



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 114<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 162

WASHINGTON, THURSDAY, FEBRUARY 4, 2016

No. 21

## Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. HATCH).

### PRAYER

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

Let us pray.

Father of love, who lives and reigns in majesty, we honor Your Name.

Today, use our lawmakers to advance Your kingdom of good will on Earth. Deliver them from ungodly pride and ungenerous judgments, as You inspire them to seek Your wisdom and to follow Your precepts. Give them the wisdom to labor to mend broken hearts, to repair shattered dreams, and to leave the world better than they found it. Lord, teach them to cherish the things that endure, remembering always their accountability to You.

Lord, bless also the many members of their staffs who work faithfully behind the scenes to keep America strong.

We pray in Your precious Name. Amen.

### PLEDGE OF ALLEGIANCE

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

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

### RECOGNITION OF THE MAJORITY LEADER

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

### 75TH ANNIVERSARY OF THE USO

Mr. MCCONNELL. Mr. President, when Americans hear "USO," they often think of Bob Hope. There is no question that he helped to lift the spirits of countless men and women in uni-

form, but the USO impacts military personnel in a number of other important ways, too, which is something it has been doing literally for decades—in fact, 75 years to the day. I think every colleague will join me in commemorating this impressive 75-year history.

Our men and women in uniform sacrifice a great deal to defend us, and so do their families. One of the things the USO excels at is helping them to stay connected—connected to hometowns, connected to loved ones, connected to the simpler joys in life. From providing deployed soldiers, sailors, airmen, and marines with an opportunity to phone home, to providing world-class entertainment, to helping servicemembers find meaningful employment once their service is complete, the USO's mission is broad in scope and has made a lasting and positive impact on many since it was first conceived just before World War II. Much of that credit is due to Americans' willingness to volunteer.

Our military personnel—especially our forward deployed and combat arms units—willingly trade the comforts of home for harsh living conditions. They often forgo life's precious moments, such as celebrating a child's birthday or a first day at school, and they are willing to put everything on the line for us. The USO provides one more platform to say "thank you" for that service, to show gratitude for that sacrifice, to let every man and woman in uniform know what they mean to us.

Congratulations to the USO for 75 years of service to our troops and their families. We hope you will continue your important work for many years to come.

### ORDER OF PROCEDURE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that notwithstanding rule XXII, the cloture vote with respect to the Murkowski amendment No. 2953 occur at 11:30 a.m. today

and that the cloture vote with respect to S. 2012 follow that vote in the usual form and that the additional time be equally divided.

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

### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

### 75TH ANNIVERSARY OF THE USO AND COMMENDING WAYNE NEWTON

Mr. REID. Mr. President, I want to join my Republican colleague, the distinguished Senator from Kentucky, and underscore everything he said about the USO. As just a point of personal privilege, one of the successors of Bob Hope is Wayne Newton. President Bush selected him to lead the USO, which he did for many years.

There has never been a more successful nightclub entertainer than Wayne Newton. He is known all over the world for his voice and his performances. He traveled the world during the time he was that person chosen by the President to represent the USO. He is one of the most patriotic persons I have ever known, and I admire him very much. I want to ensure that the record reflects his friendship to me and all the veterans in America.

Certainly, I appreciate very much joining in this celebration of the USO.

### FLINT, MICHIGAN, WATER CRISIS

Mr. REID. Mr. President, 100,000 people in Flint, MI, have been poisoned, but sadly the Republicans are doing nothing. Nine thousand children, all under the age of 6, have been poisoned. Their brains have been attacked. Still, Republicans have refused to do anything to help.

For the last 2 weeks, the Senators from Michigan have worked on an

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



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S635

amendment that would allow Federal funds to address the Flint water crisis. Senators STABENOW and PETERS worked hard to negotiate with Republicans. But almost having an agreement in place is not an agreement. We need Republicans to work with us to reach an agreement and let the people of Flint know that help is on its way; otherwise, Senate Republicans will continue ignoring Flint. If that is the case, then I would like my Republican colleagues to come to the floor and explain to this country why this man-made disaster in Flint is not worthy of the Republicans' attention. Tell us why 100,000 Americans should be forced to drink polluted water and bathe in poisonous water.

One mother told Senator STABENOW: I was doing everything I could for my children. I made sure that they stopped drinking soda pop. So they didn't have soda pop. They drank water. But it was horrible water, and it has affected my children's lives. She said: I am responsible for the poisoning of my children.

I heard statements made by the assistant Republican leader earlier this week, and here is a direct quote: "While we all have sympathy for what's happened in Flint, this is primarily a local and State responsibility."

I don't know if "outrageous" is sufficient to describe this. After all, it was the assistant Republican leader who just last year welcomed Federal disaster assistance for the people of Texas because of the terrible flooding that was taking place. Again in 2013, the town of West, which is in Texas, suffered a catastrophic explosion of a fertilizer plant—another manmade disaster. The Senator from Texas was quick to seek Federal assistance. He said:

We will aggressively pursue this matter with FEMA and pursue all appeals and remedies available to us. . . . This was a disaster area and their failure to acknowledge it as such is just inexcusable. We're going to get the residents of West the assistance they need.

The junior Senator from Texas—one of the many Republicans running for President—was just as eager to accept Federal funds. He said:

I am confident that the Texas congressional delegation, Senator Cornyn and I . . . will stand united as Texans in support of the Federal Government fulfilling its statutory obligations, and stepping in to respond to this natural disaster.

According to Senator CRUZ, the Federal Government had an obligation to help Texas. He is right. We had an obligation, and we fulfilled that obligation. But we also have an obligation to help Flint, MI.

I ask my colleagues from Texas and the other Republicans here in the Senate, why are floods and explosions in Texas disasters worthy of Federal support and not the help needed for 100,000 poisoned people in Flint, MI? Why do Texans deserve Federal assistance but not the people of Flint? What could the reason be?

The sad thing is that this sort of hypocrisy isn't limited to just the Senators from Texas. The junior Senator from Florida—one of the many running for President on the Republican side—is doing the same thing.

Last year Florida was hit with extreme flooding. Senator RUBIO appealed for Federal assistance. He wrote a letter to the President. He said: "As Floridians continue to reel from the effects of last month's torrential rains and flooding, I respectfully request you consider Governor Scott's appeal for a Major Disaster Declaration for Individual Assistance for the five impacted counties." That is what he wrote to President Obama last year, but, like it always is with the Senator from Florida, that was then and this is now. This is what the junior Senator from Florida says now: "I believe the federal government's role in some of these things [is] largely limited unless it involves a federal jurisdictional issue." That is a buzz word for saying "Good luck, Flint." According to Senator RUBIO, Floridians deserve disaster assistance but not the people of Flint. This Senator hopes to become President; yet he refuses to treat all Americans the same.

There are plenty of other examples. Whenever their States have been hard hit, Republican Senators run here to the Senate floor and demand Federal aid—as well they should. The Federal Government should help in times of disaster. There has to be a bit of consistency from Republicans. They must be fair to everyone. The people of Flint are just like every other American. They are deserving of the Federal Government's help.

Mr. President, I have a letter from the Congressional Black Caucus. I am not going read the whole letter, but I ask unanimous consent that it be printed in the RECORD.

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

CONGRESSIONAL BLACK CAUCUS,

Washington, DC, February 4, 2016.

Senator MITCH MCCONNELL,  
Majority Leader, U.S. Senate, The Capitol,  
Washington, DC.

DEAR SENATOR MCCONNELL: The state of emergency in Flint, Michigan requires immediate action from the United States Senate. Our children have been poisoned because of poor decision-making by some and inaction by others who are responsible for protecting the most vulnerable among us. Senate Republicans should not prevent federal emergency assistance to the people of Flint by blocking the common-sense amendments offered by Michigan Senators Debbie Stabenow and Gary Peters to the Energy Policy and Modernization Act. Instead, both parties should come to an agreement on an emergency relief package for the people of Flint.

While there are no flooded streets or people stranded on the roof of their home, poisoned water still runs through the faucets in Flint. There are children with visible scars, and those who will have mental health issues and learning disabilities that we cannot yet see. Bottled water is not a solution. It is a band-aid that will not heal this gaping wound. The City of Flint is in crisis.

Providing emergency assistance to Flint is not a bailout. The Stabenow-Peters amendments would: a) provide emergency funding to help repair Flint's water infrastructure, b) notify the public of concentrations of lead in the water, and c) connect children and adults exposed to lead poisoning with community services and health experts. Moreover, other communities currently dealing with lead water crises in states like Ohio and elsewhere could also benefit from these resources.

Republican senators have routinely requested this type of assistance when disasters occurred in their states. The people of Flint deserve nothing less. Republicans must join Democrats in meeting our moral obligation to protect the health of our children.

Senator McConnell, we are asking for your leadership to ensure your Republican colleagues do not condemn the people of Flint to more pain and suffering by blocking these amendments.

Very truly yours,

G. K. BUTTERFIELD,  
Chairman,

*The Congressional Black Caucus.*

Mr. REID. Here is what is said in the final two paragraphs:

Republican Senators have routinely requested this type of assistance when disasters occurred in their states. The people of Flint deserve nothing less. Republicans must join Democrats in meeting our moral obligation to protect the health of our children.

This is what is said by Congressman BUTTERFIELD, who is the chair of the Congressional Black Caucus.

The final paragraph in the letter says:

Senator McConnell, we are asking for your leadership to ensure your Republican colleagues do not condemn the people of Flint to more pain and suffering by blocking these amendments.

I would hope my Republican colleagues would look in the mirror and ask themselves a simple question: What would I do if 100,000 of my constituents were poisoned?

I urge my Republican colleagues to join us in addressing this critical issue.

In a conference held in Las Vegas, NV, yesterday, one of the foremost experts dealing with water, Pat Mulroy, said that the "stupid stunt" that led to widespread lead contamination in Flint, MI, has dealt a blow to public confidence in water systems everywhere—even in places such as Southern Nevada, where lead pipes are not an issue. "It has given a black eye [to water management] not just in Michigan, not just in the United States, but around the world."

She went on to say:

I was angry. I was very angry. They did it to save money. But was it really worth affecting these children's lives forever to save a couple of bucks?

She also said that complaints about the water began a month after the switch, but officials waited for almost 2 years. By then, tests showed elevated levels of lead, which causes brain damage.

She said:

The finger-pointing is going to be endless for a while, especially as lawsuits begin to emerge. . . . I think there will be criminal charges.

I don't know if there will be criminal charges, but these are pretty egregious actions taken by the State of Michigan.

She said that ready access to clean water is something most Americans take for granted, but something like this can cast doubt on the whole system. "Now there is a crack in that trust relationship," she said. "In Flint it is gone." That is certainly true.

So I would certainly hope my Republican colleagues will understand it is important that we do something now to help these people. We have something that can be done. It should be done. Republicans should stop it. It is not something that is a local issue or a State issue.

#### RELIGIOUS LIBERTY

Mr. REID. Mr. President, yesterday, President Obama visited a mosque in Baltimore, MD. It was a powerful expression to counter the divisive, hateful rhetoric used by too many Republicans and to emphasize the importance of giving all Americans the respect and dignity they deserve. For years right-wing extremists have attacked the religion of Islam and stoked fear about the presence of Muslims in our country.

Some of those same extremists attacked President Obama for visiting the mosque yesterday. That is an attack on millions of American citizens who are being slandered. I was so gratified that the Presiding Officer had the courage to show solidarity with the Muslims in the State of Arizona and the country by visiting a mosque a short time ago. The Presiding Officer was attacked by rightwing extremists for this visit. I am sorry about that, but I admire what he did.

When hateful extremists set their sights on attacking one religion, they are attacking the core values of American society upon which our Nation was founded. President Obama could not have made this point more clearly yesterday. He said, "An attack on one faith is an attack on all our faiths."

Religious liberty is a priceless American value that should be cherished. We cannot allow the threat from menacing radicals to change who we are and how we treat our fellow citizens. As President Obama also said yesterday, "We are one American family. We will rise and fall together." So I applaud the President for his courage and willingness to combat the detestable hatred that leading Republicans have embraced and far too few Republicans have spoken out against—the hateful rhetoric—especially in the Presidential election by our Republican colleagues.

As defenders of democracy, we must stand against the bigotry wherever it arises. Doing so is the only way to ensure that we stay true to our fundamental values. As election season begins to kick into high gear, I encourage the American people to heed the call that President Obama made yesterday at the Islamic Society of Baltimore,

when he closed by saying, "We have to reaffirm that most fundamental of truths—we are all God's children, all born equal with inherent dignity."

Will the Chair announce the business before the Senate today.

#### RESERVATION OF LEADER TIME

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

#### ENERGY POLICY MODERNIZATION ACT OF 2015

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

The senior assistant legislative clerk read as follows:

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

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. Under the previous order, the time until 11:30 a.m. will be equally divided between the two managers or their designees.

The assistant Democratic leader.

#### FLINT, MICHIGAN, WATER CRISIS

Mr. DURBIN. Mr. President, what happened in Flint, MI, is incredible. In the 21st century, in the most developed country on Earth, to think that 100,000 people were exposed to contaminated water, to think that 9,000 or 10,000 children were exposed to lead poisoning—it was not a natural disaster but the results are disastrous. It was a disaster created by those who were in charge of managing the city of Flint.

The governmental agencies and those who worked for them made what they considered to be the right budgetary decisions, but they certainly made the wrong decisions when it came to the health and the well-being of the poor people who were victimized by their wrongdoing. Every time I hear the story, the same question comes to my mind: Who is going to jail for poisoning 9,000 children? Think about the circumstances here. A knowing decision by a city manager to switch to a water supply which was contaminated endangered the health of thousands of children, tens of thousands of citizens. If that is not the grounds for at least investigation, I don't what is.

So the Senators from Michigan, Senator PETERS, Senator STABENOW, have come to the floor of the Senate and said to America: Will you help Flint, MI? It is right that they do so. I have been fortunate to serve in the House

and Senate for many years. I cannot tell you how many times Senators from States all across the Nation have asked that same question: Will you help us in Louisiana? Will you help us in Alabama? Will you help us in Texas?

There is hardly a State that has not come to the floor of the Senate asking for help. Yet, for reasons I cannot explain, the Republican majority in the Senate is resisting this idea. Almost 100,000 people were forced to live without access to clean water in their homes. They could not turn on their faucets in the morning to make breakfast or to take a shower, as all of us do. They started their day by waiting in long lines for bottled water to feed and bathe their kids, to take showers, and to stay healthy. They started rationing the water.

The elderly and disabled who could not make it to a pickup location for bottled water, they were left with the option of continuing to use water they know was poisoning their bodies. This is a disaster by any definition. I cannot understand why there is not more understanding and empathy from my colleagues when it comes to Flint, MI. It could happen anywhere. If it happened, would you hesitate for a moment as a Member of the Senate to ask for help?

Nine thousand children exposed to lead poisoning has been called an earmark by the critics of our Senators from Michigan. They said it is just special interest legislation to try to help these victims. That is hard to imagine, that it could reach that level in criticizing this effort. Just like those who suffered from tornadoes and hurricanes, these families did nothing to deserve it. Just as the Federal Government always helps when Americans are hit by disasters, we should do it in Flint.

There were no complaints last May when the Federal Government declared an emergency and reached out to the residents of Texas to help them rebuild their lives after a tornado hit. So I am wondering if the Republican Presidential candidate from Texas is willing to step up, the junior Senator from Texas, and ask for the same level of Federal assistance for Flint, MI, that he asked for his own State.

This crisis is not the fault of the kids, the pregnant women who still call Flint home. Their only crime was living in a city that was so poorly mismanaged by the Michigan State government. Their only crime, if there was one, was being the victims of cheap, dirty water. These kids and pregnant women are the most vulnerable when it comes to lead contamination. We are not going to know for years the extent of the damage, but we know there will be damage.

Many of them live in homes that have been found to have 10 times the EPA limits for lead in drinking water. The Senator from Michigan, Ms. STABENOW, yesterday told us that some of the lead samples reached the level of toxic dumps, so far beyond the level

that is acceptable for human consumption. This means a generation of Flint kids are in danger of suffering brain damage, developmental delays, and behavior issues for the rest of their lives.

To add insult to injuries, when mothers came to the State nurse to fight for their children, they were met with apathy. Listen to what they were told:

It's just a few IQ points. . . . It's not the end of the world.

This is supposedly a quote from a State nurse. The Flint water crisis truly is a tragedy. We need to step forward. It does not just mean funding. It reminds us of the importance of clean drinking water that we all take for granted. When I think of all of the efforts on the floor of the Senate to dismantle the Environmental Protection Agency and to remove their authority to deal with issues involving clean water, it is hard to imagine that they could envision what happened in Flint, because having access to clean water should not be determined by your ZIP Code or your government. I hope my Republican colleagues will work with us on a bipartisan basis, the way we always do it when it comes to disasters that hurt innocent people.

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. STABENOW. 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. STABENOW. Mr. President, as all of our colleagues know, we have been working very hard to come together around a reasonable path to provide some support and assistance to the people of Flint, MI, who got up this morning—if they took a shower, it was with bottled water. If they were getting breakfast for their children, if a mom was mixing baby food formula, it was with bottled water.

That has gone on now, for some people, 18 months or more. I mean, originally, they were told the water was safe, and they were drinking it and then found incredibly high lead levels in their children. Now it is bottled water. We have businesses downtown who have gone to the expense of creating their own water systems that are totally safe, but no one will come. Doors are closing.

We have small businesses in neighborhoods—we have a revitalization effort in downtown Flint that has been really quite extraordinary. The chamber, a wide variety of organizations, the University of Michigan-Flint, a whole range of groups investing in downtown Flint.

This is all collapsing because of the fact that people are afraid to come and to drink the water or to eat food mixed with the water, even though our businesses downtown are doing things to rectify this right now. The citizens of

Flint, rightly, are in a position where they have been told that the water was safe to drink. They gave it to their children. It wasn't. They are poisoned.

Now they are in a situation where they have great despair and great anger. I share in both of those feelings, a multitude of feelings, as does my friend and colleague Senator PETERS. We are joined together in our commitment on a whole range of efforts to be able to help the children and families of Flint. There was one report—by the way, this is what the water looks like—brown, smells.

There was one story on the news of a house where they went to talk with folks and looked at the lead levels. It was above toxic waste dump levels. I talked to a mom who talked about—and I heard another mom as well, being interviewed, saying: You know, I took my children off of what we call pop in Michigan, other people call it soda, Coke, Pepsi, because I was told that was not healthy for my children. So when my children were playing last summer, I told them to drink water to hydrate because I did not want them getting the extra sugar, the ingredients from pop. Now I know I was poisoning my children.

I can only imagine what that mom feels right now. We have a lot of infrastructure problems around the country, no question. We have colleagues on both sides of the aisle working together on various proposals that I support to deal long term with infrastructure.

But this is way beyond that. This is an entire city of 100,000 people who have poisoned water because of decisions that none of them made. We can talk later about whose fault it is. There is certainly culpability and accountability. But right now we are focused on helping the people who had nothing to do with creating this. It is 100,000 people. The entire system has lead in it. Some levels are thousands of points higher than is acceptable. No lead is acceptable, but some of it is higher than a toxic waste belt.

So we are on the floor asking to help the children of Flint by doing what we do all the time. We just step up as Americans and help a community rebuild their water system. There is a lot more to do. We are so grateful for colleagues who have reached out to say we want to help in a variety of ways—with their education needs, nutrition needs, and health care needs,—but the basic issue is fixing the water system so that the people of Flint have the dignity that we have of knowing that when they turn on the faucet there is going to be clean water.

You have probably seen the picture, but in this example in Time magazine, this is a child whose mom was bathing her children, and there are rashes. We have seen rashes, sores, hair falling out, and lead levels because a community drinking water system has been decimated.

Americans responded across the country by sending bottled water, and

people are very grateful for that. But we also know Americans support and join us by saying bottled water is not enough. This baby cannot be bathed in bottled water every day for years and years and years.

I had one citizen say to me: Ma'am, I can't take a shower in bottled water. We have to support fixing the infrastructure. We do that all the time.

So what we have done—and I appreciate the chair of the Energy Committee working with us. She spent a lot of time—as has the ranking member, who has been ferocious in her support, for which we are so grateful—trying to work this out. Originally, we thought we had a path forward. Then there were procedural issues that came up. Yesterday we thought we had another path forward that would give us bipartisan support on a solution that we could get done and passed here. Then that was paused. I am not exactly sure why that happened, but that was paused.

So today we are asking for colleagues to give us some more time. We have very key people in this Chamber who are now stepping up to give us additional ideas on how we could get this fixed. We can do this quickly if there is the will to do that. So we are asking colleagues to give us more time.

As we know, the cloture vote in front of us today is to basically shut off amendments and go to the next step in third reading. What we are saying is give us some time. There are other issues that need to be resolved as well, certainly issues with working men and women around Davis-Bacon laws. There are other issues. We know that we can come to a resolution if there is the political will and a little more time, so that it is not just some bogus proposal. We have had things thrown out that don't solve the problem. We are not looking for something that just gives somebody political cover. We have resisted a lot of folks who would love just to make this a political issue. These children should not be a political football.

I think Members of this body know that Senator PETERS and I are people who want to get things done. We work across the aisle every single day. If we wanted to blow this up as a political issue, believe me, there would be a different way to do it, and the story writes itself.

We are asking people to care and see these children like you see your own children. These children, these families have been ignored and not seen. We see them. Their faces are burned in my memory. We are asking colleagues to see them, to hold them with as much value as you would children in your own family and in the States that you represent. That is what we are asking—nothing more, nothing less.

We have not proposed that the Federal Government take full responsibility on cost—far from it. In fact, we have been told by colleagues that we have not proposed enough. We have

been willing, in fact, to come to an agreement on something that is less than half of what we originally asked for.

But these children deserve the dignity of knowing we will step up and help them. Too many of these children—9,000 of them under the age of 6 and a whole lot of many more thousands above the age of 6—are going to be set back and not have the opportunity to be all they can be. How many scientists, doctors, business people, and teachers are we going to lose because of lead poisoning in this community?

It doesn't go away. I have learned more than I have ever wanted to know about lead. I didn't know that once it enters the body, it never goes away. So the children who are poisoned are going to have to live with this, and the best we can do is mitigate it through nutrition and through other strategies. But they deserve to know that we are going to fix this, and we can't begin to deal with it unless the water system works. That is all we are asking for.

Today, because we know there is a path, people of good will have been trying to get it done. We need a little more time. I think these children deserve a little more time. I think these families deserve a little more time.

Let us get this together. If we vote next week, next Tuesday, we will be OK. How many kids, how many bottles of water—how many bottles will be used between now and next Tuesday by the people of Flint?

We can take a couple of extra days to do something that will dramatically change the opportunity for our future in a city that is as important as any other city in our country. So that is what we are asking for. We are grateful that our colleagues are standing with us—our colleagues on our side of the aisle—to give us more time.

We are hoping that the leadership will decide to give us that time so that we can say to this child: We see you, we hear you, we care about you, and we are doing our part in the Senate to make things better.

Thank you.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. PETERS. Mr. President, I rise today to urge my colleagues on both sides of the aisle to oppose the upcoming cloture vote on the Energy Policy Modernization Act. This is not because I think this is a bad bill. In fact, I know this bill is the result of months of hard work on both sides of the aisle, and it contains many provisions that will move our economy forward.

I appreciate the efforts of Chairman MURKOWSKI and Ranking Member CANTWELL, including their willingness to include bipartisan legislation that I offered with Senators ALEXANDER and STABENOW to support the development of next-generation clean vehicle technologies. While I sincerely hope that we are able to advance this bill out of the Senate, it is simply too soon to cut off debate and invoke cloture.

Senator STABENOW, Senator CANTWELL, and I have been negotiating with our Republican colleagues to secure critical assistance for the city of Flint, MI, whose residents are continuing to suffer from a manmade disaster. Nearly 2 years ago, an unelected emergency manager appointed by Michigan's Governor changed the city of Flint's water to a source of the Flint River in an attempt to save money while the city prepared to transition to a new regional water authority.

After switching away from clean water sourced from the Detroit water department, Flint residents began to receive improperly treated Flint River water, long known to be contaminated and potentially very corrosive. Brown or yellow water poured from Flint faucets that tasted and smelled terrible. This water wasn't just disgusting, it turned out to be poisonous. This corrosive water leached lead from aging but previously stable infrastructure.

A generation of children in Flint are now at risk for the severe effects of lead exposure, which can cause long-term development problems, nervous system damage, and decreased bone and muscle growth. Even though Flint is no longer pulling its water from the contaminated river and is back to drawing safe Lake Huron water, the recently damaged pipes and infrastructure contaminate the water before it pours from the tap.

Flint residents are unable to use their showers and need to wash themselves with baby wipes. Some walk as far as 2 miles to pick up bottled water to drink—the same bottled water they use to cook and to brush their teeth. This is simply not sustainable.

Flint needs the support of all levels of government to overhaul its damaged water infrastructure and help the children of Flint, who will be dealing with the health effects of lead exposure for decades to come.

What makes America so exceptional is its resiliency and the unity of our people in the face of a tragedy or a crisis. While Flint has faced decades of economic hardship, it is now facing a full-blown crisis, and now is the time for all of us to pull together.

On Monday, I heard from a woman who was on the verge of tears as she discussed her fears of the health conditions that her children face.

Yesterday I met another mom from Flint who brought a baby bottle filled with brown water that she poured from her tap—and brought it to Washington—to show my colleagues and Congress just how immediate a public health threat this public crisis is. This image that appeared on the cover of Time magazine is clearly a haunting cry for help.

I ask my colleagues to look into those eyes and to hear that cry, to see that cry for help. I believe that if any of my colleagues saw this tragedy such as we are seeing in our home State—Senator STABENOW and I—they would be standing here doing everything in

their power to deliver assistance. Whether the crisis is natural or man-made, it simply doesn't matter. This is a crisis.

It is also important to know that this crisis has raised questions about the safety of our Nation's infrastructure. It is possible that other communities could be affected.

While other communities may not suffer a crisis like Flint, across the country communities are learning about the vulnerabilities of their own water supply and what may happen in the future.

I should also reiterate that the proposal Senator STABENOW and I have been negotiating would provide funding for any State that has had an emergency declaration related to lead or other contamination in public drinking water systems. So it is not just about Flint. This is about any community that is suffering from contamination of their drinking water.

While we often talk about crumbling roads or bridges, hundreds, if not thousands of American cities, towns, and villages have aging water infrastructure and lead pipes.

Should one of our colleague's communities experience a similar crisis in the coming months, this funding we are fighting for today will be available to them as well.

Now is the time for action and to help the families of Flint. I hope that we can reach a resolution on our negotiations with our Republican colleagues, but we are not quite there yet. I urge all of my colleagues to oppose cloture on this bill until we have a deal.

Whether in Flint or elsewhere in America, we have a responsibility to care for our children. We must repair the trust Flint residents have lost in the ability of government officials to protect them and provide the most basic of all services.

I strongly urge my colleagues to join us in our efforts to help Flint recover from this unnecessary, manmade disaster.

Standing up for the children of this country is not a Republican or a Democratic issue, and I hope that today we show the American people that we can come together at times of crisis. This is common ground on which we can stand together and stand up for the people and children of Flint.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I see that the distinguished Senator from Alaska has come to the floor as the manager of the bill. I have a statement I wish to give, but I didn't know if she needed to say something.

