' means a facility or laboratory that is located in the United States.''.

SA 3162. Mr. UDALL (for himself, Mr. PORTMAN, Mrs. BOXER, Mr. ALEXANDER, Mr. WYDEN, and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. WATERSENSE.

(a) IN GENERAL.—Part B of title III of the Energy Policy and Conservation Act is amended by adding after section 324A (42 U.S.C. 6294a) the following:

''SEC. 324B. WATERSENSE.

''(a) ESTABLISHMENT OF WATERSENSE PROGRAM.—

''(1) IN GENERAL.—There is established within the Environmental Protection Agency a voluntary WaterSense program to identify and promote water-efficient products, buildings, landscapes, facilities, processes, and services that, through voluntary labeling of, or other forms of communications regarding, products, buildings, landscapes, facilities, processes, and services while meeting strict performance criteria, sensibly—

''(A) reduce water use;

''(B) reduce the strain on public and community water systems and wastewater and stormwater infrastructure;

''(C) conserve energy used to pump, heat, transport, and treat water; and

''(D) preserve water resources for future generations.

''(2) INCLUSIONS.—The Administrator of the Environmental Protection Agency (referred to in this section as the 'Administrator') shall, consistent with this section, identify water-efficient products, buildings, landscapes, facilities, processes, and services, including categories such as—

''(A) irrigation technologies and services;

''(B) point-of-use water treatment devices;

''(C) plumbing products;

''(D) reuse and recycling technologies;

''(E) landscaping and gardening products, including moisture control or water enhancing technologies;

''(F) xeriscaping and other landscape conversions that reduce water use;

''(G) whole house humidifiers; and

''(H) water-efficient buildings or facilities.

''(b) DUTIES.—The Administrator, coordinating as appropriate with the Secretary, shall—

''(1) establish—

''(A) a WaterSense label to be used for items meeting the certification criteria established in accordance with this section; and

''(B) the procedure, including the methods and means, and criteria by which an item may be certified to display the WaterSense label;

''(2) enhance public awareness regarding the WaterSense label through outreach, education, and other means;

''(3) preserve the integrity of the WaterSense label by—

''(A) establishing and maintaining feasible performance criteria so that products, buildings, landscapes, facilities, processes, and services labeled with the WaterSense label perform as well or better than less water-efficient counterparts;

''(B) overseeing WaterSense certifications made by third parties;

''(C) as determined appropriate by the Administrator, using testing protocols, from the appropriate, applicable, and relevant consensus standards, for the purpose of determining standards compliance; and

''(D) auditing the use of the WaterSense label in the marketplace and preventing cases of misuse; and

''(4) not more often than 6 years after adoption or major revision of any WaterSense specification, review and, if appropriate, revise the specification to achieve additional water savings;

''(5) in revising a WaterSense specification—

''(A) provide reasonable notice to interested parties and the public of any changes, including effective dates, and an explanation of the changes;

''(B) solicit comments from interested parties and the public prior to any changes;

''(C) as appropriate, respond to comments submitted by interested parties and the public; and

''(D) provide an appropriate transition time prior to the applicable effective date of any changes, taking into account the timing necessary for the manufacture, marketing, training, and distribution of the specific water-efficient product, building, landscape, process, or service category being addressed; and

''(6) not later than December 31, 2018, consider for review and revision any WaterSense specification adopted before January 1, 2012.

''(c) TRANSPARENCY.—The Administrator shall, to the maximum extent practicable and not less than annually, regularly estimate and make available to the public the production and relative market shares and savings of water, energy, and capital costs of water, wastewater, and stormwater attributable to the use of WaterSense-labeled products, buildings, landscapes, facilities, processes, and services.

''(d) DISTINCTION OF AUTHORITIES.—In setting or maintaining specifications for Energy Star pursuant to section 324A, and WaterSense under this section, the Secretary and Administrator shall coordinate to prevent duplicative or conflicting requirements among the respective programs.''.

(b) CONFORMING AMENDMENT.—The table of contents for the Energy Policy and Conservation Act (42 U.S.C. prec. 6201) is amended by inserting after the item relating to section 324A the following:

''Sec. 324B. WaterSense.''.

SA 3163. Mrs. FISCHER (for herself, Mr. BOOKER, Mr. DAINES, and Mr. PETERS) 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—SECURING AMERICA'S FUTURE ENERGY: PROTECTING OUR INFRASTRUCTURE OF PIPELINES AND ENHANCING SAFETY ACT

SEC. 6001. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This title may be cited as the ''Securing America's Future Energy: Protecting our Infrastructure of Pipelines and Enhancing Safety Act'' or the ''SAFE PIPES Act''.

(b) REFERENCES TO TITLE 49, UNITED STATES CODE.—Except as otherwise expressly provided, wherever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 6002. AUTHORIZATION OF APPROPRIATIONS.

(a) GAS AND HAZARDOUS LIQUID.—Section 60125(a) is amended—

(1) in paragraph (1), by striking ''there is authorized to be appropriated to the Department of Transportation for each of fiscal years 2012 through 2015, from fees collected under section 60301, $90,679,000, of which $4,746,000 is for carrying out such section 12 and $ 36,194,000 is for making grants.'' and inserting the following: ''there are authorized to be appropriated to the Department of Transportation from fees collected under section 60301—

''(A) $127,060,000 for fiscal year 2016, of which $9,325,000 shall be expended for carrying out such section 12 and $42,515,000 shall be expended for making grants;

''(B) $129,671,000 for fiscal year 2017, of which $9,418,000 shall be expended for carrying out such section 12 and $42,941,000 shall be expended for making grants;

''(C) $132,334,000 for fiscal year 2018, of which $9,512,000 shall be expended for carrying out such section 12 and $43,371,000 shall be expended for making grants; and

''(D) $135,051,000 for fiscal year 2019, of which $9,607,000 shall be expended for carrying out such section 12 and $43,805,000 shall be expended for making grants.''; and

(2) in paragraph (2), by striking ''there is authorized to be appropriated for each of fiscal years 2012 through 2015 from the Oil Spill Liability Trust Fund to carry out the provisions of this chapter related to hazardous liquid and section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note; Public Law 107–355), $18,573,000, of which $2,174,000 is for carrying out such section 12 and $4,558,000 is for making grants.'' and inserting the following: ''there are authorized to be appropriated from the Oil Spill Liability Trust Fund to carry out the provisions of this chapter related to hazardous liquid and section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note; Public Law 107–355)—''

''(A) $19,890,000 for fiscal year 2016, of which $3,108,000 shall be expended for carrying out such section 12 and $8,708,000 shall be expended for making grants;

''(B) $20,288,000 for fiscal year 2017, of which $3,139,000 shall be expended for carrying out such section 12 and $8,795,000 shall be expended for making grants;

''(C) $20,694,000 for fiscal year 2018, of which $3,171,000 shall be expended for carrying out such section 12 and $8,883,000 shall be expended for making grants; and

''(D) $21,108,000 for fiscal year 2019, of which $3,203,000 shall be expended for carrying out such section 12 and $8,972,000 shall be expended for making grants.''.

(b) EMERGENCY RESPONSE GRANTS.—Section 60125(b)(2) is amended by striking ''2012 through 2015'' and inserting ''2016 through 2019''.

(c) ONE-CALL NOTIFICATION PROGRAMS.—Section 6107 is amended—

(1) in subsection (a), by striking ''$1,000,000 for each of fiscal years 2012 through 2015'' and inserting ''$1,060,000 for each of the fiscal years 2016 through 2019''; and

(2) in subsection (b), by striking ''2012 through 2015'' and inserting ''2016 through 2019''.

(d) STATE DAMAGE PREVENTION PROGRAMS.—Section 60134(i) is amended by striking ''2012 through 2015'' and inserting ''2016 through 2019''.

(e) COMMUNITY PIPELINE SAFETY INFORMATION GRANTS.—Section 60130(c) is amended by striking ''2012 through 2015'' and inserting ''2016 through 2019''.

(f) PIPELINE INTEGRITY PROGRAM.—Section 12(f) of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note) is amended by striking ''2012 through 2015'' and inserting ''2016 through 2019''.

SEC. 6003. REGULATORY UPDATES.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, and every 90 days thereafter until a final rule has been issued for each of the requirements described under paragraphs (1), (2), and (3), the Secretary of Transportation shall publish an update on a public website regarding the status of a final rule for—

(1) regulations required under the Pipeline Safety Regulatory Certainty and Job Creation Act of 2011 (Public Law 112–90; 125 Stat. 1904) for which no interim final rule or direct final rule has been issued;

(2) any regulation relating to pipeline safety required by law, other than a regulation described under paragraph (1), for which for more than 2 years after the date of the enacting statute or statutory deadline no interim final rule or direct final rule has been issued; and

(3) any other pipeline safety rulemaking categorized as significant.

(b) CONTENTS.—Each report under subsection (a) shall include—

(1) a description of the work plan for the outstanding regulation;

(2) an updated rulemaking timeline for the outstanding regulation;

(3) current staff allocations;

(4) any other information collection request with substantial changes;

(5) current data collection or research relating to the development of the rulemaking;

(6) current collaborative efforts with safety experts and other stakeholders;

(7) any resource constraints impacting the rulemaking process for the outstanding regulation; and

(8) any other details associated with the development of the rulemaking that impact the progress of the rulemaking.

SEC. 6004. HAZARDOUS MATERIALS IDENTIFICATION NUMBERS.

The Administrator of the Pipeline and Hazardous Materials Safety Administration shall—

(1) rescind the implementation of the June 26, 2015 PHMSA interpretative letter (#14-0178); and

(2) reinstate paragraphs (4) and (5) of section 172.336(c) of title 49, Code of Federal Regulations, without the reference to ''gasohol'', as was originally intended in the March 7, 2013 final rule (PHMSA–2011–0142).

SEC. 6005. STATUTORY PREFERENCE.

The Administrator of the Pipeline and Hazardous Materials Safety Administration shall prioritize the use of Office of Pipeline Safety resources for the development of each outstanding statutory requirement, including requirements for rulemakings and information collection requests, for a rulemaking described in a report under section 6003 before beginning any new rulemaking required after the date of the enactment of this Act unless the Secretary of Transportation certifies to Congress that there is a significant need to move forward with a new rulemaking.

SEC. 6006. NATURAL GAS INTEGRITY MANAGEMENT REVIEW.

(a) REPORT.—Not later than 18 months after the publication of a final rule regarding the safety of gas transmission pipelines (76 Fed. Reg. 53086), the Comptroller General of the United States shall submit a report to Congress regarding the natural gas integrity management program.

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

(1) an analysis of the extent to which the natural gas integrity management program under section 60109(c) of title 49, United States Code, has improved the safety of natural gas transmission pipelines;

(2) an analysis or recommendations, including consideration of technical, operational, and economic feasibility, regarding changes to the program that would prevent inadvertent releases from pipelines and mitigate any adverse consequences of an inadvertent release, including changes to the current definition of high consequence area, or would expand integrity management beyond high consequence areas;

(3) a review of the cost effectiveness of the legacy class location regulations;

(4) an analysis of and recommendations regarding what impact pipeline features and conditions, including the age, condition, materials, and construction of a pipeline, should have on risk analysis of a particular pipeline;

(5) a description of any challenges affecting Federal or State regulators in their oversight of the program and how the challenges are being addressed; and

(6) a description of any challenges affecting the natural gas industry in complying with the program, and how the challenges are being addressed.

(c) DEFINITION OF HIGH CONSEQUENCE AREA.—In this section and in section 6007, the term ''high consequence area'' means an area described in section 60109(a) of title 49, United States Code.

SEC. 6007. HAZARDOUS LIQUID INTEGRITY MANAGEMENT REVIEW.

(a) SAFETY STUDY.—Not later than 18 months after the publication of a final rule regarding the safety of hazardous liquid pipelines (80 Fed. Reg. 61610), the Comptroller General of the United States shall submit a report to Congress regarding the hazardous liquid integrity management program.

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

(1) an analysis of the extent to which liquid pipeline integrity management in high consequence areas for operators of certain hazardous liquid pipeline facilities, as regulated under sections 195.450 and 195.452 of title 49, Code of Federal Regulations, has improved the safety of hazardous liquid pipelines;

(2) recommendations, including consideration of technical, operational, and economic feasibility, regarding changes to the program that could prevent inadvertent releases from pipelines and mitigate any adverse consequences of an inadvertent release, including changes to the current definition of high consequence area;

(3) an analysis of how surveying, assessment, mitigation, and monitoring activities, including real-time hazardous liquid pipeline monitoring during significant flood events and information sharing with other Federal agencies, are being used to address risks associated with the dynamic and unique nature of rivers, flood plains, and lakes;

(4) an analysis of and recommendations regarding what impact pipeline features and

conditions, including the age, condition, materials, and construction of a pipeline, should have on risk analysis of a particular pipeline and what changes to the definition of high consequence area could be made to improve pipeline safety; and

(5) a description of any challenges affecting Federal or State regulators in their oversight of the program and how the challenges are being addressed.

SEC. 6008. TECHNICAL SAFETY STANDARDS COMMITTEES.

Section 60115(b)(4)(A) is amended by striking ''State commissioners. The Secretary shall consult with the national organization of State commissions before selecting those 2 individuals.'' and inserting ''State officials. The Secretary shall consult with national organizations representing State commissioners or governors when making a selection under this subparagraph.''

SEC. 6009. INSPECTION REPORT INFORMATION.

(a) IN GENERAL.—Not later than 30 days after the completion of a pipeline safety inspection, the Administrator of the Pipeline and Hazardous Materials Safety Administration, or the State authority certified under section 60105 of title 49, United States Code, shall—

(1) conduct a post-inspection briefing with the operator outlining concerns, and to the extent practicable, provide written preliminary findings of the inspection; or

(2) issue to the operator a final report, notice of amendment of plans or procedures, safety order, or corrective action order, or such other applicable report, notice, or order.

(b) REPORT.—

(1) IN GENERAL.—The Administrator shall submit an annual report to Congress regarding—

(A) the actions that the Pipeline and Hazardous Materials Safety Administration has taken to ensure that inspections by State authorities provide effective and timely oversight; and

(B) statistics relating to the timeliness of the actions described in paragraphs (1) and (2) of subsection (a).

(2) CESSATION OF EFFECTIVENESS.—Paragraph (1) shall cease to be effective on September 30, 2019.

SEC. 6010. PIPELINE ODORIZATION STUDY.

Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that assesses—

(1) the feasibility of odorizing all combustible gas in transportation;

(2) the impacts of the odorization of all combustible gas in transportation on manufacturers, agriculture, and other end users; and

(3) the relative benefits and costs associated with odorizing all combustible gas in transportation, including impacts on health and safety, compared to using other methods to mitigate pipeline leaks.

SEC. 6011. IMPROVING DAMAGE PREVENTION TECHNOLOGY.

(a) STUDY.—The Secretary of Transportation, in consultation with stakeholders, shall conduct a study on improving existing damage prevention programs through technological improvements in location, mapping, excavation, and communications practices to prevent accidental excavation damage to a pipe or its coating, including considerations of technical, operational, and economic feasibility and existing damage prevention programs.

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

(1) an identification of any methods that could improve existing damage prevention programs through location and mapping practices or technologies in an effort to reduce unintended releases caused by excavation;

(2) an analysis of how increased use of GPS digital mapping technologies, predictive analytic tools, public awareness initiatives including one-call initiatives, the use of mobile devices, and other advanced technologies could supplement existing one-call notification and damage prevention programs to reduce the frequency and severity of incidents caused by excavation damage;

(3) an identification of any methods that could improve excavation practices or technologies in an effort to reduce pipeline damages;

(4) an analysis of the feasibility of a national data repository for pipeline excavation accident data that creates standardized data models for storing and sharing pipeline accident information; and

(5) an identification of opportunities for stakeholder engagement in preventing excavation damage.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Transportation shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives regarding the study under this section, including recommendations, that include the consideration of technical, operational, and economic feasibility, on how to incorporate, into existing damage prevention programs, technological improvements and practices that may help prevent accidental excavation damage.

SEC. 6012. WORKFORCE OF PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION.

(a) REVIEW.—Not later than 1 year after the date of the enactment of this Act, the Administrator of the Pipeline and Hazardous Materials Safety Administration shall submit to Congress a review of Pipeline and Hazardous Materials Safety Administration staff resource management, including geographic allocation plans, hiring challenges, and expected retirement rates and strategies. The review shall include recommendations to address hiring challenges, training needs, and any other identified staff resource challenges.

(b) CRITICAL HIRING NEEDS.—

(1) IN GENERAL.—Beginning on the date on which the review is submitted under subsection (a), the Administrator may certify to Congress, not less frequently than annually, that a severe shortage of qualified candidates or a critical hiring need exists for a position or group of positions in the Pipeline and Hazardous Material Safety Administration.

(2) DIRECT HIRE AUTHORITY.—Notwithstanding sections 3309 through 3318 of title 5, United States Code, the Administrator, after making a certification under paragraph (1), may hire a candidate for the position or candidates for the group of positions indicated in the certification, as applicable.

(3) TERMINATIONS OF EFFECTIVENESS.—The direct hire authority provided under paragraph (2) shall terminate on September 30, 2019.

SEC. 6013. RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—In developing a research and development program plan under paragraph (3) of section 12(d) of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note), the Administrator of the Pipeline and Hazardous Material Safety Administration, in consultation with the Assistant Secretary for Research and Technology, shall—

(1) detail compliance with the consultation requirement under paragraph (2) of such section;

(2) provide opportunities for joint research ventures with non-Federal entities, whenever practicable and appropriate, to leverage limited Federal research resources; and

(3) permit collaborative research and development projects with appropriate non-Federal organizations.

(b) COLLABORATIVE SAFETY RESEARCH REPORT.—Section 60124(a)(6) is amended—

(1) in subparagraph (A), by striking ''and'' at the end;

(2) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(C) research activities in collaboration with non-Federal entities, including the intended improvements to safety technology, inspection technology, operator response time, and emergency responder incident response time.''.

SEC. 6014. INFORMATION SHARING SYSTEM.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Transportation shall convene a working group to consider the development of a voluntary no-fault information sharing system to encourage collaborative efforts to improve inspection information feedback and information sharing with the purpose of improving natural gas transmission and hazardous liquid pipeline integrity risk analysis.

(b) MEMBERSHIP.—The working group described in subsection (a) shall include representatives from—

(1) the Pipeline and Hazardous Materials Safety Administration;

(2) industry stakeholders, including operators of pipeline facilities, inspection technology vendors, and pipeline inspection organizations;

(3) safety advocacy groups;

(4) research institutions;

(5) State public utility commissions or State officials responsible for pipeline safety oversight;

(6) State pipeline safety inspectors; and

(7) labor representatives.