Mr. President, I rise today to add my heartfelt and impassioned voice to call for action to help the people who live in Flint, MI, with this emergency situation. We have to be in it to deal with the emergency today and the long haul for tomorrow.

This is of catastrophic, almost Armageddon, proportion. An American city has been poisoned because of a situation that has been self-induced and self-inflicted. What is happening in Flint, MI, is appalling. It is a tragedy, it is a disgrace, and it will be for a long time. We need to fix the pipes right away, but the fixing of human beings is going to take a long, long time.

Let's get real. We are now bogged down in parliamentary inertia. We are now bogged down in Washington wonky budgetary talk: Where are the offsets?

What is this? What is this? Are we human beings? We take an oath to defend the Constitution against all enemies, foreign and domestic, but sometimes an enemy is a tragedy. It can come from—God knows—a hurricane or tornado, and we rush in to help. If this had been a terrorist attack, oh, my gosh, we would be willing to go to war to defend America. Well, we need to go to the edge of our chair to help Flint. My gosh.

The Senators from Michigan are looking for \$400 million. That is no small amount of money, but I bring to my colleague's attention that it is the price of four F-35s—four F-35s that are supposed to protect America. Good for that. But right now I think the people of Michigan would say they would like to have the help they need. If we are talking about a threat to the people, the threat is here.

Now, where are we? We have to deal with this. I am the vice chair of the Appropriations Committee. I say to my colleagues: Guess what, gang. All this budgetary stuff, all the battles with sequester and so on—we have only \$800 million for safe drinking water, less than \$1 billion. Flint today is asking for \$400 million. We know it is a down payment. I say to my colleagues from Michigan, this could happen to any State. It could happen to any State because our infrastructure is not only aging in place, it is becoming dysfunctional in place and it is becoming dangerous in place—\$800 million.

Senators STABENOW and PETERS have already shared horror stories. Gosh, they have done a great job speaking up for the people. I really compliment their advocacy. But we are all Flint. We are all Flint. The facts will speak for themselves as we talk about how the Flint water is contaminated because its pipes are permanently damaged. I understand that replacing Flint's corroded water infrastructure will cost anywhere from \$700 million to \$1.5 billion—approximately 500 miles of old iron pipe and thousands of lead service lines.

It is an untold, big cost, but I am going to speak about the children. I am going to speak about the people. My gosh, what are you going through? I don't know how you can run a family. Well, you can't run a family on bottled water. You can't run a business on bottled water. You can't run a city on bottled water. I don't know how you wash. I don't know how you take care of your

children. I wouldn't go anywhere in Flint unless I personally prepared my food or washed my clothes or saw what I was doing. I would be scared to death. I bet those parents are too. And what are we afraid of? We need to get there.

Now I am going to talk about the children and the human cost. I say to my colleagues, both from Michigan and here, Senator CARDIN and I know a lot about lead poisoning. We have been through really difficult problems in Baltimore because of lead paint poisoning and the legacy of paint used during World War II. We know what it does. It lowers IQs. It causes significant developmental delays. There are behavioral issues, including attention deficit disorder. It is a lifetime; that little boy or girl at 6 years old, God willing that they live to their 80s, they are going to carry this in their blood unless there are incredible medical breakthroughs for the rest of their lives. Senator STABENOW and I have discussed possible medical breakthroughs, but, gosh, we have to get on it. We have to get on it. Again, the effects of poisoning could take a lifetime.

What I know about lead paint in Baltimore goes back to my days in city council where the paint was poisonous. They were coming into Johns Hopkins and the University of Maryland Medical Center, kids just so sick. I remember the story about a little boy who was so weak that on his way to school he lay down in the middle of the street. He was so depleted because of the consequences of lead paint.

That is why I support the Stabenow amendment to provide \$800 million in loans and grants and also to provide about \$20 million to HHS to bring together the best thinking to have the best responses to the human infrastructure.

I have worked on this issue for a long time, going back to Senator Kit Bond, my pal and partner when we had the old VA-HUD Appropriations Subcommittee. Senator Bond was a real champion on this. There can be a bipartisan solution. Let's make it an American solution. This isn't about "you," and it is not about "Democrats." It is about "us."

As vice chair of the Appropriations Committee, I certainly want to work with my colleagues on how we can do this. But let's get the lead out of the pipes, let's get the lead out of the water, let's get the lead out of the way the Senate has functioned and move to make a down payment on this.

Mr. President, I really want us to understand we have to solve this problem.

I will conclude with this. I just want to say something to the mothers of America: We need you right now. The mothers of Flint need you. The mothers of Flint need you. The fathers of Flint need you. The mothers and fathers of Flint need you. If you are a mother or father anywhere, you could be a mother or father in Flint. Let's organize ourselves in the most effective

way to solve this problem, and let's begin to heal the critical infrastructure so we begin to prevent this from happening in any other American city.

Mr. President, today I wish to support an amendment filed by my friend and colleague Senator COLLINS that would require the Department of Energy to identify a mitigation strategy to help protect our critical infrastructure in the electric sector from a catastrophic cyber attack. When it comes to our national security, there is no such thing as partisanship, and we have to work together on a bipartisan basis to ensure our Nation is safe and protected. We need to act, and we need to act in the defense of the United States of America. The Senate has a great opportunity today to pass an amendment to help protect and defend our Nation's critical infrastructure from a devastating cyber attack.

What do I mean by critical infrastructure? It is our electric power grid, our financial services, our water supplies, those things that are the bread and butter of keeping America, its business, and its families going. These are entities that are vital to the safety, health, and economic well-being of the American people; so we need to do our part to help keep our critical infrastructure hardened and resilient against attack.

You don't have to be a science fiction enthusiast to understand how devastating an attack that disabled our power grid would be—millions without power. I am not worried that we will have to put away our iPhones; I am worried about vulnerable populations lacking heat in the dead of winter, about emergency responders who can't get calls, and about patients who need power for lifesaving medical devices.

The possibility of an attack on our power grid is not far-fetched. We know that there are already attacks going on in our energy sector. The committee report accompanying this bill notes that one-third of reported cyber attacks involve the energy sector.

But not only do I worry about an attack, I equally worry about our inertia, where we do nothing. I bring to the attention of the Senate that Jim Clapper, the Director of National Intelligence, testified that the No. 1 cyber concern he has is an attack on our Nation's critical infrastructure, saying the greatest threat facing our country was in the cyber domain. His testimony is backed up by several intrusions into the industrial control systems of critical infrastructure, which are the computers that control operations of industrial processes, including energy plants. Just a couple of weeks ago, Marty Edwards, who runs the Department of Homeland Security's Industrial Control Systems Cyber Emergency Response Team, warned that he had seen an increase in attacks over the past year, saying systems are vulnerable because they are exposed to the Internet.



Admiral Rogers, the Director of the National Security Agency, with responsibility for cyber space, testified in a hearing this summer that our country was at a “5 or 6” in preparedness for a cyber attack against our critical infrastructure.

In November 2015, Richard Ledgett, the Deputy Director of the NSA, was asked if foreign actors already have the capability to shut down key U.S. infrastructure during a CNN interview, such as the financial sector, national gas distribution and energy sector, transportation network, and air traffic control system. His response was “Absolutely.”

We don’t want a digital Pearl Harbor. We can act now. We can act when it is within our power to protect, defend, and deter these attacks. That is what I want. I want us to have a sense of urgency. If we wait for another major cyber attack, we risk overreacting, overregulating, overspending, and overlegislating. The time to act is now.

This amendment would take the commonsense approach of requiring the Federal agencies responsible for the cyber security of the electric grid to review those entities that matter most and to propose actions that can reduce the risk of a catastrophic attack that could cause thousands of deaths or a catastrophic blow to our economy and national defense.

Congress has missed opportunities to improve our Nation’s cyber preparedness, and we need to take action before a “cyber 9/11” occurs. Right now, our adversaries are watching us, and it looks like we are doing nothing—that when all is said and done, more gets said than gets done.

Our adversaries don’t have to spy on us. They can just look at the Senate floor and say, “What the heck are they doing?” You know what they are going to do? They are going to look at us and say, “There they go again.” Our own inability to pass legislation, our own partisan gridlock and deadlock emboldens our predatory enemies who know we have done nothing to strengthen vulnerable critical infrastructure by putting in place those hardened, resilient systems and policies to protect, defend, and deter.

A cyber attack has the same intent as a traditional terrorist attack—to create chaos, to create civil instability, and to create economic catastrophe. Just think about a cyber attack in which our grid goes down. Think of a blackout in New York. Think of a blackout in Baltimore. When the Senate, at my urging, did the cyber exercise on what an attack would look like on our critical infrastructure, it showed what would happen. The stoplights go down, the lights go out in the hospitals, and the respirators go off. Business shuts down. Commerce shuts down, and 9-1-1 shuts down. America would be shut down, and we would be powerless and impotent to put it back on in any quick and expeditious manner.

This happened in Ukraine in December 2015. Ukrainians lost power in what the U.S. Department of Homeland Security and Ukrainian authorities assessed was a cyber attack. The attack caused a blackout for tens of thousands of people, and industry experts identified this as the first-known power outage caused by a cyber attack. This is no longer a theoretical risk; it is here, and it is real.

Think of the chaos of no electricity. We will all go through blackouts. Snowzilla roared through the east coast last week leaving hundreds of thousands without power. No matter how delayed Pepco, BG&E, and Dominion were at responding, they got it back on.

But what happens if they can’t get it back on? What happens if they can’t get it back on for weeks or longer? Remember, the attack is to humiliate, intimidate, and cripple. Humiliate? Making us look powerless. Intimidate? To show there is this power that can cripple our functioning as a society. I find it chilling.

I have been immersed in cyber issues since I was elected to the Senate. Our cyber warriors at the National Security Agency are in Maryland, and I have been working with the NSA to ensure signals intelligence was a national security focus even before cyber was a method of warfare. In my role on the Intelligence Committee, I served on the Cyber Working Group, which developed findings to guide Congress on getting cyber governance right, protecting civil liberties, and improving the cyber workforce.

As vice chairwoman of the Appropriations Committee, I have insisted on a robust cyber budget and fought to increase our cyber security investments in the fiscal year 2016 Omnibus to keep us safe, putting funds in the Federal checkbook for critical cyber security agencies on the order of \$12 billion. These include the Federal Bureau of Investigation, which investigates cyber crime; the Department of Homeland Security, which safeguards critical infrastructure in cyber space; the Department of Defense, or DoD, which defends our homeland, national interests, and DoD networks against cyber attacks and includes intelligence and cyber agencies, like the National Security Agency, U.S. Cyber Command, the Central Intelligence Agency, and Intelligence Advanced Research Projects Activity, which are coming up with the new ideas to keep our country safe; the National Institute of Standards and Technology, which works with the private sector to develop standards for cyber security technology; and the National Science Foundation, which researches ways to secure our Nation. These funds are critical to building the workforce and providing the technology and resources to make our cyber security smarter, safer, and more secure.

Good people in this body have been working on both sides of the aisle for

some time now. So I conclude my remarks by saying to my colleagues on both sides of the aisle: Let’s do what we need to do to protect and defend the United States of America and adopt this amendment now. Working together, we can make our Nation safer and stronger and show the American people we can cooperate to get an important job done.

Mr. President, I yield the floor.

Mr. TESTER. Mr. President, I would like to speak about the Energy Policy Modernization Act that we have been considering on the Senate floor.

This bill has a lot of good things in it. It includes provisions to support a wide array of energy technologies, from improving conventional energy sources to promoting renewables to advancing long-overdue policies to increase energy efficiency. It supports energy infrastructure, which is critical for energy exporting States like Montana. It includes specific provisions that I have worked on to promote geothermal development, and I thank Chairman MURKOWSKI and Ranking Member CANTWELL for including them. In the course of this debate, we have adopted amendments to boost research and development overall and to clarify policies to recognize the value of energy development from forest biomass. I am also hopeful we will also be able to add provisions from the Public Lands Renewable Energy Development Act that I have championed for years.

Furthermore, this bill includes permanent reauthorization of the land and water conservation fund with my making public lands public provision to increase access to our public lands for hunters, fishers, and others who want to enjoy them. Although it does not provide the money to fully fund the LWCF, a permanent authorization would help us avoid letting the fund lapse, as it did last fall for over 2 months. It also invests in our national parks as we celebrate the centennial year of the Park Service. Though I may not agree with everything in the bill, these provisions I have highlighted are tremendously important to Montana.

But we are also in the midst of a developing environmental catastrophe. The people of Flint, MI, including as many as 9,000 children, have been exposed to lead-contaminated water for a prolonged period due to decisions made by the State of Michigan in the interest of saving money. A generation of kids in this community could see lifelong effects from a completely avoidable and manmade disaster. As we know all too well in Montana, clean water is far more valuable than money. It is completely unacceptable that this has happened.

In Montana, there are places where we are still living with the legacy of environmental pollution. In Butte, Anaconda, Libby, and elsewhere, long-term cleanups continue from mining development, industrial activities, and the tragedy of widespread asbestos use.

The human health costs of these disasters have been tremendous. We must not stand by and watch another community and more kids be affected by manmade disasters without stepping in to help. If we have a chance to stop this particular catastrophe before it gets any worse, we ought to. We have to.

And that is why I am disappointed that we are not currently able to provide meaningful and immediate assistance to help fix the pipes and address broader impacts. I hope we can figure out how to pass this bill. Let's stay on this bill, let's find a way to do right by folks in Flint, and let's pass this bill.

AMENDMENT NO. 3140, AS MODIFIED

Mr. President, I want to speak briefly about a bipartisan amendment offered by Senator COLLINS that was adopted this week. I support this amendment to help bolster forest biomass in our renewable energy portfolio and provide consistency across Federal programs. Our Nation has long depended on the flow of wood and fiber from our forests. Now, we are recognizing the role of forest biomass in lowering our carbon emissions and increasing our energy independence. When harvested sustainably, the carbon benefits of forest biomass can be great. Carbon emitted to the atmosphere from forest biomass is eventually removed again with forest growth, and this cycle can happen again and again.

Forest biomass is also good for jobs, particularly in rural communities. Recognizing the carbon benefits of forest biomass can increase its value. This will help keep our Nation's forests healthy by making it economically feasible to conduct forest health treatments and reduce hazardous fuels that threaten our communities. It will also help the timber industry by allowing them to use more wood that would otherwise be wasted.

The PRESIDING OFFICER. The majority leader.

Mr. McCONNELL. Mr. President, the Energy Committee has worked really hard over the past year to develop the broad bipartisan energy legislation that is before us. Members in both parties focused on areas of common ground, worked across the aisle, and developed legislation that ultimately earned the support of more than 80 percent of their colleagues, Republicans and Democrats alike.

Here is what some of our Democratic friends have had to say about the broad bipartisan Energy Policy Modernization Act.

The junior Senator from New Mexico said this bill "is critical to protecting" his State's "treasured public lands and outdoor heritage."

The junior Senator from Minnesota pointed out that "several key measures" he wrote are in this bill and that this bill represents "a good step" forward.

The junior Senator from Hawaii noted that her proposals in the bill "will bolster energy reliability and security" in her State.

The senior Senator from West Virginia said he was able to include "critical measures" in the bill to help coal jobs and low-cost electricity in his State. "It is critical for America to establish an all-of-the-above energy portfolio that includes all of our domestic resources," he said, and, "I truly believe that this bipartisan bill will bring us one step closer to achieving U.S. energy independence." That is the senior Senator from West Virginia, a Democrat.

The top Democrat on the Energy Committee said:

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

That was the ranking Democrat on the Energy Committee. She worked hard with Senator MURKOWSKI on the Energy Committee to develop this bill, and they have worked together to manage it here on the floor as well. Under their leadership, more than 30 amendments from both Democrats and Republicans have already been adopted.

For example, one of our Democratic friends offered an amendment that he said would "strengthen this bipartisan energy bill and help us move towards a 21st century economy." The Senate adopted it.

Another of our Democratic friends said his amendment would "empower us with knowledge" and help us "make informed decisions to protect consumers, key sectors of our economy and our energy security." The Senate adopted that amendment too.

There is a lot for both parties to like in this bill. The Energy Policy Modernization Act is the result of a year's worth of constructive and collaborative work. So let's not risk that progress. Let's keep working together and vote today to advance this measure. If we want to help Americans produce more energy, let's vote to advance the measure. If we want to help Americans pay less for energy, let's vote to advance it. If we want to help Americans save energy, let's vote to advance it. And if we want to help bolster our country's long-term national security, one more time, let's vote to advance it.

I would note one more thing the top Democrat on the Energy Committee recently said: "Sometimes we can be cynical about this place and what we can get done; then, all of a sudden, we have a great opportunity to move something forward."

She continued:

This is a milestone for the Senate. The fact that we are considering energy policy legislation on the Senate floor in a bipartisan bill, or any bill, for the first time since 2007 is a tremendous milestone.

That is the ranking Democrat on the Energy Committee.

So let's bring this bill to the finish line. Let's vote to bring America's en-

ergy policies in line with today's demands so we can prepare for tomorrow's opportunities too.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I also want to, as I did before, commend those working on this bill, and I share the majority leader's feeling that a lot of positive progress has been made. We are just not done yet. So while I commend, and have commended, the chair and the ranking member, we have important issues and an energy bill that deals with energy, water, and all kinds of issues. Certainly addressing what is happening in Flint, MI, with the catastrophe is appropriate. We just want to know that we have an agreement—not vote, but an agreement—to get this done.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I appreciate the comments from my colleagues raising attention to the issue in Flint, MI. I think we have had good, constructive discussions, not only very intensely yesterday, but working with the two Senators from Michigan on this issue for several months right now. As the Senator said, the discussions are still ongoing, and I want to speak to where we are in that process.

I would like to start my comments this morning by recognizing that we are very close to the time that has been set for this first cloture vote on this broad bipartisan bill.

As we approach it, I want to follow on the majority leader's comments in terms of reminding Members of what we have incorporated within this measure, to reiterate the strong bipartisan support that our bill has drawn, and to lay out what I believe is our best path to final passage.

This Energy Policy Modernization Act, as I have mentioned, is more than a year's worth of hard work by those of us who serve on the Energy and Natural Resources Committee, it has been the result of Member-to-Member conversations, listening sessions, legislative hearings, bipartisan negotiations, and then we had a marathon 3-day markup in July. At the end of that markup, we moved it out by a vote of 18-to-4. It was pretty strong support—10 Republicans and 8 Democrats in favor.

The reason the bill passed out of the committee on such a strong bipartisan basis was not just because of our commitment to good process. We matched that with an equal commitment to good policy. I think that is important to recognize. It was processed, but it was also policy.

We worked together to include the priorities from Members of both sides of the aisle as well as from within the committee and outside of the committee. We agreed to include a bill to streamline LNG exports that was written by Senator BARRASSO and 17 other bipartisan Members. We agreed to include a major efficiency bill headed up



by Senators PORTMAN and SHAHEEN and 13 other bipartisan Members. We agreed to improve our mineral security, an effort that I have led with Senators RISCH, HELLER and CRAPO. We agreed to promote the use of hydropower, a clean renewable resource that is favored by almost everybody in this Chamber. We agreed to expedite the permitting of natural gas pipelines without sacrificing any environmental review or public participation. This was an effort that was led by Senator CAPITO.

We agreed to a new oil and gas permitting pilot program, one of several ideas that Senator HOEVEN contributed. We took up a proposal from Senator COLLINS to boost the efficiency of schools. We agreed to approve our Nation's cyber security based on legislation from Senator RISCH and Senator HEINRICH. We also made innovation a key priority to promote the development of new technologies. As part of that, we agreed to reauthorize many of the energy-related portions of the America COMPETES Act, thanks to the leadership of Senator ALEXANDER. We agreed to take commonsense steps to promote geothermal energy, which is a key issue to Senator WYDEN, certainly myself, and so many others. We agreed to promote vehicle innovation based on a bipartisan measure from Senator ALEXANDER and our friends from Michigan, Senator PETERS, Senator STABENOW. We agreed to reauthorize the coal R&D program at the Department of Energy based on yet another bipartisan proposal from Senators MANCHIN, CAPITO, and PORTMAN.

In the context of our broader bill—and only in the context of the broader bill—we also agreed to reauthorize and reform the Land and Water Conservation Fund. What we came away with was a good, timely bipartisan measure that has a very real chance of being the first Energy bill to be signed into law in over 8 years. It is a measure that will help America produce more energy. It will help Americans save money, and it will help ensure that the energy can be transported from where it is produced to where it is needed. It will bolster our Nation's status as the best innovator in the world, something we should all aim to support. It will boost our economy, especially our manufacturers, and it will cement our status as a global energy superpower.

As I said, it does all of this without raising taxes, without imposing any new mandates, and without adding to the Federal deficit. I think because of all of that, that is why you have seen the good, strong support for this measure. That was our base bill. That was where we started. When we came to the floor, it got better. Our starting point at the Senate floor was good and strong. Since we have taken up the debate for a week now, we have continued to work in a very open, very bipartisan, sometimes a little bit lengthy and tedious process, but it works.

We committed to an open amendment process and most Members have

held back on, whether you call them gotchas or gimmies or poison pills, but there has been a great deal of cooperation. We voted on 38 amendments now. We have accepted 32 of the 38. We have added even more good ideas from even more Members to an already bipartisan bill.

I will recount a few of the things we have done with that. We agreed to boost our Nation's efforts to develop advanced nuclear technologies. This was a great amendment led by Senators CRAPO, WHITEHOUSE, RISCH, BOOKER, HATCH, KIRK, and DURBIN. We voiced our strong support for carbon capture and utilization storage technologies thanks to an idea from Senators HEITKAMP, CAPITO, BOOKER, WHITEHOUSE, MANCHIN, BLUNT, and FRANKEN. We have reaffirmed the need for consistent Federal policies that recognize the carbon neutrality of forest biomass. This was an effort that was championed by Senators COLLINS, KLOBUCHAR, AYOTTE, KING, FRANKEN, DAINES, CRAPO, and RISCH.

You do not often see these large groups of Senators coming together in a way that we have seen on this bill. Some would look at the names I read off and say: I did not know that they had anything to work on. But these issues have brought them together. This truly has been a team effort, with Members reaching out to one another, lining up behind each other's ideas, working with Senator CANTWELL and me to ensure their adoption.

The best proof of that is simple review of our bill. Right now the Energy Policy Modernization Act includes priorities sponsored or cosponsored by at least 62 Members of the Senate. When was the last time we saw that level of cooperation and collaboration? Think about it. More than three-fifths of the Senate has contributed something to this Energy bill, and we are not done processing amendments yet. My staff and the staff of Senator CANTWELL have been comparing notes about the feedback we have been getting outside the Chamber. What we found is that from the very time we started working through the committee process to our time on the Senate floor, a very wide range of individuals, businesses, groups have come out and supported the bill or certainly pieces of it. We have had provisions endorsed by major associations whose membership account for hundreds of companies and millions of American workers. This includes the U.S. Chamber of Commerce, American Chemistry Council, National Electrical Manufacturers Association, the Alliance of Automobile. We have also heard from labor groups—North America's Building Trades Union, the United Autoworkers, the United Brotherhood of Carpenters. They have all weighed in with support for ideas that are included within the bill.

We have a huge coalition from the Alliance to Save Energy to Seattle City Light that has welcomed the work we are doing on efficiency. I have got-

ten good, strong support from Alaskans from our Department of Natural Resources, the Alaska Power Association, the Bristol Bay Native Corporation, Cordova Electric Cooperative, and a whole lot more. As you might expect, we have also received great encouragement from the people who keep the lights on, who keep our fuel affordable, who help produce the materials that make modern life that much more enjoyable—whether it is the National Mining Association, American Exploration & Mining, the Business Council for Sustainable Energy, American Public Power Association, Edison Electric, and others.

The reality is, those who have weighed in, in support of this measure are too many to name this morning, but that is a good problem to have when you are legislating that you have run out of time in outlining the coalitions that have come together in support.

So that I do not get into any trouble this morning, I want to be clear that many of the groups and the entities I have listed have endorsed parts of the bill, not all of it. I am not suggesting that everyone who likes our work to streamline LNG Exports is automatically supportive of what we are doing to clean up the U.S. Code. That is entirely fair. Not everything in this is going to appeal to everyone.

In a lot of ways, that is how things work in a place like the Senate. Not everyone likes every provision of this bill. I do not like every provision of this bill. Not everyone is getting everything they want. It is pretty tough to find a situation where you get 100 percent of everything you would want. This is not the bill I would have written on my own, but it is the bill we have written together first as a committee of 22 and now as a Senate working together.

Our work has produced a good bill, a good bill worth debating, worth advancing, and worth passing. That brings us to the point where we are with the cloture vote we will soon take. This vote is on the first of two cloture motions we will need to approve before we can move to final passage.

There are two votes. There is one on the substitute amendment, and there is one on the underlying bill. This means this vote we will see very shortly is a means to advance debate, not to conclude it, on our Energy Policy Modernization Energy Act. It is also a choice. I think it is important to lay out clearly to Members where we are, what we are voting on this morning.

By voting for cloture, Members will be ensuring that we remain on this bill for at least another 30 hours of legislative activity. You will be voting to continue this process, to continue this debate, and to continue processing amendments whether by voice, as we have done so many of them, or by roll-call vote that we hope to set up. You will also be giving us the time we need

to focus on matters that are simply not settled yet.

As we have heard from our colleagues from Michigan, there are some matters they wish to have resolved that are not yet settled, but this allows us that time to do that but to do this in a way that is going to be acceptable to the majority of our Members. The reality is, if you are not comfortable with where we are 30 hours from now, you can still vote against the next cloture motion that comes up. That is one choice, and that is going to be my choice. Here is the other: If you vote against cloture, you will be effectively voting not to prolong debate but to move us off this bipartisan bill. You will be voting to effectively be giving up on so much of what we have done, a year of process, agreement on almost 50 Energy bills that we have incorporated into this base bill, and the strong approval of 32 separate amendments and counting that we have advanced through the floor.

I believe you will be voting to give up our best opportunity—certainly our most immediate opportunity—to address the issue to help the people of Flint, MI, and in other parts of the country that may have similar issues. Every time I leave the Senate floor—at least this past week—I am swarmed by reporters who want to know what is going on, what is the latest discussion. What is going to happen with Flint? Is Flint going to bring this bill down?

This morning I want to speak directly to this to let Members know what has gone on because we were not out here on the floor all day yesterday hashing things back and forth. We have been discussing very earnestly, and I believe very constructively, what our options are, how we can find a path forward that will yield a result, not just send a message but yield a result to help the people in Flint, MI.

The first thing I will say is that I share the concern, the heartbreak for what the people of Flint, MI, have faced and are facing. It is a crisis. It is a tragedy. It is heartbreakingly avoidable. Unfortunately, we look at how we got here, and it is a failure of local, State, and Federal Governments to regulate and monitor that city's water supply.

What has happened in Flint has hurt people. It is hurting children. It has damaged property. It has left families in a horrible predicament, through no fault of their own, where they cannot drink their tapwater, they cannot bathe their children. There is plenty of blame to go around here. I know my colleagues from Michigan would agree with me, but our job in the U.S. Senate is not to play this blame game. It is to own up to what that Federal role is because I believe there is that Federal role, and then on that basis do what we can to help and make sure that our response is proportionate to that role. So why then consider all of this in the context of an energy bill, you might ask, and it is a fair and legitimate

question. Well, it is because this is the first piece of legislation that is on the floor since the extent of the crisis in Flint became clear to us.

Senator STABENOW and I began discussions about the situation in Flint in very early December as we were trying to move through an omnibus bill to see if there was not something we might be able to address through the appropriations bill. Since that time, again, more has been learned, and we are here today with legislation that gives us an opportunity to consider it.

I did not shy away from this discussion, as hard it was. I did not say: Hey, that is going to be a poison pill. I cannot deal with it. I said: Let us try to figure this out because if we do not address the situation, it is not going to go away. We have a role here. Let us figure out what that responsibility is, and let us engage in this conversation.

Senator CANTWELL and I have been fully engaged, most directly with the Senators in Michigan, trying to find a responsible path forward. The negotiations have been earnest, in good faith, and ongoing, but I think that there has been a little bit of confusion about the status of the negotiations. I want to outline where I believe we are right now.

We have made headway on Federal assistance—something that we know cannot be borne by our Energy bill alone. We have found programs that could be good fits to provide aid.

We also recognize that this is not Flint's burden alone, but there are other communities in other States, including my State, that face similar crises as a result of government failures. We hear about them as Members and talk about these situations. I believe the Senator from Maryland used the phrase "We are all Flint." I think we all have situations—maybe not to the crisis proportion that they have in Michigan right now, where they needed a Presidential declaration, but we all recognize that we all have issues that are troubling us a great deal when it comes to how we provide safe drinking water for our families.

Our problem is not about whether we should offset the cost of this assistance; it is how we do so in a manner that does not destroy the underlying Energy bill and does not violate the Constitution or the rules we have here in the Senate. I made myself very clear when we began, at the outset of the debate on this measure, that we have to make sure we do not have scoring issues with CBO, and we have to make sure there are no blue slip issues because that would kill the bill, and then where would we be? Then nobody would win in that scenario. In that scenario we would end up with no energy bill and nothing to address the situation in Flint.

This morning I filed a second-degree amendment to provide support for the people of Flint. My amendment will make up to \$550 million available, including \$50 million which will be made

immediately available for the people of Flint. What we are seeking to do here is bridge the gap between what has been proposed and what I believe the Senate can agree to. It requires that 90 percent of the money we provide be paid back over time. Its cost is fully offset with a pay-for that we have been working on back and forth with CBO and are confident that they will accept. It includes provisions—and we have been working with the Senators from Michigan on this issue—as they relate to EPA notification and a loan forgiveness, language that I think has been in different iterations of measures that have been going forward. I am told that the House is looking at that as well.

That is where we are at this time as we are going into a cloture motion. I believe we have made progress. We are working constructively to help the people of Flint, and what this second-degree amendment would do is make \$550 million available to them. It has been challenging. We have done a lot of hard work to get to this point, but I think we owe it to every American, whether you are in Flint or somewhere else, to do that work and overcome that challenge.

We have gotten to where we are in the discussion. Again, we have the cloture motion going forward. We have been trying to make good progress. We have been trying to conduct an open and fair amendment process. We want to process more amendments this morning so that we can move to complete the bill.

Mr. President, at this time I ask unanimous consent that it be in order to call up the following amendments and make them pending, and that is Stabenow amendment No. 3129; Murkowski second-degree on Flint, amendment No. 3282; Cantwell amendment No. 3242; Flake amendment No. 3055; Flake amendment No. 3050; Murkowski-Cantwell amendment No. 3234; Isakson amendment No. 3202; Markey amendment No. 3232; and Cassidy amendment No. 3192.

The PRESIDING OFFICER. Is there objection?

The Senator from Michigan.

Ms. STABENOW. Mr. President, reserving the right to object. I first want to thank the chair. She lists a lot of bipartisan efforts that have gone on. I know a lot of work has been done, but nowhere in that list have the needs of the folks of Flint been addressed, including the children.

The PRESIDING OFFICER. The Senator will state her objection.

Ms. STABENOW. Mr. President, we want to get this solved and not just have votes that go down.

I object.

The PRESIDING OFFICER. Objection is heard.

Mr. CORNYN. Mr. President, I ask through the Chair if the chairman of the Energy Committee will yield for a question.

Ms. MURKOWSKI. Certainly.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, the chairman of the Energy Committee has done tremendous work with the ranking member, Senator CANTWELL, to try to find some way to address the legitimate concerns we all share and have with what has happened in Flint, but I want to clarify some basic facts. I wish to ask for a comment or answer from the distinguished Senator from Alaska.

Isn't it true that there is not yet a comprehensive assessment and plan in place by the State of Michigan or Flint as to how they might even spend this money at this point to address their concerns about lead in the water supply in Flint?

Ms. MURKOWSKI. It is my understanding that there is an assessment and analysis that is due out, I believe, toward the end of next week. The State has been working aggressively to determine the costs, as well as how they would move forward with an action plan. That is my understanding.

Mr. CORNYN. Mr. President, if the Senator will yield for another question.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Since there is no plan announced yet, or in place, it strikes me as putting the cart before the horse to say that the Senate ought to vote on a \$600 million emergency appropriations deal to pay for a plan that has not yet been created or disclosed to the American people.

I ask the Senator through the Chair, isn't it a fact that the State itself has already appropriated \$40 million to deal with this issue on an emergency basis and the Obama administration has made available another \$80 million through the EPA that is available to the State of Michigan to help Flint deal with this problem, so a total of roughly \$120 million has already been made available?

Ms. MURKOWSKI. I cannot speak to the accuracy of exactly how much has been made available to the State. It is my understanding that the State has received, through the EPA, the State's annual receipts from the EPA's clean water fund. I do not know if that is specific to Flint or whether that is the State's share, as the State of Texas receives and the State of Alaska receives. It is my understanding that the President did make that announcement.

Ms. STABENOW. Mr. President, might I ask the Senator to yield for a question so we can share the information?

Mr. CORNYN. Mr. President, the Senator is out of order.

The PRESIDING OFFICER. The Senator from Alaska has the floor.

Mr. CORNYN. Mr. President, I ask the Senator from Alaska if she would yield for one last question on topic.

The PRESIDING OFFICER. Will the Senator yield for a question?

Ms. MURKOWSKI. Yes.

Mr. CORNYN. Isn't it true that the Senators from Michigan made this demand for a \$600 million earmark before

a plan was actually put together by the State of Michigan or the city of Flint—either to analyze the problem or what the solution might look like and how much it might cost—and that the Senator from Alaska, in her capacity as the bill manager, has made an effort to come up with some compromises? In fact, I believe the Senator from Alaska mentioned a compromise that would include upfront funds of \$50 million plus a loan, in effect, that would be paid back over time.

I ask the Senator, doesn't it make sense—because there is no plan in place and because there is money already available for Flint and Michigan to begin to address this problem—for us to take our time and handle any additional requests for funding from Flint or Michigan through the regular appropriations process? I believe the Senator is the chair of the subcommittee that has jurisdiction over these issues, and I am just wondering whether that wouldn't be a more orderly, responsible process than a \$600 million earmark before a plan is even in place.

Ms. MURKOWSKI. Well, to answer the Senator's question, I have been working aggressively and constructively with the Senators from Michigan to try to figure out how we can provide for a level of response. I do not doubt the anxiety and urgency the people in Flint must feel. This is a difficult situation to be in, and it is not a situation that any of us would want any of our constituents to be in. I think there is an imperative from those who are seeking this assistance that—given that there is a Federal role, how can we help to facilitate the appropriate response on the Federal side? If there is a way to help expedite funding to move toward a solution, I think that is appropriate.

I think the Senator's question is, Are we jumping ahead here if we do not know how much? I think it is fair to say that the original estimates were based on the disaster declaration the State had requested. I think it is going to be critical that we understand what the costs will be, and hopefully we will learn about that next week. I know they have been working aggressively to determine that.

We also need to know what the spend plan is because we saw what happened with the stimulus. You can almost get too much money—if that is possible—going in, and you cannot spend it in the way it is best needed. I think we want to be thoughtful and responsible stewards of the taxpayers' dollars in recognizing that, and I think we want to also recognize that the role we have ought to be a proportionate role, and how we can be working to advance that is something we have been attempting to do.

Ms. STABENOW. Will the chair yield for a question?

Ms. MURKOWSKI. In a moment.

The solution I have put down this morning is one that I think recognizes that there is assistance that is needed,

and this is where the opportunity to access loans through the WIFIA Program that will be available not only to the State of Michigan but to other States should they be in a similar situation—so that avoids the earmark. Because I, too, want to make sure we have a situation where we do not allow this to continue in Michigan, but we also do not want to see it in other States as well. So we do that through opportunities for loans through WIFIA. But the direct assistance, which would be \$50 million in addition to whatever may be out there already from the EPA and through the State, I think is a reasonable approach. Again, it is one that is legitimately paid for, and I think that is an important part of our responsibility here, as well as to make sure we not only address the urgency of the situation but also the responsibility we have not only to the people of Flint but to all of our constituencies.

Mr. President, if I could just conclude, and then I will yield.

The PRESIDING OFFICER. All time for debate has expired.

Ms. STABENOW. Will the distinguished leader yield for a question? I have been asking for the opportunity to ask a question, and I ask unanimous consent to ask a question.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Ms. STABENOW. Is the chair aware that the dollars we have asked for require a comprehensive plan from the State and that at this point only \$28 million—most going to health—has been allocated to the State?

Ms. MURKOWSKI. Through the Chair, I am aware that what you have required, as well as what we have been working on jointly, does require an action plan that describes the spend-down and how that would be allocated. It is my understanding that it will be very helpful to have that analysis from the State. That will be forthcoming—hopefully, next week.

Ms. STABENOW. I will be happy to continue the discussion.

I thank the Chair.

#### CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on amendment No. 2953, the substitute amendment to S. 2012, an original bill to provide for the modernization of the energy policy of the United States, and for other purposes.

Mitch McConnell, Lisa Murkowski, Cory Gardner, Mike Crapo, John Cornyn, John Barrasso, Steve Daines, Richard Burr, Bill Cassidy, Pat Roberts, John Hoeven, Shelley Moore Capito, John Thune, James E. Risch, Lamar Alexander, John McCain, Rob Portman.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 2953, as amended, offered by the Senator from Alaska, Ms. MURKOWSKI, to S. 2012, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. WHITEHOUSE (when his name was called). Present.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ) and the Senator from Florida (Mr. RUBIO).

Mr. DURBIN. I announce that the Senator from Vermont (Mr. SANDERS) is necessarily absent.

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

The yeas and nays resulted—yeas 46, nays 50, as follows:

[Rollcall Vote No. 16 Leg.]

#### YEAS—46

Alexander	Gardner	Murkowski
Barrasso	Graham	Perdue
Blunt	Grassley	Portman
Capito	Hatch	Risch
Cassidy	Heitkamp	Roberts
Coats	Heller	Rounds
Cochran	Hoeven	Sessions
Collins	Inhofe	Shaheen
Corker	Isakson	Shelby
Cornyn	Johnson	Sullivan
Crapo	Kaine	Thune
Daines	King	Tillis
Donnelly	Kirk	Vitter
Enzi	Manchin	Wicker
Ernst	McCain	
Fischer	Moran	

#### NAYS—50

Ayotte	Flake	Nelson
Baldwin	Franken	Paul
Bennet	Gillibrand	Peters
Blumenthal	Heinrich	Reed
Booker	Hirono	Reid
Boozman	Klobuchar	Sasse
Boxer	Lankford	Schatz
Brown	Leahy	Schumer
Burr	Lee	Scott
Cantwell	Markey	Stabenow
Cardin	McCaskill	Tester
Carper	McConnell	Toomey
Casey	Menendez	Udall
Coons	Merkley	Warner
Cotton	Mikulski	Warren
Durbin	Murphy	Wyden
Feinstein	Murray	

ANSWERED "PRESENT"—1

Whitehouse

NOT VOTING—3

Cruz	Rubio	Sanders
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The PRESIDING OFFICER. On this vote, the yeas are 46, the nays are 50. One Senator responded "present."

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. MCCONNELL. Madam President, I enter a motion to reconsider the vote.

The PRESIDING OFFICER. The motion is entered.

#### CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the

Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 218, S. 2012, an original bill to provide for the modernization of the energy policy of the United States, and for other purposes.

Mitch McConnell, Lisa Murkowski, Cory Gardner, Mike Crapo, John Cornyn, John Barrasso, Steve Daines, Richard Burr, Bill Cassidy, Pat Roberts, John Hoeven, Shelley Moore Capito, John Thune, James E. Risch, Lamar Alexander, John McCain, Rob Portman.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on S. 2012, an original bill to provide for the modernization of the energy policy of the United States, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ) and the Senator from Florida (Mr. RUBIO).

Mr. DURBIN. I announce that the Senator from Vermont (Mr. SANDERS) is necessarily absent.

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

The yeas and nays resulted—yeas 43, nays 54, as follows:

[Rollcall Vote No. 17 Leg.]

#### YEAS—43

Alexander	Gardner	Moran
Barrasso	Graham	Murkowski
Blunt	Grassley	Perdue
Capito	Hatch	Portman
Cassidy	Heitkamp	Roberts
Coats	Heller	Rounds
Cochran	Hoeven	Sessions
Collins	Inhofe	Shaheen
Corker	Isakson	Shelby
Cornyn	Johnson	Sullivan
Daines	Kaine	Thune
Donnelly	King	Tillis
Enzi	Kirk	Wicker
Ernst	Manchin	
Fischer	McCain	

#### NAYS—54

Ayotte	Flake	Paul
Baldwin	Franken	Peters
Bennet	Gillibrand	Reed
Blumenthal	Heinrich	Reid
Booker	Hirono	Risch
Boozman	Klobuchar	Sasse
Boxer	Lankford	Schatz
Brown	Leahy	Schumer
Burr	Lee	Scott
Cantwell	Markey	Stabenow
Cardin	McCaskill	Tester
Carper	McConnell	Toomey
Casey	Menendez	Udall
Coons	Merkley	Vitter
Cotton	Mikulski	Warner
Crapo	Murphy	Warren
Durbin	Murray	Whitehouse
Feinstein	Nelson	Wyden

NOT VOTING—3

Cruz	Rubio	Sanders
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The PRESIDING OFFICER. On this vote, the yeas are 43, the nays are 54.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. MCCONNELL. Madam President, I enter a motion to reconsider the vote.

The PRESIDING OFFICER. The motion is entered.

Mr. MCCONNELL. Madam President, I wish to say to my colleagues that Senator MURKOWSKI and Senator CANTWELL are going to continue to work over the weekend on the path forward. Hopefully, we will be able to salvage this important bipartisan legislation in the next few days.

In the meantime, the next vote will be at 5:30 p.m. on Monday.

#### MORNING BUSINESS

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

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

The majority whip.

#### FLINT, MICHIGAN, WATER CRISIS

Mr. CORNYN. Madam President, I know there are others waiting to speak, and I will be brief. I want to take a couple of minutes to reflect on what just happened on the Senate floor.

We had a bipartisan bill that was shepherded through the Energy Committee by the chair, Senator MURKOWSKI, and the ranking member, Senator CANTWELL. Because our colleagues from Michigan refused to take yes for an answer—objecting to a vote on their very amendment—the Democratic caucus has come together and brought down this bipartisan bill—killing it, at least for the time being.

I share the majority leader's hope that discussions can continue and cooler, more reasonable minds will prevail, rather than just the gamesmanship that, frankly, frustrates all of us and gives Congress a bad name. We know that the vote that just went down was not about the Energy bill. This was about trying to embarrass Republicans and to try to make us look bad and portray us as having no compassion for the poor people of Flint—which is exactly the opposite of true.

The fact is that Senator MURKOWSKI, who is the bill manager and chairman of the Energy Committee, made an offer for a vote on a \$550 million package—a \$550 million package. The Senator from Michigan has asked for a check for \$600 million, but Senator MURKOWSKI, in good faith, trying to be responsible, offered them an alternative of a \$550 million package, and they refused it, instead choosing to bring down this legislation.

I think it is important to note that the State of Michigan has already appropriated somewhere close to \$37 million, including funds specifically set aside for outside experts to conduct an infrastructure integrity study. The fact is, the State of Michigan and the city of Flint don't yet know what they need to do to fix the problem or how much it will cost, and the Senators from Michigan come in here and say: We don't need a plan. We just need cash

upfront of \$600 million. We want this added to the national debt—which is already \$19 trillion.

I think the Senator from Alaska, the bill manager, made a very reasonable suggestion: Let the State and the city get started with the money that has been appropriated by the State, together with the tens of millions of dollars the Obama administration is making available to the State of Michigan that can then be available to the city of Flint to get started, to do the infrastructure integrity study, to come up with a plan. Then the Senators can come back to Congress—hopefully during the regular appropriations process—and come up with a responsible, shared plan for this local government, for the State government, and for the Federal Government to help the poor people of Flint out of this terrible crisis.

Instead, what we seem to have found happening is, in the immortal words of Rahm Emanuel—now the mayor of Chicago, formerly chief of Staff of the White House—never let a crisis go to waste. That is what is happening here. It is not responsible. It is not reasonable. And I think Senator MURKOWSKI's counteroffer to the demands of the Senators from Michigan demonstrates it is not even a good-faith effort to try to solve the problem. It is just trying to put on a show vote and embarrass people.

We also need to understand that the Environmental Protection Agency bears significant responsibility. The Obama administration's Environmental Protection Agency failed the people of Flint when they didn't act sooner. We heard that one Agency director has already resigned.

But let me be clear. There is no disagreement that we all want to work together to help the people of Flint find a solution once we have more information about the needs of the city and the State of Michigan and they know exactly what kind of help they need and in what amount. What we disagree on is that this bipartisan Energy bill should be held hostage until we know the solution. Frankly, that is beyond frustrating. It is disappointing. It is not serving our constituents and the American people the way we should, in a responsible, commonsense, bipartisan way. This is all about gamesmanship. This is all about "gotcha." In other words, this is all about the things the American people have come to loathe and hate about the political process in Washington, DC.

We can do better. We must do better. And I share the majority leader's wish that negotiations continue and that cooler, more sensible minds come together on solutions that we can perhaps agree to.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

#### UNANIMOUS CONSENT REQUESTS—EXECUTIVE CALENDAR

Ms. KLOBUCHAR. Madam President, this is the fourth time I have come to the floor urging Senator CRUZ to remove his hold on these very important nominees for two of our best allies, the countries of Sweden and Norway.

Norway has been without a confirmed ambassador for 860 days. As we know, the first nominee withdrew, but many of these days have been filled up by the second nominee, who is not controversial—Sam Heins from the State of Minnesota—who made it through the committee without objection. In the case of Sweden, it has been 469 days since the President nominated Azita Raji to be ambassador.

There is no issue with these nominees. In fact, in the words of Senator COTTON from Arkansas, my Republican colleague, "I believe both [nominees] are qualified . . . and we have significant interests in Scandinavia. My hope is that both nominees receive a vote in the Senate sooner than later." We know we have the support of Senator CORKER, the head of the Foreign Relations Committee. We thank Senator CARDIN for his support. We thank Majority Leader MCCONNELL. We thank Senator REID.

This vote is not a controversial vote. Senator CRUZ is not here to object. We understand Senator LEE is here on his behalf. But I would like to know why Senator CRUZ isn't here to object. I think I know why he isn't here to object—because he is in the State of my colleague Senator SHAHEEN.

We cannot hold up the business of the Senate like this. We have two nominees for two countries, the 11th and 12th biggest investors in the United States of America, Sweden and Norway. The country of Norway is the purchaser of 52 Lockheed fighter planes, 22 just ordered at \$200 million apiece, all made in Fort Worth, TX, the home State of Senator CRUZ.

These are allies who are taking in refugees by the thousands. These are allies who are at our side in the fight against Russia to stand up against their aggression in Ukraine. They have stood with us in the fight against Islamic extremism. They have stood with us in the fight against ISIS. And what do we say to them? You can have ambassadors from Russia or from China, you can have ambassadors from every country but not from the United States of America.

I ask Senator CRUZ and I ask his colleagues—or perhaps his staff to ask him—why every other European nation of any major size has an ambassador and why not these two Scandinavian countries.

So it is my hope—and the reasons for these holds are completely unrelated. They are varied. They are many. They change every day. I am hopeful that we are able to negotiate something because Senator SHAHEEN and I have pledged to come to the floor nearly every single day when the Senate is in

session to continue asking, and his colleagues are going to have to come and object on his behalf.

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

The PRESIDING OFFICER. Is there objection?

The Senator from Utah.

Mr. LEE. Madam President, on behalf of the junior Senator from Texas, I object.

The PRESIDING OFFICER. Objection is heard.

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

The PRESIDING OFFICER. Is there objection?

The Senator from Utah.

Mr. LEE. Madam President, on behalf of the junior Senator from Texas, I object.

The PRESIDING OFFICER. Objection is heard.

Ms. KLOBUCHAR. Madam President, I see the Senator from New Hampshire is here. She is a leader on the Foreign Relations Committee. I know she has a few things to say. But, again, we are simply asking for a vote. Senator CRUZ can choose to be here or not. He can choose to vote or not. He can choose to vote no if he wants. We know these two nominees would pass because they are not controversial. I am tired of hearing from people in America and people who represent and live in these countries: What is wrong with America? Why are you "dissing" us when we stand by your side every day? This has to stop.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Madam President, I am joining my colleague, Senator KLOBUCHAR, to talk not just about these two positions of Ambassadors to Sweden and Norway but also about some of the other 27 nominees who deal with national security issues.

As Senator KLOBUCHAR said yesterday when we were on the floor, we said we were going to come down here every day. The Senate is not going to be in session every day, so we won't be here every day, but we will be back as often as possible to point out that we need to confirm these nominees. It is in the country's national security interests.

The Presiding Officer serves with me on the Senate Armed Services Committee, so she understands just how

critical it is that we have a team in place that can be part of the team that protects this Nation.

As Senator KLOBUCHAR said, Azita Raji has been waiting over a year since she was nominated. She went through the Foreign Relations Committee unanimously. Nobody objected. Sam Heins was nominated almost a year ago. He is nominated to be U.S. Ambassador to Norway.

Again, this is not about just these two individuals; this is also about the message we are sending to two of our best partners and allies, Sweden and Norway. Both of these countries have been part of the anti-ISIL coalition fighting with us against the terrorists. Sweden has been on the frontlines of the refugee crisis, taking in thousands of refugees in Europe. As we think about the strains that the European Union is under right now, for us to have failed to put ambassadors in two of our most important allies is unforgivable.

Yesterday I said it was in 1914 that Norway had to scramble their F-16 fighters. We know they didn't have F-16 fighters in 1914. It was 2014. So a little over a year ago, Norway, which is a NATO ally, scrambled its F-16 fighters 74 times to intercept Russian warplanes.

As we think about the threats from Russian aggression, Sweden and Norway are right there. They are on the frontlines. Norway has committed to participate in NATO's missile defense system. So, again, it is very important as we are looking at our efforts to stop Russian aggression.

Yesterday in the Senate Foreign Relations Committee we were talking about the strains on Europe. We had witnesses for both the majority and the minority who confirmed that our failure to move these nominees on the Senate floor is "an enormous issue," a "disastrous policy," and sends the message that Washington does not "care about European security"—both minority and majority witnesses—even arguing that the United States does not have "players on the field."

Not only are there national security implications, but, as the Senator from Minnesota pointed out, vacancies in Sweden and Norway mean that some \$11.3 billion in U.S. exports lack a strong champion in-country.

I hope the Senator from Texas—who is out running for President—will come back or will lift his hold so we can send the message that we should be sending to our European allies about how important they are and how strongly we want to support what is happening in those countries.

Madam President, I ask unanimous consent to move two other national security nominees.

The first is Ambassador Tom Shannon. He has been nominated to be Under Secretary of State for Political Affairs. Again, he has been waiting 136 days since being nominated. He also went through the Foreign Relations

Committee without any opposition. He would be responsible for working with Europeans on the implementation of the Iran agreement, on coordinating the G7 to combat Russian aggression, as well as providing daily oversight and direction to all the Department's regional bureaus. He is a career Foreign Service officer who has served in five administrations, two Democratic and three Republican.

At this time I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: the nomination of Ambassador Tom Shannon to be Under Secretary of State for Political Affairs, Calendar No. 375; that the Senate proceed to vote without intervening action or debate on the nomination; that if confirmed, the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from Utah.

Mr. LEE. On behalf of the junior Senator from Texas, I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. SHAHEEN. Again, I am hopeful the junior Senator from Texas is going to do what he should have done all along, which is lift his hold and allow both the Ambassadors to Sweden and Norway and Ambassador Shannon to move forward.

#### UNANIMOUS CONSENT REQUEST— PRESIDENTIAL NOMINATION

Mrs. SHAHEEN. Madam President, finally, I want to ask unanimous consent to move Adam Szubin, who has been nominated to be Under Secretary for Terrorism and Financial Crimes. He has also been waiting almost a year. He is somebody who Senator SHELBY, chairman of the Banking Committee, has said is eminently qualified, but the Banking Committee still has not voted to move his nomination to the Senate floor.

His position is very critical because he would lead the policy, enforcement, regulatory, and intelligence functions of the Treasury Department. They are aimed at identifying and disrupting the lines of financial support to international terrorist organizations to a whole range of other bad actors.

Next week on the Senate floor we are supposed to take up sanctions on North Korea. How can we in good faith tell the American people we are going to enforce sanctions on North Korea when we haven't been willing to fill the position that is responsible for doing that enforcement? It belies understanding that we are not going to move forward.

Again, this is a position that I know is supported by the Foreign Relations Committee. The Republican chair of the Foreign Relations Committee has been very supportive of moving Adam Szubin's nomination, just as he has been supportive of moving the two Ambassadors, of moving Ambassador Shannon.

This is not a partisan issue. This is an issue about what we are doing to ensure the national security of this country. It is unfortunate we have rules in the Senate that allow one person to hold things up for an indefinite period of time when the national security of the country is at stake.

Madam President, I ask unanimous consent that the Senate proceed to executive session and the Banking Committee be discharged from further consideration of PN371, the nomination of Adam Szubin to be Under Secretary for Terrorism and Financial Crimes; that the Senate proceed to its consideration and vote without intervening action or debate; that if confirmed, 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. Is there objection?

The Senator from Utah.

Mr. LEE. On behalf of the senior Senator from Alabama, I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. SHAHEEN. Again, it is disappointing that the senior Senator from Alabama isn't here to talk about his concerns about Adam Szubin and why he is still on hold in the Banking Committee and that we haven't heard from the majority leader in the Senate about the importance of moving not only Adam Szubin's nomination but these other nominations that are critical as we make sure we do what we need to, to protect this country.

I am disappointed, but as Senator KLOBUCHAR said, we will be back.

I yield the floor.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. ERNST). Without objection, it is so ordered.

#### ANNUAL NATIONAL PRAYER BREAKFAST

Mr. NELSON. Madam President, I want to chronicle for the Senate and to make a part of the CONGRESSIONAL RECORD that nearly 5,000 people gathered this morning for the annual National Prayer Breakfast with the President, members of the Cabinet, members of the Joint Chiefs, most of the Diplomatic Corps, and a lot of the Members of Congress.