(c) CONSIDERATIONS.—The working group described in subsection (a) shall consider and provide recommendations, if applicable, to the Secretary on—

(1) the need for and the identification of a system to ensure that dig verification data is shared with inline inspection operators to the extent consistent with the need to maintain proprietary and security sensitive data in a confidential manner to improve pipeline safety and inspection technology;

(2) ways to encourage the exchange of pipeline inspection information and the development of advanced pipeline inspection technologies and enhanced risk analysis;

(3) opportunities to share data, including dig verification data between operators of pipeline facilities and in-line inspector vendors to expand knowledge of the advantages and disadvantages of the different types of in-line inspection technology and methodologies;

(4) options to create a secure system that protects proprietary data while encouraging the exchange of pipeline inspection information and the development of advanced pipeline inspection technologies and enhanced risk analysis; and

(5) regulatory, funding, and legal barriers to sharing the information described in paragraphs (1) through (4).

(d) FACA.—The working group shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(e) PUBLICATION.—The Secretary shall publish the recommendations provided under

subsection (c) on a publicly available website.

SEC. 6015. NATIONWIDE INTEGRATED PIPELINE SAFETY REGULATORY DATABASE.

(a) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Transportation shall submit a report to Congress on the feasibility of a national integrated pipeline safety regulatory inspection database to improve communication and collaboration between the Pipeline and Hazardous Materials Safety Administration and State pipeline regulators.

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

(1) a description of any efforts currently underway to test a secure information-sharing system for the purpose described in subsection (a);

(2) a description of any progress in establishing common standards for maintaining, collecting, and presenting pipeline safety regulatory inspection data, and a methodology for the sharing of the data;

(3) a description of any existing inadequacies or gaps in State and Federal inspection, enforcement, geospatial, or other pipeline safety regulatory inspection data;

(4) a description of the potential safety benefits of a national integrated pipeline database; and

(5) recommendations for how to implement a secure information-sharing system that protects proprietary and security sensitive information and data for the purpose described in subsection (a).

(c) CONSULTATION.—In preparing the report under subsection (a), the Secretary shall consult with stakeholders, including each State authority operating under a certification to regulate intrastate pipelines under section 60105 of title 49, United States Code.

SEC. 6016. UNDERGROUND NATURAL GAS STORAGE FACILITIES.

(a) DEFINED TERM.—Section 60101(a) is amended—

(1) in paragraph (21)(B), by striking the period at the end and inserting a semicolon;

(2) in paragraph (24), by striking ''and'' at the end;

(3) in paragraph (25), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

''(27) 'underground natural gas storage facility' means a gas pipeline facility that stores gas in an underground facility, including—

''(A) a depleted hydrocarbon reservoir;

''(B) an aquifer reservoir; or

''(C) a solution mined salt cavern reservoir.''.

(b) STANDARDS FOR UNDERGROUND NATURAL GAS STORAGE FACILITIES.—Chapter 601 is amended by inserting after section 60103 the following:

''§ 60103A. Standards for underground natural gas storage facilities

''(a) MINIMUM UNIFORM SAFETY STANDARDS.—Not later than 2 years after the date of the enactment of the SAFE PIPES Act, the Secretary of Transportation, in consultation with the heads of other relevant Federal agencies, shall issue minimum uniform safety standards, incorporating, to the extent practicable, consensus standards for the operation, environmental protection, and integrity management of underground natural gas storage facilities.

''(b) CONSIDERATIONS.—In developing uniform safety standards under subsection (a), the Secretary shall—

''(1) consider the economic impacts of the regulations on individual gas customers to the extent practicable;

''(2) ensure that the regulations do not have a significant economic impact on end users to the extent practicable; and

''(3) consider existing consensus standards.

''(c) USER FEES.—

''(1) IN GENERAL.—A fee shall be imposed on an entity operating an underground natural gas storage facility to which this section applies. Any such fee imposed shall be collected before the end of the fiscal year to which it applies.

''(2) MEANS OF COLLECTION.—The Secretary shall prescribe procedures to collect fees under this subsection. The Secretary may use a department, agency, or instrumentality of the United States Government or of a State or local government to collect the fee and may reimburse the department, agency, or instrumentality a reasonable amount for its services.

''(3) USE OF FEES.—

''(A) ACCOUNT.—There is established an underground natural gas storage facility safety account in the Pipeline Safety Fund established under section 60301, in the Treasury of the United States.

''(B) USE OF FEES.—A fee collected under this subsection—

''(i) shall be deposited in the underground natural gas storage facility safety account; and

''(ii) if the fee is related to an underground natural gas storage facility, may be used only for an activity related to underground natural gas storage safety under this section.

''(C) LIMITATION.—Amounts collected under this subsection shall be made available only to the extent provided in advance in an appropriation law for an activity related to underground natural gas storage safety.

''(d) RULES OF CONSTRUCTION.—

''(1) IN GENERAL.—Nothing in this section may be construed to affect any Federal regulation relating to gas pipeline facilities that is in effect on the day before the date of enactment of the SAFE PIPES Act.

''(2) LIMITATIONS.—Nothing in this section may be construed to authorize the Secretary—

''(A) to prescribe the location of an underground natural gas storage facility; or

''(B) to require the Secretary's permission to construct a facility referred to in subparagraph (A).''.

(c) CLERICAL AMENDMENT.—The table of sections for chapter 601 is amended by inserting after the item relating to section 60103 the following:

''60103A. Standards for underground natural gas storage facilities.''.

SEC. 6017. JOINT INSPECTION AND OVERSIGHT.

To ensure the safety of pipeline transportation, the Secretary of Transportation shall coordinate with States to ensure safety through the following:

(1) At the request of a State authority, the Secretary shall allow for a certified state authority under section 60105 of title 49, United States Code, to participate in the inspection of an interstate pipeline facility.

(2) Where appropriate, may provide temporary authority for a certified State authority under that section to participate in oversight of interstate pipeline safety transportation to ensure proper safety oversight and prevent an adverse impact on public safety.

SEC. 6018. RESPONSE PLANS.

In preparing or reviewing a response plan under part 194 of title 49, Code of Federal Regulations, the Administrator of the Pipeline and Hazardous Materials Safety Administration and an operator shall each address, to the maximum extent practicable, the impact of a worse case discharge of oil, or the substantial threat of such a discharge, into or on any navigable waters or adjoining shorelines that may be covered in whole or in part by ice.

SEC. 6019. HIGH CONSEQUENCE AREAS.

The Secretary of Transportation shall revise section 195.6(b) of title 49, Code of Federal Regulations to explicitly state that the Great Lakes are a USA ecological resource (as defined in section 195.6(b) of that title) for purposes of determining whether a pipeline is in a high consequence area (as defined in section 195.450 of that title).

SEC. 6020. SURFACE TRANSPORTATION SECURITY REVIEW.

Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to Congress on the staffing, resource allocation, oversight strategy, and management of the Transportation Security Administration's pipeline security program and other surface transportation programs. The report shall include information on the coordination between the Transportation Security Administration, other Federal stakeholders, and industry.

SEC. 6021. SMALL SCALE LIQUEFIED NATURAL GAS FACILITIES.

(a) DEFINED TERM.—Section 60101(a), as amended by section 6016, is further amended by inserting after paragraph (25) the following:

''(26) 'small scale liquefied natural gas facility' means a permanent intrastate liquefied natural gas facility (other than a peak shaving facility) that produces liquefied natural gas for—

''(A) use as a fuel in the United States; or

''(B) transportation in the United States by a means other than a pipeline facility; and''.

(b) SITING STANDARDS FOR PERMANENT SMALL SCALE LIQUEFIED NATURAL GAS FACILITIES.—Section 60103(a) is amended to read as follows:

''(a) LOCATION STANDARDS.—

''(1) IN GENERAL.—The Secretary of Transportation shall prescribe minimum safety standards for deciding on the permanent location of a new liquefied natural gas pipeline facility or small scale liquefied natural gas facility.

''(2) LIQUEFIED NATURAL GAS FACILITIES.—In prescribing a minimum safety standard for deciding on the permanent location of a new liquefied natural gas facility, the Secretary of Transportation shall consider—

''(A) the kind and use of the facility;

''(B) the existing and projected population and demographic characteristics of the location;

''(C) the existing and proposed land uses near the location;

''(D) the natural physical aspects of the location;

''(E) medical, law enforcement, and fire prevention capabilities near the location that can cope with a risk caused by the facility; and

''(F) the need to encourage remote siting.

''(3) SMALL SCALE LIQUEFIED NATURAL GAS FACILITIES.—

''(A) IN GENERAL.—Not later than 18 months after the date of the enactment of the SAFE PIPES Act, the Secretary of Transportation shall prescribe minimum safety standards for permanent small scale liquefied natural gas facilities.

''(B) CONSIDERATIONS.—In prescribing minimum safety standards under this paragraph, the Secretary shall consider—

''(i) the value of establishing risk-based approaches;

''(ii) the benefit of incorporating industry standards and best practices;

''(iii) the need to encourage the use of best available technology; and

''(iv) the factors prescribed in paragraph (2), as appropriate.''.

SEC. 6022. REPORT ON NATURAL GAS LEAK REPORTING.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Administrator of the Pipeline and Hazardous Materials Safety Administration shall submit to Congress a report on the metrics provided to the Pipeline and Hazardous Materials Safety Administration and other Federal and State agencies related to lost and unaccounted for natural gas from distribution pipelines and systems.

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:

(1) An examination of different reporting requirements or standards for lost and unaccounted for natural gas to different agencies, the reasons for any such discrepancies, and recommendations for harmonizing and improving the accuracy of reporting.

(2) An analysis of whether separate or alternative reporting could better measure the amounts and identify the location of lost and unaccounted for natural gas from natural gas distribution systems.

(3) A description of potential safety issues associated with natural gas that is lost and unaccounted for from natural gas distribution systems.

(4) An assessment of whether alternate reporting and measures will resolve any safety issues identified under paragraph (3), including an analysis of the potential impact, including potential savings, on rate payers and end users of natural gas products of such reporting and measures.

(c) CONSIDERATION OF RECOMMENDATIONS.—If the Administrator determines that alternate reporting structures or recommendations included in the report required under subsection (a) would significantly improve the reporting and measurement of lost and unaccounted for gas or safety of systems, the Administrator shall, not later than 180 days after making such determination, issue regulations, as the Administrator determines appropriate, to implement the recommendations.

SEC. 6023. COMPTROLLER GENERAL REVIEW OF STATE POLICIES RELATING TO NATURAL GAS LEAKS.

(a) REVIEW.—The Comptroller General of the United States shall conduct a State-by-State review of State-level policies that—

(1) encourage the repair and replacement of leaking natural gas distribution pipelines or systems that pose a safety threat, such as timelines to repair leaks and limits on cost recovery from ratepayers; and

(2) that may create barriers for entities to conduct work to repair and replace leaking natural gas pipelines or distribution systems.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to Congress and the Pipeline and Hazardous Materials Safety Administration a report summarizing the findings of the review conducted under subsection (a) and making recommendations on Federal or State policies or best practices that may improve safety by accelerating the repair and replacement of natural gas pipelines or systems that are leaking or releasing natural gas, including policies within the jurisdiction of the Pipeline and Hazardous Materials Safety Administration. The report shall consider the potential impact, including potential savings, of the implementation of its recommendations on ratepayers or end users of the natural gas pipeline system.

(c) CONSIDERATION OF RECOMMENDATIONS.—If the Comptroller General makes recommendations in the report submitted under subsection (a) on Federal or State policies or best practices within the jurisdiction of the Pipeline and Hazardous Materials Safety Administration, the Administrator shall, not later than 90 days after such submission, review such recommendations and report to Congress on the feasibility of implementing such recommendations. If the Administrator determines that the recommendations would significantly improve pipeline safety, the Administrator shall, not later than 180 days after making such determination and in coordination with the heads of other relevant agencies as appropriate, issue regulations, as the Administrator determines appropriate, to implement the recommendations.

SEC. 6024. PROVISION OF RESPONSE PLANS TO APPROPRIATE COMMITTEES OF CONGRESS.

(a) PROVISION OF RESPONSE PLANS TO APPROPRIATE COMMITTEES OF CONGRESS.—Notwithstanding subsection (a)(2) of section 60138 of title 49, United States Code, upon the request of the Chairperson or Ranking Member of an appropriate committee of Congress, the Administrator of the Pipeline and Hazardous Materials Safety Administration, shall provide the Chairperson or Ranking Member, as applicable, an unredacted copy of a response plan under that section.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as affecting the provision of any other report, data, or other information to Congress, or its handling thereof.

SEC. 6025. CONSULTATION WITH FERC AS PART OF PRE-FILING PROCEDURES AND PERMITTING PROCESS FOR NEW NATURAL GAS PIPELINE INFRASTRUCTURE.

Where appropriate, the Administrator of the Pipeline and Hazardous Materials Safety Administration shall consult with the Federal Energy Regulatory Commission during its pre-filing procedures and permitting process for new natural gas pipeline infrastructure to ensure the protection of people and the environment from the potential risks of hazardous materials transportation by pipeline.

SEC. 6026. MAINTENANCE OF EFFORT.

Section 60107(b) is amended to read as follows:

''(b) PAYMENTS.—After notifying and consulting with a State authority, the Secretary may withhold any part of a payment when the Secretary decides that the authority is not carrying out satisfactorily a safety program or not acting satisfactorily as an agent. The Secretary may pay an authority under this section only when the authority ensures the Secretary that it will provide the remaining costs of a safety program, except when the Secretary waives this requirement.''.

SA 3164. Mr. FLAKE 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. _____. DELISTING OF MEXICAN GRAY WOLVES.

(a) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term ''Director'' means the Director of the United States Fish and Wildlife Service.

(2) MEXICAN GRAY WOLF.—

(A) IN GENERAL.—The term ''Mexican gray wolf'' means the subspecies Mexican gray wolf (*Canis lupus baileyi*) of the species gray wolf (*Canis lupus*).

(B) INCLUSION.—The term ''Mexican gray wolf'' includes any subspecies, distinct population segment, or experimental population of the species gray wolf (*Canis lupus*) that the Director determines after the date of enactment of this Act will take the place of, or correspond with, the subspecies designated as Mexican gray wolf (*Canis lupus baileyi*) on that date of enactment.

(b) REQUIREMENT.—Notwithstanding any other provision of law (including regulations), effective beginning on the date on which the Director makes a positive determination under subsection (c)—

(1) the Mexican gray wolf shall no longer be included on any list of endangered species, threatened species, or experimental populations under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(2) management of the Mexican gray wolf shall be assumed by each State in which the Mexican gray wolf is present, effective beginning on the date of the determination.

(c) DETERMINATION BY DIRECTOR.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Director shall determine whether a population of not fewer than 100 Mexican gray wolves in a 5,000-square-mile area within the historic range of the Mexican gray wolf has been established, as described in the Mexican Wolf Recovery Plan of 1982 prepared by the Mexican Wolf Recovery Team (U.S. Fish and Wildlife Service. 1982. Mexican Wolf Recovery Plan. U.S. Fish and Wildlife Service, Albuquerque, New Mexico. 103 pp.)

(2) STANDARDS AND PROCEDURES.—A determination under paragraph (1) shall be made in accordance with applicable standards and procedures used by the Director in determining the status of a species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

SA 3165. Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part I of subtitle A of title III, add the following:

SEC. 30____. PUMPED STORAGE HYDROPOWER COMPENSATION.

Not later than 180 days after the date of enactment of this Act, the Federal Energy Regulatory Commission shall initiate a proceeding to identify and determine the market, procurement, and cost recovery mechanisms that would—

(1) encourage development of pumped storage hydropower assets; and

(2) properly compensate those assets for the full range of services provided to the power grid, including—

(A) balancing electricity supply and demand;

(B) ensuring grid reliability; and

(C) cost-effectively integrating intermittent power sources into the grid.

SA 3166. Mrs. SHAHEEN (for herself and Mr. MARKEY) 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 E of title IV, add the following:

SEC. 44____. FEDERAL ENERGY REGULATORY COMMISSION PERMITTING AND REVIEW.

(a) FINDINGS.—The Senate finds that—

(1) the Federal Government plays a central role in the review and approval of projects to

maintain and build the energy infrastructure of the United States, including—

(A) interstate gas pipelines;

(B) projects that cross Federal land; and

(C) projects that impact wildlife, cultural or historic resources, or waters of the United States;

(2) the Federal Energy Regulatory Commission—

(A) has jurisdiction under section 7 of the Natural Gas Act (15 U.S.C. 717f) to regulate interstate natural gas pipelines, including siting of the interstate natural gas pipelines; and

(B) is required under section 15 of the Natural Gas Act (15 U.S.C. 717n), as a lead agency, to coordinate with other Federal agencies in the environmental review and processing of each Federal authorization relating to natural gas infrastructure;

(3) a report of the Government Accountability Office entitled ''Pipeline Permitting: Interstate and Intrastate Natural Gas Permitting Processes Include Multiple Steps, and Time Frames Vary'', and dated February 2013, reported that—

(A) public interest groups and State officials that were interviewed believed that members of the public need more opportunity to comment on a proposed pipeline project during the permitting process conducted by the Federal Energy Regulatory Commission; and

(B) officials from Federal and State agencies and representatives from industry and public interest groups reported several management practices that—

(i) could help overcome challenges;

(ii) are associated with an efficient permitting process and obtaining public input; and

(iii) include—

(I) ensuring effective collaboration among the numerous stakeholders involved in the permitting process; and

(II) increasing opportunities for public comment; and

(4) robust engagement by the public and stakeholders is essential for the credibility of the siting, permitting, and review of Federal processes by the Federal Energy Regulatory Commission.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that, in accordance with Executive Order 13604 (5 U.S.C. 601 note; relating to improving performance of Federal permitting and review of infrastructure projects), the Federal Energy Regulatory Commission should prioritize meaningful public engagement and coordination with State and local governments to ensure that the Federal permitting and review processes of the Federal Energy Regulatory Commission—

(1) remain transparent and consistent; and

(2) ensure the health, safety, and security of the environment and each community affected by the Federal permitting and review processes.

SA 3167. 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:

On page 239, strike lines 3 through 7 and insert the following:

contain a mix of water and working fluid;

''(B) an open loop system, which circulates ground or surface water directly into the building and returns the water to the same aquifer or surface water source; or

''(C) a heat exchanger to transfer heat between a potable municipal water supply and a closed interior loop employing heat pumps, in which the potable water could be returned to the municipal water system after passing through the heat exchanger.

SA 3168. Mr. PORTMAN (for himself, Ms. CANTWELL, Mrs. SHAHEEN, Mr. MCCONNELL, and Mr. DONNELLY) 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. _____. APPLICATION OF ENERGY CONSERVATION STANDARDS TO CERTAIN EXTERNAL POWER SUPPLIES.

(a) DEFINITION OF EXTERNAL POWER SUPPLY.—Section 321(36)(A) of the Energy Policy and Conservation Act (42 U.S.C. 6291(36)(A)) is amended—

(1) by striking the subparagraph designation and all that follows through ''The term'' and inserting the following:

''(A) EXTERNAL POWER SUPPLY.—

''(i) IN GENERAL.—The term''; and

(2) by adding at the end the following:

''(ii) EXCLUSION.—The term 'external power supply' does not include a power supply circuit, driver, or device that is designed exclusively to be connected to, and power—

''(I) light-emitting diodes providing illumination;

''(II) organic light-emitting diodes providing illumination; or

''(III) ceiling fans using direct current motors.''.

(b) STANDARDS FOR LIGHTING POWER SUPPLY CIRCUITS.—

(1) DEFINITION.—Section 340(2)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6311(2)(B)) is amended by striking clause (v) and inserting the following:

''(v) electric lights and lighting power supply circuits;''.

(2) ENERGY CONSERVATION STANDARD FOR CERTAIN EQUIPMENT.—Section 342 of the Energy Policy and Conservation Act (42 U.S.C. 6313) is amended by adding at the end the following:

''(g) LIGHTING POWER SUPPLY CIRCUITS.—If the Secretary, acting pursuant to section 341(b), includes as a covered equipment solid state lighting power supply circuits, drivers, or devices described in section 321(36)(A)(ii), the Secretary may prescribe under this part, not earlier than 1 year after the date on which a test procedure has been prescribed, an energy conservation standard for such equipment.''.

(c) TECHNICAL CORRECTIONS.—

(1) Section 321(6)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6291(6)(B)) is amended by striking ''(19)'' and inserting ''(20)''.

(2) Section 324 of the Energy Policy and Conservation Act (42 U.S.C. 6294) is amended by striking ''(19)'' each place it appears in each of subsections (a)(3), (b)(1)(B), (b)(3), and (b)(5) and inserting ''(20)''.

(3) Section 325(l) of the Energy Policy and Conservation Act (42 U.S.C. 6295(l)) is amended by striking ''paragraph (19)'' each place it appears and inserting ''paragraph (20)''.

SA 3169. 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:

On page 171, between lines 15 and 16, insert the following:

SEC. 22____. EXPORT AUTHORIZATION EXCEPTION FOR SMALL-SCALE NATURAL GAS PROJECTS.

The export of low-level volumes of natural gas, measured at not more than 0.25 billion cubic feet per day of natural gas on an annualized basis per project, shall not require an authorization order of the Secretary under section 3(a) of the Natural Gas Act (15 U.S.C. 717b(a)).

SA 3170. Mr. SULLIVAN (for himself, Mrs. CAPITO, and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE VI—VESSEL INCIDENTAL DISCHARGE ACT

SEC. 601. SHORT TITLE.

This title may be cited as the ''Vessel Incidental Discharge Act''.

SEC. 602. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) Since the enactment of the Act to Prevent Pollution from Ships (22 U.S.C. 1901 et seq.) in 1980, the United States Coast Guard has been the principal Federal authority charged with administering, enforcing, and prescribing regulations relating to the discharge of pollutants from vessels engaged in maritime commerce and transportation.

(2) The Coast Guard estimates there are approximately 21,560,000 State-registered recreational vessels, 75,000 commercial fishing vessels, and 33,000 freight and tank barges operating in United States waters.

(3) From 1973 to 2005, certain discharges incidental to the normal operation of a vessel were exempted by regulation from otherwise applicable permitting requirements.

(4) During the 32 years during which this regulatory exemption was in effect, Congress enacted several statutes to deal with the regulation of discharges incidental to the normal operation of a vessel, including—

(A) the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.) in 1980;

(B) the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 et seq.);

(C) the National Invasive Species Act of 1996 (110 Stat. 4073);

(D) section 415 of the Coast Guard Authorization Act of 1998 (112 Stat. 3434) and section 623 of the Coast Guard and Maritime Transportation Act of 2004 (33 U.S.C. 1901 note), which established interim and permanent requirements, respectively, for the regulation of vessel discharges of certain bulk cargo residue;

(E) title XIV of division B of Appendix D of the Consolidated Appropriations Act, 2001 (114 Stat. 2763), which prohibited or limited certain vessel discharges in certain areas of Alaska;

(F) section 204 of the Maritime Transportation Security Act of 2002 (33 U.S.C. 1902a), which established requirements for the regulation of vessel discharges of agricultural cargo residue material in the form of hold washings; and

(G) title X of the Coast Guard Authorization Act of 2010 (33 U.S.C. 3801 et seq.), which provided for the implementation of the International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001.

(b) PURPOSE.—The purpose of this title is to provide for the establishment of nationally uniform and environmentally sound

standards and requirements for the management of discharges incidental to the normal operation of a vessel.

SEC. 603. DEFINITIONS.

In this title:

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

(2) AQUATIC NUISANCE SPECIES.—The term ''aquatic nuisance species'' means a nonindigenous species (including a pathogen) that threatens the diversity or abundance of native species or the ecological stability of navigable waters or commercial, agricultural, aquacultural, or recreational activities dependent on such waters.

(3) BALLAST WATER.—

(A) IN GENERAL.—The term ''ballast water'' means any water and water-suspended matter taken aboard a vessel—

(i) to control or maintain trim, list, draught, stability, or stresses of the vessel; or

(ii) during the cleaning, maintenance, or other operation of a ballast water treatment technology of the vessel.

(B) EXCLUSIONS.—The term ''ballast water'' does not include any substance that is added to water described in subparagraph (A) that is not directly related to the operation of a properly functioning ballast water treatment technology under this title.

(4) BALLAST WATER DISCHARGE STANDARD.—The term ''ballast water discharge standard'' means the numerical ballast water discharge standard set forth in section 151.2030 of title 33, Code of Federal Regulations or section 151.1511 of title 33, Code of Federal Regulations, as applicable, or a revised numerical ballast water discharge standard established under subsection (a)(1)(B), (b), or (c) of section 605.

(5) BALLAST WATER MANAGEMENT SYSTEM; MANAGEMENT SYSTEM.—The terms ''ballast water management system'' and ''management system'' mean any system, including all ballast water treatment equipment and associated control and monitoring equipment, used to process ballast water to kill, remove, render harmless, or avoid the uptake or discharge of organisms.

(6) BIOCIDE.—The term ''biocide'' means a substance or organism, including a virus or fungus, that is introduced into or produced by a ballast water management system to reduce or eliminate aquatic nuisance species as part of the process used to comply with a ballast water discharge standard under this title.

(7) DISCHARGE INCIDENTAL TO THE NORMAL OPERATION OF A VESSEL.—

(A) IN GENERAL.—The term ''discharge incidental to the normal operation of a vessel'' means—

(i) a discharge into navigable waters from a vessel of—

(I)(aa) ballast water, graywater, bilge water, cooling water, oil water separator effluent, anti-fouling hull coating leachate, boiler or economizer blowdown, byproducts from cathodic protection, controllable pitch propeller and thruster hydraulic fluid, distillation and reverse osmosis brine, elevator pit effluent, firemain system effluent, freshwater layup effluent, gas turbine wash water, motor gasoline and compensating effluent, refrigeration and air condensate effluent, seawater pumping biofouling prevention substances, boat engine wet exhaust, sonar dome effluent, exhaust gas scrubber washwater, or stern tube packing gland effluent; or

(bb) any other pollutant associated with the operation of a marine propulsion system, shipboard maneuvering system, habitability system, or installed major equipment, or from a protective, preservative, or absorptive application to the hull of a vessel;

(II) weather deck runoff, deck wash, aqueous film forming foam effluent, chain locker effluent, non-oily machinery wastewater, underwater ship husbandry effluent, welldeck effluent, or fish hold and fish hold cleaning effluent; or

(III) any effluent from a properly functioning marine engine; or

(ii) a discharge of a pollutant into navigable waters in connection with the testing, maintenance, or repair of a system, equipment, or engine described in subclause (I)(bb) or (III) of clause (i) whenever the vessel is waterborne.

(B) EXCLUSIONS.—The term ''discharge incidental to the normal operation of a vessel'' does not include—

(i) a discharge into navigable waters from a vessel of—

(I) rubbish, trash, garbage, incinerator ash, or other such material discharged overboard;

(II) oil or a hazardous substance as those terms are defined in section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321);

(III) sewage as defined in section 312(a)(6) of the Federal Water Pollution Control Act (33 U.S.C. 1322(a)(6)); or

(IV) graywater referred to in section 312(a)(6) of the Federal Water Pollution Control Act (33 U.S.C. 1322(a)(6));

(ii) an emission of an air pollutant resulting from the operation onboard a vessel of a vessel propulsion system, motor driven equipment, or incinerator; or

(iii) a discharge into navigable waters from a vessel when the vessel is operating in a capacity other than as a means of transportation on water.

(8) GEOGRAPHICALLY LIMITED AREA.—The term ''geographically limited area'' means an area—

(A) with a physical limitation, including limitation by physical size and limitation by authorized route such as the Great Lakes and St. Lawrence River, that prevents a vessel from operating outside the area, as determined by the Secretary; or

(B) that is ecologically homogeneous, as determined by the Secretary, in consultation with the heads of other Federal departments or agencies as the Secretary considers appropriate.

(9) MANUFACTURER.—The term ''manufacturer'' means a person engaged in the manufacture, assemblage, or importation of ballast water treatment technology.

(10) NAVIGABLE WATERS.—The term ''navigable waters'' has the meaning given the term in section 2.36 of title 33, Code of Federal Regulations, as in effect on the date of the enactment of this Act.

(11) SECRETARY.—The term ''Secretary'' means the Secretary of the department in which the Coast Guard is operating.

(12) VESSEL.—The term ''vessel'' means every description of watercraft or other artificial contrivance used, or practically or otherwise capable of being used, as a means of transportation on water.

SEC. 604. REGULATION AND ENFORCEMENT.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—The Secretary, in consultation with the Administrator, shall establish, implement, and enforce uniform national standards and requirements for the regulation of discharges incidental to the normal operation of a vessel.

(2) BASIS.—Except as provided under paragraph (3), the standards and requirements established under paragraph (1)—

(A) with respect to ballast water, shall be based upon the best available technology that is economically achievable;

(B) with respect to discharges incidental to the normal operation of a vessel other than ballast water, shall be based on best management practices; and

(C) shall supersede any permitting requirement or prohibition on discharges incidental to the normal operation of a vessel under any other provision of law.

(3) RULE OF CONSTRUCTION.—The standards and requirements established under paragraph (1) shall not supersede regulations, in place on the date of the enactment of this Act or established by a rulemaking proceeding after such date of enactment, which cover a discharge in a national marine sanctuary or in a marine national monument.

(b) ADMINISTRATION AND ENFORCEMENT.—The Secretary shall administer and enforce the uniform national standards and requirements under this title. Each State may enforce the uniform national standards and requirements under this title.

(c) SANCTIONS.—

(1) CIVIL PENALTIES.—

(A) BALLAST WATER.—Any person who violates a regulation issued pursuant to this title regarding a discharge incidental to the normal operation of a vessel of ballast water shall be liable for a civil penalty in an amount not to exceed $25,000. Each day of a continuing violation constitutes a separate violation.

(B) OTHER DISCHARGE.—Any person who violates a regulation issued pursuant to this title regarding a discharge incidental to the normal operation of a vessel other than ballast water shall be liable for a civil penalty in an amount not to exceed $10,000. Each day of a continuing violation constitutes a separate violation.

(C) IN REM LIABILITY.—A vessel operated in violation of a regulation issued under this title shall be liable in rem for any civil penalty assessed under this subsection for that violation.

(2) CRIMINAL PENALTIES.—

(A) BALLAST WATER.—Any person who knowingly violates a regulation issued pursuant to this title regarding a discharge incidental to the normal operation of a vessel of ballast water shall be punished by a fine of not more than $100,000, imprisonment for not more than 2 years, or both.

(B) OTHER DISCHARGE.—Any person who knowingly violates a regulation issued pursuant to this title regarding a discharge incidental to the normal operation of a vessel other than ballast water shall be punished by a fine of not more than $50,000, imprisonment for not more than 1 year, or both.

(3) REVOCATION OF CLEARANCE.—The Secretary shall withhold or revoke the clearance of a vessel required under section 60105 of title 46, United States Code, if the owner or operator of the vessel is in violation of a regulation issued pursuant to this Act.

(4) EXCEPTION TO SANCTIONS.—It shall be an affirmative defense to any charge of a violation of this title that compliance with this title would, because of adverse weather, equipment failure, or any other relevant condition, have threatened the safety or stability of a vessel, its crew, or its passengers.

SEC. 605. UNIFORM NATIONAL STANDARDS AND REQUIREMENTS FOR THE REGULATION OF DISCHARGES INCIDENTAL TO THE NORMAL OPERATION OF A VESSEL.

(a) REQUIREMENTS.—

(1) BALLAST WATER MANAGEMENT REQUIREMENTS.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the requirements set forth in the final rule, Standards for Living Organisms in Ships' Ballast Water Discharged in U.S. Waters (77 Fed. Reg. 17254 (March 23, 2012), as corrected at 77 Fed. Reg. 33969 (June 8, 2012)), shall be the management requirements for a ballast water discharge incidental to the normal operation of

a vessel until the Secretary revises the ballast water discharge standard under subsection (b) or adopts a more stringent State standard under subparagraph (B).

(B) ADOPTION OF MORE STRINGENT STATE STANDARD.—If the Secretary makes a determination in favor of a State petition under section 610, the Secretary shall adopt the more stringent ballast water discharge standard specified in the statute or regulation that is the subject of that State petition instead of the ballast water discharge standard in the final rule described under subparagraph (A).

(2) INITIAL MANAGEMENT REQUIREMENTS FOR DISCHARGES OTHER THAN BALLAST WATER.—Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with the Administrator, shall issue a final rule establishing best management practices for discharges incidental to the normal operation of a vessel other than ballast water.

(b) REVISED BALLAST WATER DISCHARGE STANDARD; 8-YEAR REVIEW.—

(1) IN GENERAL.—Subject to the feasibility review under paragraph (2), not later than January 1, 2024, the Secretary, in consultation with the Administrator, shall issue a final rule revising the ballast water discharge standard under subsection (a)(1) so that a ballast water discharge incidental to the normal operation of a vessel will contain—

(A) less than 1 organism that is living or has not been rendered harmless per 10 cubic meters that is 50 or more micrometers in minimum dimension;

(B) less than 1 organism that is living or has not been rendered harmless per 10 milliliters that is less than 50 micrometers in minimum dimension and more than 10 micrometers in minimum dimension;

(C) concentrations of indicator microbes that are less than—

(i) 1 colony-forming unit of toxicogenic Vibrio cholera (serotypes O1 and O139) per 100 milliliters or less than 1 colony-forming unit of that microbe per gram of wet weight of zoological samples;

(ii) 126 colony-forming units of Escherichia coli per 100 milliliters; and

(iii) 33 colony-forming units of intestinal enterococci per 100 milliliters; and

(D) concentrations of such additional indicator microbes and of viruses as may be specified in regulations issued by the Secretary in consultation with the Administrator and such other Federal agencies as the Secretary and the Administrator consider appropriate.

(2) FEASIBILITY REVIEW.—

(A) IN GENERAL.—Not less than 2 years before January 1, 2024, the Secretary, in consultation with the Administrator, shall complete a review to determine the feasibility of achieving the revised ballast water discharge standard under paragraph (1).

(B) CRITERIA FOR REVIEW OF BALLAST WATER DISCHARGE STANDARD.—In conducting a review under subparagraph (A), the Secretary shall consider whether revising the ballast water discharge standard will result in a scientifically demonstrable and substantial reduction in the risk of introduction or establishment of aquatic nuisance species, taking into account—

(i) improvements in the scientific understanding of biological and ecological processes that lead to the introduction or establishment of aquatic nuisance species;

(ii) improvements in ballast water management systems, including—

(I) the capability of such management systems to achieve a revised ballast water discharge standard;

(II) the effectiveness and reliability of such management systems in the shipboard environment;

(III) the compatibility of such management systems with the design and operation of a vessel by class, type, and size;

(IV) the commercial availability of such management systems; and

(V) the safety of such management systems;

(iii) improvements in the capabilities to detect, quantify, and assess the viability of aquatic nuisance species at the concentrations under consideration;

(iv) the impact of ballast water management systems on water quality; and

(v) the costs, cost-effectiveness, and impacts of—

(I) a revised ballast water discharge standard, including the potential impacts on shipping, trade, and other uses of the aquatic environment; and

(II) maintaining the existing ballast water discharge standard, including the potential impacts on water-related infrastructure, recreation, propagation of native fish, shellfish, and wildlife, and other uses of navigable waters.

(C) LOWER REVISED DISCHARGE STANDARD.—

(i) IN GENERAL.—If the Secretary, in consultation with the Administrator, determines on the basis of the feasibility review and after an opportunity for a public hearing that no ballast water management system can be certified under section 606 to comply with the revised ballast water discharge standard under paragraph (1), the Secretary shall require the use of the management system that achieves the performance levels of the best available technology that is economically achievable.

(ii) IMPLEMENTATION DEADLINE.—If the Secretary, in consultation with the Administrator, determines that the management system under clause (i) cannot be implemented before the implementation deadline under paragraph (3) with respect to a class of vessels, the Secretary shall extend the implementation deadline for that class of vessels for not more than 36 months.

(iii) COMPLIANCE.—If the implementation deadline under paragraph (3) is extended, the Secretary shall recommend action to ensure compliance with the extended implementation deadline under clause (ii).

(D) HIGHER REVISED DISCHARGE STANDARD.—

(i) IN GENERAL.—If the Secretary, in consultation with the Administrator, determines that a ballast water management system exists that exceeds the revised ballast water discharge standard under paragraph (1) with respect to a class of vessels and is the best available technology that is economically achievable, the Secretary shall revise the ballast water discharge standard for that class of vessels to incorporate the higher discharge standard.

(ii) IMPLEMENTATION DEADLINE.—If the Secretary, in consultation with the Administrator, determines that the management system under clause (i) can be implemented before the implementation deadline under paragraph (3) with respect to a class of vessels, the Secretary shall accelerate the implementation deadline for that class of vessels. If the implementation deadline under paragraph (3) is accelerated, the Secretary shall provide not less than 24 months notice before the accelerated deadline takes effect.

(3) IMPLEMENTATION DEADLINE.—The revised ballast water discharge standard under paragraph (1) shall apply to a vessel beginning on the date of the first drydocking of the vessel on or after January 1, 2024, but not later than December 31, 2026.

(4) REVISED DISCHARGE STANDARD COMPLIANCE DEADLINES.—

(A) IN GENERAL.—The Secretary may establish a compliance deadline for compliance by a vessel (or a class, type, or size of vessel) with a revised ballast water discharge standard under this subsection.

(B) PROCESS FOR GRANTING EXTENSIONS.—In issuing regulations under this subsection, the Secretary shall establish a process for an owner or operator to submit a petition to the Secretary for an extension of a compliance deadline with respect to the vessel of the owner or operator.

(C) PERIOD OF EXTENSIONS.—An extension issued under subparagraph (B) may—

(i) apply for a period of not to exceed 18 months from the date of the applicable deadline under subparagraph (A); and

(ii) be renewable for an additional period of not to exceed 18 months.

(D) FACTORS.—In issuing a compliance deadline or reviewing a petition under this paragraph, the Secretary shall consider, with respect to the ability of an owner or operator to meet a compliance deadline, the following factors:

(i) Whether the management system to be installed is available in sufficient quantities to meet the compliance deadline.

(ii) Whether there is sufficient shipyard or other installation facility capacity.

(iii) Whether there is sufficient availability of engineering and design resources.