The national breakfast is sponsored by the Senate prayer group that meets on Wednesday morning and the House



prayer group that meets on Thursday morning. This year it was the House's turn to be the cochairs. We do have cochairs in the House and the Senate prayer group, one from each party. In the case of the Senate prayer group, we were ably represented, as they spoke from the podium, by Senator BOOZMAN of Arkansas and Senator KAINE of Virginia. They will be the cochairmen of the breakfast next year.

It was the eighth time that President Obama has spoken. This Senator feels it was the best speech at the Prayer Breakfast I have heard President Obama give. It was one of the best speeches that this Senator, after attending Prayer Breakfasts for over three decades, has ever heard. He quoted the Scriptures from the writings of Paul which say that our faith can keep us from fear. The President illustrated that throughout so much of his remarks.

During his closing remarks, he told a story that he had heard a week or so ago, and I wish to share that story here on the Senate floor. It was about a U.S. Army sergeant whose entire unit had been captured by the Nazis during World War II. While he was in the POW camp, a Nazi colonel told the sergeant, who was the senior official: I want the names of the Jewish soldiers in this unit, and I want them to report to me. The sergeant refused.

The Nazi colonel then decided to assemble all 200 of the sergeant's troops in the POW camp in formation, with the sergeant at the head of the formation. As the colonel approached him again, obviously trying to single out and take and probably try to annihilate the Jewish-American soldiers, he again said, as all the troops were standing there in formation: Sergeant, I want to know who the Jews are. The sergeant replied: Sir, we are all Jews. The colonel then took his pistol out of the holster, cocked it, and put it to the head of the sergeant and made the same demand again. The faith of that Christian sergeant overcame his fear for he was looking out for his troops, and he repeated again: Sir, we are all Jews. The Nazis backed down in that POW camp. The Jewish soldiers were not revealed and, therefore, protected.

That was just one of the many stories that were recounted as the President gave what was an extraordinary conclusion for his last National Prayer Breakfast as President. It is an occasion that so many of us join in on every Wednesday here as we come together and put aside our partisan, regional and any other differences that we have and are unified and joined in prayer. So I thought it fitting, the National Prayer Breakfast having just concluded, that I share this story with the Senate.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

#### TAKATA AIRBAGS

Mr. NELSON. Madam President, we have had quite a running story about the maker of inflatable airbags, which are usually in the steering wheel of an automobile and also over on the passenger side. These airbags have saved countless lives. Yet what we have found is that a manufacturer named Takata from Japan has consistently had different airbags under recall. Well, we just found out yesterday that another one of the automobile manufacturers that uses Takata airbags has now had a further recall just yesterday with 2.2 million of their vehicles. Why? Because of defective airbags.

These bags are supposed to save lives, not harm and kill lives. Yet I remember the lady in Orlando who had a minor fender-bender collision in an intersection, and her air bag deployed. When the police got there, they thought there was a homicide. Her neck was lacerated, and she bled to death. There is a fireman, also near Orlando, who will never be a fireman again because he lost his right eye after the explosion of the air bag. The airbag is defectively manufactured and explodes with such force that the air bag becomes a hand grenade which explodes, and pieces of shrapnel fly into the face of the driver or the passenger.

In the case of the lady in Orlando, her jugular was slashed and she was killed. We have seen a score of these deaths around the country. There was recently another one from a defective Takata airbag in South Carolina. There are now well over 20 million vehicles that have been recalled.

I will be talking to the head of the National Highway Transportation Safety Administration and will be asking all of these questions about safety, such as this: Why are we having the drip, drip, drip of recalls here and recalls there? Why isn't this agency taking an aggressive approach and going after all of these inflaters?

It is expected that it is the explosive compound ammonium nitrate that becomes extremely explosive when exposed to humidity and causes the metal to shred and, therefore, go right into the very driver or the passenger it was intended to save.

This is a matter of grave concern, and now the latest news is that Honda has recalled over 2 million more vehicles nationwide. There have been over 20 million vehicles that have been recalled worldwide. We have to get to the bottom of this and get those defective airbags out of the steering wheels of those cars and replace them with safe airbags.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

#### ENERGY POLICY MODERNIZATION BILL

Ms. MURKOWSKI. Madam President, I would note for Members that we have just concluded the first cloture votes on the Energy Policy Modernization Act. There has been some interesting discussion about where we are in the process and how we might find a path forward toward completion of this very important bipartisan measure—a measure that has, I think, reflected good, strong work throughout the committee process and good, strong work throughout the floor process, but we have yet more work to do. Know that this Senator, along with the ranking member on the Energy and Natural Resources Committee, is committed to doing just that, along with the Senators from Michigan as well as many on this side.

So I think the message to those who are wondering what is happening after that noon vote—the word is that work is continuing, and I am optimistic about the outlook for the final passage of the Energy Policy Modernization Act.

Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### REMEMBERING MARLOW W. COOK

Mr. MCCONNELL. Mr. President, I rise with sadness to remark on the passing of an old friend, Kentucky's former U.S. Senator, Marlow W. Cook. Senator Cook served in this Chamber for only a single term, but his political impact in the Commonwealth of Kentucky was substantial. So was his impact on my life.

Marlow Cook gave me my first real opportunity in politics. He gave me a chance to be a State youth chairman in his successful campaign for the U.S. Senate back in 1968. He also gave me an important opportunity in government. He won his election. I came to Washington with him, and I was what they called in those days chief legislative assistant. I think the term we use now is legislative director. I worked for him for 2 years. I recall that time very, very fondly. I can tell you that over the years I remained extremely grateful for the opportunity he gave me to get started.

Marlow Cook was someone who proved that Republican success was possible in a Commonwealth at that time completely dominated by Democrats. That was no easy task when he ran for office, but he succeeded anyway. You might even say he sketched out a political blueprint for victory: launch an improbable campaign for

Jefferson County judge executive in your thirties and win, secure reelection, and then launch a bid for U.S. Senator. That is the political path Marlow Cook took, and that is the exact political path I took as well.

Some might say the similarities end there or note that we haven't agreed on every issue in the years since, but what two people ever do? It doesn't change my enduring gratitude for the opportunities Marlow Cook brought to me. It certainly doesn't change my respect for him. This is a man who enlisted in the Navy when his country called and when he was still a teenager.

Marlow Cook served his country honorably in both the Atlantic and Pacific theaters in World War II. He served his country honorably in the U.S. Senate.

I should note that Marlow Cook was the first Roman Catholic elected to statewide office in Kentucky. Believe it or not, that was something of an issue back then. It is hard to imagine today.

One more thing. Marlow Webster Cook's impact was felt in the course of the Commonwealth's history in the shape of the riverfront in Louisville. He bought the Belle of Louisville, the sternwheeler that is still going up and down the Ohio River today and is a particularly big thing during the Kentucky Derby week every year.

He had a huge impact on a lot of young Kentuckians, such as myself. I knew his family well. Nancy, his now widow, and his five kids were all running around during that campaign way back then.

I want to say to Nancy and all of Marlow and Nancy's kids how much we admire him. Elaine and I are truly saddened by his loss. We are going to continue to remember this veteran, this extraordinary county official, and our United States Senator fondly. I am sure colleagues will join me in that sentiment. I ask them also to join me in sending our best to all of Marlow's family and friends.

#### UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, on an entirely different matter, I ask unanimous consent that the Senate, on Monday, February 8, at 5 p.m., proceed to executive session to consider the following nomination: Calendar No. 360; that there be 30 minutes for debate on the nomination equally divided in the usual form; that upon the use or yielding back of time, the Senate vote without intervening action or debate on the nomination; that if confirmed, the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Washington.

#### STUDENT LOAN DEBT

Mrs. MURRAY. Mr. President, last week I asked students and families to share with me their experiences with student loans and college affordability, and I want to start by sharing one of those stories. It is from a young woman named Rebeckah from my home State of Washington. When she was 18, Rebeckah signed up for student loans so she could go to college, and her parents took out what are called PLUS loans to help their daughter afford it. Rebeckah worked hard in college and graduated with her degree. But now she is facing a mountain of student debt, and that is preventing her and her partner from buying a house and starting a family. Not only that, Rebeckah found out that her parents have been taking money out of their retirement savings to pay off their PLUS loans, and they have even resorted to taking a lien out on their home to pay down the debt.

Rebeckah said when she enrolled in college, she was sure that getting a good education would pay off. But now, with all the overwhelming student debt, it feels as if she signed her family up for financial ruin.

When I hear stories like Rebeckah's, it is clear that college costs and student debt are holding families back. I consider it to be one of my most important jobs as a Senator to make sure Washington State families have a seat at the table and a voice in our Nation's Capital, and on an issue as important as this, I am going to make sure their voices are heard loud and clear here in this Congress. I am going to continue to work with my fellow Democrats on ways to make college more affordable. I am going to keep fighting to reduce the crushing burden of student debt for so many families in my home State of Washington and across the country.

Today, the yearly costs of tuition and room and board at a public 4-year institution are 5½ times what they were in the early 1980s. There are many reasons that colleges have gotten more and more expensive, but the result has been the same. It has strained the budgets of middle-class families across the country, and, in some cases, it prevents students from even applying and has forced many others to drop out before they ever earn a degree. With skyrocketing college costs, we are sending the message that college is reserved for the wealthiest few and not for middle-class families and those who want to get there.

We have all heard the numbers of student debt. Overall, Americans hold more than \$1.3 trillion in student loan debt. That is a huge number, and it is actually a little hard to wrap your head around, so let's try this: Every second that goes by, student debt in our country grows by nearly \$3,000. That is every second. And behind those numbers are people who invested in themselves by furthering their education but are now saddled with debt, preventing them from buying a home

or even starting a small business or a family.

A young man from Washington State named Alex told me his income barely covers his monthly expenses, let alone paying down his student loans. He says he feels financially stagnant because "I don't know if I will ever overcome the crippling college debt."

I am glad that Democrats have a plan to help students and families who are in the red. When more students are able to further their education, it doesn't help just them. A highly educated workforce helps our economy grow from the middle out, not from the top down, and it strengthens the workforce we will need to compete and lead the world in the 21st century economy. That is why Democrats want to give students the chance they need to attend community college tuition free.

Of course, many students and families take out student loans to help them finance higher education, but some are locked in with a high interest rate. Today, you can find offers to refinance your mortgage at 3.5 percent or your car loan for around 3.2 percent. I have heard from many borrowers who are paying an interest rate that is twice that amount, and some are paying even more.

Democrats want to make sure that borrowers can refinance their student loans at today's lower rates. We also want to hold the institutions of higher education accountable for providing a high-quality degree so students have confidence that the education they receive and pay for will get them ahead. Democrats want to increase investments in need-based aid, such as Pell grants, so students can keep up with the rising cost of college.

It has been just one week since I asked students and families to submit their stories online to us, and I want to hear from many more because I know there are so many people out there who are struggling. But I must admit, I was taken aback by the constant theme that showed up in so many of the experiences that I have seen so far. I heard story after story from people who said they felt hopeless. They feel buried under student debt, and they see no end in sight. It shouldn't have to be this way. Democrats are offering solutions, and I sincerely hope our Republican friends will join us.

For me, this isn't just another issue; this is really personal. When I was young, my dad was diagnosed with multiple sclerosis. Within a few short years, he couldn't work any longer, and without warning, my own family had fallen on hard times. My brothers and sisters and I—and I have six brothers and sisters—were all able to afford to go to college with the help of what we now call Pell grants, and my mom was able to get the skills she needed to get a better paying job through a worker training program at Lake Washington Vocational School. This country was there for us and never turned its back on my family.

Today, we can't turn our backs on the millions of families just like mine who need a path forward to pay back their student debt. These students want to stay in school to finish their degree even as the costs go up, and they want to one day be able to save up so their kids can afford to pursue their dreams.

It is time to make college more affordable and make sure students can graduate without the crushing burden of student debt. It is time for Democrats and Republicans to work together on solutions, and it is time to reaffirm that, in our country, earning your degree will pay off for you, your future, and the future of this country.

I thank the Presiding Officer.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MCCAIN. 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. MCCAIN. Mr. President, I ask unanimous consent to address the Senate in morning business and to engage in a colloquy with the Senator from South Carolina, Mr. GRAHAM.

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

#### AMERICAN LEADERSHIP AND SYRIA

Mr. MCCAIN. Mr. President, not surprisingly, the talks that are commonly known as Geneva III, in an effort to stop the ongoing genocide taking place in Syria, have now been "suspended."

I quote from this morning's Washington Post: "Syrian peace talks are suspended before they even really begin."

That should surprise no one. The fact is that the situation on the ground, thanks to our total lack of a coherent strategy or even a serious effort, has resulted in Russian airstrikes, ensuring Bashar al-Assad's continued strength. Along with the Iranians, along with Hezbollah that the Iranians have brought in from Lebanon—they all have given the overwhelming majority position to Bashar Assad, who is not about to leave office with the advantage he has now obtained on the battlefield, to a large degree because of Russian airstrikes that are relentless and that have mostly targeted the Western-backed opposition to Bashar Assad's rule. Those airstrikes, according to the Washington Post, have proven sufficient to push beyond doubt any likelihood that Assad will be removed from power by the nearly 5-year-old revolt against his rule.

The gains on the ground are also calling into question whether there can be meaningful negotiations to end the conflict Assad and his allies now seem convinced they can win.

Let's go back about 4 years. Bashar Assad was about to fall. The President of the United States said that it is not a matter of whether Bashar Assad will fall, it is a matter of when. All the momentum was on their side.

At a Senate Armed Services Committee hearing, the Secretary of Defense—then Leon Panetta—said that the departure of Bashar Assad was "inevitable." And then the Chairman of the Joint Chiefs of Staff said it was inevitable that Bashar Assad will leave.

So a policy which was doomed to failure—rejecting a no-fly zone, rejecting robust training and equipping of those who were seeking to stop the slaughter—has now resulted in what many now view as an international crisis; that is, the refugee problem where millions of refugees are flowing into European countries not just from Syria but primarily from Syria, Iraq, and other countries as far away as Afghanistan. So everyone—especially our European friends—is moaning, and their hearts go out and they are trying to accommodate this.

This is not the cause of the problem; this is the result of a failure of American leadership, a feckless American leadership, and a Secretary of State—this Geneva Convention is not the first or the second but the third time—this is the third time our Secretary of State has convened a whole bunch of people in five-star hotels in Geneva, where, of course, the result has been nonexistent because the facts on the ground favor Bashar Assad, the Russians, and Hezbollah.

So what has happened? Now, for the first time since 1973, when Anwar Sadat threw the Russians out of Egypt, the Russians now have a major role to play in the Middle East. They now have protected their base at Latakia. They now are conducting airstrikes in an indiscriminate fashion against—guess who—not ISIS but against the moderates who were fighting to overthrow Bashar Assad, while our Secretary of State calls him up, has conversations with him, begs them to start peace talks, et cetera. And it goes on.

I think sometimes we all get a little numb, but we shouldn't be numb. We shouldn't be numb to 250,000 killed and slaughtered, chemical attacks that indiscriminately kill men, women, and children. These Russian airstrikes are pervasive in the areas where the moderate opposition exists, and they are using what we call dumb bombs—not the precision bombs—slaughtering hundreds of innocent men, women, and children. Places are surrounded where people are starving to death, and our Secretary of State calls for another meeting in Geneva. It is absolutely remarkable.

I wish to point out again that according to the Washington Post story, Secretary of State John F. Kerry scrambled to rearrange his Thursday schedule after de Mistura—that is the U.N. guy—decided to delay the talks. The article states:

"The continued assault by Syrian regime forces—enabled by Russian airstrikes—against opposition-held areas, as well as regime and allied militias' continued besiegement of hundreds of thousands of civilians, have clearly signaled the intention to seek a military solution rather than enable a political one." . . .

Kerry repeated demands made by the opposition groups as preconditions for negotiations. . . . [but] both the opposition and human rights organizations have cited an increase in Russian bombing over the past several days that they said has targeted civilian areas, including camps for displaced persons in the western part of the country.

Russia maintains that it is only bombing "terrorists," but its definition of that word includes parts of the opposition that has been fighting a civil war against Syrian President Bashar al-Assad for more than four years, whose representatives are among those on the opposition negotiating team in Geneva.

How can we expect them to negotiate while the Russian airstrikes are intensified? How can we possibly expect something positive to happen, when clearly the momentum and the strength is on the side of the Russians, the Iranians, and Bashar Assad?

Friends, this is another chapter in American history of humiliation and a failure of leadership. Of course, all of that is no better epitomized and symbolized than by what happened when the Iranians captured two American vessels that happened to stray into their territorial waters. Everybody should know that when a ship goes into another country's territorial waters, the first thing to be done is to go out and guide them out of it. It is against international law to take them at gunpoint all over the world but particularly—all over the Middle East is the picture of American servicemen and one woman on their knees with Iranian Revolutionary Guards holding their automatic weapons on them. This is an incredible act of arrogance and a humiliation for our American sailors.

What is the most aggravating is the response by the administration after this totally unlawful action and humiliation of American servicemen and sailors. The response by the administration was—and I am not making this up—White House Press Secretary Josh Earnest said that the sailors were offered "the proper courtesy that you would expect." Being held at gunpoint on their knees with their hands behind their neck is, in the words of the White House Press Secretary, "the proper courtesy that you would expect."

The Secretary of State, John Kerry, offered his "gratitude to Iranian authorities for their cooperation in swiftly resolving this matter." That is the American Secretary of State after a gross violation of international law. Our American servicemen are put on their knees by a bunch of two-bit Iranians.

Vice President JOE BIDEN described the incident as "standard nautical practice." The Vice President of the United States says that when you put Americans on their knees and point

weapons at them with evil intention, that is standard nautical practice. What planet has the Vice President of the United States been on?

Now, to cap it all off, this week the Iranian Ayatollah Khamenei pinned the Order of Fat'h Medal to the chests of those who mistreated and humiliated American personnel. These people were given awards and medals by the Ayatollah Khamenei. The Obama administration has still failed to condemn Iran's behavior for what it was, a violation of international law and centuries of maritime tradition. According to a recent article in the *Navy Times*, legal experts all agree that this hostile incident represents a gross violation of international law.

So I ask my friend from South Carolina: Is there any explanation that could possibly be understood about this act, a violation of international law and the humiliation of American servicemembers? There is only one reason; that is, they don't want to upset the Iranians. They don't want to disturb the \$100 billion or so that is going to the Iranians as we speak while they buy weapons and toys all over Europe.

So here we have now seen American service personnel put on their knees with guns to their heads, and the most important people in our government praised the Iranians for their actions. I would ask my friend, how else could you explain—not passivity, but—the absolute endorsement by the Vice President of the United States and the Secretary of State for this kind of humiliating behavior?

Mr. GRAHAM. I say to Senator McCain, I think it is a disconnection from reality—trying to shape a reality that does not exist.

Can you imagine your good friend Ronald Reagan, if he had been President, what the Iranians would have done?

Mr. McCain. Could I remind our colleague that some of our colleagues recall that the day Ronald Reagan was sworn in as President of the United States, the hostages that were being held from our Embassy in Iran came home.

Mr. GRAHAM. This is about lack of respect for the Obama administration, John Kerry, and everybody else in our government. The Iranians did this, Senator McCain, I think for one reason—to show the region they are not intimidated by the United States.

Mr. McCain. Or that they can intimidate the United States—

Mr. GRAHAM. Right, that they can test our resolve. They do it all the time. They fired two missile tests in violation of existing U.N. resolutions. The Obama administration did nothing about it. They captured two boats. These are lightly armored naval vessels with two 50-caliber machine guns. One of them became disabled and they drifted into Iranian waters. The Iranians reacted as if it was some kind of invasion by America. They humiliated these sailors.

Instead of standing up for our naval personnel, basically we thanked the Iranians for being so nice to people that they captured at gunpoint in violation of international law, but it goes to a deeper point. The Iranians are letting everybody in the region know they are not changing their behavior with this nuclear deal: Don't mistake us having a nuclear agreement with a behavior change.

The Ayatollah and his henchmen are still in charge. They are not part of a family of nations. Since the deal has been signed, they fired missiles in violation of international resolutions, they are on the ground helping the "Butcher of Damascus." Iranians are still the largest state sponsor of terrorism, and this is just the cherry on top of all that misbehavior.

One thing I do want to talk about—and I will get your view of this because you are so knowledgeable. Syria has literally held on, and 250,000 people have been slaughtered in Syria by Bashar Assad and his regime. Those people who took to the streets during the Arab Spring in Damascus were from all different backgrounds and different sects. They wanted to live in a country not run by Assad in such a brutal fashion. His response to their plea for better transparency, democracy, and economic opportunity was literally to shoot them down.

Now we have an all-out war in Syria. The radical Islamic groups have moved into Syria. The caliphate headquarters of ISIL is in Syria. It has been the biggest misjudgment since Munich by this administration. They had Assad on the ropes 3 or 4 years ago and they didn't act, and what you see today is a result of a failure to act.

What I find astonishing is that the Syrian people, who are being slaughtered by the thousands, are being asked by the U.S. Government to sit down with Assad and negotiate an end to this war. The Russians and Iranians are all in for Bashar Assad. The people we have trained to replace Assad have been killed by the Russian President. Our President hasn't lifted a finger. Now we have a Secretary of State basically browbeating the Syrian opposition to go to Geneva and enter into peace talks with Bashar Assad, who is in full control of his part of Syria. I can't believe we would do this to the Syrian people. The Syrian opposition called Senator McCain—this says a lot about you, my friend. They were calling Senator McCain to pass on a message: You have been our best friend. We are not going to sit down and talk with Assad until the U.N. resolutions calling for his removal have been honored.

Our government wants a deal in Syria—regardless of the quality of it—to say they stopped the war on their watch. They are now asking the Syrian people basically to kowtow to the man who has killed their families.

This deal with Iran is a nightmare for the region. You give the Iranian Ayatollah a pathway to a bomb, even if

he doesn't cheat, a missile to deliver the bomb, and money to pay for it all. Now they want to take the same negotiating team into Syria and lock into place Bashar Assad's regime, which has slaughtered the Syrian people, give the Russians and Iranians a foothold in Damascus through negotiations that they could never have dreamed of a year ago.

I ask Senator McCain, what do you think the consequence would be of any peace agreement as long as the Russians and Iranians are supporting Assad and we are indifferent to the Syrian opposition in terms of their military needs?

Mr. McCain. I think it is very possible that the Secretary of State will call another gathering in Geneva. After all, this is only the third. He has another year, and maybe we will have Geneva IV and V.

Mr. GRAHAM. What leverage do we have over Assad?

Mr. McCain. That is the point. There is no leverage, I say to my colleague. Meanwhile, while the Secretary of State is pressuring the Free Syria forces and threatening to cut off assistance to them, Russia is escalating their bombing campaign and continues the slaughter of innocent people. Meanwhile, there are also enclaves around Aleppo and other places where people are literally starving to death—literally starving to death. There are pictures, my friends, on the Internet, if you would like to see it.

What does our Secretary of State do? He calls Lavrov. He calls Lavrov and complains. Lavrov, of course—it would be very interesting to know what is going through Mr. Lavrov's mind—but it is very clear that the Secretary of State is a supplicant, and this incredibly weak economy, with a brutal dictator in charge, is now achieving goals that have been age-old ambitions of the Russians. They are now playing a major role in the Middle East.

Mr. GRAHAM. I ask Senator McCain, may I read to you an exchange?

This is John Kerry 2 days ago:

"[T]here will be a ceasefire," Kerry predicted Tuesday in Rome. "We expect a ceasefire. And we expect an adherence to the ceasefire. And we expect full humanitarian access."

Two days later, the Russian bombing hasn't stopped and thousands of Syrians remain starving.

Not only has the Russian bombing continued, Putin has sent in advanced fighter jets to do the bombing.

Kerry said he was assured by the Russian counterpart [Lavrov] the Russians would stop bombing.

When asked, Lavrov said, "Russia's strikes will not cease. . . . I don't see why these air strikes should be stopped."

Whom is he talking to? The Russians are telling John Kerry to his face: We are going to keep bombing. John Kerry keeps telling the world they are going to stop bombing. In the meantime, Syrians are being slaughtered and starved

to death and we are fiddling while Syria burns.

Mr. MCCAIN. I want to mention one other aspect of this with my colleague, and that is the refugee issue.

It is surprising to many people in the world, this flood of millions of refugees, not just from Iraq and Syria but Iraq and even as far away as Afghanistan. Our European friends have treated it like maybe it was an earthquake or flood or natural disaster. It was not a natural disaster. It was a natural occurrence when the situation became so terrible that people believed they couldn't stay and live where they were.

Why did that happen? Because we watched the Russians, Bashar Assad, Hezbollah, and the Iranian Revolutionary Guard—we watched them commit all of this slaughter in Syria. No one can live in Syria today without fear for their very lives, unless they happen to be one of Bashar Assad's allies.

So now we have this huge refugee immigration crisis, which sooner or later we are going to have to be involved in, in some way or another, and it is a result of the failed policies of this President of the United States.

This President sat by and watched the chemical weapons use. This President refused to keep a sustaining force in Iraq. This President, when asked by his Secretary of State, his Secretary of Defense, and the head of the CIA to provide a safe zone turned it down. I still say to my colleague—and I would be interested in his views—that we still could establish a safe zone in Syria, where these people could go, we could protect them, and they wouldn't have to leave and flood Europe and eventually try to come to the United States of America.

That would be the best thing we could do in the short term, and this President refuses to do it.

Mr. GRAHAM. Well, let's get a little closer to the region. JOHN MCCAIN and LINDSEY GRAHAM have been saying for 3 years now that if we don't end the war in Syria—which means requiring the Islamic State, or ISIL, to be destroyed with a ground component and not by the air alone—we are going to get hit here at home and a Paris-style attack is coming our way. This strategy to destroy ISIL will never work. President Obama is trying to pass it on to the next the President. We have been begging the President to change his strategy in Iraq and Syria before we get hit here at home.

Another casualty of the war in Syria is the neighborhood itself. There are more Syrian children going to primary schools in Lebanon than Lebanese children. Our friends in Lebanon are being overrun by Syrian refugees because of the Hell-on-Earth nature of Syria.

But one of our best allies in the entire world is the King of Jordan. Let me tell you what he has experienced as a result of us as a nation allowing Syria to fall completely apart. This was yesterday:

The leader of a key U.S. ally in the Middle East warned Tuesday that his country [Jordan] is so packed with Syrian refugees, many with ties to the Islamic State terror group, that his nation has reached a "boiling point."

Sooner or later, I think, the dam is going to burst.

The bottom line is I have been saying this for 2 years now, along with Senator MCCAIN: If you don't end this war in Syria, one of the victims is going to be the King of Jordan. And the King of Jordan says that our welcoming nature has to come to an end.

Here is the lay of the land. Jordan cannot take any more. Lebanon is overrun. The Europeans are pushing back, and you are going to create a process where people in Syria have no place to go unless we help them. They are going to be slaughtered. They are in between ISIL and Assad. What we are suggesting is to create a safe haven inside of Syria where they can go without being killed, raped, and murdered so they don't have to go to Lebanon, Jordan, Europe or the United States.

If John Kerry and Barack Obama do not change their approach to Syria, Syria is going to be the catalyst for a meltdown in the Middle East. Their approach is going to allow the Iranians to control Damascus. Any deal done in Geneva under these circumstances is going to have one certain outcome: The Russians and the Iranians are going to win, and the Syrian people are going to lose. If we don't destroy the caliphate with a ground component soon—not just from the air—we are going to get hit here at home. The center of the caliphate is in Syria. If we don't bring this war to an end soon by getting rid of ISIL and Assad—which would require both to end the war—Lebanon and Jordan are going to fall.

So to the Obama administration, when you were Senators, you really took it to President Bush. He made his fair share of mistakes, but at least he corrected them. Senator Obama and Senator Kerry both opposed the surge in Iraq.

On President Obama's watch, he was handed an Iraq that was becoming secure and that was on a glidepath to stability, and he chose to withdraw all of our troops—against sound military advice—to fulfill a political promise. Three years ago, at the urging of Senator MCCAIN and myself, we had Bashar al-Assad on the ropes. His entire national security team advised President Obama to arm the Free Syrian Army while they were intact. That would have been the end of Assad, and Syria would be in the process of healing itself. But President Obama said no to his entire national security team. He drew a redline against Assad a couple of years ago and said: If you use chemical weapons, I will act. Assad used chemical weapons, and nothing of consequence happened. Assad is still in power. He will be in power when Obama leaves.

In the meantime, Russia has introduced itself in the Middle East unlike at any time since the early 1970s.

Now the Iranians are on the ground, fully behind Assad. The balance of power has shifted. Assad is in a good place. The Syrian people are in a lousy, terrible, horrible place. John Kerry and Barack Obama's foreign policy is in free fall.

I will make a prediction—and I hope I am wrong—that if they don't change their policies toward Syria, the region is going to have an imbalance that we have never seen in our lifetime. An attack against this homeland is coming. It is coming from Syria. It is being planned as I speak. We didn't know exactly what they were trying to do before 9/11, but we were worried that we were going to get attacked by Al Qaeda.

I can tell you exactly where the attack is coming from. It is coming from Raqqa, Syria. It is being planned while I speak. Every day the caliphate is allowed to exist is another day of danger and peril for the United States.

So if President Obama and John Kerry do not change their policies to destroy the caliphate sooner rather than later, we will be hit here at home. If we don't get Syria in a better spot soon, Jordan and Lebanon are going to be victims of this war.

To Senator MCCAIN, I just wish to end with that thought.

Mr. MCCAIN. Let me make a couple of additional points and then we will yield the floor.

To go back, these refugees are putting a strain on Europe that may basically lead to the dissolution of the European Union. You cannot have so many thousands—tens of thousands or more people—flood into a country with which they are totally unfamiliar without there being some problems there. So the very fabric of the EU may be tested here.

But one of the things I want to mention to my friend is that the apologists for the Obama Administration have constantly and persistently pursued a dishonest line of interpretation of history, and that is that after the surge was won—and it is a fact—at great sacrifice, at enormous sacrifice we had Iraq stable. The attacks were down. The Shiite militias were repressed. The battle of Fallujah had been won at great cost. There was a bright future that could lie ahead for Iraq, but it required a continuing American presence. That was an absolute necessity. It was the same reason why we didn't leave Korea after the Korean war, the same reason why we haven't left Bosnia, and the same reason why we didn't leave Germany or Japan.

But the apologists in the liberal media—and we all know who they are—are saying: Oh, they couldn't stay because they didn't have a status of forces agreement through the Iraqi Parliament and it couldn't be done. That absolutely made it impossible for us to stay.

Mr. GRAHAM. If I may, could I interject?

Mr. MCCAIN. Yes.

Mr. GRAHAM. We couldn't have troops on the ground because Iraqis said no. Do we have troops on the ground today, I ask Senator MCCAIN?

Mr. MCCAIN. That is the point. Now we have at least 3,500 troops on the ground in Iraq.

Mr. GRAHAM. Where is the Parliament?

Mr. MCCAIN. We don't have a status of forces agreement. Their Parliament has not endorsed it. Where are our liberal friends on the other side? Aren't they concerned that there isn't a status of forces agreement and we continue to incrementally—a classic example of mission creep—gradually increase our presence more and more.

Actually—and I don't use this line very often but these apologists, particularly in the liberal media, the so-called commentators—they are lying. They are lying when they say that we couldn't keep a sustaining force there. We could, and we could have done it without the approval of their Parliament, including the fact that we have troops in a number of other countries where their Parliaments haven't approved a specific status of forces agreement. So it is really aggravating.

But the reason why they tell this lie is because if it were really a fact that at great sacrifice we had stabilized Iraq and it had a bright future at that time, their calls for a complete withdrawal and the President's announcement that the last combat soldier had left Iraq—remember that? Remember that one of his underlings said: We are leaving behind the most stable, prosperous, democratic Iraq in history. That was the statement. I think it was Blinken or one of those guys. It was great.

We have gotten everybody out of Iraq, just as the President promised when he ran for President of the United States. But leading from behind doesn't work. Just because you leave a conflict, that does not mean the conflict is over.

Again, this morning, they are trying to make that same mistake in Afghanistan, although I pray they have learned that they cannot go to what the President originally announced—that they would go to an embassy specific force of about 1,000. The question is how many and what their missions will be.

So I think it is important to emphasize that this did not have to happen. If we had kept that stabilizing force behind, you would never have had Baghdadi break off from Al Qaeda and move to Syria and seeing the things we are seeing today.

I am afraid my friend from South Carolina is right. In fact, I know he is right. There will be further attacks on the United States of America and Europe because it is inevitable. When Mr. Baghdadi controls a large piece of geography from which he can train, equip, motivate, and send people out to commit acts of terror, that will happen, and the responsibility will lay at the doorstep of Barack Obama and his minions.

Mr. GRAHAM. If I could, just to wrap this up, I wish we were wrong. When the President decided to withdraw all troops from Iraq against sound military advice, we cautioned—literally begged—the President and the Vice President. We went to Baghdad itself to try to help with this problem. I remember saying that I think all hell will break loose because this is so irresponsible. Iraq is in a good spot, but if we leave now, it will all fall apart. I hope I am wrong. Well, we weren't wrong.

When the Syrian people took to the streets to demand more freedom and our response was to ignore their plea, when the people of Iran went to the streets and the Ayatollah shot them down and our President said that he didn't want to discuss negotiations with the regime, when Assad had his back to the wall and President Obama declined to take good advice to arm the Free Syrian Army and the people of Syria to get rid of their dictator, all the things that Senator MCCAIN and I have predicted have come true.

The point of being here today is that the worst is yet to come and, God, I hope I am wrong because this is what I think is going to happen. I think there is going to be an attack on our country that is being planned as I speak, coming from Syria. If we went on the ground in the region—not 100,000 U.S. troops but mostly people from the region with some of us—we could destroy the caliphate and we could disrupt their plans against our homeland, but we are not doing that.

If we don't change our strategy regarding Syria, we are going to lose one of the best allies America has ever had, and that is the Kingdom of Jordan, because it is being overrun by refugees. The whole seam of the Middle East is splitting wide open.

I will say this. Everybody makes mistakes—Bush, LINDSEY GRAHAM, and JOHN MCCAIN. The key is to adjust. The problem I have with this administration is that they seem unable and unwilling to adjust. If they don't change their strategy, we are all going to regret it. As bad as it is today, the worst is yet to come.

Mr. MCCAIN. Could I just add one other point to my friend from South Carolina?

The President is very good at setting up straw men. He says that we only have two choices—to send in a couple of hundred thousand troops or to do nothing. Neither LINDSEY GRAHAM or I or any smart person I know are advocating that.

What we are advocating is about a 10,000 American force providing the capabilities of ISR training, forward air controllers and others, with a large contingent of Arab countries that would then move to Raqqa on the ground with the use of American air power.

Please do not be fooled by this constant barrage of untruths that are being said about those of us that we

want to send in hundreds of thousands. We do not. This has to be an Arab coalition with the United States a small part of it, and, by the way, have them pay for it as well. With the proper American leadership and commitment and credibility, which is totally absent now in the region, that could be done. Otherwise, we will fight them there or we will fight them here.

I yield the floor.

The PRESIDING OFFICER (Mr. CASSIDY). The senior Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent to proceed in morning business.

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

#### PRESCRIPTION DRUG ABUSE

Mr. LEAHY. Mr. President, I had planned to be in the Senate Judiciary Committee today, debating and pushing for passage of the Comprehensive Addiction and Recovery Act, or CARA. Unfortunately, the markup was postponed. I wish it had not been. So I hope next week we can make progress on this important bill. We have a need for this legislation, and we also need the money for it. Senator SHAHEEN has an emergency supplemental appropriations bill. These are actually both urgent matters.

States such as mine, Vermont, and our neighboring State of New Hampshire have been deeply affected by this wave of addiction. The media has covered this very personal and ravaging epidemic as never before. We have seen a transformation in how we talk about this issue and the need for solutions. It used to be that if you had a drug problem, they would bring in the police to straighten it out. We have removed the stigma of drug addiction, but we need more than talk. I have visited many of these communities. They are devastated by this epidemic and need resources for prevention and treatment. It is time for Congress to act.

For years I have been convening field hearings and sitting at kitchen tables, listening to Vermonters discuss innovative approaches to confront drug abuse and related crimes. I have also sat at kitchen tables and listened to tragic stories about a member of the family who had been hit with opioid addiction. What I have heard in the meetings I have had with the police, doctors, family members, faith community, and educators is that we cannot arrest or jail our way out of this problem. We have lost the war on drugs—if we were ever winning it—because we relied primarily on unnecessarily harsh sentencing laws.

I spent 8 years in law enforcement, and I know that law enforcement practices will always play an important role. That is why I have worked to secure funding for State-led, anti-heroin task forces. But if we want to find lasting solutions to these problems, we have to identify and support effective



prevention, treatment, and recovery programs. CARA does just that. This legislation would support innovative, evidence-based solutions—best practices that are already showing great progress in States like mine.

We need to do all we can to prevent and treat the abuse of prescription opioids. I have pushed for years to have the FDA promote safer alternatives to powerful prescription pain killers and to remove from the market the older, less safe drugs. The FDA's announcement to expand access to abuse-deterrent formulations of these powerful drugs is a step in the right direction in response to my concerns, but the FDA can and must do more.

Mr. President, I ask unanimous consent to have printed in the RECORD the April 28, 2014, Leahy-Blumenthal letter to the FDA Commissioner.

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

U.S. SENATE,

Washington, DC, April 28, 2014.

Hon. MARGARET A. HAMBURG,  
Commissioner, Food and Drug Administration,  
Silver Spring, MD.

DEAR COMMISSIONER HAMBURG: We are writing to urge the expedited review of New Drug Applications for abuse-deterrent formulations of single-entity hydrocodone products. Zohydro ER was the first pure hydrocodone product to receive FDA market approval. The drug was approved despite lacking any abuse-deterrent properties and over strong objections from the FDA's own independent advisory committee. We share the concerns of the many governors and state attorneys general who believe this powerful drug is all but certain to exacerbate our nation's addiction to opioid analgesics, which results in tens of thousands of overdose deaths each year.

Given their potency and ease of abuse, we have little doubt that pure opioid products may lead more Americans to addiction, some even to heroin. The FDA has already recognized the heightened risks of overdose and death with Zohydro ER, even at recommended doses. Drug developers continue to seek regulatory approval for other easy to abuse opioids, such as Moxduo IR. To the extent that pure opioid products fill a necessary niche in responsible pain management practices, the FDA must now take all available measures to ensure that patients are soon provided safer alternatives. This process begins by prioritizing review of abuse-deterrent formulations. Such formulations are much more difficult to crush or dissolve, two preferred methods of abuse.

As safer, abuse-deterrent opioids are approved, the FDA should act swiftly to remove any older, less safe versions. In the past, it has taken up to three years for the FDA to ban products that lack abuse-deterrent properties when a safer equivalent exists. Americans should not have to wait this long with Zohydro ER.

We also request that the FDA brief our staff on your plans to monitor the use of Zohydro ER, including what metrics will be used to potentially reevaluate its status as an approved drug if widespread problems develop. We also ask that you share your planned efforts to curb prescription drug abuse generally, including the development and approval of effective non-opioid painkillers that may finally break the cycle of opioid addiction. Each year, the opioid epidemic seeps into more communities and

takes more lives. We are eager to learn how we can assist the FDA to finally get ahead of this scourge.

Thank you for your prompt attention to this matter. We look forward to hearing from you.

Sincerely,

RICHARD BLUMENTHAL,  
U.S. Senator.

PATRICK J. LEAHY,  
U.S. Senator.

Mr. LEAHY. I am also concerned that rural communities are in desperate need of the lifesaving drug naloxone so that opioid overdoses can be stopped. I have heard from law enforcement officers and grateful families what a miracle this drug can be, so we need to make sure we have it supplied where it can literally save lives. I have had police officers tell me that they arrived at a scene with an overdose, and because they had that with them, they saved the life of the person. If they had not had it, the person would have been dead by the time the ambulance arrived.

In Vermont, we have seen a 65 percent increase in the number of Vermonters getting treatment for their addiction over the past 2 years. This is encouraging progress and reflects the fact that our Governor and also State legislators of both parties have stepped up. But we know that there are hundreds more who are on waiting lists, and patients in the very rural corners of my State travel hours just to get their medication. We need to do more about this real threat to our communities.

I am very proud to cosponsor Senator SHAHEEN's emergency supplemental appropriations bill. I want to be able to fund additional public health outreach, treatment, recovery, and law enforcement efforts. We have passed much larger emergency supplemental bills to address swine flu and Ebola. We passed huge supplemental bills on Ebola when we did not have a single case of Ebola originate here in the United States. We were worried about it coming in, but it did not originate here. But here, we have tens of thousands in the Presiding Officer's State, in my State, and in every other State. We have to take the health epidemic already in our communities just as seriously as we did those diseases that did not originate on our shores.

(The remarks of Mr. LEAHY and Mr. FRANKEN pertaining to the introduction of S. 2506 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Indiana.

#### WASTEFUL SPENDING

Mr. COATS. Mr. President, this is the first week of February, and a new month brings a new "Waste of the Week" speech from the Senator from Indiana. In preparing for this, we learned another disturbing fact about our economy, and that is that the United States has hit yet another new

mark. Our national debt now exceeds \$19 trillion.

It wasn't that long ago that I was standing on this floor and talking about the fact that we are approaching \$11 trillion of debt, and in just a few years that has accelerated in a most dramatic way. Now it has reached \$19 trillion. Obviously, it is having and it is going to have a significant impact on the future of this country and our economic growth. In fact, the Bureau of Economic Analysis said that our Nation's gross domestic product—the measure of our Nation's economic activity—grew a very anemic 0.7 percent in the last quarter of 2015. We simply cannot sustain our economy and grow and provide economic opportunity for Americans and jobs for Americans at a growth rate of 0.7 percent. In fact, the growth rate on the average is now about 2 percent. We can't even keep our heads above water in terms of providing employment opportunities for people if we don't grow at a much faster pace, particularly following one of deepest and most damaging recessions we have ever had.

Clearly there are issues that need to be addressed, issues that need to be talked about, and actions that need to be taken that put us on a better path to growth. Not having come up with the ability to address our long-term debt in any kind of a macro sense after many opportunities over the years and many efforts—some of them bipartisan and all of them denied by the President of the United States in terms of going forward for "political reasons"—I have shifted my talk to, say, at least let's try to stop spending money that falls in the category of waste, fraud, and abuse.

I have documented over the last year or so well over \$130 billion of documented waste, fraud, and abuse. This isn't just conjuring up some story or picking up stories out of a newspaper; these are documented examples by independent agencies of the Federal Government that examine our spending and come up with ways in which they can point out that the spending is not necessary and that these funds can be used for much better purposes, the best purpose of which would be to not increase our national debt in paying for waste and not demanding ever-more tax increases from our constituents to help pay for waste.

This week I am going to highlight something that wastes taxpayers' money and literally wastes space, warehouse space. The Department of Homeland Security owns or leases a number of warehouses around the country. They need this because they need to have in place the equipment that is necessary to address a disaster. Whether it is a natural or manmade disaster or whether it is a terrorist attack—for whatever reason, they need a number of these warehouses. They either buy or lease these warehouses to store this equipment that is needed for emergency situations.

In 2013 the Department of Homeland Security spent \$60 million to own or lease a total of 1,628 warehouses that, when added together, occupy 6.3 million square feet. That is a lot of leased space. That is a lot of space to own or lease to store equipment. That is the size of 110 football fields.

No one is questioning the need to be prepared for disasters or the need for warehouse space in different locations around the country, but, as is the case with so many government agencies, in the use of taxpayer dollars, we need to oversee and make sure the money is being spent in an efficient and effective way.

Thank goodness for these inspectors general. Without them, we would not be able to determine and find out what is going on at these various agencies regarding the handling of taxpayer money.

The latest report from the DHS inspector general said that there are some warehouses that are ripe for elimination, which would save taxpayers about \$9.7 million over a 10-year period of time. The inspector general said that the first of these buildings holds primarily a bunch of broken chairs—unused furniture. It is storage space for paperwork that is no longer necessary—and indicated that the DHS leases this warehouse in Northern Virginia for \$934,000 a year. I wish I owned that warehouse. I would be prohibited under the ethics code from doing that, but that is a pretty good deal. You build a warehouse and you lease it to DHS and charge them \$934,000 a year, and it is filled with equipment that is either broken or needs to be thrown out. In a macro sense, it kind of reminds me of my garage. I started thinking, well, there is a bunch of broken stuff in there sitting around on a shelf. Why don't I just get rid of it? Then I would have the space to store something that is needed.

I guess what the Inspector General is saying is, look, this stuff looks like a bunch of broken chairs and stuff we don't need, so why don't we get rid of it and save the taxpayers some money? Over the next decade, this could save the taxpayers a lot of money.

Let me show another picture. DHS also leases a 6,500-square-foot warehouse in Northern California. That is only \$74,000 of taxpayers' money on an annual basis. The warehouse is virtually empty. Maybe they have a plan to put something in there, but it is sitting there empty, and it is costing the taxpayers \$74,000.

The IG said: There are some old computers there which we don't use anymore. We bought new ones. There is a lot of broken equipment in there. There is old office furniture, and there are some books.

Again, it sounds a little bit like my garage on a macro basis. Why do we pay over \$70,000 to lease this warehouse when that is what it contains? I mean, let's throw it out.

These are just a few of the items the IG found. Clearly, though, it is an ex-

ample of an inefficient use of taxpayer dollars, and it can add up to some significant numbers. Those numbers, as I have been posting here over the last year or so, are now totaling \$130,146,746,016. It is a waste of a lot of money, and it is a waste that needn't take place.

I am going to keep coming down here week after week highlighting to my colleagues that we can do a better job of oversight, we can do a better job of running this government, and we can do a better job for the taxpayers, who are working hard to earn money that is taxed by Uncle Sam. Some of it is wasted or spent through fraud or abuse.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### NUCLEAR AGREEMENT WITH IRAN

Mr. COONS. Mr. President, I come to the floor today to talk about our relations with Iran and the enforcement of the U.S.-Iran—the international nuclear deal.

Let me first start with a few observations to reinforce an important point: that Iran is neither our friend nor our ally. Just last Wednesday, as the international community marked the 71st anniversary of the liberation of Auschwitz as part of UNESCO's Holocaust Remembrance Day, when countries from around the world came together in solemn remembrance of the Shoah, united in a shared commitment that the atrocities of the Holocaust must never happen again, Iran's Supreme Leader, Ayatollah Khamenei, issued a very different proclamation. It came in the form of a video uploaded to his official Web site in which the narrator condemns the nations of the world for supporting Israel and questions the legitimacy and magnitude of the Holocaust.

Just a few days later, the Supreme Leader of Iran awarded medals to the members of the Revolutionary Guard Corps who detained American sailors last month under very dubious circumstances. The Iranian Supreme Leader, eager to use this incident for his own propaganda purposes, called them Medals of Conquest.

These two actions are despicable and not the sign of a nation ready to rejoin the international community. These actions by Iran's Supreme Leader are just the most recent in a series of provocations and reminders that the Iranian regime is neither America's ally nor friend.

A nation such as Iran that continues to suppress dissent, promotes terrorism on its regional neighbors, and blatantly disregards international law and

norms, is a destabilizing force, a revolutionary regime not to be trusted. It is precisely for this reason—because we are deeply distrustful of Iran and its intentions—that we have to come together to rigorously, aggressively enforce the terms of the nuclear deal with Iran and push back on its bad behavior, from its support for terrorism, to its human rights abuses, to its illegal ballistic missile tests.

Today I wanted to focus on one of the most vital elements of the nuclear deal—the so-called Joint Comprehensive Plan of Action, or the nuclear deal with Iran, which is the dramatic increase in access and surveillance that the International Atomic Energy Agency, or the IAEA, has gained through this agreement.

After implementation day was reached, one of the significant consequences of that milestone is not just that Iran has taken dramatic action to push back its own nuclear trajectory but that it has granted unprecedented access to the world's nuclear watchdog agency to monitor its compliance with the deal. As Congress, the administration, and the international community now focus on enforcing the terms of the JCPOA, it is worth taking a much deeper look at what exactly makes this IAEA access so unprecedented and so important to maintain.

I recently visited the headquarters of the IAEA in Vienna, Austria, with a delegation of eight Senators. This agency has a huge amount riding on its ability to successfully detect any Iranian cheating under this deal. It is no understatement to say that the very credibility of the IAEA is on the line as it monitors, inspects, and verifies the status of Iran's nuclear program—not just for a week, a month, or a year, but for decades into the future. I was pleased and reassured to see that they are using some of the very innovative inspection techniques developed at America's own National Laboratories. These are just a few of the topics I want to touch on in the minutes ahead.

The nuclear deal reached with Iran required that they provide the IAEA with around-the-clock, 24/7 access to monitor Iran's entire nuclear fuel cycle. What is a nuclear fuel cycle? It is all the different steps required to go from mining the raw ore to actually producing highly enriched uranium—from uranium mines, uranium mills, centrifuge production workshops, to every known and declared uranium enrichment site connected to Iran's nuclear program.

Simply put, before this agreement—before the JCPOA—Iran could have converted its uranium or its plutonium into material useful for a nuclear weapon. On implementation day, Iran disabled its Arak reactor. They filled the core of that reactor with concrete, shutting off the so-called plutonium pathway to a nuclear weapon.

Today I will focus on the uranium pathway of the commercial nuclear fuel cycle, which includes the four

parts I just mentioned—mills, mines, conversion facilities, and enrichment facilities. These different components of their entire fuel cycle are scattered across the nation of Iran, as you can see in the graphic to my right.

The fuel cycle begins at uranium mines where hundreds of tons of dirt, rocks, and ore which contain tiny, trace amounts of uranium—typically just 0.1 percent—are dug up, blasted into smaller pieces, dumped into huge trucks, and then transported to the next stage, uranium mills.

Two mills exist in Iran near Gachin and Saghand. Under the JCPOA, the IAEA will maintain continuous access to these mills. In these uranium mills, the rocks retrieved from mines are then ground into dust from which uranium is extracted. This raw uranium ore concentrate is then transported—again, under the supervision of the IAEA—to a uranium conversion facility at Isfahan, where it is converted into uranium hexafluoride gas, or UF<sub>6</sub>.

The final and most critical step of the fuel cycle takes place at so-called enrichment facilities where rapidly spinning centrifuges enrich uranium hexafluoride to the point where it can be used for research and development, industrial purposes, or, if enriched to a very high level as fissile material, it can be used for a nuclear weapon.

Critically, the nuclear deal gives the IAEA access to inspect and oversee every one of these stages, not just enrichment facilities, as other deals with other countries previously required. If the JCPOA only required the Iranians to give nuclear inspectors access to their enrichment facilities, Tehran could easily continue to mine, meld, convert, and then quite likely enrich uranium undetected elsewhere, such as undeclared secret facilities. That is why it is so important that mills, mines, and the whole rest of the fuel cycle are subject to regular inspections and continuous oversight. Access to the entire fuel cycle means that the IAEA—and thus the world—will know if Iran tries to move any nuclear material to undeclared covert facilities.

One of the biggest advances in this new, continuous monitoring approach is a whole new series of inspection techniques and technologies. It is not enough for nuclear inspectors themselves to be able to access every step of the fuel cycle because it is impossible for even the best inspectors to be physically present everywhere all of the time in a nuclear fuel cycle system as complex as Iran's. That is why effective oversight and enforcement demands that the IAEA be able to monitor enrichment efforts remotely and constantly. That level of monitoring is provided by the continuous real-time monitoring of all of Iran's declared nuclear facilities.

Here is one of the ways that works. The small device to my right here is an IAEA monitoring device—known as an online enrichment monitor, or an

OLEM—which is installed at the Natanz fuel enrichment plant in Iran. The pipe labeled “A” is a processing pipe that transports gaseous uranium hexafluoride gas from cascades of spinning centrifuges. These centrifuges are the devices that take the uranium previously mined from the ground and then milled to be transformed or enriched into uranium possibly useful for either civilian or military purposes.

Inside the box at the bottom right, this “B,” is a gamma ray detector which measures the amount of uranium hexafluoride gas flowing through the centrifuge at key measurement points. These gamma ray detectors send continuous, real-time, 24/7 information to the IAEA so it can make sure that Iran's uranium enrichment levels remain at or below the agreed-upon 3.67 percent—dramatically lower than the 90 percent enrichment threshold required for fissile material useable for a weapon.

In addition to these gamma ray detectors, pressure and temperature sensors continuously monitor the present quantities of gaseous uranium hexafluoride gas. Measurements from these sensors, combined with data from the gamma ray detectors, allow the IAEA to effectively monitor all uranium enrichment. This monitoring equipment runs autonomously, has backup battery power to ensure reliability, and is encased, as you can see, in sealed containers that contain tamper-resistant equipment to allow the international community to know if Iran tries to alter or tamper with the monitoring equipment.

Before the IAEA developed and implemented these continuous monitoring devices, nuclear inspectors had only two options for verifying compliance: Send inspectors directly, physically into each facility to retrieve physical samples or attempt to measure compliance, even remotely, by taking environmental samples. As a stand-alone method, these two techniques were unreliable and time-intensive, requiring weeks to collect, ship, and analyze samples. Today, instead of waiting weeks or months for results, the IAEA now has real-time, around-the-clock access, so it is aware of exactly what Iran is doing at its enrichment facilities.

These nonstop monitoring devices that were recently developed will also be supplemented by traditional sampling and analysis performed in person by IAEA inspectors. Continuous monitoring devices are in place at all of Iran's uranium enrichment facilities, as well as every known site at which Iran mills and converts uranium and manufactures or stores centrifuges.

That represents every single location involved in Iran's fuel cycle—except uranium mines. That is because real-time monitoring of a mine would serve no scientific purpose. Uranium mines consist of thousands of tons of raw dirt, rock, and ore. Only a minuscule amount of uranium is naturally

present, and even that raw uranium is typically present in such tiny concentrations—just a fraction of a percent—that they are unusable without further processing and enrichment.

IAEA inspectors have regular access, as I have said, to all known uranium mines, and because of the huge amount of activity required to process and mine uranium, regular inspectors are more than sufficient to uncover and monitor Iran's behavior at mines.

Throughout Iran's nuclear facilities, the IAEA has also installed both still and video cameras. These cameras provide a 90-percent increase in the number of images generated per day compared to before the nuclear agreement, giving the international community another vital window into Iran's activities.

In addition, gamma ray monitors—as well as all nuclear material, centrifuges, and equipment—are all secured with tamper-evident seals to protect the integrity of the equipment.