(iv) Vessel characteristics, such as engine room size, layout, or a lack of installed piping.

(v) Electric power generating capacity aboard the vessel.

(vi) Safety of the vessel and crew.

(vii) Any other factors the Secretary considers appropriate, including the availability of a ballast water reception facility or other means of managing ballast water.

(E) CONSIDERATION OF PETITIONS.—

(i) DETERMINATIONS.—The Secretary shall approve or deny a petition for an extension of a compliance deadline submitted by an owner or operator under this paragraph.

(ii) DEADLINE.—If the Secretary does not approve or deny a petition referred to in clause (i) on or before the last day of the 90-day period beginning on the date of submission of the petition, the petition shall be deemed approved.

(c) FUTURE REVISIONS OF VESSEL INCIDENTAL DISCHARGE STANDARDS; DECENNIAL REVIEWS.—

(1) REVISED BALLAST WATER DISCHARGE STANDARDS.—The Secretary, in consultation with the Administrator, shall complete a review, 10 years after the issuance of a final rule under subsection (b) and every 10 years thereafter, to determine whether further revision of the ballast water discharge standard would result in a scientifically demonstrable and substantial reduction in the risk of the introduction or establishment of aquatic nuisance species.

(2) REVISED STANDARDS FOR DISCHARGES OTHER THAN BALLAST WATER.—The Secretary, in consultation with the Administrator, may include in a decennial review under this subsection best management practices for discharges covered by subsection (a)(2). The Secretary shall initiate a rulemaking to revise 1 or more best management practices for such discharges after a decennial review if the Secretary, in consultation with the Administrator, determines that revising 1 or more of such practices would substantially reduce the impacts on navigable waters of discharges incidental to the normal operation of a vessel other than ballast water.

(3) CONSIDERATIONS.—In conducting a review under paragraph (1), the Secretary, the Administrator, and the heads of other Federal agencies as the Secretary considers appropriate, shall consider the criteria under section 605(b)(2)(B).

(4) REVISION AFTER DECENNIAL REVIEW.—The Secretary shall initiate a rulemaking to revise the current ballast water discharge standard after a decennial review if the Secretary, in consultation with the Administrator, determines that revising the current ballast water discharge standard would result in a scientifically demonstrable and substantial reduction in the risk of the introduction or establishment of aquatic nuisance species.

(d) ALTERNATIVE BALLAST WATER MANAGEMENT REQUIREMENTS.—Nothing in this title may be construed to preclude the Secretary from authorizing the use of alternate means or methods of managing ballast water (including flow-through exchange, empty/refill exchange, and transfer to treatment facilities in place of a vessel ballast water management system required under this section) if the Secretary, in consultation with the Administrator, determines that such means or methods would not pose a greater risk of introduction of aquatic nuisance species in navigable waters than the use of a ballast water management system that achieves the applicable ballast water discharge standard.

(e) GREAT LAKES REQUIREMENTS.—In addition to the other standards and requirements imposed by this section, in the case of a vessel that enters the Great Lakes through the St. Lawrence River after operating outside the exclusive economic zone of the United States the Secretary, in consultation with the Administrator, shall establish a requirement that the vessel conduct saltwater flushing of all ballast water tanks onboard prior to entry.

SEC. 606. TREATMENT TECHNOLOGY CERTIFICATION.

(a) CERTIFICATION REQUIRED.—Beginning on the date that is 1 year after the date on which the requirements for testing protocols are issued under subsection (i), no manufacturer of a ballast water management system shall sell, offer for sale, or introduce or deliver for introduction into interstate commerce, or import into the United States for sale or resale, a ballast water management system for a vessel unless it has been certified under this section.

(b) CERTIFICATION PROCESS.—

(1) EVALUATION.—Upon application of a manufacturer, the Secretary shall evaluate a ballast water management system with respect to—

(A) the effectiveness of the management system in achieving the current ballast water discharge standard when installed on a vessel (or a class, type, or size of vessel);

(B) the compatibility with vessel design and operations;

(C) the effect of the management system on vessel safety;

(D) the impact on the environment;

(E) the cost effectiveness; and

(F) any other criteria the Secretary considers appropriate.

(2) APPROVAL.—If after an evaluation under paragraph (1) the Secretary determines that the management system meets the criteria, the Secretary may certify the management system for use on a vessel (or a class, type, or size of vessel).

(3) SUSPENSION AND REVOCATION.—The Secretary shall establish, by regulation, a process to suspend or revoke a certification issued under this section.

(c) CERTIFICATION CONDITIONS.—

(1) IMPOSITION OF CONDITIONS.—In certifying a ballast water management system under this section, the Secretary, in consultation with the Administrator, may impose any condition on the subsequent installation, use, or maintenance of the management system onboard a vessel as is necessary for—

(A) the safety of the vessel, the crew of the vessel, and any passengers aboard the vessel;

(B) the protection of the environment; or

(C) the effective operation of the management system.

(2) FAILURE TO COMPLY.—The failure of an owner or operator to comply with a condition imposed under paragraph (1) shall be considered a violation of this section.

(d) PERIOD FOR USE OF INSTALLED TREATMENT EQUIPMENT.—Notwithstanding anything to the contrary in this title or any other provision of law, the Secretary shall allow a vessel on which a management system is installed and operated to meet a ballast water discharge standard under this title to continue to use that system, notwithstanding any revision of a ballast water discharge standard occurring after the management system is ordered or installed until the expiration of the service life of the management system, as determined by the Secretary, if the management system—

(1) is maintained in proper working condition; and

(2) is maintained and used in accordance with the manufacturer's specifications and any management system certification conditions imposed by the Secretary under this section.

(e) CERTIFICATES OF TYPE APPROVAL FOR THE TREATMENT TECHNOLOGY.—

(1) ISSUANCE.—If the Secretary approves a ballast water management system for certification under subsection (b), the Secretary shall issue a certificate of type approval for the management system to the manufacturer in such form and manner as the Secretary determines appropriate.

(2) CERTIFICATION CONDITIONS.—A certificate of type approval issued under paragraph (1) shall specify each condition imposed by the Secretary under subsection (c).

(3) OWNERS AND OPERATORS.—A manufacturer that receives a certificate of type approval for the management system under this subsection shall provide a copy of the certificate to each owner and operator of a vessel on which the management system is installed.

(f) INSPECTIONS.—An owner or operator who receives a copy of a certificate under subsection (e)(3) shall retain a copy of the certificate onboard the vessel and make the copy of the certificate available for inspection at all times while the owner or operator is utilizing the management system.

(g) BIOCIDES.—The Secretary may not approve a ballast water management system under subsection (b) if—

(1) it uses a biocide or generates a biocide that is a pesticide, as defined in section 2 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136), unless the biocide is registered under that Act or the Secretary, in consultation with Administrator, has approved the use of the biocide in such management system; or

(2) it uses or generates a biocide the discharge of which causes or contributes to a violation of a water quality standard under section 303 of the Federal Water Pollution Control Act (33 U.S.C. 1313).

(h) PROHIBITION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the use of a ballast water management system by an owner or operator of a vessel shall not satisfy the requirements of this title unless it has been approved by the Secretary under subsection (b).

(2) EXCEPTIONS.—

(A) COAST GUARD SHIPBOARD TECHNOLOGY EVALUATION PROGRAM.—An owner or operator may use a ballast water management system that has not been certified by the Secretary to comply with the requirements of this section if the technology is being evaluated under the Coast Guard Shipboard Technology Evaluation Program.

(B) BALLAST WATER MANAGEMENT SYSTEMS CERTIFIED BY FOREIGN ENTITIES.—An owner or operator may use a ballast water management system that has not been certified by the Secretary to comply with the requirements of this section if the management system has been certified by a foreign entity and the certification demonstrates performance and safety of the management system equivalent to the requirements of this section, as determined by the Secretary.

(i) TESTING PROTOCOLS.—Not later than 180 days after the date of the enactment of this Act, the Administrator, in consultation with the Secretary, shall issue requirements for land-based and shipboard testing protocols or criteria for—

(1) certifying the performance of each ballast water management system under this section; and

(2) certifying laboratories to evaluate such treatment technologies.

SEC. 607. EXEMPTIONS.

(a) INCIDENTAL DISCHARGES.—Except in a national marine sanctuary or a marine national monument, no permit shall be required or prohibition enforced under any other provision of law for, nor shall any standards regarding a discharge incidental to the normal operation of a vessel under this title apply to—

(1) a discharge incidental to the normal operation of a vessel if the vessel is less than 79 feet in length and engaged in commercial service (as such terms are defined in section 2101(5) of title 46, United States Code);

(2) a discharge incidental to the normal operation of a vessel if the vessel is a fishing vessel, including a fish processing vessel and a fish tender vessel, (as defined in section 2101 of title 46, United States Code); or

(3) a discharge incidental to the normal operation of a vessel if the vessel is a recreational vessel (as defined in section 2101(25) of title 46, United States Code).

(b) DISCHARGES INTO NAVIGABLE WATERS.—No permit shall be required or prohibition enforced under any other provision of law for, nor shall any standards regarding a discharge incidental to the normal operation of a vessel under this title apply to—

(1) any discharge into navigable waters from a vessel authorized by an on-scene coordinator in accordance with part 300 of title 40, Code of Federal Regulations, or part 153 of title 33, Code of Federal Regulations;

(2) any discharge into navigable waters from a vessel that is necessary to secure the safety of the vessel or human life, or to suppress a fire onboard the vessel or at a shoreside facility; or

(3) a vessel of the armed forces of a foreign nation when engaged in noncommercial service.

(c) BALLAST WATER DISCHARGES.—No permit shall be required or prohibition enforced under any other provision of law for, nor shall any ballast water discharge standard under this title apply to—

(1) a ballast water discharge incidental to the normal operation of a vessel determined by the Secretary to—

(A) operate exclusively within a geographically limited area;

(B) take up and discharge ballast water exclusively within 1 Captain of the Port Zone established by the Coast Guard unless the Secretary determines such discharge poses a substantial risk of introduction or establishment of an aquatic nuisance species;

(C) operate pursuant to a geographic restriction issued as a condition under section 3309 of title 46, United States Code, or an equivalent restriction issued by the country of registration of the vessel; or

(D) continuously take on and discharge ballast water in a flow-through system that does not introduce aquatic nuisance species into navigable waters;

(2) a ballast water discharge incidental to the normal operation of a vessel consisting entirely of water sourced from a United States public water system that meets the requirements under the Safe Drinking Water Act (42 U.S.C. 300f et seq.) or from a foreign public water system determined by the Administrator to be suitable for human consumption; or

(3) a ballast water discharge incidental to the normal operation of a vessel in an alternative compliance program established pursuant to section 608.

(d) VESSELS WITH PERMANENT BALLAST WATER.—No permit shall be required or prohibition enforced regarding a ballast water discharge incidental to the normal operation of a vessel under any other provision of law for, nor shall any ballast water discharge standard under this title apply to, a vessel that carries all of its permanent ballast water in sealed tanks that are not subject to discharge.

(e) VESSELS OF THE ARMED FORCES.—Nothing in this title may be construed to apply to—

(1) a vessel owned or operated by the Department of Defense (other than a time-chartered or voyage-chartered vessel); or

(2) a vessel of the Coast Guard, as designated by the Secretary of the department in which the Coast Guard is operating.

SEC. 608. ALTERNATIVE COMPLIANCE PROGRAM.

(a) IN GENERAL.—The Secretary, in consultation with the Administrator, may promulgate regulations establishing 1 or more compliance programs as an alternative to ballast water management regulations issued under section 605 for a vessel that—

(1) has a maximum ballast water capacity of less than 8 cubic meters; or

(2) is less than 3 years from the end of the useful life of the vessel, as determined by the Secretary.

(b) RULEMAKING.—

(1) FACILITY STANDARDS.—Not later than 1 year after the date of the enactment of this Act, the Administrator, in consultation with the Secretary, shall promulgate standards for—

(A) the reception of ballast water from a vessel into a reception facility; and

(B) the disposal or treatment of the ballast water under paragraph (1).

(2) TRANSFER STANDARDS.—The Secretary, in consultation with the Administrator, is authorized to promulgate standards for the arrangements necessary on a vessel to transfer ballast water to a facility.

SEC. 609. JUDICIAL REVIEW.

(a) IN GENERAL.—An interested person may file a petition for review of a final regulation promulgated under this title in the United States Court of Appeals for the District of Columbia Circuit.

(b) DEADLINE.—A petition shall be filed not later than 120 days after the date that notice of the promulgation appears in the Federal Register.

(c) EXCEPTION.—Notwithstanding subsection (b), a petition that is based solely on grounds that arise after the deadline to file a petition under subsection (b) has passed may be filed not later than 120 days after the date that the grounds first arise.

SEC. 610. EFFECT ON STATE AUTHORITY.

(a) IN GENERAL.—No State or political subdivision thereof may adopt or enforce any statute or regulation of the State or political subdivision with respect to a discharge incidental to the normal operation of a vessel after the date of enactment of this Act.

(b) SAVINGS CLAUSE.—Notwithstanding subsection (a), a State or political subdivision thereof may adopt or enforce a statute or regulation of the State or political subdivision with respect to ballast water discharges incidental to the normal operation of a vessel that specifies a ballast water discharge standard that is more stringent than the ballast water discharge standard under section 605(a)(1)(A) if the Secretary, after consultation with the Administrator and any other Federal department or agency the Secretary considers appropriate, makes a determination that—

(1) compliance with any discharge standard specified in the statute or regulation can in fact be achieved and detected;

(2) the technology and systems necessary to comply with the statute or regulation are commercially available; and

(3) the statute or regulation is consistent with obligations under relevant international treaties or agreements to which the United States is a party.

(c) PETITION PROCESS.—

(1) SUBMISSION.—The Governor of a State seeking to adopt or enforce a statute or regulation under subsection (b) shall submit a petition to the Secretary requesting the Secretary to review the statute or regulation.

(2) CONTENTS; TIMING.—A petition shall be accompanied by the scientific and technical information on which the petition is based, and may be submitted within 1 year of the date of enactment of this Act and every 10 years thereafter.

(3) DETERMINATIONS.—The Secretary shall make a determination on a petition under this subsection not later than 90 days after the date on which the Secretary determines that a complete petition has been received.

SEC. 611. APPLICATION WITH OTHER STATUTES.

(a) EXCLUSIVE STATUTORY AUTHORITY.—Except as otherwise provided in this section and notwithstanding any other provision of law, this title shall be the exclusive statutory authority for regulation by the Federal Government of discharges incidental to the normal operation of a vessel to which this title applies.

(b) EFFECT OF EXISTING REGULATIONS.—Except as provided under section 605(a)(1)(A), any regulation in effect on the date immediately preceding the effective date of this Act relating to any permitting requirement for or prohibition on discharges incidental to the normal operation of a vessel to which this title applies—

(1) shall be deemed to be a regulation issued pursuant to the authority of this title; and

(2) shall remain in full force and effect unless or until superseded by new regulations issued under this title.

(c) ACT TO PREVENT POLLUTION FROM SHIPS.—The Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.) shall be the exclusive statutory authority for the regulation by the Federal Government of any discharge or emission that is covered under the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978, done at London February 17, 1978. Nothing in this title may be construed to alter or amend such Act or any regulation issued pursuant to the authority of such Act.

(d) TITLE X OF THE COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2010.—Title X of the Coast Guard and Maritime Transportation Act of 2010 (33 U.S.C. 3801 et seq.) shall be the exclusive statutory authority for the regulation by the Federal Government of any anti-fouling system that is covered under the International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001. Nothing in this title may be construed to alter or amend such title X or any regulation issued pursuant to the authority under such title.

SEC. 612. CONFORMING AMENDMENT.

Section 1205 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 1425) is repealed.

SEC. 613. SAVINGS PROVISION.

Any action taken by the Federal Government under this Act shall be in full compliance with its obligations under applicable provisions of international law.

SA 3171. Ms. HEITKAMP 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. ___. INCORPORATING RETROSPECTIVE REVIEW INTO NEW MAJOR RULES.

(a) DEFINITIONS.—In this section—

(1) the term ''Administrator'' means the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget;

(2) the terms ''agency'', ''rule'', and ''rule making'' have the meanings given those terms in section 551 of title 5, United States Code;

(3) the term ''covered major rule'' means major a rule that is promulgated by an agency in accordance with authority provided under this Act or any amendments made by this Act; and

(4) the term ''major rule'' means any rule that the Administrator finds has resulted in or is likely to result in—

(A) an annual effect on the economy of $100,000,000 or more;

(B) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(C) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.

(b) MAJOR RULE FRAMEWORKS.—

(1) IN GENERAL.—Beginning 180 days after the date of enactment of this Act, when an agency publishes in the Federal Register—

(A) a proposed covered major rule, the agency shall include a clear statement of the regulatory objectives of the covered major rule and a general description of how the agency intends to measure the effectiveness of the covered major rule; or

(B) a final covered major rule, the agency shall include a framework for assessing the covered major rule under paragraph (2), which shall include—

(i) a clear statement of the regulatory objectives of the covered major rule, including a summary of the societal benefit and cost of the covered major rule;

(ii) the methodology by which the agency plans to analyze the covered major rule, including metrics by which the agency can measure—

(I) the effectiveness and benefits of the covered major rule in producing the regulatory objectives of the covered major rule; and

(II) the impacts, including any costs, of the covered major rule on regulated and other impacted entities;

(iii) a plan for gathering data regarding the metrics described in clause (ii) on an ongoing basis, or at periodic times, including a method by which the agency will invite the public to participate in the review process and seek input from other agencies; and

(iv) a specific time frame, as appropriate to the covered major rule and not more than 10 years after the effective date of the covered major rule, under which the agency shall

conduct the assessment of the covered major rule in accordance with paragraph (2)(A).

(2) ASSESSMENT.—

(A) IN GENERAL.—Each agency shall assess the data collected under paragraph (1)(B)(iii), using the methodology set forth in paragraph (1)(B)(ii) or any other appropriate methodology developed after the issuance of a final covered major rule to better determine whether the regulatory objective was achieved, with respect to a covered major rule—

(i) to analyze how the actual benefits and costs of the covered major rule may have varied from those anticipated at the time the covered major rule was issued; and

(ii) to determine whether—

(I) the covered major rule is accomplishing its regulatory objective;

(II) the covered major rule has been rendered unnecessary, taking into consideration—

(aa) changes in the subject area affected by the covered major rule; and

(bb) whether the covered major rule overlaps, duplicates, or conflicts with other rules or, to the extent feasible, State and local government regulations;

(III) the covered major rule needs to be strengthened in order to accomplish the regulatory objective; and

(IV) other alternatives to the covered major rule or modification of the covered major rule could better achieve the regulatory objective while imposing a smaller burden on society or increase net benefits, taking into consideration any cost already incurred.

(B) DIFFERENT METHODOLOGY.—If an agency uses a methodology other than the methodology set forth in paragraph (1)(B)(ii) to assess data under subparagraph (A), the agency shall include as part of the notice required under subparagraph (D) an explanation of the changes in circumstances that necessitated the use of that other methodology.