In our Nation's history of dealing with rogue states seeking a nuclear weapons capability—from Saddam Hussein's Iraq to Qadhafi's Libya to North Korea—there has never been an inspection protocol that allowed the IAEA this level of access to monitor and oversee every stage of the nuclear fuel cycle. Under this level of oversight, to produce a nuclear weapon, Iran would need to construct an entirely separate fuel cycle—a whole supply chain, including mining, milling, conversion, and enrichment facilities—completely in secret—an exceptionally difficult undertaking.

But access alone is not enough. For us to be ensured that Iran is not developing a nuclear weapon, the IAEA must also have the resources to turn that access into effective oversight.

Under the terms of the JCPOA, Iran must declare every nuclear and nuclear-related facility that exists within its borders. In response, inspectors have three roles: first, to confirm that Iran's site declarations are accurate and comprehensive; second, to monitor all declared sites to make sure Iran's behavior complies with the terms of the deal; and, third, to track material that leaves each facility to make sure Iran is not pursuing illicit nuclear activity at undeclared sites elsewhere in the country.

Inspectors have regular, complete access to every segment of the nuclear supply chain: conversion, enrichment, mines, mills, fuel manufacturing, the reactors themselves, and spent fuel. To reach the level of necessary oversight, the IAEA has increased its number of inspectors by 120 percent. But I will remind my colleagues that for the next 25 years or more, these physical inspections will have to be sustained to provide a critical supplement to the continuous monitoring technology I referenced before.

Even so, if the IAEA doesn't have enough capable nuclear scientists to effectively monitor, evaluate, and investigate every aspect of Iran's nuclear

fuel cycle, the international community will not, for the decades to come, be able to effectively enforce the terms of the JCPOA.

It takes years to train capable nuclear scientists and even longer to develop new and better monitoring technologies.

As the name of the IAEA implies, fully supporting the IAEA requires support from each of our international partners. But Congress can and should take a step forward by providing reliable, continuous, long-term funding for the IAEA so they can increase the number of their fully trained and available inspectors. It would send a strong signal to both our allies and to Iran that we are serious about holding Iran to the terms of the deal not just this year but over the decades to come.

The IAEA needs the resources to do its job effectively and efficiently. Working effectively means the inspections are not only uncovering violations or potential violations of the deal but also deterring Iran from covert action by knowing with certainty that they will be caught. Working efficiently means the IAEA can devote as many resources as necessary to searching for undeclared sites and monitoring those that are known. To this end, I hope that when the President's budget is released next week, it will include a significant increase in resources for the IAEA.

Adequately funding the IAEA is something I will be speaking about in greater detail in the weeks to come, but it is also important to note that there is a direct correlation between our investments in Federal research and development—specifically, in our National Laboratories—and our effectiveness in keeping Iran's nuclear ambitions and the threat of proliferation throughout the rest of the world in check.

For over 35 years—back to 1980—every single IAEA inspector has been trained at least once at Los Alamos National Laboratory in New Mexico.

The Idaho, Oak Ridge, and Brookhaven National Labs are also part of the vital training network for IAEA inspectors. On average, our national labs are training 150 IAEA inspectors every year—about one-fifth of the entire inspection staff—every single year, developing key skills to keep us and the world safe, like learning how to make accurate, prompt measurements of nuclear material.

Our National Labs also play a key role in improving existing technologies and developing new ones that we can't even imagine today. The online enrichment monitors I described earlier, which will allow for continuous, real-time oversight of Iran's enrichment activities, were originally developed at Oak Ridge National Lab in Tennessee.

In fact, most of America's 17 National Labs have supported or are currently supporting some element of the IAEA safeguards technology, both as individual labs and as part of a 10-na-

tion, 20-lab network of analytical labs that include Los Alamos, Oak Ridge, Lawrence Livermore, Pacific Northwest, and New Brunswick National Labs.

In conclusion, congressional oversight is essential to the most stringent implementation of the nuclear deal with Iran and for our national security as a whole. Making investments in our National Labs and in Federal research and development today means better trained, better equipped nuclear inspectors for the years and the decades to come. Adequately funding the IAEA today means the international community takes full advantage of the unprecedented access we negotiated in this deal.

Effectively enforcing the JCPOA and pushing back on Iran's bad behavior today makes it clear that we intend to hold Iran accountable and to lay the groundwork for security for generations to come.

If we are serious about enforcing the terms of the nuclear deal, we need more than access; we need action.

Thank you, Mr. President.

With that, I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, I came to the floor to listen to my friend talk about one of the most important issues that we have dealt with in this body for many years. There is no one who is more articulate and more understanding of the issues that face us in foreign policy than the junior Senator from Delaware. So I extend my appreciation to him, and I am glad I had the opportunity to come and listen to what he had to say. The stuff he talked about is not simple stuff. It took someone of his ability to explain so we all understand what he has said, and pointing the way forward for peace and security not only in that part of the world but the other work he has done on the Foreign Relations Committee to promote peace and security around a lot of the world.

#### STATE DEPARTMENT INSPECTOR GENERAL MEMO

Mr. REID. Mr. President, we have always known that the Republicans have an obsession with Secretary Clinton's emails, but their obsession is a trumped up, partisan political crusade.

Today we received a new revelation about just how bankrupt the Republicans' campaign against Secretary Clinton truly is. The inspector general of the State Department issued something that is quite important. It is unclassified. He wrote a memo stating that emails received by former Secretary Colin Powell and aides to Secretary Condoleezza Rice may contain classified information.

This is the same trumped up allegation for which Republicans are currently trying to railroad Secretary Clinton.

As vice chairman FEINSTEIN said last week: "It has never made sense to me

that Secretary Clinton can be held responsible for e-mail exchanges that originated with someone else."

Yet Republicans would have us believe that these emails posed a grave threat.

Secretary Colin Powell said it best. Here is what he said upon reading such emails: "A normal, air-breathing mammal would look at them and say, 'What's the issue?'"

Just like they turned Benghazi into a political issue, Republicans are looking for anything that can be twisted into a partisan political tool—for former Senator and former Secretary of State Hillary Clinton—and for obvious reasons.

The pursuit of her email records has caused the Republicans to waste millions of dollars of taxpayers' money and, of course, abuse the congressional oversight process. They have held up scores of State Department nominees—from USAID workers in Africa and around the world to the State Department's Legal Adviser. Because of what is being done here, the State Department—they have numerous people, I say numerous people, who should be confirmed so the State Department can operate. But, no, they are being held up—even the Legal Adviser. The State Department does not have its own lawyer because it is being held up. All they say is opposition to emails. It is an effort to develop opposition research for the campaign trail. This is what some would say is a watershed moment.

We can now hold Republicans' allegations up to the light and see them for the flimsy, transparent attempts to score political points that they always have been.

If we were to believe Republicans, then we would have to criminally charge Secretary Rice, Secretary Powell, their senior staff, and everyone else who received these emails. We might have to indict the entire senior level of America's national security community.

Of course General Powell should not be indicted. Of course Secretary Rice should not be indicted. But by Republicans' logic, they should be. This is absurd. It is absurd because the inspector general makes it very clear: These charges are a bunch of trumped up baloney. It is absurd because this campaign against Secretary Clinton has always been a ridiculously partisan, political waste of time and taxpayer dollars.

Today we see this more clearly than ever before, but no one has seen it more clearly than Secretary Powell. This man has held numerous positions in our government—Chairman of the Joint Chiefs of Staff, a four-star general. I repeat what he said today, and I quote again: "A normal, air-breathing mammal would look at them and say, 'What's the issue?'"

There is no issue.

I yield the floor.

Seeing no one on the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

#### TRIBUTE TO TODD WEBSTER

Mr. COONS. Mr. President, I rise today to express my thanks to my chief of staff of the last 5 years, Todd Webster. It is a bittersweet day for me because my office says farewell to someone who has been a trusted, loyal, reliable, energetic, patient, faithful leader of the Coons team for my first 5 years here in Washington. He is someone who has been warm and humorous, caring, and always ready with a funny story to tell. He is down to earth, someone who takes interest in whomever he is speaking to; who seems to know everyone here, and who is well liked and well respected. He is a true family man who helped plan a surprise birthday party for his father Peter who recently turned 75; whose delightful and beautiful wife Lisa last fall was named president and CEO of Physicians for Peace and who joins him in their commitment to public service; and whose wonderful children, his daughter Sydney, son Peter, and daughter Catherine have sustained and supported him in his service—his 5 years with me in the Senate and his years before that with other Senators. Even their dog Kili, an Irish doodle, has been a part of the extended Webster family that has helped engage and entertain and support my office these last 5 years.

When I first came to Washington, under the most unlikely circumstances in 2010, I was looking for someone who could help me navigate the culture and folkways of this building, and there was no one better suited for that than Todd Webster. He worked on the campaigns of Senators Harkin and Byrd, as the deputy communications director for the Gore-Lieberman campaign, and as the communications director for Senator PATTY MURRAY. After that he was the communications director for Senator Tom Daschle.

After those years of service in the Senate, he had gone off on his own to form the WebStrong Group, and he was the owner of Webster Strategies and a regular commentator on MSNBC.

So when I had the chance to first meet him in 2010, I was encouraged that he was willing to offer his significant skills and talent to the challenge of helping me shape my team and decide on my trajectory here in the Senate. So this 9-year Senate veteran, this graduate of Bowdoin College and possessor of a master's degree from the GW Graduate School of Political Management set off with me on a fascinating and at times challenging trip.

Todd is a great athlete. He is someone who is a dedicated golfer, "an honorable player," as was commented by JJ Singh, one of our great team mem-

bers in the office. You can tell a lot about a person by how they behave on the golf course, and Todd is a gentleman. He plays fast so as not to hold up others, but will go out of his way to look for your lost ball in the woods.

If Todd left the office a few minutes early on Fridays, he would announce that he was "going to investigate some greenspace." Although rare, his outings on golf courses, I know, were a source of encouragement and relief.

On the softball field he was also a great contributor. A member of my team commented that "he was a valuable member" of our team, known as the Small Wonders, after Delaware's nickname, "and was known for his ability to turn triples into doubles and sacrificing his body at first base to get much-needed outs."

"He was also instrumental," JJ wrote, "to the team's magical 2014 turnaround season and Cinderella run to the playoffs."

On the management side, Todd would constantly walk around the office unannounced, just to check in and see how folks were doing. Rather than making staff find him, he would proactively seek out staff. His door was always open, whether to chat about something work-related or to vent or to listen about something personal. He always had a funny story to tell and was willing to listen and offer meaningful advice.

When Tom sensed that the afternoon was dragging on and our subterranean executive suite was in need of a pick-me-up, he would go on what we call in Delaware a "WaWa run," picking up snacks and caffeinated beverages to keep everybody focused until the end of what are sometimes very long days.

I got one interesting comment from a constituent staffer who has worked for me and for several other Senators in her many long years at the Senate. She commented that on one visit to DC, Todd cared enough to make sure our whole constituent relations team had lunch in the Senate dining room. She was astonished that he took time out of his busy day to have lunch and get to know them and get to know what they do on behalf of the people of Delaware every day.

Todd also understood and connected with my commitment to my home State and enthusiastically made an annual trek to the Delaware State Fair and devoted himself to learning more about Delaware's all-important poultry business. I will say that in equal part I did my best to learn more about sports, going to Caps events, Wizards events, and on golf outings with Todd. He joined me in going to memorable visits of processing plants where thousands of chickens made the eye-opening transition from being broilers to being dinner. In addition, I want to thank him for his strong constitution and his dedication for advancing the agricultural interests of my home State, which even included trying scrapple on one occasion.

At a time when congressional budgets have constantly been under pressure and many in America believe our political system is dysfunctional, Capitol Hill depends on dedicated, loyal, optimistic, and positive public servants like Todd—not only for the kind of policy and political accomplishments that ultimately show up on a resume or a job description but even more for the qualities and characteristics that make this place function—an unquestioningly positive attitude, a management style that makes everyone from interns to seasoned professionals feel welcome and valued, a willingness to speak candidly about himself and the office, about our challenges and prospects, a keen perspective on the absurdity of the many aspects of the modern political process, and the relentless idealism that inspires those around him to keep believing and working hard. These are the hallmarks of Todd's time over the past 5 years.

In the 5 years I have had the joy of working with him. He has always been at my side, helping my office get up and running and teaching me the ways of this town and this institution. Walking around Capitol Hill with him was often like walking beside the "mayor of the Senate." Every few steps, every few minutes, someone would stop to say hello, to catch up, to reconnect or talk about what is next. Far too often, people leave the Hill, having forgotten long ago why they ever got into public service in the first place. Todd never has. Throughout his 9 years serving three different Senators, he has remained cheerful, optimistic, tireless, and committed.

His car is often the very first one in the Russell garage in the morning, and he often has been the last staffer to leave and go home at the end of a long workday. Whether it is his willingness to call a staff member after the passing of a family member or bounding into the office every morning with a smile, saying, "top of the morning to you, hello friends, hello Meg, hello T, hello Chels," my office will simply not be the same without him—without his cheer, without his loyalty, without his hard work, without his energy, and without his optimism about what we can still do together here in this greatest institution in the American constitutional order.

So with that, I would like to offer my thanks and best wishes to my departing chief of Staff, Todd Webster.

Thank you.

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

Mr. COONS. Mr. President, I rise today to honor a fellow Delawarean, U.S. Capitol Police Officer Vernon Alston, who passed away unexpectedly last month at the much too young age of 44.

Officer Alston was a fixture in the House of Representatives, spending

nearly 20 years on the Hill with the Capitol Police. As one of his colleagues, Officer Scott McBane, noted, Vernon was a “gentle giant.” His wife Nicole describes him as “a very genuine man” who had a deep and genuine love for people.

While I didn’t have the privilege of knowing Officer Alston personally, we shared at least two commitments: to be in Washington each morning to go to work and to be back home in Delaware to see our kids each night.

For years, Vernon’s shift started at 5 a.m., meaning he would be beginning his 90-minute commute from Magnolia, DE, at a time when few, if any, of the people he would soon be protecting would even be awake. For those who knew him, Vernon’s willingness to drive 3 hours a day just to be home with his family every night wasn’t the only reflection of his commitment to service and his family.

In fact, Vernon’s entire career is a testament to his passion for helping others. While still a student at Howard University, he joined the U.S. Army Reserve and served as an Army reservist until 1994. After graduating from college in 1995, Vernon joined the DC Army National Guard and served as a member of the Guard for another decade.

In 1996, Vernon joined the U.S. Capitol Police and spent the next two decades dedicated not just to keeping lawmakers and their families and our offices’ visitors safe but doing so with humility, a smile, and with a relentlessly positive attitude.

It is not just the job Vernon chose to dedicate his life to that says so much about his character but how he did it. Those who served with him will tell you how he always wore a smile on his face and never had a harsh word to say.

Two weeks ago Vernon died as he lived both his professional and personal life—helping people around him. In this case, he was shoveling snow for his next door neighbor in the aftermath of one of the biggest storms to hit our beloved home State of Delaware in years.

From the employees of the House and Senate who work around-the-clock to keep the lights on to the Members of Congress ourselves, everyone plays their part in keeping this institution working and in making our country’s legislative process functional and accessible. That accessibility, that openness, is a guiding light to which nations around the world aspire, and that is in many ways a direct reflection of the efforts of Officer Alston and fellow Capitol Police officers who serve with bravery and tirelessness, day in and day out.

When we talk about public service on this floor, we are often referring to our country or our constituents, but just as important is service to our colleagues, family, and friends.

Vernon first met his wife Nicole when they were both students at Howard in 1992, but they didn’t truly connect until running into each other near

this Capitol 15 years ago. It was just 6 months after that, Nicole remembers, that she married the man of her dreams.

Let me leave with you a passage from the Scriptures, Galatians 6:9–10, which teaches us:

Let us not become weary in doing good, for at the proper time we will reap a harvest if we do not give up. Therefore, as we have opportunity, let us do good to all people.

Whether in the Army Reserve, at his post outside the Cannon House Office Building or at his home in Delaware, Vernon sought the opportunity to do good to all people, and in doing so he made a real difference in the lives of those he knew and those he served.

While the words and tributes to Officer Alston that have poured forth from his colleagues and his friends may provide little comfort today to his friends and family, it is my hope and prayer that Nicole, Brittany, Yasmeen, Brandon, Israel, and Breyden can take solace in knowing in the years to come that the man they so loved was beloved by so many people.

Thank you.

With that, I yield the floor.

THE PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, the Senator, my colleague from Delaware, and I are close friends and we ride the same train together a lot of days, coming and going to Delaware. I would like to think that we think alike and share a lot of the same values. It was interesting to listen to his remarks about Vernon Alston, which actually reflect and track very closely with what I am prepared to say. But there are some differences. I am happy to be here with him, and I think it is great that we are here. I think we are also speaking for JOHN CARNEY, who is our Congressman, and who would, if he could speak on this floor, join us today as well.

Mr. President, I also want to join Senator COONS and the Presiding Officer, who presides in the chair almost every time I speak on this floor. I don’t know how this works out, but it is good to see the Presiding Officer and this new group of pages who have joined us this week to tell you about a man you never had a chance to meet who was a Capitol policeman for almost 20 years.

Senator COONS talked about him. I am going to say a few words about him, and then we will probably head for the train and head home.

Let me just say a few things about Vernon J. Alston, Jr. His Dad is also Vernon J. Alston. As Senator COONS said, he passed away at the age of 44. We did have a big snowstorm. We had a lot of snow. We had a couple of feet here and almost that much in parts of Delaware.

When Vernon died, he had actually just finished helping a neighbor shovel out after the snowstorm, and that sort of epitomized his life. He was always helping other people, not asking for anything much in return but setting a good example to every one of us. But in

life and death, Vernon epitomized the best of our country—people who put their lives on the line to protect and serve in this Capitol Complex and those of us who live and work in this part of the Nation.

The U.S. Capitol Police are some of the finest men and women in uniform. I say this as a former naval flight officer and a retired Navy captain. We have wonderful men and women who serve us and all the folks who come from all over the world to visit this place throughout the year. But each day these officers perform perhaps the most important jobs here on the Hill—protecting those of us who are privileged to work here either as Members of the Senate and the House or staff and also the millions of visitors and folks who travel here from not just the 50 States but from a lot of places around the globe.

Whether these officers are patrolling the ground to prevent or detect mischief, investigating suspicious activity or responding to emergencies, their mission is the same. Their mission is to protect one of our country’s principal symbols of democracy—the United States Capitol. Their mission is not one that comes without sacrifice. Just 17 years ago, I remember this to the day, in 1998, two of our Capitol Police officers, not far from the sound of my voice, were gunned down in the line of duty when a gunman opened fire, trying to force his way into the Capitol.

Vernon, in his service with the U.S. Army Reserve, with the National Guard, and with the Capitol Police force, consistently exhibited unwavering courage, devotion to duty, and, above all, honor. In the way he lived his life and how we remember him, Vernon reminds each of us just how good we can be and ought to be.

Vernon Alston was born in 1971 to his mom Barbara Alston and Vernon Alston, Sr.—and not in this country. He was born in Vincenza, which is a town in Italy where his dad Vernon, Sr., was stationed in the U.S. Air Force. Vernon spent the first 10 years of his life in Italy before his father was transferred to Dover Air Force Base in Dover, DE. There Vernon attended grade school on the Air Force base and later graduated from Dover High School, a school that I have been privileged to visit many times. He went on to attend Howard University in Washington, DC, and graduated from there about 20 years ago in 1995.

Vernon was still a student at Howard University when he answered the call of duty, following the footsteps of his dad Vernon, Sr., and his grandfather David Alston, who was a U.S. Army World War II veteran. In 1991, Vernon—this is the son—joined the U.S. Army Reserve, and he served in the Army Reserve until 1994. After graduating from college in 1995, Vernon joined the District of Columbia Army National Guard and served as a member of the Army National Guard for another 10 years.



I am sure our Presiding Officer spends time with his Guard troops in his home State. We do, too. We have an Army Guard and an Air Guard in Delaware. We are very proud of the literally thousands of men and women who serve our country. I think 300 are in Afghanistan. We will welcome some folks home this weekend. We are welcoming some folks home this weekend.

But this is what Winston Churchill used to say about people who serve in the Guard or Reserve and have their own day jobs. Winston Churchill said they are twice the citizen. Think about that—twice the citizen.

I know a lot of people who are in the Army Guard who used to be in the Army, and a lot of folks in the Air Guard in Delaware who used to be in the Air Force. They have their day jobs, and they serve our State and our Nation through the Guard. They are two-times the citizen. So was Vernon.

He began his service with the Capitol Police Force 20 years ago, and for those 20 years he protected and served the Capitol Complex and its community, including folks such as us here: Senators, staff, our pages sitting here at the dais today, members of our families, staffs, members of their families, and millions of folks who visit our Capitol throughout each year. Vernon's positive energy, which Senator COONS has alluded to, and his attitude made a lasting impression with his Capitol Police colleagues.

In the latter part of his career, most recently Vernon was stationed at the Capitol powerplant, which provides steam and water that is used to heat and cool buildings across the Capitol Complex. At that plant, it was his responsibility to check visitors and staff at the door and work to keep that facility safe and secure every day, 24 hours a day, 7 days a week, throughout the year.

According to his colleagues, he always found time to ask others: Well, how are you doing? And he possessed the all-too-rare quality of being a patient listener. My dad used to say to my sister and me that God gave us two ears, one mouth, and we should use them in that proportion—listen a lot more than we talk. I always admire good listeners, and Vernon was one of those.

One of his fellow officers described Vernon as a "beacon." A beacon of what? Well, a "beacon of positivity," a positive force. No matter the mission—an early morning for a Presidential inauguration or a late night for the State of the Union Address at the other end of the Capitol—Vernon always wore a smile on his face.

In 2008, while Vernon was on the job and patrolling the Capitol grounds, he ran into a woman whom he had actually run into before named Nicole Davis. Despite attending Howard University at the same time, Vernon and Nicole never really knew each other. But earlier this week, I talked to Nicole, who for years also made the com-

mute from Magnolia, DE—just south of Dover—to serve not in the Capitol Police but to serve our country in another capacity here in our Nation's Capital. She told me their love story or an abbreviated version of it. When they were at Howard University at roughly the same point in time, Vernon would see her from afar and would admire her. He never really summoned the courage—if you will, the temerity—to go up to her and say: Here is who I am; who are you? But he sort of admired her from afar and wished he could get to know her.

Many years later, while he was on patrol, I think at the corner of First and Independence, guess who comes walking along—that same woman whom he had admired from afar all those years ago. They struck up a conversation, hit it off, and went out on a date together. The rest is history. Six months later they were married. I know some people who married that quickly, and I am one of them. Vernon and Nicole knew what they were looking for. They were looking for each other, and they found each other. They have a wonderful family they have raised.

Later when they were onboard the *Spirit of Washington*, they became husband and wife. After they married, they moved, in this case to Delaware. As I said, people in Magnolia—their claim to fame is that Magnolia, DE, is a little town that is the center of the universe. There are probably other places where people think they are the center of the universe, but the Alston family lived in Magnolia, the center of the universe, for a number of years.

Nicole, as Senator COONS said—not only did Vernon get up and drive to work every day, so did Nicole. And they didn't carpool many days; they each drove separately. They both loved Delaware, but they wanted to work here and to serve our Nation in different roles. Nicole served and worked for a number of years at the Smithsonian's National Zoo, while Vernon was keeping things safe here in our Capitol. Together they have five children: Brittany, a sophomore at Delaware State University, the home of the Hornets in Dover; Yasmeen, a senior at Polytech High School in Delaware, the home of the Panthers, just south of Dover; Brandon, a sophomore at Paul Public Charter School in DC; and Israel and Breyden, who are both in preschool.

I am close to closing, but I want to share a story that we heard from Vernon's mom the other day. It deals with the time when he was in the fourth grade. Vernon's principal told Vernon's parents that he was a great example to his peers, to other students. The principal said he knew he would come to learn about Vernon's accomplishments and achievements in the newspapers years down the road.

Think of that. I don't know what my principals were thinking about me when I was in the fourth or fifth or sixth grade, but I don't think any of

them thought that I would end up in the Senate or that they would be reading about me in the newspaper or watching me on television. But when Vernon was not even 10 years old, his principal knew he was a guy who was on his way to being somebody his parents could be enormously proud of.

I think it is clear through the outpouring of love and accounts of so many others after Vernon's untimely passing that Vernon's principal was right. If he is out there listening somewhere and if his teachers are out there listening somewhere, I thank them for helping—along with Vernon's parents—raise a remarkable young man.

Today I rise to commemorate Vernon, to celebrate his life with Senator COONS by my side, and on behalf of Congressman JOHN CARNEY, our at-large Congressman from Delaware. We want to offer to Vernon's family—particularly to Nicole, their children, their friends, and family—our support and our deepest sympathy on their tragic loss and really the loss to all of us here. We consider Vernon and those with whom he served as part of our family.

I asked my staff to see if they could find a couple of people who serve in the Capitol Police who might have something to say about Vernon, and I want to quote them and maybe close my remarks with their words.

These are the words Officer Scott McBane said about Vernon Alston:

Vern Alston was an outstanding human being. To know Vern was to love him. I was privileged to work with Vern for three years at the Traffic One checkpoint of the House Division [on the House side]. He treated everyone he met with patience, good humor, and remarkable kindness. A great talker who told very funny stories, he also had that rare quality of being a sympathetic and a patient listener.

We heard that before, didn't we?

Continuing:

Smart, positive, and always supportive, people would stop by all day to see Vern and share their stories with him. A warm and sympathetic friend to so many, Vern will be greatly missed by all who knew him.

Thank you, Scott McBane, an officer with the Capitol Police, for sharing those memories of Vern Alston.

I have one more from another Capitol Police officer who knew and worked with Vernon. This officer's name is Michael Woodward. Michael said these words about Vernon Alston:

Of all the people I have had the honor to work with Vernon Alston was by far the most positive, warm, friendly and outgoing person I have ever met.

Let me just stop there. How many people in the world do you suppose there are who would say those words about us? Whether we happen to be Senators, our staff, our families, those are wonderful words for someone to say about us, that we were the most "positive, warm," or "friendly and outgoing person" that someone ever met. What a compliment.

He continues:

He was always one to greet you with a smile, and ask how you and your family were

doing. It doesn't matter what was going on—if we were coming in early for the Inauguration or staying late for the State of the Union—he always had a smile. I never heard him speak a negative word or raise his voice. He treated everyone as a close friend and was a beacon of positivity. His passing leaves a hole that cannot be filled.

Senator COONS closed with a little Scripture from the New Testament. I think it was Galatians, if I am not mistaken. I will try to paraphrase a little something maybe from Luke and from the Book of James: People may not believe what we say; they will believe what we do. We lead by our example. And in our lives, it cannot be do as I say, but really do as I do.

Throughout his life, Vernon was a great example, not just for the people with whom he worked on the police force here, not just for all of us who came into contact with him throughout the day or week, but for some of those millions of people whose only lasting impression of our country that they took home with them wherever they came from around the world was this wonderful Capitol Police officer who took the time to talk with them, to listen to them, to be patient, to be helpful, and to be friendly.

There is a great lesson for all of us in that—a great lesson for all of us. For that, Vernon, we thank you. God bless you.