(C) SUBSEQUENT ASSESSMENTS.—

(i) IN GENERAL.—Except as provided in clause (ii), if, after an assessment of a covered major rule under subparagraph (A), an agency determines that the covered major rule will remain in effect with or without modification, the agency shall—

(I) determine a specific time, as appropriate to the covered major rule and not more than 10 years after the publication of the results of the previous assessment, under which the agency shall conduct another assessment of the covered major rule in accordance with subparagraph (A); and

(II) if the assessment conducted under subclause (I) does not result in a repeal of the covered major rule, periodically assess the covered major rule in accordance with subparagraph (A) to ensure the covered major rule continues to meet the regulatory objective.

(ii) EXEMPTION.—The Administrator may exempt an agency from conducting a subsequent assessment of a covered major rule under clause (i) if the Administrator determines that there is a foreseeable and apparent need for the covered major rule beyond the time frame required under clause (i)(I).

(D) PUBLICATION.—Not later than 180 days after the date on which an agency completes an assessment of a covered major rule under subparagraph (A), the agency shall publish a notice of availability of the results of the assessment in the Federal Register, including the specific time for any subsequent assessment of the covered major rule under subparagraph (C)(i), if applicable.

(3) OMB OVERSIGHT.—The Administrator shall—

(A) issue guidance for agencies regarding the development of the framework under paragraph (1) and the conduct of the assessments under paragraph (2)(A);

(B) oversee the timely compliance of agencies with this subsection;

(C) ensure that the results of each assessment conducted under paragraph (2)(A) are—

(i) published promptly on a centralized Federal website; and

(ii) noticed in the Federal Register in accordance with paragraph (2)(D);

(D) encourage and assist agencies to streamline and coordinate the assessment of covered major rules with similar or related regulatory objectives;

(E) exempt an agency from including the framework required under paragraph (1)(B) when publishing a final covered major rule, if the agency did not issue a notice of proposed rule making for the covered major rule in order to provide a timely response to an emergency or comply with a statutorily imposed deadline, in accordance with paragraph (5)(B); and

(F) extend the deadline specified by an agency for an assessment of a covered major rule under paragraph (1)(B)(iv) or paragraph (2)(C)(i)(I) for a period of not more than 90 days if the agency justifies why the agency is unable to complete the assessment by that deadline.

(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to affect—

(A) the authority of an agency to assess or modify a covered major rule of the agency earlier than the end of the time frame specified for the covered major rule under paragraph (1)(B)(iv); or

(B) any other provision of law that requires an agency to conduct retrospective reviews of rules issued by the agency.

(5) APPLICABILITY.—

(A) IN GENERAL.—This subsection shall not apply to—

(i) a covered major rule of an agency for which the agency is required to conduct a retrospective review under any other provision of law that meets or exceeds the requirements of this subsection, as determined by the Administrator;

(ii) interpretative rules, general statements of policy, or rules of agency organization, procedure, or practice; or

(iii) routine and administrative rules.

(B) DIRECT AND INTERIM FINAL COVERED MAJOR RULE.—In the case of a covered major rule of an agency for which the agency is not required to issue a notice of proposed rule making in response to an emergency or a statutorily imposed deadline, the agency shall publish the framework required under paragraph (1)(B) in the Federal Register not later than 6 months after the date on which the agency publishes the final covered major rule.

(6) JUDICIAL REVIEW.—

(A) IN GENERAL.—Judicial review of agency compliance with this subsection is limited to—

(i) whether an agency published the framework for assessment of a covered major rule in accordance with paragraph (1); and

(ii) whether an agency completed and published the required assessment of a covered major rule in accordance with subparagraphs (A) and (D) of paragraph (2).

(B) REMEDY AVAILABLE.—In granting relief in an action brought under subparagraph (A), the court may only issue an order remanding the covered major rule to the agency to comply with paragraph (1) or subparagraph (A) or (D) of paragraph (2), as applicable.

(C) EFFECTIVE DATE OF COVERED MAJOR RULE.—If, in an action brought under subparagraph (A)(i), a court determines that the agency did not comply, the covered major rule shall take effect notwithstanding any order issued by the court.

(D) ADMINISTRATOR.—Any determination, action, or inaction of the Administrator shall not be subject to judicial review.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SA 3172. Ms. HEITKAMP (for herself and Mr. FRANKEN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 44___. INDIAN ENERGY OFFICE.

Section 2602(a) of the Energy Policy Act of 1992 (25 U.S.C. 3502(a)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

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

''(3) INDIAN ENERGY REGULATORY OFFICE.—

''(A) ESTABLISHMENT.—To assist the Secretary in carrying out the Program, the Secretary shall establish within the office of the Deputy Secretary an Indian Energy Regulatory Office (referred to in this paragraph as the 'Office'), to be located in Denver, Colorado.

''(B) EXISTING RESOURCES.—The Office shall use the existing resources of the Division of Energy and Mineral Development of the Office of Indian Energy and Economic Development.

''(C) DIRECTOR.—The Office shall be led by a Director who shall—

''(i) be compensated at a rate equal to that of level IV of the Executive Schedule under section 5315 of title 5, United States Code; and

''(ii) report directly to the Deputy Secretary.

''(D) FUNCTIONS.—The Office shall serve as a new Regional Office within the Bureau of Indian Affairs, which an energy-producing Indian tribe may select to replace the existing Regional Office of the Indian tribe—

''(i) notwithstanding any other law, to oversee, coordinate, process and approve all Federal leases, easements, rights-of-way, permits, policies, environmental reviews, and any other authorities related to energy development on Indian land;

''(ii)(I) to support review and evaluation by Agency Offices of the Bureau of Indian Affairs and Indian tribes of—

''(aa) energy proposals, permits, mineral leases, and rights-of-way; and

''(bb) Mineral Agreements entered into under section 3 of the Indian Mineral Development Act of 1982 (25 U.S.C. 2102) for final approval; and

''(II) to conduct environmental reviews and surface monitoring for the activities described in items (aa) and (bb) of subclause (I);

''(iii) to review and prepare Applications for Permits to Drill, communitization agreements, and well spacing proposals for approval;

''(iv) to provide production monitoring, inspection, and enforcement;

''(v) to oversee drainage issues;

''(vi) to provide energy-related technical assistance and financial management training to Agency Offices of the Bureau of Indian Affairs and Indian tribes;

''(vii) to develop best practices in the area of Indian energy development, including standardizing energy development processes, procedures, and forms among Agency and

Regional Offices of the Bureau of Indian Affairs;

''(viii) to minimize delays and obstacles to Indian energy development; and

''(ix) to provide technical assistance to Indian tribes in the areas of energy-related engineering, environmental analysis, management, and oversight of energy development, assessment of energy development resources, proposals and financing, and development of conventional and renewable energy resources.

''(E) RELATIONSHIP TO BUREAU OF INDIAN AFFAIRS REGIONAL AND AGENCY OFFICES.—

''(i) IN GENERAL.—The Office shall have the authority to review and approve all energy-related matters for Indian tribes that select to use the Office under subparagraph (D), without subsequent or duplicative review and approval by other Agency or Regional Offices of the Bureau of Indian Affairs or other agencies of the Department of the Interior.

''(ii) NON-ENERGY RELATED MATTERS.—Nothing in this paragraph affects the authority or duty of Regional Offices of the Bureau of Indian Affairs to oversee, support, and provide approvals for non-energy related matters.

''(iii) REGIONAL AND LOCAL SERVICES.—Nothing in this paragraph affects the authority or duty of Agency Offices of the Bureau of Indian Affairs and State and Field Offices of the Bureau of Land Management to provide regional and local services related to Indian energy development, including local realty functions, on-site evaluations and inspections, direct services as requested by Indian tribes and individual Indians, and any other local functions related to energy development on Indian land.

''(iv) TECHNICAL ASSISTANCE.—The Office shall provide technical assistance and support to the Bureau of Indian Affairs and the Bureau of Land Management in all areas related to energy development on Indian land.

''(F) DESIGNATION OF INTERIOR STAFF.—

''(i) IN GENERAL.—The Secretary shall designate and transfer to the Office existing staff and resources from—

''(I) the Division of Energy and Mineral Development of the Office of Indian Energy and Economic Development and other applicable offices of the Bureau of Indian Affairs;

''(II) the Bureau of Land Management;

''(III) the Office of Valuation Services;

''(IV) the Office of Natural Resources Revenue;

''(V) the United States Fish and Wildlife Service;

''(VI) the Office of Special Trustee;

''(VII) the Office of the Solicitor;

''(VIII) the Office of Surface Mining, including mining engineering and minerals realty specialists; and

''(IX) any other agency or office of the Department of the Interior involved in energy development on Indian land.

''(ii) FUNCTIONS.—Staff and resources transferred under clause (i) shall provide for—

''(I) review, processing, and approval of permits and regulatory matters under—

''(aa) the Act of February 5, 1948 (commonly known as the 'Indian Right-of-Way Act') (25 U.S.C. 323 et seq.);

''(bb) the Act of May 11, 1938 (commonly known as the 'Indian Mineral Leasing Act of 1938') (25 U.S.C. 396a et seq.);

''(cc) the first section of the Act of August 9, 1955 (25 U.S.C. 415);

''(dd) the Indian Mineral Development Act of 1982 (25 U.S.C. 2101 et seq.);

''(ee) this title;

''(ff) the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.);

''(gg) part 162 of title 25, Code of Federal Regulations (relating to leases and permits) (or successor regulations);

''(hh) part 169 of title 25, Code of Federal Regulations (relating to rights-of-way over Indian lands) (or successor regulations); and

''(ii) the Act of June 28, 1906 (34 Stat. 539, chapter 3572) (commonly known as the 'Osage Allotment Act');

''(II) consultations and preparation of biological opinions under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536);

''(III) preparation of environmental impact statements or similar analyses required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

''(IV) technical assistance and training for various forms of energy development on Indian land.

''(G) MANAGEMENT OF INDIAN LAND.—The Director shall ensure that—

''(i) all environmental reviews and permitting decisions—

''(I) comply with the unique legal relationship between the United States and Indian tribal governments (as set forth in the Constitution of the United States, treaties, statutes, Executive orders, and court decisions); and

''(II) are exercised in a manner that promotes tribal authority over Indian land, consistent with the policy of the Federal Government supporting Indian self-determination;

''(ii) Indian land shall not be—

''(I) considered to be Federal public land or part of the public domain; or

''(II) be managed in accordance with Federal public land laws and policies; and

''(iii) leases approved shall provide Indian tribes and Indian mineral owners with the maximum governmental and economic benefits associated with mineral leasing and development, including all revenue derived from mineral leasing and development, to encourage tribal self-determination and economic development on Indian land.

''(H) INDIAN SELF-DETERMINATION.—Programs and services operated by the Office shall be provided pursuant to contracts and grants awarded under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

''(I) TRANSFER OF FUNDS.—

''(i) IN GENERAL.—To fund the Office for a period not to exceed 2 years, the Secretary shall transfer such funds as are necessary from the annual budgets of—

''(I) the Bureau of Indian Affairs;

''(II) the United States Fish and Wildlife Service;

''(III) the Bureau Land Management;

''(IV) the Office of Surface Mining;

''(V) the Office of Natural Resources Revenue; and

''(VI) the Office of Mineral Valuation.

''(ii) BASE BUDGET.—At the end of the period described in clause (i), the combined total of the funds transferred under that clause shall serve as the base budget for the Office.

''(J) APPROPRIATIONS OFFSET.—All fees generated from Applications for Permits to Drill, inspection, nonproducing acreage, or any other fees related to energy development on Indian land—

''(i) shall, beginning on the date the Office is opened, be transferred to the budget of the Office; and

''(ii) may be used to advance or fulfill any of the stated duties and purposes of the Office.

''(K) REPORT.—The Office shall—

''(i) keep detailed records documenting the activities of the Office; and

''(ii) annually submit to Congress a report detailing—

''(I) the number and type of Federal approvals granted;

''(II) the time taken to process each type of application;

''(III) the need for additional similar offices to be located in other regions; and

''(IV) proposed changes in existing law to facilitate the development of energy resources on Indian land and improve oversight of energy development on Indian land.

''(L) COORDINATION WITH ADDITIONAL FEDERAL AGENCIES.—Not later than 1 year after establishing the Office, the Secretary shall enter into a memorandum of understanding to coordinate and streamline energy-related permits with—

''(i) the Administrator of the Environmental Protection Agency;

''(ii) the Assistant Secretary of the Army for Civil Works; and

''(iii) the Secretary of Agriculture.''.

SA 3173. Ms. HEITKAMP (for herself 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:

On page 302, between lines 14 and 15, insert the following:

SEC. 3401. SENSE OF THE SENATE ON CARBON CAPTURE, USE, AND STORAGE DEVELOPMENT AND DEPLOYMENT.

It is the sense of the Senate that—

(1) carbon capture, use, and storage deployment is—

(A) an important part clean energy future and smart research and development investments of the United States; and

(B) critical—

(i) to increasing the energy security of the United States;

(ii) to reducing emissions; and

(iii) to maintaining a diverse and reliable energy resource;

(2) the fossil energy programs of the Department should continue to focus on research and development of technologies that will improve the capture, transportation, use, including for the production, through biofixation, of carbon-containing products, and injection processes essential for carbon capture, use, and storage activities in the electrical and industrial sectors;

(3) the Secretary should continue to partner with the private sector and explore avenues to bring down the cost of carbon capture, including through loans, grants, and sequestration credits to help make carbon capture, use, and storage technologies more competitive compared to other technologies that are a part of the clean energy future of the United States; and

(4) the Secretary should continue to work on existing, and expand on, international partnerships, agreements, projects, and information sharing activities of the Secretary to develop the latest and most cutting-edge carbon capture, use, and storage technologies for the electrical and industrial sectors.

On page 302, line 15, strike ''**3401**'' and insert ''**3402**''.

On page 302, line 21, strike ''**3402**'' and insert ''**3403**''.

On page 311, between lines 7 and 8, insert the following:

SEC. 3404. CONTRACTING AUTHORITY OF SECRETARY.

(a) DEFINITION OF ELECTRIC GENERATION UNIT.—In this section, the term ''electric generation unit'' means an electric generation unit that—

(1) uses coal-based generation technology; and

(2) is capable of capturing carbon dioxide emissions from the unit.

(b) CONTRACTING AUTHORITY.—The Secretary may enter into binding contracts, on behalf of the Federal Government, with qualified parties to provide price stabilization support for projects that capture carbon dioxide from certain industrial sources or projects that capture carbon dioxide from an electric generation unit and which captured carbon dioxide is sold to a purchaser for—

(1) the recovery of crude oil; or

(2) other purposes for which a commercial market exists.

(c) TERM.—The term of a contract entered into under subsection (b) shall not exceed 25 years.

(d) NOTIFICATION.—The Secretary shall notify Congress of—

(1) the intent of the Secretary to negotiate and enter into a price stabilization contract by the date that is not later than 30 days before negotiations begin; and

(2) the final terms of the contract, information on the range of overall costs for the project covered by the contract, and the range of potential costs and scenarios of the contract by the date that is not later than 30 days after the contract is executed.

(e) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report detailing—

(1) how the Secretary would establish, implement, and maintain the price stabilization contracting program described in this section; and

(2) options for how price stabilization contracts under this section may be structured.

(f) REGULATIONS.—Not later than 180 days after submission of the report under subsection (e), the Secretary shall promulgate regulations to establish and implement the price stabilization contracting program described in this section.

(g) IMPLEMENTATION.—Not later than 2 years after the date of enactment of this Act, the Secretary shall implement the price stabilization contracting program described in this section.

(h) FUNDING.—There is authorized to be appropriated to carry out this section $100,000,000 for the period of fiscal years 2017 through 2021.

SA 3174. Ms. HEITKAMP (for herself, Mrs. CAPITO, Mr. BOOKER, Mr. WHITEHOUSE, Mr. TESTER, Mr. MANCHIN, Mr. BLUNT, and Mr. FRANKEN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 302, between lines 14 and 15, insert the following:

SEC. 3401. SENSE OF THE SENATE ON CARBON CAPTURE, USE, AND STORAGE DEVELOPMENT AND DEPLOYMENT.

It is the sense of the Senate that—

(1) carbon capture, use, and storage deployment is—

(A) an important part of the clean energy future and smart research and development investments of the United States; and

(B) critical—

(i) to increasing the energy security of the United States;

(ii) to reducing emissions; and

(iii) to maintaining a diverse and reliable energy resource;

(2) the fossil energy programs of the Department should continue to focus on research and development of technologies that will improve the capture, transportation, use (including for the production through biofixation of carbon-containing products), and injection processes essential for carbon capture, use, and storage activities in the electrical and industrial sectors;

(3) the Secretary should continue to partner with the private sector and explore avenues to bring down the cost of carbon capture, including through loans, grants, and sequestration credits to help make carbon capture, use, and storage technologies more competitive compared to other technologies that are a part of the clean energy future of the United States; and

(4) the Secretary should continue working with international partners on pre-existing agreements, projects, and information sharing activities of the Secretary to develop the latest and most cutting-edge carbon capture, use, and storage technologies for the electrical and industrial sectors.

On page 302, line 15, strike ''**3401**'' and insert ''**3402**''.

On page 302, line 21, strike ''**3402**'' and insert ''**3403**''.

On page 311, between lines 7 and 8, insert the following:

SEC. 3404. REPORT ON PRICE STABILIZATION SUPPORT.

(a) DEFINITION OF ELECTRIC GENERATION UNIT.—In this section, the term ''electric generation unit'' means an electric generation unit that—

(1) uses coal-based generation technology; and

(2) is capable of capturing carbon dioxide emissions from the unit.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall prepare and submit to the appropriate committees of Congress a report—

(1) on the benefits and costs of entering into long-term binding contracts on behalf of the Federal Government with qualified parties to provide price stabilization support for certain industrial sources for capturing carbon dioxide from electricity generated at an electric generation unit or carbon dioxide captured from an electric generation unit and sold to a purchaser for—

(A) the recovery of crude oil; or

(B) other purposes for which a commercial market exists; and

(2) that—

(A) contains an analysis of how the Department would establish, implement, and maintain a contracting program described in paragraph (1); and

(B) outlines options for how price stabilization contracts may be structured and regulations that would be necessary to implement a contracting program described in paragraph (1).

SA 3175. Mr. BURR (for himself and Mr. TILLIS) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 44___. WILD HORSES IN AND AROUND THE CURRITUCK NATIONAL WILDLIFE REFUGE.

(a) AGREEMENT REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior (referred to in this section as the ''Secretary'') shall enter into an agreement with the Corolla Wild Horse Fund (a nonprofit corporation established under the laws of the State of North Carolina), the County of Currituck, North Carolina, and the State of North Carolina to provide for management of free-roaming wild horses in and around the Currituck National Wildlife Refuge.