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

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

#### AGRICULTURAL EXPORT EXPANSION ACT

Ms. HEITKAMP. Mr. President, I rise to talk about a bill which I introduced that I would love to have the Presiding Officer's sponsorship, given how important the Port of Louisiana is to American agriculture and certainly commodities that we ship across the world. It is called the Agricultural Export Expansion Act that I introduced with Senator BOOZMAN as my cosponsor. We have a great bipartisan lineup of people who are interested in this.

So what does this bill do? I will say, very rarely does a day go by—whether I am in North Dakota or whether I am here in Washington, DC—that I don't speak with or hear from North Dakota farmers and ranchers. The agriculture economy is absolutely critical to North Dakota. Almost one-quarter of North Dakota workers are farmers and ranchers or they are employed in farm-related jobs. During every meeting, farmers and ranchers express the urgent need—the urgent need—to open trade with Cuba and to stop tying the hands of our producers.

Just on Tuesday our barley growers were in my office telling me about how

important the market in Cuba could be. Last week it was the Dry Bean Council telling me what I already know from my visit with Cuba: The products we grow in the United States—like North Dakota pinto beans or Arkansas rice—are compatible with the Cuban diet, and there is high demand for our high-quality products.

These aren't just crops that North Dakota grows. These are crops that North Dakota knows exceptionally well and that we excel in. My State is the No. 1 producer of barley, multiple varieties of beans, lentils, and certain types of wheat. Enabling agriculture exports to Cuba would be a huge boon for North Dakota farmers and ranchers, as well as those from many other States.

Unfortunately, because of trade barriers the United States puts on itself, the Cuban people aren't eating North Dakota beans, Kansas wheat or Arkansas rice. Instead, they are importing those products from countries much further away—like Brazil, Canada, Europe, and even Vietnam. I would say not only in terms of proximity of our product to the Cuban market—which is a huge freight advantage—we also have the highest quality of products. So we are forfeiting what in fact would be a natural market for us. Think about that. In this day, where trade is so important—where improving our balance of trade is so important—we will not be able to access the Cuban market.

Congress has eased some restrictions on exports to Cuba for agricultural products. They did that back in 2000 with the passage of the Trade Sanctions Reform and Export Enhancement Act. That was a great first step. We did make some progress in increased sales to Cuba. Unfortunately, now that same law is holding us back.

The administration made important changes to U.S. policy and opened some travel and some trade to Cuba starting with their January 2015 changes. Most recently, including last month, the administration made more changes, including allowing for financing of authorized exports to Cuba. Unfortunately, those exports are other than agricultural exports. Because of our once forward-looking bill, agricultural exporters are prohibited now from offering financing that all other exporters can provide to Cuba. That needs changing.

In 2014 I visited Cuba. I met with Cuban agricultural trade officials to discuss bilateral economic benefits of expanding agricultural exports from North Dakota and the United States to Cuba. These are conversations we need to continue to have.

Last April I and Senator BOOZMAN introduced our bipartisan bill to level the playing field for our farmers and ranchers and make sure we can compete with the rest of the world in Cuba. What does that bill do and how does it improve our trade relationship with Cuba? One of the greatest barriers we have in getting our products to Cuba is

we can't finance it. Some might say: Well, we don't want to put government taxpayer dollars at risk. This bill does not put one taxpayer dollar at risk. We are talking about opening the market so we can access private financing for agricultural exports to Cuba. Let me repeat that. No taxpayer dollars are at risk. It is based entirely on individual risk assessment and decisions. Our bill is supported by the U.S. Agricultural Coalition for Cuba, a wide-ranging coalition including every grower group and industry association.

This week, the Cuban Government announced that El Nino is going to create an even greater loss of agricultural products in Cuba. This is going to create an even greater opportunity for our agricultural exports—a greater opportunity. Why—why—why would we let other countries keep eating our lunch and dominating this important market, especially given our proximity? It is time for Congress to get out of American agriculture's way and let private businesses make exporting and financing decisions.

I urge all of my colleagues to cosponsor and help pass our bill, S. 1049, the Agricultural Export Expansion Act.

Finally, I want to talk about the challenges that American agriculture has. Higher-dollar value has put tremendous stress on our products. We have seen corn prices drop, we have seen soybean prices drop, we have seen American agriculture challenged in ways we haven't seen for the last decade. How do we fix that problem? With another government program? Maybe we will have to help or expand the farm bill to deal with our food security issues created by low commodity prices. I will not take that off the table, but I will say the surest way that we can get out from underneath these challenges is export, is to provide for trade. It is one of the reasons I supported TPA. I believe it is great for American commodities to access additional markets and take down trade barriers to provide us with market, but why are we artificially standing in the way of private investment and private financing of American agricultural products? It is time that we do the right thing by American agriculture and open this market. We can take this incremental step without having this body agree to lifting any kind of embargo. We can take this incremental step without changing the prohibition we have on Federal-sponsored marketing programs. We can begin to access the Cuban market and introduce our high-quality beans, edible peas, and lentils. We can do that.

I will close with a story about my great friend MARIA CANTWELL from the State of Washington. Washington also grows what we call a lot of cross crops—although, I would argue that ours are probably even lot better than what is grown in the State of Washington.

MARIA CANTWELL went on a trade mission to try to sell Washington State

lentils. After hours of listening to the trade officials and Mr. Castro, she was successful in convincing him to buy lentils. The lentils he eventually bought were from North Dakota.

We have an opportunity to access this market—not just for North Dakota but for the State of Washington, for the State of Louisiana, for the State of Arkansas, for the State of Kansas. For all of our agricultural producers, open this market, give us the ability to do what we do in every other place. We aren't putting taxpayer dollars at risk. We are simply asking for access to markets.

Mr. President, I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

#### REMEMBERING GEORGIA POWERS

Mr. MCCONNELL. Mr. President, I wish to mourn the loss of an honored Kentuckian and civil rights icon, Georgia Powers, who fought for civil rights and marched in protest of racial injustice, died on January 30. She was 92 years old.

As the first African American to serve in Kentucky's State Senate, Georgia Powers paved the way for African Americans in Kentucky to enter public service. Even before her election to the senate, she had earned recognition across the State for her efforts to fight for equal rights.

In 1964 she helped organize a march on Frankfort to support a bill that would open public accommodations to African Americans. In 1966, thanks in part to her work, the Kentucky General Assembly passed a civil rights law, making Kentucky the first southern State to do so.

Among the many supporters Powers brought to Frankfort for the 1964 march were baseball legend Jackie Robinson—the man who broke the color barrier in professional baseball—and the Reverend Dr. Martin Luther King, Jr. Powers remained a close confidant of King's until his death in 1968.

Georgia Powers was born in 1923 in Washington County, KY, as one of nine children. Her family moved to Louisville when she was a little girl, and Louisville was the city that she loved her whole life and represented in the Kentucky Senate.

Georgia Powers' political career was born out of her fight for civil rights. She tried to work with members of the Kentucky Legislature on antidiscrimination laws and found them unresponsive. So when the incumbent senator in her home district in Louisville chose not to run again in 1967, she moved from protest to politics.

The first piece of legislation she sponsored in the senate, a bill for open housing, passed 28 to 3. That was the beginning of a successful 21-year political career. She would go on to become the chairwoman of the senate's labor and industry committee and the sponsor of the Equal Rights Amendment in Kentucky.

One of the earliest bills she introduced in the State senate was to remove racial identification from State drivers' licenses. Powers has said that she was prompted to do this based on her own experience as a 16-year-old trying to get a drivers' license. She was asked her race and the sting of discrimination stayed with her.

Georgia Powers built a stronger, fairer Kentucky by her life's work and her leadership. She was an inspiration to many, including me, for her determination in the face of injustice. I knew and worked with Senator Powers back when I served as the Judge-Executive of Jefferson County. I can personally attest that she was funny, tenacious, and tough as nails—an admirable woman and a respected senator.

Georgia Powers is remembered and mourned by many, including Louisville Mayor Greg Fischer, Kentucky Governor Matt Bevin, and even boxing legend Muhammad Ali. Many Kentuckians in public service today cite her as a guiding influence.

Georgia Powers made fighting discrimination her legacy. I ask my Senate colleagues to join me in honoring her as one of Kentucky's most important leaders and a champion of civil rights. She will be remembered as a Kentuckian of courage and conviction, and she is greatly missed.

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

Mr. REID. Mr. President, today I wish to remember U.S. Capitol Police Officer Vernon Alston, who passed away on January 23, 2016. Officer Alston was a fixture on the Capitol Grounds for 20 years, and he is missed by the many who were honored to have known him.

Those who knew Officer Alston best describe him as someone who loved his family, his job, and helping others. For two decades, he helped members of the Capitol Hill community by keeping us safe, and on the day he passed away, he helped members of his own community in Magnolia, DE, by shoveling snow for his neighbors.

Officer Alston was a caring and modest man who took great pride in his work. As a former Capitol Police officer myself, I understand the dedication and sacrifice required of members of the Capitol Police force, and Officer Alston was an exemplar of these traits. I am saddened that the U.S. Capitol Police has lost one of our own, but I will always be grateful for Officer Alston's service to the Capitol Police force and to our Nation.

Officer Alston was loved dearly by his friends and family. He is survived by his wife Nicole; daughters Brittany and Yasmee; and sons Brandon, Israel, and Breyden. My condolences go out to Officer Alston's family during this difficult time.

#### RECENT REGULATORY CHANGES RELATED TO CUBA

Mr. LEAHY. Mr. President, last week the administration took another step in unraveling the web of onerous, misguided, and self-defeating restrictions on the ability of American citizens to travel to Cuba and to interact with the people of Cuba.

Effective as of January 27, the Departments of Treasury and Commerce published revised regulations that end certain payment and financing restrictions, allow for more authorized exports to Cuba in a variety of sectors, and expand authorized travel categories and allow additional travel-related transactions.

Restrictions on providing access to credit, which have been among the most commonly cited barriers to exporting to Cuba, were removed. Treasury's Office of Foreign Assets Control amended regulations regarding non-agricultural exports, and it is now possible for U.S. banks to provide direct financing for authorized exports to Cuba, as opposed to requiring cash in advance or routing through a third country which had stymied many transactions that could benefit American companies and Cuban consumers.

General licenses, meaning that a specific license application is no longer required, are now provided for a variety of categories, including telecommunications items that improve communications to, from, and among Cubans; certain agricultural items, such as insecticides and equipment, although not agricultural commodities; items for the safety of civil aviation and safe operation of commercial aircraft; and items necessary for the environmental protection of U.S. and international air quality, waters, or coastlines including items related to renewable energy or energy efficiency.

And it is now permissible, subject to case-by-case review, to export to some Cuban state-owned enterprises that "provide goods and services to the Cuban people." This includes items for agricultural production, education, food processing, public transportation, wholesale distribution, and construction of facilities for supplying energy, among others. As much as we disagree with many of the policies of the Cuban Government, it is undeniable that it provides health care, education, public transportation, and many other services that the Cuban people rely on.

However, exports to state-owned enterprises that primarily generate revenue for the government remain ineligible to receive U.S. exports along with military, police, intelligence, and security services.

Categories for authorized travel to Cuba have been expanded to include organizing professional meetings and for professional media and artistic productions such as movies, TV, and music, among others. These are long overdue and will be welcomed by American scholars, artists, and journalists. I am disappointed, however, that American tourists are still prohibited from traveling to Cuba, unlike to any other country in the world.

These are all positive steps, for which I commend the White House. Frankly, it is hard to believe that it has taken so long to finally begin to dismantle a policy of unilateral sanctions against Cuba when it has been obvious for so many years that it has failed to achieve any of its objectives, while it was hurting the people of both countries.

But a great deal remains to be done to reverse 50 years of an ill-conceived, punitive policy. It is for that reason that I urge the Administration to act expeditiously to take further action, including amending regulations that would allow Cuba to use the U.S. dollar in third-party country transactions, which would greatly facilitate U.S.-Cuban commerce.

The Treasury Department should also do what the American people want by letting them travel to Cuba on a people-to-people license as individuals and stop treating them like children and making them pay thousands of dollars to large tour group operators. The U.S. Government is not in the business of requiring costly chaperones for Americans who travel anywhere else overseas, and it should not do so for Americans traveling 90 miles to Cuba.

Allowing all Americans to travel under a general license would significantly boost the number of Americans traveling to Cuba, it would create a much richer travel experience, and it would save taxpayers money.

There are some who will undoubtedly continue to insist that any change in policy is somehow a capitulation to the Cuban Government and that, because Cuba's Communist Party remains in control, we should continue supporting a policy that has helped keep them there. That illogical, myopic view has been repudiated by a huge majority of the Cuban people, including some of Cuba's most outspoken critics of the government, and it is rejected by a large and increasing majority of Americans, including Cuban-Americans.

The White House has all the support it needs from the American public, the business community, farmers, ranchers, energy companies, faith-based groups, academia, the media, the scientific and medical community, and so many others across this country to take bold action to expand engagement with Cuba. There is no time to waste.

#### TRIBUTE TO STEVEN M. DETTELBACH

Mr. LEAHY. Mr. President, I would like to recognize U.S. Attorney Steven

M. Dettelbach for his years of excellent public service as he begins a new chapter in his legal career. Steve has served as the U.S. attorney for the northern district of Ohio for nearly 7 years after the Senate unanimously confirmed him to this position in 2009. Steve is a former member of my Judiciary Committee staff, and I have known him for more than a decade. I am very proud of all that he has accomplished.

Steve earned his undergraduate degree from Dartmouth College and his law degree from Harvard Law School. After law school, Steve clerked for Judge Stanley Sporkin of the U.S. District Court for the District of Columbia. He went on to serve in the Department of Justice's civil rights division from 1992 to 1997 and then in the U.S. attorney's office for the district of Maryland from 1997 to 2001.

In 2001, Steve joined my Judiciary Committee staff. Steve impressed me with his sound judgment and his outstanding work with both Republican and Democratic offices. Steve worked on a broad range of issues, including drafting and negotiating key whistleblower and criminal fraud provisions of the Sarbanes-Oxley Act. He played a central role on our oversight team and helped draft an important bipartisan report on the implementation of FISA. The report, written with Senators GRASSLEY and SPECTER, was the culmination of the committee's first comprehensive oversight effort of the FBI in nearly two decades. After his tenure with my office, Steve served as an assistant U.S. attorney in the northern district of Ohio. He then joined Baker & Hostetler as a partner before he was nominated to his current position.

As the U.S. attorney for the northern district of Ohio, Steve has been at the forefront of enforcing civil rights laws, including bringing some of the first cases under the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act of 2009. He has organized educational events on issues such as human trafficking, hate crimes, and police use of force, and formed the United Against Hate religious coalition in the wake of a racially motivated arson at a church in his district.

As a member of the Attorney General's Advisory Committee, AGAC, Steve led the AGAC's civil rights subcommittee and worked to establish civil rights units in U.S. attorney's offices across the country. His work will ensure that civil rights remain a Department priority for years to come. Steve is a model public servant who approaches his job with integrity, tenacity, good humor, and sharp negotiating skills that I know will serve him well as he moves back to private practice.

Ohio is a safer and better place because of Steve's tireless effort and dedication. I commend Steve for his years of service and wish him and his wonderful family the best in their future endeavors.

#### TRIBUTE TO ESTHER OLAVARRIA

Mr. LEAHY. Mr. President, I am proud to recognize Ms. Esther Olavarria, an extraordinary public servant who has worked for decades to build an immigration system that is fair and just for all. I know Esther from her time in the Senate as Senator Kennedy's lead advisor on immigration matters for the Judiciary Committee. In the Senate and more recently in the administration, Esther's intelligent, thoughtful advice and analysis has been invaluable. She is stepping down this week after serving as senior counselor to Department of Homeland Security Secretary Johnson. I have no doubt the Secretary will miss her, as I do here in the Senate.

Esther was an early appointee of the Obama administration, serving first as a member of the President's transition team on immigration, then as the Department's Deputy Assistant Secretary for Immigration and Border Security and later as counselor to Secretary Janet Napolitano. During that time she advocated fixing our Nation's broken immigration system and the pressing need to provide protection for asylees and refugees, improve detention conditions, and ensure accountability and transparency in immigration enforcement.

In 2013, Esther was asked to serve as the White House Director of Immigration Reform. Her wealth of experience made her an invaluable asset in our bipartisan effort to pass the Border Security, Economic Opportunity and Immigration Modernization Act in 2013. The bill overwhelmingly passed the Senate with the bipartisan support of 68 Senators. I remain disappointed that that important bill was not taken up in the House, and I hope the Senate will one day turn again to this legislation. When we do, I know that Esther will be ready to provide her support once again as she has so many times when the Senate has turned its focus to the issue of immigration.

In the Senate, Esther understood the importance of working across the aisle to get something done. Like her boss, Senator Kennedy, Esther forged unlikely partnerships and found partners who were drawn to her passion, her sense of humanity, and her dedication. She was a key adviser for the comprehensive immigration reform bills of 2004, 2005, 2006, and 2007. Many of us remember Senator Kennedy turning to Esther during the 2007 negotiations not only so that he could seek her counsel, but so that other Senators could benefit from her expertise. Everyone—Republicans, Democrats, advocates, journalists—listened, and everyone was better off for having Esther nearby.

Esther, like her late boss, has always been driven by a deep commitment to making our communities stronger and more vibrant. She has advocated on behalf of immigrant children and she has fought to reform inhumane detention practices. And she has underscored the critical importance of the relationship

between law enforcement and the immigrant community so that all our communities are safe.

A Cuban immigrant who came to the United States at the age of 5, Esther has always sought to advance immigration policies rooted in the American values of fairness and family. Her life experiences as a child led her to a career in immigration law, first helping low-income immigrants in Florida through direct client representation and by cofounding the not-for-profit legal assistance organization Florida Immigrant Advocacy Center, and then coming to Washington, DC.

I have no doubt that Esther will continue to be an important adviser, but more importantly a devoted friend to so many who have been fortunate to know her. She is an exemplary public servant. I commend Esther for her years of service and wish her and her family the best in their future endeavors.

#### STRENGTHENING THE EUROPEAN UNION

Mr. CARDIN. Mr. President, today I wish to speak about the European Union, to both recognize the peace and prosperity that it has brought to Europe for more than 75 years and the unprecedented challenges confronting the union today.

The Senate Foreign Relations Committee recently held a hearing on the threats to the European Union and the implications for U.S. foreign policy. Our committee was also briefed this week by Assistant Secretary of State for European Affairs Victoria Nuland on these issues.

Coming out of these discussions, I am absolutely convinced that the U.S. has an obligation to stand with our friends in Europe during these challenging times in support of the principles that we all share: democracy and the rule of law, respect for human rights, economic prosperity, and peace and security.

I would like to lay out how I see these challenges threatening the cohesion and stability of the EU. This is not meant to be an exhaustive list, but is intended to create a sense of urgency among my colleagues regarding the crises faced by the EU and our transatlantic alliance.

First, I want to reiterate the remarkable trajectory of the democratic process and peace in Europe since the World Wars of the last century. Emerging from the ashes of World War II, what started as the European Coal and Steel Community expanded to become the European Economic Community, which created a single market for the free movement of goods, people, capital, and services. The ideal of a single market guaranteeing freedom of movement for all member citizens still underpins the EU today, as it has grown from 6 to 28 members.

This basis in an economic union was always intended to grow into a polit-

ical union as well. Jean Monnet, often regarded as the father of the European Union, stated that “we are not forming coalitions of states, we are uniting men.” This principle serves as the basis for cooperation amongst member states as they have pooled diplomatic resources to address some of the most pressing issues around the world, usually in concert and in lock-step with the United States. In capitals around the world, the U.S. works with EU representatives to address vexing regional challenges, the provision of humanitarian assistance, and support for values that we hold dear.

The allure of EU membership has served as a powerful incentive, especially for countries in Central and Eastern Europe, to reform and adopt high governance standards in preparation for EU membership. Nowhere else in the world does such an incentive exist; and, while not without its challenges, this accession process has improved the economic circumstances, political rights, and civil liberties of millions across the continent.

Today, however, the EU is confronting its most serious crises, which collectively threaten the future of the European project. These threats to European cohesion are both internal and external, between north and south and east and west, as well as within and outside individual member states.

First, the refugee and migrant crisis today consumes policymakers in Brussels and across Europe. Tensions have grown among member states on the right approach to accepting them, as more than 1 million entered Germany alone in 2015, with the prospect of more in 2016. The heated debate within the Union on how to deal with the crisis has called into question the ability of Brussels to enforce commitments by its member states on borders, Schengen visa-free travel, and quotas associated with resettlement.

In recent months, member states have agreed to resettlement quotas and border protocols, only to see those agreements fall apart in quick succession. Some are now concerned that this trend could extend to other EU member states’ commitments in areas like sanctions on Russia.

Second, the 2008 financial crisis and the possibility of Greece exiting the Eurozone drew attention to the fiscal policy differences between Europe’s industrialized north and less developed south and shook the foundations of the monetary union. The EU has not yet weathered this particular storm, and while perhaps not as prominent in the news due to other challenges, the fiscal situation in Greece remains very precarious. Member states and the IMF remain focused on resolving the crisis, but the natural tension between painful economic reforms and the associated political and humanitarian costs remains.

Third, governments across the EU are contending with the very real threat of domestic terrorism and for-

eign fighters. Horrific attacks have galvanized European leaders to action, but significant challenges remain as the necessity for enhanced counterterrorism and intelligence measures interact with real concerns regarding privacy.

Fourth, an alarming nationalist trend has emerged in several countries across the Union. Although nationalism has, of course, existed for years across the Continent, it has been exacerbated by the migrant crisis. In some countries, governments have embraced a brand of “illiberal democracy” which calls into question the very democratic values of the EU and the four freedoms that make up its core.

Every member state signed up for these values when they joined the Union—many of which had to enact difficult reforms to make them a reality. It is unfortunate and worrying that we have seen an erosion of support for these principles in some corners, a dynamic that deserves increased attention and understanding.

Fifth, Russia continues to place pressure on the EU and poses a threat to the security of EU countries in the east. Ukraine is the clearest example, where Ukrainian aspirations for an association agreement with the EU were met with the illegal Russian annexation of Crimea and subsequent invasion of eastern Ukraine.

We have worked closely with the EU to establish and maintain a sanctions regime on Russia that is having a measurable impact. We must stay united on sanctions until the Minsk II agreement is fully implemented and Crimea is returned to Ukrainian control.

For years, Russia has also sought to erode support for EU institutions through a sustained propaganda campaign across the Union. We understand that Russia works to fund and influence anti-EU political parties, think tanks, NGOs, and media voices within the Union and among aspirant countries.

Russia is using the very strengths of Europe’s democratic societies against it—free press, civil society, and open debate. We should be prepared to push back against these revanchist efforts, not through propaganda, but a clear and forceful debate on facts.

Russia has not been reluctant to use its energy resources as a weapon as it seeks to pursue its ambitions, including by withholding energy exports to Europe in order to extract concessions on other issues. Much of Europe imports a considerable share of its oil and gas supplies from Russia.

The EU plays an important role in negotiating energy deals with Russia and must constantly contend with the threat that the country poses to the energy needs of member states. The collective negotiating power the EU wields with Russia is critical to ensuring the individual energy security of all EU nations.

Finally, UK Prime Minister Cameron is negotiating a new settlement between Britain and the 27 other members of the EU prior to a referendum this summer on the UK's continued participation in the EU. Although the Prime Minister has said that the "best answer" is for the UK to remain part of a reformed EU, it is up to the British citizens to vote to remain within the Union.

All of this matters greatly to the United States. EU member states include some of our oldest and closest allies in the world. Our partnership with the EU has afforded us the possibility of addressing some of the most challenging international issues—this partnership has made us safer and stronger.

We also draw great economic benefit from a stable EU—the Union is our largest trading partner and our economies are intertwined in beneficial ways for citizens on both sides of the Atlantic. This partnership is vital to our interests, but only works if the EU's institutions are vibrant and able to respond to the challenges before it.

While many of these problems will be up to the EU member states to resolve, I strongly believe that we should stand in solidarity with the Union through this difficult period and take tangible action to support our friends.

First, we must continue to make clear our support for the democratic principles that serve as the basis for the EU and should be clear in speaking out against the growing chorus of illiberal voices. The U.S. should reenergize ties with civil society across the continent, especially in Central and Eastern Europe where strong civil society connections established after the Cold War atrophied as attention shifted elsewhere.

We also need to reinvigorate the transatlantic dialogue—among governments, think tanks, NGOs, and civil society organizations—on these issues. The transatlantic relationship always has and always will benefit from enhanced ties among our people.

The U.S. should also work to develop a new generation of foreign policy and security policy leaders and analysts that focus on Europe and the centrality that the continent has for our interests.

Second, we should support European efforts to bolster energy security across the continent in a way that ensures reliability and decreased dependence on Russian supply.

Third, we should continue to work with Europe on strengthening security, its border controls, and the vitality of the Schengen visa-free zone. This means sharing of intelligence and best practices on how to prevent terrorist attacks before they happen. I also want to applaud the administration's intention to invest \$3.4 billion into the European Reassurance Initiative, which will ensure a sustained U.S. military presence in Europe to help deter further Russian aggression.

Fourth, we should continue our robust support for the UN High Commis-

sioner for Refugees, International Organizations for Migration, and several outstanding NGOs which work directly with refugees and migrants across Europe. We should be proud of this commitment and continue to support the most vulnerable populations.

Fifth, we should continue to work closely with the EU and member states on working to ensure that the Minsk II deal is fully implemented. Success to date has been rooted in U.S.-EU solidarity, and we must finish the job—the sanctions regime must remain in place until Minsk II is realized and Crimea is returned to Ukrainian control.

Finally, we should continue our robust support for Ukraine while holding the government accountable to progress in the fight against corruption. I am concerned by the recent departure of Ukraine's Minister of Economy who resigned in protest against the slow pace of reform and anticorruption efforts.

The U.S. Congress passed two pieces of legislation last year supporting Ukraine's economy, Ukrainian civil society, and the government's broad-based reform efforts. Although some progress has been made, we must finish the job.

The success of Ukraine will be the success of Europe and the ideals that have drawn sovereign states to join its ranks for the last 75 years. I call on this body to continue to support Ukraine's reformers throughout civil society and government as they continue to make real strides towards integration with the west and adoption of the democratic ideals that we uphold.

More importantly, I again call upon Ukraine's leaders to prove that they are serious about countering corruption. The international community's patience in this regard exists, but is not limitless. We need to see concrete results soon.

In 2012, the Nobel Peace prize was awarded in recognition of the EU's central role in providing stability in Europe. The chairman of the Nobel committee said the following at the ceremony: "We are not gathered here today in the belief that the EU is perfect. We are gathered in the belief that here in Europe we must solve our problems together. For that purpose we need institutions that can enter into the necessary compromises. We need institutions to ensure that both nation-states and individuals exercise self-control and moderation. In a world of so many dangers, compromise, self-control and moderation are the principal needs of the 21st century."

These words continue to ring true today as pressure on the Union grows. Across the ocean here in the U.S., we should resolutely stand in solidarity with our friends in Europe and the principles they embrace. Never before has the EU been so challenged or our transatlantic alliance so valuable. We must bolster our ties this year and renew our commitment to a robust transatlantic relationship.