(2) TERMS.—The agreement shall—

(A) allow a herd of not fewer than 110 and not more than 130 free-roaming wild horses in and around the refuge, with a target population of between 120 and 130 free-roaming wild horses;

(B) provide for cost-effective management of the horses while ensuring that natural resources within the refuge are not adversely impacted;

(C) provide for introduction of a small number of free-roaming wild horses from the herd at Cape Lookout National Seashore as is necessary to maintain the genetic viability of the herd in and around the Currituck National Wildlife Refuge; and

(D) specify that the Corolla Wild Horse Fund shall pay the costs associated with—

(i) coordinating a periodic census and inspecting the health of the horses;

(ii) maintaining records of the horses living in the wild and in confinement;

(iii) coordinating the removal and placement of horses and monitoring of any horses removed from the Currituck County Outer Banks; and

(iv) administering a viable population control plan for the horses, including auctions, adoptions, contraceptive fertility methods, and other viable options.

(b) CONDITIONS FOR EXCLUDING WILD HORSES FROM REFUGE.—The Secretary shall not exclude free-roaming wild horses from any portion of the Currituck National Wildlife Refuge unless—

(1) the Secretary finds that the presence of free-roaming wild horses on a portion of that refuge threatens the survival of an endangered species for which that land is designated as critical habitat under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(2) the finding is based on a credible peer-reviewed scientific assessment; and

(3) the Secretary provides a period of public notice and comment on that finding.

(c) REQUIREMENTS FOR INTRODUCTION OF HORSES FROM CAPE LOOKOUT NATIONAL SEASHORE.—During the effective period of the memorandum of understanding between the National Park Service and the Foundation for Shackleford Horses, Inc. (a non-profit corporation organized under the laws of and doing business in the State of North Carolina) signed in 2007, no horse may be removed from Cape Lookout National Seashore for introduction at Currituck National Wildlife Refuge except—

(1) with the approval of the Foundation; and

(2) consistent with the terms of the memorandum (or any successor agreement) and the Management Plan for the Shackleford Banks Horse Herd signed in January 2006 (or any successor management plan).

(d) NO LIABILITY CREATED.—Nothing in this section creates liability for the United States for any damage caused by the free-roaming wild horses to any person or property located inside or outside the boundaries of the Currituck National Wildlife Refuge.

SA 3176. Mr. SCHATZ (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the 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 preferences, such as special deductions, special tax rates, tax credits, and grants in lieu of tax credits, for oil and gas production for 100 years.

(2) United States tax policy has provided tax preferences for coal production for over 80 years.

(3) 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 a dual capacity taxpayer which is a major integrated oil company (within the meaning of section 167(h)(5)), for any 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.—In the case of a dual capacity taxpayer which is a major integrated oil company (within the meaning of section 167(h)(5)), 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.—In the case of a dual capacity taxpayer which is a major integrated oil company (within the meaning of section 167(h)(5)), 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.—In the case of a dual capacity taxpayer which is a major integrated oil company (within the meaning of section 167(h)(5)), 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 OIL SHALE.—Section 613 of such Code is amended by adding at the end the following new subsection:

''(f) PHASE OUT OF PERCENTAGE DEPLETION FOR OIL SHALE.—In the case of a dual capacity taxpayer which is a major integrated oil company (within the meaning of section 167(h)(5)), the allowance for depletion for oil shale 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 OIL SHALE.—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 OIL SHALE.—In the case of a dual capacity taxpayer which is a major integrated oil company (within the meaning of section 167(h)(5)), the amount of expenditures related to oil shale 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.—In the case of a dual capacity taxpayer which is a major integrated oil company (within the meaning of section 167(h)(5)), 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 a dual capacity taxpayer which is a major integrated oil company (within the meaning of section 167(h)(5)), for 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.—In the case of a dual capacity taxpayer which is a major integrated oil company (within the meaning of section 167(h)(5)), 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 3177. 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, add the following:

TITLE VI—PROTECTING AND ENHANCING OPPORTUNITIES FOR HUNTING, FISHING, AND RECREATIONAL SHOOTING

Subtitle A—National Policy

SEC. 6001. CONGRESSIONAL DECLARATION OF NATIONAL POLICY.

(a) IN GENERAL.—Congress declares that it is the policy of the United States that Federal departments and agencies, in accordance with the missions of the departments and agencies, Executive Orders 12962 and 13443 (60 Fed. Reg. 30769 (June 7, 1995); 72 Fed. Reg. 46537 (August 16, 2007)), and applicable law, shall—

(1) facilitate the expansion and enhancement of hunting, fishing, and recreational shooting opportunities on Federal land, in consultation with the Wildlife and Hunting Heritage Conservation Council, the Sport Fishing and Boating Partnership Council, State and tribal fish and wildlife agencies, and the public;

(2) conserve and enhance aquatic systems and the management of game species and the habitat of those species on Federal land, including through hunting and fishing, in a manner that respects—

(A) State management authority over wildlife resources; and

(B) private property rights; and

(3) consider hunting, fishing, and recreational shooting opportunities as part of all Federal plans for land, resource, and travel management.

(b) EXCLUSION.—In this title, the term ''fishing'' does not include commercial fishing in which fish are harvested, either in whole or in part, that are intended to enter commerce through sale.

Subtitle B—Sportsmen's Access to Federal Land

SEC. 6011. DEFINITIONS.

In this subtitle:

(1) FEDERAL LAND.—The term ''Federal land'' means—

(A) any land in 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))) that is administered by the Secretary of Agriculture, acting through the Chief of the Forest Service; and

(B) public lands (as defined in section 103 of the Federal Land Policy and 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.

(2) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) the Secretary of Agriculture, with respect to land described in paragraph (1)(A); and

(B) the Secretary of the Interior, with respect to land described in paragraph (1)(B).

SEC. 6012. FEDERAL LAND OPEN TO HUNTING, FISHING, AND RECREATIONAL SHOOTING.

(a) IN GENERAL.—Subject to subsection (b), Federal land shall be open to hunting, fishing, and recreational shooting, in accordance with applicable law, unless the Secretary concerned closes an area in accordance with section 6013.

(b) EFFECT OF SUBTITLE.—Nothing in this subtitle opens to hunting, fishing, or recreational shooting any land that is not open to those activities as of the date of enactment of this Act.

SEC. 6013. CLOSURE OF FEDERAL LAND TO HUNTING, FISHING, AND RECREATIONAL SHOOTING.

(a) AUTHORIZATION.—

(1) IN GENERAL.—Subject to paragraph (2) and in accordance with section 302(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732(b)), the Secretary concerned may designate any area on Federal land in which, and establish any period during which, for reasons of public safety, administration, or compliance with applicable laws, no hunting, fishing, or recreational shooting shall be permitted.

(2) REQUIREMENT.—In making a designation under paragraph (1), the Secretary concerned shall designate the smallest area for the least amount of time that is required for public safety, administration, or compliance with applicable laws.

(b) CLOSURE PROCEDURES.—

(1) IN GENERAL.—Except in an emergency, before permanently or temporarily closing any Federal land to hunting, fishing, or recreational shooting, the Secretary concerned shall—

(A) consult with State fish and wildlife agencies; and

(B) provide public notice and opportunity for comment under paragraph (2).

(2) PUBLIC NOTICE AND COMMENT.—

(A) IN GENERAL.—Public notice and comment shall include—

(i) a notice of intent—

(I) published in advance of the public comment period for the closure—

(aa) in the Federal Register;

(bb) on the website of the applicable Federal agency;

(cc) on the website of the Federal land unit, if available; and

(dd) in at least 1 local newspaper;

(II) made available in advance of the public comment period to local offices, chapters, and affiliate organizations in the vicinity of the closure that are signatories to the memorandum of understanding entitled ''Federal Lands Hunting, Fishing, and Shooting Sports Roundtable Memorandum of Understanding''; and

(III) that describes—

(aa) the proposed closure; and

(bb) the justification for the proposed closure, including an explanation of the reasons and necessity for the decision to close the area to hunting, fishing, or recreational shooting; and

(ii) an opportunity for public comment for a period of—

(I) not less than 60 days for a permanent closure; or

(II) not less than 30 days for a temporary closure.

(B) FINAL DECISION.—In a final decision to permanently or temporarily close an area to hunting, fishing, or recreation shooting, the Secretary concerned shall—

(i) respond in a reasoned manner to the comments received;

(ii) explain how the Secretary concerned resolved any significant issues raised by the comments; and

(iii) show how the resolution led to the closure.

(c) TEMPORARY CLOSURES.—

(1) IN GENERAL.—A temporary closure under this section may not exceed a period of 180 days.

(2) RENEWAL.—Except in an emergency, a temporary closure for the same area of land closed to the same activities—

(A) may not be renewed more than 3 times after the first temporary closure; and

(B) must be subject to a separate notice and comment procedure in accordance with subsection (b)(2).

(3) EFFECT OF TEMPORARY CLOSURE.—Any Federal land that is temporarily closed to hunting, fishing, or recreational shooting under this section shall not become permanently closed to that activity without a separate public notice and opportunity to comment in accordance with subsection (b)(2).

(d) REPORTING.—On an annual basis, the Secretaries concerned shall—

(1) publish on a public website a list of all areas of Federal land temporarily or permanently subject to a closure under this section; and

(2) submit to the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Natural Resources and the Committee on Agriculture of the House of Representatives a report that identifies—

(A) a list of each area of Federal land temporarily or permanently subject to a closure;

(B) the acreage of each closure; and

(C) a survey of—

(i) the aggregate areas and acreage closed under this section in each State; and

(ii) the percentage of Federal land in each State closed under this section with respect to hunting, fishing, and recreational shooting.

(e) APPLICATION.—This section shall not apply if the closure is—

(1) less than 14 days in duration; and

(2) covered by a special use permit.

SEC. 6014. SHOOTING RANGES.

(a) IN GENERAL.—Except as provided in subsection (b), the Secretary concerned may, in accordance with this section and other applicable law, lease or permit the use of Federal land for a shooting range.

(b) EXCEPTION.—The Secretary concerned shall not lease or permit the use of Federal land for a shooting range, within—

(1) a component of the National Landscape Conservation System;

(2) a component of the National Wilderness Preservation System;

(3) any area that is—

(A) designated as a wilderness study area;

(B) administratively classified as—

(i) wilderness-eligible; or

(ii) wilderness-suitable; or

(C) a primitive or semiprimitive area;

(4) a national monument, national volcanic monument, or national scenic area; or

(5) a component of the National Wild and Scenic Rivers System (including areas designated for study for potential addition to the National Wild and Scenic Rivers System).

SEC. 6015. FEDERAL ACTION TRANSPARENCY.

(a) MODIFICATION OF EQUAL ACCESS TO JUSTICE PROVISIONS.—

(1) AGENCY PROCEEDINGS.—Section 504 of title 5, United States Code, is amended—

(A) in subsection (c)(1), by striking '', United States Code'';

(B) by redesignating subsection (f) as subsection (i); and

(C) by striking subsection (e) and inserting the following:

''(e)(1) Not later than March 31 of the first fiscal year beginning after the date of enactment of the Energy Policy Modernization Act of 2016, and every fiscal year thereafter,

the Chairman of the Administrative Conference of the United States, after consultation with the Chief Counsel for Advocacy of the Small Business Administration, shall submit to Congress and make publicly available online a report on the amount of fees and other expenses awarded during the preceding fiscal year under this section.

''(2) Each report under paragraph (1) shall describe the number, nature, and amount of the awards, the claims involved in the controversy, and any other relevant information that may aid Congress in evaluating the scope and impact of such awards.

''(3)(A) Each report under paragraph (1) shall account for all payments of fees and other expenses awarded under this section that are made pursuant to a settlement agreement, regardless of whether the settlement agreement is sealed or otherwise subject to a nondisclosure provision.

''(B) The disclosure of fees and other expenses required under subparagraph (A) shall not affect any other information that is subject to a nondisclosure provision in a settlement agreement.

''(f) As soon as practicable, and in any event not later than the date on which the first report under subsection (e)(1) is required to be submitted, the Chairman of the Administrative Conference of the United States shall create and maintain online a searchable database containing, with respect to each award of fees and other expenses under this section made on or after the date of enactment of the Energy Policy Modernization Act of 2016, the following information:

''(1) The case name and number of the adversary adjudication, if available, hyperlinked to the case, if available.

''(2) The name of the agency involved in the adversary adjudication.

''(3) A description of the claims in the adversary adjudication.

''(4) The name of each party to whom the award was made as such party is identified in the order or other court document making the award.

''(5) The amount of the award.

''(6) The basis for the finding that the position of the agency concerned was not substantially justified.

''(g) The online searchable database described in subsection (f) may not reveal any information the disclosure of which is prohibited by law or a court order.

''(h) The head of each agency shall provide to the Chairman of the Administrative Conference of the United States in a timely manner all information requested by the Chairman to comply with the requirements of subsections (e), (f), and (g).''.

(2) COURT CASES.—Section 2412(d) of title 28, United States Code, is amended by adding at the end the following:

''(5)(A) Not later than March 31 of the first fiscal year beginning after the date of enactment of the Energy Policy Modernization Act of 2016, and every fiscal year thereafter, the Chairman of the Administrative Conference of the United States shall submit to Congress and make publicly available online a report on the amount of fees and other expenses awarded during the preceding fiscal year pursuant to this subsection.

''(B) Each report under subparagraph (A) shall describe the number, nature, and amount of the awards, the claims involved in the controversy, and any other relevant information that may aid Congress in evaluating the scope and impact of such awards.

''(C)(i) Each report under subparagraph (A) shall account for all payments of fees and other expenses awarded under this subsection that are made pursuant to a settlement agreement, regardless of whether the settlement agreement is sealed or otherwise subject to a nondisclosure provision.

''(ii) The disclosure of fees and other expenses required under clause (i) shall not affect any other information that is subject to a nondisclosure provision in a settlement agreement.

''(D) The Chairman of the Administrative Conference of the United States shall include and clearly identify in each annual report under subparagraph (A), for each case in which an award of fees and other expenses is included in the report—

''(i) any amounts paid under section 1304 of title 31 for a judgment in the case;

''(ii) the amount of the award of fees and other expenses; and

''(iii) the statute under which the plaintiff filed suit.

''(6) As soon as practicable, and in any event not later than the date on which the first report under paragraph (5)(A) is required to be submitted, the Chairman of the Administrative Conference of the United States shall create and maintain online a searchable database containing, with respect to each award of fees and other expenses under this subsection made on or after the date of enactment of the Energy Policy Modernization Act of 2016, the following information:

''(A) The case name and number, hyperlinked to the case, if available.

''(B) The name of the agency involved in the case.

''(C) The name of each party to whom the award was made as such party is identified in the order or other court document making the award.

''(D) A description of the claims in the case.

''(E) The amount of the award.

''(F) The basis for the finding that the position of the agency concerned was not substantially justified.

''(7) The online searchable database described in paragraph (6) may not reveal any information the disclosure of which is prohibited by law or a court order.

''(8) The head of each agency (including the Attorney General of the United States) shall provide to the Chairman of the Administrative Conference of the United States in a timely manner all information requested by the Chairman to comply with the requirements of paragraphs (5), (6), and (7).''.

(3) TECHNICAL AND CONFORMING AMENDMENTS.—Section 2412 of title 28, United States Code, is amended—

(A) in subsection (d)(3), by striking ''United States Code,''; and

(B) in subsection (e)—

(i) by striking ''of section 2412 of title 28, United States Code,'' and inserting ''of this section''; and

(ii) by striking ''of such title'' and inserting ''of this title''.

(b) JUDGMENT FUND TRANSPARENCY.—Section 1304 of title 31, United States Code, is amended by adding at the end the following:

''(d) Beginning not later than the date that is 60 days after the date of enactment of the Energy Policy Modernization Act of 2016, and unless the disclosure of such information is otherwise prohibited by law or a court order, the Secretary of the Treasury shall make available to the public on a website, as soon as practicable, but not later than 30 days after the date on which a payment under this section is tendered, the following information with regard to that payment:

''(1) The name of the specific agency or entity whose actions gave rise to the claim or judgment.

''(2) The name of the plaintiff or claimant.

''(3) The name of counsel for the plaintiff or claimant.

''(4) The amount paid representing principal liability, and any amounts paid representing any ancillary liability, including attorney fees, costs, and interest.

''(5) A brief description of the facts that gave rise to the claim.

''(6) The name of the agency that submitted the claim.''.

Subtitle C—Filming on Federal Land Management Agency Land

SEC. 6021. COMMERCIAL FILMING.

(a) IN GENERAL.—Section 1 of Public Law 106–206 (16 U.S.C. 460l–6d) is amended—

(1) by redesignating subsections (a) through (f) as subsections (b) through (g), respectively;

(2) by inserting before subsection (b) (as so redesignated) the following:

''(a) DEFINITION OF SECRETARY.—The term 'Secretary' means the Secretary of the Interior or the Secretary of Agriculture, as applicable, with respect to land under the respective jurisdiction of the Secretary.'';

(3) in subsection (b) (as so redesignated)—

(A) in paragraph (1)—

(i) in the first sentence, by striking ''of the Interior or the Secretary of Agriculture (hereafter individually referred to as the 'Secretary' with respect to land (except land in a System unit as defined in section 100102 of title 54, United States Code) under their respective jurisdictions)''; and

(ii) in subparagraph (B), by inserting '', except in the case of film crews of 3 or fewer individuals'' before the period at the end; and

(B) by adding at the end the following:

''(3) FEE SCHEDULE.—Not later than 180 days after the date of enactment of the Energy Policy Modernization Act of 2016, to enhance consistency in the management of Federal land, the Secretaries shall publish a single joint land use fee schedule for commercial filming and still photography.'';

(4) in subsection (c) (as so redesignated), in the second sentence, by striking ''subsection (a)'' and inserting ''subsection (b)'';

(5) in subsection (d) (as so redesignated), in the heading, by inserting ''Commercial'' before ''Still'';

(6) in paragraph (1) of subsection (f) (as so redesignated), by inserting ''in accordance with the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801 et seq.),'' after ''without further appropriation,'';

(7) in subsection (g) (as so redesignated)—

(A) by striking ''The Secretary shall'' and inserting the following:

''(1) IN GENERAL.—The Secretary shall''; and

(B) by adding at the end the following:

''(2) CONSIDERATIONS.—The Secretary shall not consider subject matter or content as a criterion for issuing or denying a permit under this Act.''; and

(8) by adding at the end the following:

''(h) EXEMPTION FROM COMMERCIAL FILMING OR STILL PHOTOGRAPHY PERMITS AND FEES.—The Secretary shall not require persons holding commercial use authorizations or special recreation permits to obtain an additional permit or pay a fee for commercial filming or still photography under this Act if the filming or photography conducted is—

''(1) incidental to the permitted activity that is the subject of the commercial use authorization or special recreation permit; and

''(2) the holder of the commercial use authorization or special recreation permit is an individual or small business concern (within the meaning of section 3 of the Small Business Act (15 U.S.C. 632)).

''(i) EXCEPTION FROM CERTAIN FEES.—Commercial filming or commercial still photography shall be exempt from fees under this Act, but not from recovery of costs under subsection (c), if the activity—

''(1) is conducted by an entity that is a small business concern (within the meaning of section 3 of the Small Business Act (15 U.S.C. 632));

''(2) is conducted by a crew of not more than 3 individuals; and

''(3) uses only a camera and tripod.

''(j) APPLICABILITY TO NEWS GATHERING ACTIVITIES.—

''(1) IN GENERAL.—News gathering shall not be considered a commercial activity.

''(2) INCLUDED ACTIVITIES.—In this subsection, the term 'news gathering' includes, at a minimum, the gathering, recording, and filming of news and information related to news in any medium.''.

(b) CONFORMING AMENDMENTS.—Chapter 1009 of title 54, United States Code, is amended—

(1) by striking section 100905; and

(2) in the table of sections for chapter 1009 of title 54, United States Code, by striking the item relating to section 100905.

Subtitle D—Bows, Wildlife Management, and Access Opportunities for Recreation, Hunting, and Fishing

SEC. 6031. BOWS IN PARKS.

(a) IN GENERAL.—Chapter 1049 of title 54, United States Code (as amended by section 5001(a)), is amended by adding at the end the following:

''§ 104909. Bows in parks

''(a) DEFINITION OF NOT READY FOR IMMEDIATE USE.—The term 'not ready for immediate use' means—

''(1) a bow or crossbow, the arrows of which are secured or stowed in a quiver or other arrow transport case; and

''(2) with respect to a crossbow, uncocked.

''(b) VEHICULAR TRANSPORTATION AUTHORIZED.—The Director shall not 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 in the vehicle of the individual if—

''(1) the individual is not otherwise prohibited by law from possessing the bows and crossbows;

''(2) the bows or crossbows that are not ready for immediate use remain inside the vehicle of the individual throughout the period during which the bows or crossbows are transported across System land; and

''(3) the possession of the bows and crossbows is in compliance with the law of the State in which the System unit is located.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 1049 of title 54, United States Code (as amended by section 5001(b)), is amended by inserting after the item relating to section 104908 the following:

''104909. Bows in parks.''.

SEC. 6032. WILDLIFE MANAGEMENT IN PARKS.

(a) IN GENERAL.—Chapter 1049 of title 54, United States Code (as amended by section 6031(a)), is amended by adding at the end the following:

''SEC. 104910. WILDLIFE MANAGEMENT IN PARKS.

''(a) USE OF QUALIFIED VOLUNTEERS.—If the Secretary determines it is necessary to reduce the size of a wildlife population on System land in accordance with applicable law (including regulations), the Secretary may use qualified volunteers to assist in carrying out wildlife management on System land.

''(b) REQUIREMENTS FOR QUALIFIED VOLUNTEERS.—Qualified volunteers providing assistance under subsection (a) shall be subject to—

''(1) any training requirements or qualifications established by the Secretary; and

''(2) any other terms and conditions that the Secretary may require.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 1049 of title 54 (as amended by section 6031(b)), United States Code, is amended by inserting after the item relating to section 104909 the following:

''104910. Wildlife management in parks.''.

SEC. 6033. IDENTIFYING OPPORTUNITIES FOR RECREATION, HUNTING, AND FISHING ON FEDERAL LAND.

(a) DEFINITIONS.—In this section:

(1) SECRETARY.—The term ''Secretary'' means—

(A) the Secretary of the Interior, with respect to land administered by—

(i) the Director of the National Park Service;

(ii) the Director of the United States Fish and Wildlife Service; and

(iii) the Director of the Bureau of Land Management; and

(B) the Secretary of Agriculture, with respect to land administered by the Chief of the Forest Service.

(2) STATE OR REGIONAL OFFICE.—The term ''State or regional office'' means—

(A) a State office of the Bureau of Land Management; or

(B) a regional office of—

(i) the National Park Service;

(ii) the United States Fish and Wildlife Service; or

(iii) the Forest Service.

(3) TRAVEL MANAGEMENT PLAN.—The term ''travel management plan'' means a plan for the management of travel—

(A) with respect to land under the jurisdiction of the National Park Service, on park roads and designated routes under section 4.10 of title 36, Code of Federal Regulations (or successor regulations);

(B) with respect to land under the jurisdiction of the United States Fish and Wildlife Service, on the land under a comprehensive conservation plan prepared under section 4(e) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(e));

(C) with respect to land under the jurisdiction of the Forest Service, on National Forest System land under part 212 of title 36, Code of Federal Regulations (or successor regulations); and

(D) with respect to land under the jurisdiction of the Bureau of Land Management, under a resource management plan developed under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(b) PRIORITY LISTS REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, annually during the 10-year period beginning on the date on which the first priority list is completed, and every 5 years after the end of the 10-year period, the Secretary shall prepare a priority list, to be made publicly available on the website of the applicable Federal agency referred to in subsection (a)(1), which shall identify the location and acreage of land within the jurisdiction of each State or regional office on which the public is allowed, under Federal or State law, to hunt, fish, or use the land for other recreational purposes but—

(A) to which there is no public access or egress; or

(B) to which public access or egress to the legal boundaries of the land is significantly restricted (as determined by the Secretary).

(2) MINIMUM SIZE.—Any land identified under paragraph (1) shall consist of contiguous acreage of at least 640 acres.

(3) CONSIDERATIONS.—In preparing the priority list required under paragraph (1), the Secretary shall consider with respect to the land—

(A) whether access is absent or merely restricted, including the extent of the restriction;

(B) the likelihood of resolving the absence of or restriction to public access;

(C) the potential for recreational use;

(D) any information received from the public or other stakeholders during the nomination process described in paragraph (5); and

(E) any other factor as determined by the Secretary.

(4) ADJACENT LAND STATUS.—For each parcel of land on the priority list, the Secretary shall include in the priority list whether resolving the issue of public access or egress to the land would require acquisition of an easement, right-of-way, or fee title from—

(A) another Federal agency;

(B) a State, local, or tribal government; or

(C) a private landowner.

(5) NOMINATION PROCESS.—In preparing a priority list under this section, the Secretary shall provide an opportunity for members of the public to nominate parcels for inclusion on the priority list.

(c) ACCESS OPTIONS.—With respect to land included on a priority list described in subsection (b), the Secretary shall develop and 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 on options for providing access that—

(1) identifies how public access and egress could reasonably be provided to the legal boundaries of the land in a manner that minimizes the impact on wildlife habitat and water quality;

(2) specifies the steps recommended to secure the access and egress, including acquiring an easement, right-of-way, or fee title from a willing owner of any land that abuts the land or the need to coordinate with State land management agencies or other Federal, State, or tribal governments to allow for such access and egress; and

(3) is consistent with the travel management plan in effect on the land.

(d) PROTECTION OF PERSONALLY IDENTIFYING INFORMATION.—In making the priority list and report prepared under subsections (b) and (c) available, the Secretary shall ensure that no personally identifying information is included, such as names or addresses of individuals or entities.

(e) WILLING OWNERS.—For purposes of providing any permits to, or entering into agreements with, a State, local, or tribal government or private landowner with respect to the use of land under the jurisdiction of the government or landowner, the Secretary shall not take into account whether the State, local, or tribal government or private landowner has granted or denied public access or egress to the land.

(f) MEANS OF PUBLIC ACCESS AND EGRESS INCLUDED.—In considering public access and egress under subsections (b) and (c), the Secretary shall consider public access and egress to the legal boundaries of the land described in those subsections, including access and egress—

(1) by motorized or non-motorized vehicles; and

(2) on foot or horseback.

(g) EFFECT.—

(1) IN GENERAL.—This section shall have no effect on whether a particular recreational use shall be allowed on the land included in a priority list under this section.

(2) EFFECT OF ALLOWABLE USES ON AGENCY CONSIDERATION.—In preparing the priority list under subsection (b), the Secretary shall only consider recreational uses that are allowed on the land at the time that the priority list is prepared.

Subtitle E—Federal Land Transaction Facilitation Act

SEC. 6041. FEDERAL LAND TRANSACTION FACILITATION ACT.

(a) IN GENERAL.—The Federal Land Transaction Facilitation Act is amended—

(1) in section 203(2) (43 U.S.C. 2302(2)), by striking ''on the date of enactment of this Act was'' and inserting ''is'';

(2) in section 205 (43 U.S.C. 2304)—

(A) in subsection (a), by striking ''(as in effect on the date of enactment of this Act)''; and

(B) by striking subsection (d);

(3) in section 206 (43 U.S.C. 2305), by striking subsection (f); and

(4) in section 207(b) (43 U.S.C. 2306(b))—

(A) in paragraph (1)—

(i) by striking ''96–568'' and inserting ''96–586''; and

(ii) by striking ''; or'' and inserting a semicolon;

(B) in paragraph (2)—

(i) by inserting ''Public Law 105–263;'' before ''112 Stat.''; and

(ii) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(3) the White Pine County Conservation, Recreation, and Development Act of 2006 (Public Law 109–432; 120 Stat. 3028);

''(4) the Lincoln County Conservation, Recreation, and Development Act of 2004 (Public Law 108–424; 118 Stat. 2403);

''(5) subtitle F of title I of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 1132 note; Public Law 111–11);

''(6) subtitle O of title I of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 460www note, 1132 note; Public Law 111–11);

''(7) section 2601 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1108); or

''(8) section 2606 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1121).''.

(b) FUNDS TO TREASURY.—Of the amounts deposited in the Federal Land Disposal Account, there shall be transferred to the general fund of the Treasury $1,000,000 for each of fiscal years 2016 through 2025.

Subtitle F—Miscellaneous

SEC. 6051. RESPECT FOR TREATIES AND RIGHTS.

Nothing in this title or the amendments made by this title—

(1) affects or modifies any treaty or other right of any federally recognized Indian tribe; or

(2) modifies any provision of Federal law relating to migratory birds or to endangered or threatened species.

SEC. 6052. NO PRIORITY.

Nothing in this title or the amendments made by this title provides a preference to hunting, fishing, or recreational shooting over any other use of Federal land or water.

TITLE VII—REFUNDS OF FUNDS USED BY STATES TO OPERATE UNITS OF THE NATIONAL PARK SYSTEM DURING A SHUTDOWN

SEC. 7001. REFUND OF FUNDS USED BY STATES TO OPERATE NATIONAL PARKS DURING SHUTDOWN.

(a) IN GENERAL.—The Director of the National Park Service shall refund to each State all funds of the State that were used to reopen and temporarily operate a unit of the National Park System during the period in October 2013 in which there was a lapse in appropriations for the unit.

(b) FUNDING.—Funds of the National Park Service that are appropriated after the date of enactment of this Act shall be used to carry out this section.

SA 3178. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Strike subsection (e) of section 1306 (relating to a vehicle research and development program) and insert the following:

(e) FEDERAL DEMONSTRATION OF TECHNOLOGIES.—

(1) DEFINITIONS.—In this subsection:

(A) ELECTRIC TRANSPORTATION TECHNOLOGY.—The term ''electric transportation technology'' has the meaning given the term in section 131(a) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17011(a)).

(B) TRANSPORTATION TECHNOLOGY.—The term ''transportation technology'' means transportation technology other than electric transportation technology.

(2) ASSESSMENT AND REPORT.—The Secretary, in coordination with the Administrator of General Services, shall—

(A) make information available to procurement programs of Federal agencies regarding the potential to demonstrate technologies resulting from activities funded through programs under this Act; and

(B) complete an assessment of the electric transportation technology of each Federal agency, including the vehicle fleets of the United States Postal Service and the Department of Defense, and submit to Congress a report that describes—

(i) for each Federal agency, which types of transportation technology the agency uses that would or would not be suitable for near-term and medium-term conversion to electric transportation technology, taking into account the types of transportation technology for which electric transportation technology could provide comparable functionality and lifecycle costs;

(ii) how many plug-in electric drive vehicles and other electric transportation technologies could be deployed by the Federal Government in the 5-year-period and the 10-year-period following the date of the report, assuming that electric transportation technologies are available and are purchased when new transportation technologies are needed or existing transportation technologies are replaced;

(iii) the estimated cost to the Federal Government, including estimated fuel and operating costs savings over the life of the transportation technology and the estimated payback period, for transportation technology purchases under clause (ii);

(iv) a description of any updates to the assessment and report based on new market data; and

(v) a description of—

(I) how the United States Postal Service is carrying out its plan to replace the fleet of Long Life Vehicles of the United States Postal Service; and

(II) what steps are being taken to ensure that—

(aa) the procurement takes advantage of new fuel saving technologies through regular transition of the fleet; and

(bb) best industry practices that take into account fuel efficiency, including the use of electric transport technology, are followed.

(3) INVENTORY AND DATA COLLECTION.—

(A) IN GENERAL.—In carrying out the assessment and report under paragraph (2), the Secretary, in consultation with the Administrator of General Services, shall—

(i) develop an information request for each Federal agency that operates a fleet of not fewer than 20 motor vehicles; and

(ii) establish guidelines for each Federal agency to use in developing a plan to deploy electric transportation technologies.

(B) AGENCY RESPONSES.—Each Federal agency that operates a fleet of not fewer than 20 motor vehicles shall—

(i) collect information on the vehicle fleet and other transportation technologies of the agency in response to the information request described in subparagraph (A)(i); and

(ii) develop a plan to deploy electric transportation technologies.

(C) ANALYSIS OF RESPONSES.—The Secretary shall—

(i) analyze the information submitted by each Federal agency under subparagraph (B)(i);

(ii) approve or suggest amendments to the plan of each Federal agency to ensure that the plan is consistent with the goals and requirements of this Act; and

(iii) submit a plan to Congress and the Administrator of General Services to be used in developing the pilot program described in paragraph (4).

(4) PILOT PROGRAM TO DEPLOY ELECTRIC TRANSPORTATION TECHNOLOGIES IN THE FEDERAL TRANSPORTATION TECHNOLOGY FLEET.—

(A) IN GENERAL.—The Administrator of General Services shall acquire electric transportation technologies and the requisite charging infrastructure to be deployed in a range of locations in the Federal fleet during the 5-year period beginning on the date of enactment of this Act.

(B) DATA COLLECTION.—The Administrator of General Services shall collect data regarding—

(i) the cost, performance, and use of electric transportation technologies in the Federal fleet;

(ii) the deployment and integration of electric transportation technologies in the Federal fleet; and

(iii) the contribution of electric transportation technologies in the Federal fleet toward reducing the use of fossil fuels and greenhouse gas emissions.

(C) REPORT.—Not later than 6 years after the date of enactment of this Act, the Administrator of General Services shall submit to the appropriate committees of Congress a report that—

(i) describes the status of electric transportation technologies in the Federal fleet; and

(ii) includes an analysis of the data collected under this paragraph.

(5) FEDERAL REPORTING REQUIREMENTS.—Electricity consumed by Federal agencies to fuel electric transportation technologies shall be—

(A) considered to be an alternative fuel as defined in—

(i) section 400AA(g) of the Energy Policy and Conservation Act (42 U.S.C. 6374(g)); and

(ii) section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211)); and

(B) accounted for under Federal fleet management reporting requirements rather than under Federal building management reporting requirements.

SA 3179. Ms. KLOBUCHAR (for herself, Mr. HOEVEN, 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:

On page 174, line 5, insert '', electric thermal, electromechanical,'' after ''materials''.

SA 3180. Ms. KLOBUCHAR (for herself and Mr. GRAHAM) 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—METAL THEFT PREVENTION ACT

SEC. 6001. SHORT TITLE.

This title may be cited as the ''Metal Theft Prevention Act of 2016''.

SEC. 6002. DEFINITIONS.

In this title—

(1) the term ''critical infrastructure'' has the meaning given the term in section 1016(e) of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 (42 U.S.C. 5195c(e));

(2) the term ''specified metal'' means metal that—

(A)(i) is marked with the name, logo, or initials of a city, county, State, or Federal government entity, a railroad, an electric, gas, or water company, a telephone company, a cable company, a retail establishment, a beer supplier or distributor, or a public utility; or

(ii) has been altered for the purpose of removing, concealing, or obliterating a name, logo, or initials described in clause (i) through burning or cutting of wire sheathing or other means; or

(B) is part of—

(i) a street light pole or street light fixture;

(ii) a road or bridge guard rail;

(iii) a highway or street sign;

(iv) a water meter cover;

(v) a storm water grate;

(vi) unused or undamaged building construction or utility material;

(vii) a historical marker;

(viii) a grave marker or cemetery urn;

(ix) a utility access cover; or

(x) a container used to transport or store beer with a capacity of 5 gallons or more;

(C) is a wire or cable commonly used by communications and electrical utilities; or

(D) is copper, aluminum, and other metal (including any metal combined with other materials) that is valuable for recycling or reuse as raw metal, except for—

(i) aluminum cans; and

(ii) motor vehicles, the purchases of which are reported to the National Motor Vehicle Title Information System (established under section 30502 of title 49, United States Code); and

(3) the term ''recycling agent'' means any person engaged in the business of purchasing specified metal for reuse or recycling, without regard to whether that person is engaged in the business of recycling or otherwise processing the purchased specified metal for reuse.

SEC. 6003. THEFT OF SPECIFIED METAL.

(a) OFFENSE.—It shall be unlawful to knowingly steal specified metal—

(1) being used in or affecting interstate or foreign commerce; and

(2) the theft of which is from and harms critical infrastructure.

(b) PENALTY.—Any person who commits an offense described in subsection (a) shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both.

SEC. 6004. DOCUMENTATION OF OWNERSHIP OR AUTHORITY TO SELL.

(a) OFFENSES.—

(1) IN GENERAL.—Except as provided in paragraph (2), it shall be unlawful for a recycling agent to purchase specified metal described in subparagraph (A) or (B) of section 6002(2), unless—

(A) the seller, at the time of the transaction, provides documentation of ownership of, or other proof of the authority of the seller to sell, the specified metal; and

(B) there is a reasonable basis to believe that the documentation or other proof of authority provided under subparagraph (A) is valid.

(2) EXCEPTION.—Paragraph (1) shall not apply to a recycling agent that is subject to a State or local law that sets forth a requirement on recycling agents to obtain documentation of ownership or proof of authority to sell specified metal before purchasing specified metal.

(3) RESPONSIBILITY OF RECYCLING AGENT.—A recycling agent is not required to independently verify the validity of the documentation or other proof of authority described in paragraph (1).

(4) PURCHASE OF STOLEN METAL.—It shall be unlawful for a recycling agent to purchase any specified metal that the recycling agent—

(A) knows to be stolen; or

(B) should know or believe, based upon commercial experience and practice, to be stolen.

(b) CIVIL PENALTY.—A person who knowingly violates subsection (a) shall be subject to a civil penalty of not more than $10,000 for each violation.

SEC. 6005. ENFORCEMENT BY ATTORNEY GENERAL.

The Attorney General may bring an enforcement action in an appropriate United States district court against any person that engages in conduct that violates this title.

SEC. 6006. ENFORCEMENT BY STATE ATTORNEYS GENERAL.

(a) IN GENERAL.—An attorney general or equivalent regulator of a State may bring a civil action in the name of the State, as parens patriae on behalf of natural persons residing in the State, in any district court of the United States or other competent court having jurisdiction over the defendant, to secure monetary or equitable relief for a violation of this title.

(b) NOTICE REQUIRED.—Not later than 30 days before the date on which an action under subsection (a) is filed, the attorney general or equivalent regulator of the State involved shall provide to the Attorney General—

(1) written notice of the action; and

(2) a copy of the complaint for the action.

(c) ATTORNEY GENERAL ACTION.—Upon receiving notice under subsection (b), the Attorney General shall have the right—

(1) to intervene in the action;

(2) upon so intervening, to be heard on all matters arising therein;

(3) to remove the action to an appropriate district court of the United States; and

(4) to file petitions for appeal.

(d) PENDING FEDERAL PROCEEDINGS.—If a civil action has been instituted by the Attorney General for a violation of this title, no State may, during the pendency of the action instituted by the Attorney General, institute a civil action under this title against any defendant named in the complaint in the civil action for any violation alleged in the complaint.

(e) CONSTRUCTION.—For purposes of bringing a civil action under subsection (a), nothing in this section regarding notification shall be construed to prevent the attorney general or equivalent regulator of the State from exercising any powers conferred under the laws of that State to—

(1) conduct investigations;

(2) administer oaths or affirmations; or

(3) compel the attendance of witnesses or the production of documentary and other evidence.

SEC. 6007. DIRECTIVE TO SENTENCING COMMISSION.

(a) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission, shall review and, if appropriate, amend the Federal Sentencing Guidelines and policy statements applicable to a person convicted of a criminal violation of section 6003 of this title or any other Federal criminal law based on the theft of specified metal by such person.

(b) CONSIDERATIONS.—In carrying out this section, the Sentencing Commission shall—

(1) ensure that the sentencing guidelines and policy statements reflect the—

(A) serious nature of the theft of specified metal; and

(B) need for an effective deterrent and appropriate punishment to prevent such theft;

(2) consider the extent to which the guidelines and policy statements appropriately account for—

(A) the potential and actual harm to the public from the offense, including any damage to critical infrastructure;

(B) the amount of loss, or the costs associated with replacement or repair, attributable to the offense;

(C) the level of sophistication and planning involved in the offense; and

(D) whether the offense was intended to or had the effect of creating a threat to public health or safety, injury to another person, or death;

(3) account for any additional aggravating or mitigating circumstances that may justify exceptions to the generally applicable sentencing ranges;

(4) assure reasonable consistency with other relevant directives and with other sentencing guidelines and policy statements; and

(5) assure that the sentencing guidelines and policy statements adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

SEC. 6008. CONFIDENTIALITY.

Any information collected or retained under this title may be disclosed to any Federal, State, or local law enforcement authority or as otherwise directed by a court of law.

SEC. 6009. STATE AND LOCAL LAW NOT PREEMPTED.

Nothing in this title shall be construed to preempt any State or local law regulating the sale or purchase of specified metal, the reporting of such transactions, or any other aspect of the metal recycling industry.

SEC. 6010. EFFECTIVE DATE.

This title shall take effect 180 days after the date of enactment of this Act.

SA 3181. Ms. HEITKAMP (for herself and Mrs. CAPITO) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. NEW SOURCE REVIEW.

Section 111 of the Clean Air Act (42 U.S.C. 7411) is amended by adding at the end the following:

''(k) NEW SOURCE REVIEW NOT REQUIRED.—

''(1) IN GENERAL.—Any physical change in an existing source, or in the method of operation of an existing source, that increases the efficiency of the existing source or reduces mass emissions of the existing source that are subject to the provisions of this Act (as compared to the average annual emissions of the existing source in any 1 of the preceding 10 calendar years), for purposes of compliance with a regulation promulgated under this Act, by lowering the rate or mass

of carbon dioxide emissions from the existing source shall not require, cause, or otherwise trigger a new source review under this Act.''.

SA 3182. 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:

At the end of title V, add the following:

SEC. 50___. CONSERVATION INCENTIVES LANDOWNER EDUCATION PROGRAM.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall establish a conservation incentives landowner education program (referred to in this section as the ''program'').

(b) PURPOSE OF PROGRAM.—The program shall provide information on Federal conservation programs available to landowners interested in undertaking conservation actions on the land of the landowners, including options under each conservation program available to achieve the conservation goals of the program, such as—

(1) fee title land acquisition;

(2) donation; and

(3) perpetual and term conservation easements or agreements.

(c) AVAILABILITY.—The Secretary of the Interior and the Secretary of Agriculture shall ensure that the information provided under the program is made available to—

(1) interested landowners; and

(2) the public.

(d) NOTIFICATION.—In any case in which the Secretary of the Interior or the Secretary of Agriculture contacts a landowner directly about participation in a Federal conservation program, that Secretary shall, in writing—

(1) notify the landowner of the program; and

(2) make available information on the conservation program options that may be available to the landowner.

SA 3183. Ms. HIRONO submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 2204. CLEAN ENERGY TECHNOLOGY MANUFACTURING AND EXPORT ASSISTANCE.

(a) DEFINITIONS.—In this section:

(1) CLEAN ENERGY TECHNOLOGY.—The term ''clean energy technology'' means a technology related to the production, use, transmission, storage, control, or conservation of energy that will contribute to a stabilization of atmospheric greenhouse gas concentrations through reduction, avoidance, or sequestration of energy-related emissions and—

(A) reduce the need for additional energy supplies by using existing energy supplies with greater efficiency or by transmitting, distributing, or transporting energy with greater effectiveness; or

(B) diversify the sources of energy supply of the United States to strengthen energy security and to increase supplies with a favorable balance of environmental effects if the entire technology system is considered.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

(b) STRATEGY.—The Secretary, consistent with the National Export Initiative (established by Executive Order 13534 (75 Fed. Reg. 12,433)), shall develop a strategy that includes providing information, tools, and other assistance to United States businesses to promote clean energy technology manufacturing and facilitate the export of clean energy technology products and services. Such strategy shall include—

(1) developing critical analysis of policies to reduce production costs and promote innovation, investment, and productivity in the clean energy technology sector;

(2) helping educate companies about how to tailor their activities to specific markets with respect to their product slate, financing, marketing, assembly, and logistics;

(3) helping United States companies learn about the export process and export opportunities in foreign markets;

(4) helping United States companies to navigate foreign markets; and

(5) helping United States companies provide input regarding clean energy technology manufacturing and trade policy developments and trade promotion.

(c) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the strategy required by subsection (b) that—

(1) describes how the strategy will—

(A) focus on small- and medium-sized United States businesses;

(B) encourage the creation and maintenance of the greatest number of clean energy technology jobs in the United States; and

(C) encourage the domestic production of clean energy technology products and services, including materials, components, equipment, parts, and supplies related in any way to the product or service; and

(2) may include recommendations for such legislative action as would facilitate carrying out the strategy.

PRIVILEGES OF THE FLOOR

Mr. UDALL. Mr. President, I ask unanimous consent that Jack Gardner, a member of my staff, be granted floor privileges for the remainder of the 114th Congress.

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

HONORING THE MEMORY AND LEGACY OF ANITA ASHOK DATAR

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 354, S. Res. 347.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 347) honoring the memory and legacy of Anita Ashok Datar and condemning the terrorist attack in Bamako, Mali, on November 20, 2015.

There being no objection, the Senate proceeded to consider the resolution.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action and debate.

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

The resolution (S. Res. 347) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of January 20, 2016, under ''Submitted Resolutions.'')

ORDERS FOR TUESDAY, FEBRUARY 2, 2016

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Tuesday, February 2; 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; that following leader remarks, the Senate be in a period of morning business until 11 a.m., with Senators permitted to speak therein for up to 10 minutes each; further, that following morning business, the Senate resume consideration of S. 2012; finally, that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly conference meetings.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 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 6:41 p.m., adjourned until Tuesday, February 2, 2016, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

R. DAVID HARDEN, OF MARYLAND, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE NANCY E. LINDBORG.

IN THE ARMY

THE FOLLOWING OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS A CHAPLAIN UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

D012199

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

JASON B. BLEVINS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

JAMES C. SULLIVAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

MARK R. BIEHL

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

RYAN P. BRENNAN
DANIEL C. HART
TIMOTHY A. HUNTER
TODD L. LOONEY
PAUL E. PATTERSON

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

SCOTT F. BARTLETT
ROBERT G. CARRUTHERS
CHARLES J. CARTER
BRYAN J. COLEMAN
WILLIAM F. CROCKER
NICK DUCICH
BRIAN W. ELLIS
RODNEY T. FREEMAN
KEVIN W. GALLAGHER
SEAN E. GAVAN
WALTER B. GIBSON
ERIK T. GORDON
SCOTT M. HOVIS
AARON C. JORDAN
JOHN A. LEBLANC
JAMES E. MCFETRIDGE
SESTHERS L. MELENDEZ
JULIE M. MINDE
FREDERICK A. NETTLES
RICHARD F. OBERMAN
TIMOTHY O. PETTIT
JOHNNY C. RAMSEY, JR.
ALEXANDER C. STEWART II
MATTHEW D. STUBBS
BLAIR E. TINKHAM
KENNETH G. VERBONCOEUR

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

VICTOR M. ABELSON
BENJAMIN T. ACKISON
OSCAR ALANIS, JR.
RYAN P. ALLEN
RICHARD ALVAREZ
CLAIRE M. AMDAHL
EDWARD P. AMDAHL
MARK R. AMSPACHER
RICHARD A. ANDERSON
ALEXANDER C. ARCINAS
DAVID A. ARENAS
DARRYL G. AYERS
TASE E. BAILEY
MATTHEW D. BAIN
JONATHAN T. BAKER
BRIAN W. BANN
ADAM N. BARBORKA
SEAN W. BARNES
ROBERT M. BARNHART, JR.
CARRIE C. BATSON
JAMES F. BEAL
MARC D. BEAUDREAU
DALE R. BEHM
RUSSELL A. BELT II
RICARDO BENAVIDES
CHRISTOPHER S. BENFIELD
JONATHAN E. BIDSTRUP
CHAD T. BIGNELL
JAMES W. BIRCHFIELD III
EDWARD J. BLACKSHAW
CINDIEMARI BLAIR
HORACE J. BLY
JAMES R. BOOTH
STEVEN B. BOWDEN
KURT A. BOYD
JERAMY W. BRADY
JOHN N. BROGDON
WARREN J. BRUCE
GARTH W. BURNETT
BRADLEY J. BUTLER
WILLIAM G. BUTTERS
NATHAN B. CAHOON
TROY D. CALLAHAN
BETH S. CANEPA
CHRISTOPHER J. CANNON
MICHAEL G. CARLE
CHRIS E. CHARLES
RYAN A. CHERRY
JOHN M. CISCO
CHRISTOPHER L. CLAFLIN
MARSHALEE E. CLARKE
EDMUND G. CLAYTON
BRIAN N. CLIFTON
GARY L. COBB
JENNY A. COLEGATE
PATRICK B. COLLINS
JAMES R. COMPTON
JON P. CONNOLLY
PAUL J. CORCORAN
WILLIAM C. COX
SETH J. CRAWFORD
KEVIN A. CRESPO
MICHAEL A. CRIVELLO
MATTHEW R. CROUCH
ROMEO P. CUBAS
DOUGLAS R. CULLINS
THOMAS J. CUNNINGHAM III
DENNIS B. DALTON
MATTHEW C. DANNER
BENJAMIN M. DAVENPORT
BENJAMIN J. DEBARDELEBEN
LISA A. DEITLE
JOEL A. DELUCA
DANA S. DEMER
JAMES C. DERRICK
DARYL L. DESIMONE
STEVEN R. DESROSIERS
JOHN M. DIAZ
JOSUE M. DIAZ
JOHN Q. DINH
WILLIAM P. DOBBINS III
CHAD A. DODD
THOMAS F. DONO
JAMES J. DUNPHY
STEVEN J. EASTIN
PETER B. ELTRINGHAM
MATTHEW S. EMBORSKY
BRYAN A. EOVITO
MICHAEL R. ERICKSON
JEAN P. EXANTUS
RALPH L. FEATHERSTONE
FOSTER C. FERGUSON
ANTHONY J. FIACCO
JASON A. FILOS
CLAY T. FIMIANI
DAVID M. FITZSIMMONS
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JAMES C. FORD III
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NICHOLAS L. GANNON
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BRANDON J. GAUDREN
KENNETH C. GAWRONSKI
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MARK P. GEORGE
MISCA T. GETER
STUART W. GLENN
JOSE A. GONZALEZ II
KEVIN J. GOODWIN
GEOFFREY Z. GOSIK
DAVID J. GRABOW
THOMAS J. GRACE
BRIAN R. GRANT
BENJAMIN J. GRASS
DAVID J. GUSTAFSON
KWABENA K. GYIMAH
MATTHEW E. HALL
MICHAEL L. HALLIGAN II
JAISUN L. HANSON
BYRON R. HARDER
MATTHEW C. HAWKINS
MICHAEL G. HAYS
BRENDAN J. HEATHERMAN
WILLIAM G. HEIKEN
MATHEW E. HEIL
BRIAN J. HESLIN
MICHAEL K. HICKS
AARON R. HINMAN
CEDAR L. HINTON
WILLIAM D. HOOD
FORREST W. HOOVER III
SAMUEL E. HOWIE
CHAD M. HUBBARD
KEVIN G. HUNTER
MICHAEL R. HYDE
DAVID H. ICKLES
AUGUST R. IMMEL
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RYAN A. JACOBS
MATTHEW T. JAMES
DAVID A. JANSEN
STEVEN C. JOHNSON
ANTHONY C. JOHNSTON
KENNETH M. JONES
MICHAEL J. KANSTEINER
JASON P. KAUFMANN
MICHAEL S. KEANE
ERIC J. KEITH
JOHN J. KENNELEY
JONATHAN Q. KENNEY
ADAM K. KESSEL
KYLE R. KILIAN
CHRISTOPHER N. KINSEY
TARA J. KIPFER
JOHN G. KOLB
KORVIN S. KRAICS
JOHN D. KRYSA
JASON M. KUT
JAY A. LAPPE
BRIAN T. LAURENCE
DAVID F. LAWRENCE
WYLAND F. LEADBETTER III
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CEDRIC N. LEE
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ARIC C. LIBERMAN
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LAWRENCE M. LOWMAN II
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PAULA D. MARSHALL
WILLIAM J. MATORY
MITCHELL T. MAURY
CHRISTOPHER B. MCARTHUR
ROBERT G. MCCARTHY III
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MATTHEW F. MCDONALD
IAN K. MCDUFFIE
MICHAEL P. MCFERRON
CHRISTOPHER P. MCGUIRE
MICHAEL W. MCKENNEY
MATTHEW J. MCKINNEY
ROBERT M. MCLELLAN
CHARLES C. MCLEOD, JR.
JASON MCMANIGLE
BOYD R. MCMURTREY
ERIC A. MEADOR
RICARDO A. MEDAL
MARCOS A. MELENDEZ III
TAUNJA M. MENKE
SEAN M. MERLIN
RONNIE D. MICHAEL
DANIEL W. MICKLIS
ANDREW H. MILLS
TIMOTHY W. MIX
ERIC D. MONTALVO
VINCENT M. MONTGOMERY
TYLER J. MOORE
SERGE P. MOROSOFF
JOSEPH E. MOYE
HOWARD MUI
MATTHEW K. MULVEY
MANUEL F. MUNOZ
DANIEL M. MURPHY
MARK E. MURPHY
ROBERT N. MYERS, JR.
EUGENE F. NAGY
JOHN M. NASH VII
DOMINIQUE B. NEAL
CHRIS J. NELSON
JOSHUA H. NELSON
MATTHEW S. NICHOLS
ROY J. NICKA
JOHN P. NORMAN
KENNETH J. OCONNOR, JR.
DENNIS ODONNELL
JEREMY P. OSBORNE
WILLIAM V. OSBORNE III
NEIL E. OSWALD
TEGAN K. OWEN
KATHRYN H. PAIK
JENNIFER S. PARKER
JOSEPH G. PARKER
KRISTOPHER L. PARKER
KATRINA D. PATILLO
SEAN B. PATTON
JAMES C. PAXTON III
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STEPHEN T. PEARSON
JEFFREY S. PELT
AMOS J. PERKINS III
MATTHEW R. PETER
ERIK A. PETERSON
ATIIM O. PHILLIPS
MATTHEW E. POOLE
RYAN C. POPE
MISTY J. POSEY
HENRY R. PROKOP
JACOB L. PURDON
JASON P. QUINTER
ALEX J. RAMTHUN
JOSHUA J. RANDALL
GLEN J. REUKEMA
JARET R. RHINEHART
JASON D. ROACH
JACOB Q. ROBINSON
DARREN M. ROCK
EDNA RODRIGUEZ
MARCUS V. ROSSI
PETER M. RUMMLER
ANDREW A. RUNDLE
MICHAEL J. SADDLER
MARK F. SCHAEFER
RICHARD R. SCHELLHAAS
RYAN A. SCHILLER
STEVEN M. SCHREIBER
JAMES P. SCONFIETTI III
JON C. SEE
MARCO D. SERNA
JASON A. SHARP
DALLAS E. SHAW, JR.
KEVIN A. SHEA
GARY A. SHILL
JASON R. SHOCKEY
KYLE B. SHOOP
WILLIAM G. SLACK
DEVIN A. SMILEY
MARK A. SMITH
WILLIAM R. SMITH
GREGORY STARACE
GIUSEPPE A. STAVALE
RICHARD R. STEELE
DAWN M. STEINBERG
SCOTT E. STEPHAN
JOHN J. STEPHENS
LATRESA A. STEWARD
BRENT W. STRICKER
JAMES I. STRICKLER
MARK W. STROM
JUAN P. SVENNINGSEN
GREGORY T. SWARTHOUT
JEFFREY M. SYKES
SPENCER A. SZEWCZYK
PHILIP J. TADENA
CASEY L. TAYLOR
BRANDON K. THOMAS
DANIEL J. THOMAS
GRAHAM E. THOMAS
SEA S. THOMAS
DAVID F. TOLAR
DAMON M. TORRES
ANDREW M. TURNER
PHILIP A. TWEED
RODOLFO S. URIOSTEGUI
DILLON D. VADEN
BRADLEY J. VANSLYKE

WILLIAM F. WALKER
SEAN R. WALSH
LUKE T. WATSON
WILLIAM D. WEBER
DALE H. WEBSTER
MARK B. WEINRICH
KEEGAN J. WELCH
SCOTT F. WELCH
SEAN L. WELCH
RYAN D. WELKEN
BRANDON L. WHITFIELD
BRIAN B. WILCOX
NICHOLAS R. WINEMAN
MARK E. WOODARD
JOHN D. WRAY
MARK E. ZARNECKI
MICHAEL D. ZIMMERMAN
ANTHONY E. ZINNI
KARA J. ZUMMO
MATTHEW P. ZUMMO

CONFIRMATION

Executive nomination confirmed by the Senate February 1, 2016:

DEPARTMENT OF DEFENSE

RICARDO A. AGUILERA, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE.

WITHDRAWAL

Executive Message transmitted by the President to the Senate on February 1, 2016 withdrawing from further Senate consideration the following nomination:

JOHN MORTON, OF MASSACHUSETTS, TO BE EXECUTIVE VICE PRESIDENT OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION, VICE MIMI E. ALEMAYEHOU, WHICH WAS SENT TO THE SENATE ON JUNE 16, 2015.