## GENERIC DRUG USER FEE AMENDMENTS: ACCELERATING PATIENT ACCESS TO GENERIC DRUGS

Mr. ALEXANDER. Mr. President, I ask unanimous consent to have printed in the RECORD a copy of my remarks to the Senate Committee on Health, Education, Labor, and Pensions.

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

### GENERIC DRUG USER FEE AMENDMENTS: ACCELERATING PATIENT ACCESS TO GENERIC DRUGS

In December, the president signed into law the Every Student Succeeds Act, a bill to fix No Child Left Behind and proof that this committee can work together to tackle very difficult issues.

But a law not properly implemented isn't worth the paper it's written on, which is why I'm going to be working with Senator Murray to set up a strong oversight process during 2016 to make sure the teachers, governors, chief state school officers, parents and students who counted on us to fix that law see that it's implemented properly.

We're here today for a similar purpose: to conduct oversight of the 2012 Food and Drug Administration (FDA) Safety and Innovation Act—specifically the law's Generic Drug User Fee Amendments, which are fees negotiated between the FDA and generic drug makers to give the agency additional resources intended to speed the review of generic drugs.

This is Congress' first oversight hearing since these agreements were passed in 2012, and it comes at a critical time for patients: Despite the FDA receiving nearly \$1 billion in user fees since 2012 as a result of these user fee agreements, performance is not living up to Congress' or patients' expectations, as the number of generic drugs approved per year remains about the same.

The user fee agreements are due to be reauthorized next year, and discussions between the FDA and industry are already underway—making now the appropriate time for us to better understand whether or not these 2012 agreements are working to give Americans better access to generic drugs.

The generic drug program, established by the Hatch-Waxman Amendments over 30 years ago, has had great success increasing competition and lowering drug prices.

The program was created to make it easier for generic drugs to enter the market.

Let me quickly explain how this works: Once a drug is approved by the FDA, for example, Lipitor—which is widely used to help lower cholesterol—no other manufacturer can make that drug for a period of time. When that period of time expires, a manufacturer may make a copy of that drug—and we call that a generic drug.

That generic copy must also have FDA approval.

This generic approval process doesn't include full clinical trials, which often are long and expensive, contributing to higher prices for brand drugs.

As a result, more generic drugs in the market creates competition and lowers prices for consumers.

And today, 88 percent of prescription drugs purchased in the United States are generic drugs.

However, in 2012, 26 years after the law first passed, it became clear the generic drug approval program needed an overhaul.

More generic drugs were coming from overseas. Generic drug companies in China and India were inspected much less frequently than American companies, putting American



companies at a disadvantage and, more importantly, putting patients at risk.

There was a backlog of 4,700 applications waiting to be reviewed, and the median approval time to get review of a generic drug was 30 months, far surpassing the 180-day timeframe for review as laid out in the Hatch-Waxman amendments in 1984.

Additionally, in 2012, many generic sterile injectable drugs were in shortage, causing doctors and hospitals to scramble to ensure patients were getting the best treatment possible.

To address these problems, Congress passed the first Generic Drug User Fee Amendments (often referred to by its acronym GDUFA or as congressional staff and industry insiders call it—"Ga-DOO-Fa") as part of the FDA Safety and Innovation Act.

This built on the success of similar agreements that Congress had previously passed between drug and device manufacturers and their regulators in the FDA.

This user fee agreement was the first agreement between the generic industry and the FDA on how to improve the review process for generic drugs.

With the enactment of these amendments, Congress anticipated:

One: that generic drug facilities abroad would be brought up to the same standards as facilities in the United States; and

Two: that American patients would benefit from faster approval of generic drugs. These two actions would bring more competition to the market and lower the price of drugs for consumers.

But there are concerns about the implementation of this program.

Some progress has been made on the backlog of applications for generic drugs—some progress, but certainly not enough. In 2012 there was a backlog of 4,700 pending applications and that has now dropped to just over 3,500 applications pending approval, according to the Generic Pharmaceutical Association.

The HHS Inspector General has reported that the FDA is improving its inspections abroad, one of the important goals of the user fee agreements.

But, the troubling news is that it is taking longer for the FDA to get drugs through the approval process, and according to a survey of generic drug makers, the median approval times have slowed from 30 to 48 months.

According to one estimate, once there are six or more generic competitors, a drug costs about 10 percent of the brand price—so, these slower approval times mean less competition and higher costs for consumers.

This slowdown in approval time is despite the fact that the FDA has received nearly \$1 billion in user fees since this law was passed—that's funding that is on top of the money that Congress annually provides to the FDA through the appropriations bill.

That's about \$300 million a year, or 20 percent of the total amount that the FDA spent researching, inspecting, and reviewing all drugs—generic and brand name alike—in fiscal year 2015.

I understand that the FDA has met most of the goals laid out in the agreement for industry user fees for regulatory actions, hiring staff, and increasing inspections.

But I look forward to hearing whether these metrics are the most appropriate, given I continue to hear that generic drug approval is too slow from manufacturers and patients.

While industry provides funding according to the agreement, the American taxpayer, through the Congressional appropriations process, provided over 40 percent for the generic drug review program in fiscal year 2014, according to the FDA's financial report.

But the data points that matter to American people are generic drug approval times

and the number of approvals, which to them mean increased market competition, a reduction in drug shortages, and more, lower-cost drugs available for patients.

Another issue we're hearing a lot about is drug pricing—and here are some points to consider:

One: While the cost of drugs is a legitimate concern for many Americans—it's part of an even larger problem of rising health care costs.

Just this week, the Congressional Budget Office (CBO) announced in its annual "Budget and Economic Outlook" that for the first time, federal spending for the major health care programs (Medicare, Medicaid, SCHIP, Obamacare) represents the largest fraction—more than 60 percent—of the projected growth in mandatory spending in 2016. CBO notes that this spending is partially driven by the increase in per capita health care costs.

Two: While we work to lower the cost of drugs, we need to invest in and incentivize the development of life-saving therapies.

Congress last year added \$2 billion in the appropriations process, bringing NIH's total budget in FY2016 up to around \$32 billion—but this is still less than what's spent in the private sector.

Members of the Pharmaceutical Manufacturers of America, who only represent a portion of the market, spent over \$50 billion in FY2014 alone coming up with new cures and treatments.

The clinical trials required to prove that medicine is safe cost hundreds of millions of dollars, even for the ninety percent of drugs that fail. In addition, the regulatory approval process is lengthy, which also adds costs.

As a result of this effort, biotech and drug companies big and small have done remarkable things to help patients with diseases like HIV, Cystic Fibrosis, and cancer live longer, healthier lives—a critical development we do not want to interrupt.

Third: To best restrain the growth of drug prices we must encourage investment in life-saving therapies, avoid unnecessary regulatory burdens that slow down development and drive up costs, and ensure the marketplace remains competitive.

For the past year, this committee—in a bipartisan way—has been looking at ways to reduce unnecessary regulatory burden so we can get safe, innovative, life-saving therapies into patients' medicine cabinets more quickly.

At the same time, Sens. Collins and McCaskill, leaders of the Aging Committee, have been examining what improvements may be necessary to ensure that the FDA expedites applications for generic drugs to keep the marketplace competitive, which will help keep drug prices down, and I look forward to working with them on that effort.

The generic drug industry really is a remarkable story. Over the last 30 years—generic drugs have gone from a very small fraction of the marketplace to 88 percent. It's hard to imagine what the prescription drug market would look like today without generic drugs.

I look forward to hearing from our witness today to learn more about where Congress can help make improvements to the regulatory process and ensure that the FDA has the tools it needs to create a generic drug review system that functions as Congress intended and as American patients and taxpayers deserve.

## ADDITIONAL STATEMENTS

### TRIBUTE TO DWAN EDWARDS AND BROCK OSWEILER

• Mr. DAINES. Mr. President, today I wish to recognize two outstanding and nationally prominent pro athletes, Carolina Panthers defensive tackle Dwan Edwards and Denver Broncos backup quarterback Brock Osweiler.

I am so proud that Montana will be well represented in this year's Super Bowl, and I am so proud to honor these men for their leadership and athletic accomplishments.

Dwan grew up in Columbus, MT, and graduated in 1999 from Columbus High School. He then went on to play for Oregon State University and eventually was drafted by the Baltimore Ravens in 2004, where he played for five seasons. In 2010, he was picked up by the Buffalo Bills for two seasons. He signed with the Carolina Panthers in 2012 and is now playing in his 12th NFL season.

Dwan has certainly not forgotten where he is from. He is currently making arrangements to bring former Columbus High School football coach John Smith out to watch Dwan play in his first Super Bowl game. This summer, he will put on the eighth Dwan Edwards Elite Football camp, where he spends a week in Billings helping young players develop their football skills.

Brock represents Kalispell, where he attended Flathead High School. He graduated in 2009 as an honor roll student and was coached by Russell McGarvel. Brock played college football for Arizona State and was drafted by the Denver Broncos in 2012.

During his time playing in the NFL, he has given back to Flathead and its football program by regularly sending letters of encouragement to the high school team and donating a Flathead Football captains board in 2014. The football team's captains' names are etched into the board each year, which serves as a great honor for these young leaders.

My biggest congratulations goes out to both of these fine men for representing the great State of Montana well, both on and off the field. Best of luck to you both in Super Bowl 50 this Sunday. Keep making Montana proud.●

### TRIBUTE TO COLONEL JEANNIE LEAVITT

• Mr. HELLER. Mr. President, today I wish to congratulate Col. Jeannie Leavitt on her recent selection as commander of the 57th Wing at Nellis Air Force Base. Colonel Leavitt is the first woman to command the wing, making her the highest ranking female officer to command at Nellis AFB. It gives me great pleasure to recognize her achievement in this historic moment.

Colonel Leavitt joined the U.S. Air Force in 1992 after earning her bachelor's degree in aerospace engineering from the University of Texas and her

master's degree in aeronautics and astronautics from Stanford University. She completed pilot training at the top of her class in 1992, kicking off the start of her successful career. Since then, she has logged over 300 hours of combat, serving in Afghanistan and Iraq, as well as Operation Southern Watch.

In 1993, Colonel Leavitt became the first female fighter pilot and later the service's first woman to graduate from the Air Force Weapons School at Nellis AFB. In addition, in 2012, she became the Nation's first female fighter wing commander when she assumed command of the 4th Fighter Wing at Seymour Johnson Air Force Base in North Carolina, and she will now be the first woman to assume command of the 57th Wing at the Silver State's Nellis AFB. She is truly a role model, demonstrating a great amount of strength and courage.

I extend my deepest gratitude to Colonel Leavitt for her courageous contributions to the United States of America. Her unwavering dedication to her career is commendable, and she stands as a shining example for future generations of heroes. Colonel Leavitt's service to her country and her bravery earn her a place among the outstanding men and women who have valiantly defended our nation.

As a member of the Senate Veterans' Affairs Committee, I recognize that Congress has a responsibility not only to honor these brave individuals who serve our Nation, but also to ensure they are cared for when they return home. Equally as important, it is crucial that female servicemembers and veterans have access to their specific health care needs. There are countless distinguished women who have made sacrifices beyond measure and deserve nothing but the best treatment. I remain committed to upholding this promise for our veterans and servicemembers in Nevada and throughout the Nation and will continue to fight until this becomes a reality.

During her tenure, Colonel Leavitt has demonstrated professionalism, commitment to excellence, and dedication to the highest standards of the Air Force. I am both humbled and honored by her service and am proud to have such a distinguished member of the Air Force serving in the State of Nevada. Today I ask my colleagues to join me in recognizing Colonel Leavitt for all of her accomplishments and wish her well in all of her future endeavors.●

#### TRIBUTE TO JANE ALBRIGHT

● Mr. HELLER. Mr. President, today I wish to congratulate a true role model in the Nevada Wolf Pack community, women's basketball coach Jane Albright, on reaching a significant milestone of 500 collegiate basketball wins. This is a tremendous accomplishment for Ms. Albright, who has dedicated eight seasons to making Nevada women's basketball the best it can be.

Ms. Albright began her career coaching collegiate basketball in 1981, when she served as a graduate assistant for the University of Tennessee. She later spent one season as an assistant coach at the University of Cincinnati before taking on her first role as head coach at Northern Illinois. During her 10 seasons with this university, Ms. Albright led the women's basketball team in its most successful run in Northern Illinois history with a record of 188 wins to 110 losses from 1984-94.

Following her tenure at Northern Illinois, Ms. Albright coached the women's basketball team at the University of Wisconsin, where she revitalized the program. Ms. Albright led this team, which previously had experienced nine losing seasons, to eight consecutive winning seasons. Prior to her tenure with the University of Nevada, Reno, UNR, Ms. Albright served as head coach at Wichita State.

Beginning in 2008, Ms. Albright became a member of the Pack, taking on the role of UNR's head women's basketball coach. Throughout her first year at Nevada, Ms. Albright achieved the most wins as a first-year coach, with an overall record of 18 wins to 14 losses. In that same season, she also picked up her 400th career win when Nevada defeated Northern Iowa. In the 2013-14 season, Ms. Albright led the Wolf Pack in winning 12 Mountain West games, setting a program record for most conference wins in a single season and securing the number three seed for the Mountain West Championships.

She was also awarded the 2014 Carol Eckman Award this season, recognizing her for her commitment to the incredible student athletes on her team. On January 27, 2016, Ms. Albright reached her 500th career win, leading the Pack against San Diego State. Her ability as a coach is remarkable, and we are lucky to have someone like Ms. Albright representing UNR.

Aside from her incredible record as a coach, Ms. Albright also goes above and beyond to keep her team involved in the community, as well as in the classroom. In 2009-10 alone, UNR logged more than 530 hours of service to the city of Reno. Ms. Albright is a shining example of true leadership for our community.

Ms. Albright is an inspiration to many across northern Nevada both on and off the basketball court. Her enthusiasm and passion for her team have not gone unnoticed. Today I join citizens across the Silver State in congratulating Ms. Albright on this incredible achievement and wish her well as she continues to lead the Nevada Wolf Pack.●

#### REMEMBERING MICHAEL A. WERMUTH

● Mr. SESSIONS. Mr. President, today I wish to recognize the life of Michael Wermuth of Birmingham, AL.

Michael Anthony Wermuth was born in Birmingham, AL, in 1946, was com-

missioned in the U.S. Army upon graduating from the University of Alabama, earned his law degree from the University of Alabama School of Law, and practiced law in Mobile, AL, as a partner of the firm Wilkins, Druhan & Wermuth. While in Mobile, Mike became involved in local politics and worked on the senatorial campaign of ADM Jeremiah A. Denton. Upon Admiral Denton's election to the Senate, Mike and his family moved to Washington where he served as Senator Denton's chief counsel and legislative director from 1980 to 1987.

After his time in the U.S. Senate, Mike served in the Department of Justice as a legislative counsel for civil rights and was Deputy Assistant Attorney General for legislative affairs. In 1989, he was named Deputy Assistant Secretary of Defense for drug enforcement policy and was instrumental in the implementation of President George H.W. Bush's national drug control strategy that was highly effective in reducing drug use and importation.

After 30 years of service, Mike retired as a colonel in the Army Reserves. That same year, he joined the RAND Corporation as the director of its homeland security program and was the executive director of a Federal advisory panel on terrorism. During his time at RAND, he worked on a variety of issues including infrastructure protection, emergency preparedness, risk management, border control, and intelligence.

After leaving RAND in 2010, Mike continued his work as a consultant there and served as an adjunct faculty member at the Texas A&M University Bush School of Government and Public Service. He taught graduate level online courses in homeland security defense. His influence in terrorism defense strategy was vast, and his enduring legacy will be his dedication to the stewardship of the next generation of policymakers.

I knew Mike for many years. In Mobile, we served in the same Army Reserve center. He was a conscientious and superior officer with a steady sense of duty and love of country. As a top member of Senator Denton's staff, he was dedicated, loyal, and effective. He was tireless in his work to advance the agenda in which Senator Denton so deeply believed. I can say his support and that of Senator Denton was critical to my appointment as U.S. attorney. In the U.S. Army, the U.S. Senate, the Department of Justice, the RAND Corporation, and as a teacher and lawyer, Mike always excelled. Discipline, work, loyalty, and patriotism were his hallmarks. He was indeed a talented American patriot.

Michael passed away on November 1, 2015. He is survived by his wonderful wife of 35 years, Fran; his children, Ken and Heather; and numerous other family members. His partner throughout, Fran is highly accomplished in her own right having served in top positions within the U.S. Marshals Service. Our

sympathy is extended to her, the family, and friends upon his passing.●

#### 100TH ANNIVERSARY OF THE NEWPORT WINTER CARNIVAL

● Mrs. SHAHEEN. Mr. President, the 100th anniversary Newport Winter Carnival opens this week to great expectations. Citizens in Newport, NH, are pretty confident that theirs is the oldest continuous winter carnival in the Nation, and they are certain it is the very best.

Newport is a town of classic New England charm, nestled in the scenic hills of western New Hampshire. Much has changed in Newport since the town held its first winter carnival. A century ago, the swift currents of the Sugar River turned water wheels that powered the town's prosperous textile mills. During long winters, townspeople enjoyed skiing, skating, snowshoeing, and other activities that were at the heart of the first Newport Winter Carnival.

Today those mills are no longer in operation, but their handsome brick buildings have been repurposed as offices, shops, restaurants, and apartments. Like many other former mill towns in rural New Hampshire, Newport has weathered economic challenges in recent decades. During many visits over the years, I have admired the town's resilience and indomitable spirit, which have earned it the nickname "the Sunshine Town."

Despite a century of dramatic changes and challenges, the Newport Winter Carnival has been a proud constant. People from neighboring communities come to Newport in mid-winter to enjoy the warmth and friendliness of their neighbors and to have lots of old-fashioned fun.

This year's carnival will begin with a reenactment. In 1917, a Dartmouth student from Newport skied the 29 miles from Hanover to his hometown to enjoy the Winter Carnival. His feat will be reenacted on Friday by his grandson and five others, who will light the ceremonial torch on Newport Common to start the festival. Festivities this year include the traditional Carnival Queen contest, a parade and talent pageant, broom hockey games, skijoring, and an arm wrestling competition with "armed and ready" Cathy Merrill, a Newport resident who recently won gold medals at the U.S. Arm Wrestling Nationals. The carnival will close on Sunday evening, February 14, with a fireworks display.

I salute the Newport carnival committee and the scores of additional volunteers who put in countless hours to make the carnival a success. For them, this is truly a labor of love. I also salute the townspeople and families of Newport, who warmly welcome visitors not only for the carnival, but year-round, and always make us proud to be Granite Staters.

Congratulations to the entire Newport community, and I wish everyone

yet another successful Newport Winter Carnival.●

#### 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 which were referred to the Committee on the Judiciary.

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

#### MESSAGE FROM THE HOUSE

##### ENROLLED BILLS SIGNED

The President pro tempore (Mr. HATCH) reported that he had signed the following enrolled bills, which were previously signed by the Speaker of the House:

H.R. 515. An act to protect children and others from sexual abuse and exploitation, including sex trafficking and sex tourism, by providing advance notice of intended travel by registered sex offenders outside the United States to the government of the country of destination, requesting foreign governments to notify the United States when a known sex offender is seeking to enter the United States, and for other purposes.

H.R. 4188. An act to authorize appropriations for the Coast Guard for fiscal years 2016 and 2017, and for other purposes.

At 11:45 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1675. An act to direct the Securities and Exchange Commission to revise its rules so as to increase the threshold amount for requiring issuers to provide certain disclosures relating to compensatory benefit plans.

The message also announced that the House agrees to the concurrent resolution (S. Con. Res. 28) to establish the Joint Congressional Committee on Inaugural Ceremonies for the inauguration of the President-elect and Vice President-elect of the United States on January 20, 2017.

The message further announced that the House agrees to the concurrent resolution (S. Con. Res. 29) to authorize the use of the rotunda and Emancipation Hall of the Capitol by the Joint Congressional Committee on Inaugural Ceremonies in connection with the proceedings and ceremonies conducted for the inauguration of the President-elect and the Vice President-elect of the United States.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 109. Concurrent resolution authorizing the use of Emancipation Hall in the Capitol Visitor Center for a ceremony to present the Congressional Gold Medal to the foot soldiers who participated in the 1965 Selma to Montgomery marches.

#### MEASURES REFERRED

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

H.R. 1675. An act to direct the Securities and Exchange Commission to revise its rules so as to increase the threshold amount for requiring issuers to provide certain disclosures relating to compensatory benefit plans; to the Committee on Banking, Housing, and Urban Affairs.

#### EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. MCCAIN for the Committee on Armed Services.

\*Army nomination of Lt. Gen. John W. Nicholson, Jr., to be General.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

#### 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. BLUNT (for himself, Mr. CRAPO, Mr. DAINES, Mr. KIRK, Mr. ISAKSON, and Mrs. CAPITO):

S. 2497. A bill to amend the Securities Exchange Act of 1934 to provide protections for retail customers, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

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

S. 2498. A bill to amend title XVIII of the Social Security Act to establish a pilot program to improve care for the most costly Medicare fee-for-service beneficiaries through the use of comprehensive and effective care management while reducing costs to the Federal Government for these beneficiaries, and for other purposes; to the Committee on Finance.

By Mr. HATCH (for himself, Mr. RUBIO, Mr. BARRASSO, and Mr. JOHNSON):

S. 2499. A bill to amend the Internal Revenue Code of 1986 to improve access to health care through expanded health savings accounts, and for other purposes; to the Committee on Finance.

By Mr. BENNET:

S. 2500. A bill to provide for the establishment of a health insurance premium reduction program to ensure that health insurance premiums remain low for American families; to the Committee on Health, Education, Labor, and Pensions.

By Ms. MURKOWSKI:

S. 2501. A bill to amend the Internal Revenue Code of 1986 to modify the exemption for certain aircraft from the excise taxes on transportation by air; to the Committee on Finance.

By Mr. ISAKSON (for himself, Mr. KIRK, Mr. COTTON, Mr. DAINES, and Mr. WICKER):

S. 2502. A bill to amend the Employee Retirement Income Security Act of 1974 to ensure that retirement investors receive advice in their best interests, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. MURRAY:

S. 2503. A bill to establish requirements for reusable medical devices relating to cleaning instructions and validation data, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WYDEN (for himself, Mr. MERKLEY, and Mrs. MURRAY):

S. 2504. A bill to amend the Controlled Substances Act to allow for advertising relating to certain activities in compliance with State law; to the Committee on the Judiciary.

By Mr. KIRK (for himself, Mr. ISAKSON, Mr. BLUNT, Ms. AYOTTE, Mr. COTTON, and Mr. WICKER):

S. 2505. A bill to amend the Internal Revenue Code of 1986 to ensure that retirement investors receive advice in their best interests, and for other purposes; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. FRANKEN, Mr. BLUMENTHAL, Mr. DURBIN, and Mr. WHITEHOUSE):

S. 2506. A bill to restore statutory rights to the people of the United States from forced arbitration; to the Committee on the Judiciary.

By Mr. SULLIVAN:

S. 2507. A bill to amend title 38, United States Code, to provide payment of Medal of Honor special pension under such title to the surviving spouse of a deceased Medal of Honor recipient, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. UDALL (for himself, Mr. BLUMENTHAL, and Ms. KLOBUCHAR):

S. 2508. A bill to reduce sports-related concussions in youth, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CARPER (for himself, Mr. PORTMAN, Mr. JOHNSON, Mr. KING, Ms. HEITKAMP, and Mr. LANKFORD):

S. 2509. A bill to improve the Government-wide management of Federal property; to the Committee on Homeland Security and Governmental Affairs.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. BURR (for himself and Mr. TILLIS):

S. Res. 362. A resolution recognizing the contributions of the Montagnard indigenous tribespeople of the Central Highlands of Vietnam to the United States Armed Forces during the Vietnam War, and condemning the ongoing violation of human rights by the Government of the Socialist Republic of Vietnam; to the Committee on Foreign Relations.

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

S. Res. 363. A resolution congratulating the University of Mount Union football team for winning the 2015 National Collegiate Athletic Association Division III Football Championship; considered and agreed to.

By Mr. MCCONNELL (for himself, Mr. REID, Mr. PAUL, Mr. ALEXANDER, Ms. AYOTTE, Ms. BALDWIN, Mr. BARRASSO, Mr. BENNET, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOKER, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN, Mr. BURR, Ms. CANTWELL, Mrs. CAPITO, Mr.

CARDIN, Mr. CARPER, Mr. CASEY, Mr. CASSIDY, Mr. COATS, Mr. COCHRAN, Ms. COLLINS, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. COTTON, Mr. CRAPO, Mr. CRUZ, Mr. DAINES, Mr. DONNELLY, Mr. DURBIN, Mr. ENZI, Mrs. ERNST, Mrs. FEINSTEIN, Mrs. FISCHER, Mr. FLAKE, Mr. FRANKEN, Mr. GARDNER, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. HATCH, Mr. HEINRICH, Ms. HEITKAMP, Mr. HELLER, Ms. HIRONO, Mr. HOEVEN, Mr. INHOFE, Mr. ISAKSON, Mr. JOHNSON, Mr. KAINE, Mr. KING, Mr. KIRK, Ms. KLOBUCHAR, Mr. LANKFORD, Mr. LEAHY, Mr. LEE, Mr. MANCHIN, Mr. MARKEY, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mr. MURPHY, Mrs. MURRAY, Mr. NELSON, Mr. PERDUE, Mr. PETERS, Mr. PORTMAN, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROUNDS, Mr. RUBIO, Mr. SANDERS, Mr. SASSE, Mr. SCHATZ, Mr. SCHUMER, Mr. SCOTT, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. STABENOW, Mr. SULLIVAN, Mr. TESTER, Mr. THUNE, Mr. TILLIS, Mr. TOOMEY, Mr. UDALL, Mr. VITTER, Mr. WARNER, Ms. WARREN, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 364. A resolution relative to the death of Marlow Cook, former United States Senator for the Commonwealth of Kentucky; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 356

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

S. 524

At the request of Mr. WHITEHOUSE, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 524, a bill to authorize the Attorney General to award grants to address the national epidemics of prescription opioid abuse and heroin use.

S. 591

At the request of Mr. BLUNT, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 591, a bill to amend the Internal Revenue Code of 1986 to permanently extend the new markets tax credit, and for other purposes.

S. 681

At the request of Mrs. GILLIBRAND, the names of the Senator from South Dakota (Mr. ROUNDS) and the Senator from New Jersey (Mr. BOOKER) were added as cosponsors of S. 681, a bill to amend title 38, United States Code, to clarify presumptions relating to the exposure of certain veterans who served in the vicinity of the Republic of Vietnam, and for other purposes.

S. 728

At the request of Mr. SCHUMER, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 728, a bill to provide for programs and activities with respect to the prevention of underage drinking.

S. 800

At the request of Mr. KIRK, the name of the Senator from Wyoming (Mr.

ENZI) was added as a cosponsor of S. 800, a bill to improve, coordinate, and enhance rehabilitation research at the National Institutes of Health.

S. 979

At the request of Mr. NELSON, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 979, a bill to amend title 10, United States Code, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 1049

At the request of Ms. HEITKAMP, the name of the Senator from Indiana (Mr. DONNELLY) was added as a cosponsor of S. 1049, a bill to allow the financing by United States persons of sales of agricultural commodities to Cuba.

S. 1239

At the request of Mr. DONNELLY, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1239, a bill to amend the Clean Air Act with respect to the ethanol waiver for the Reid vapor pressure limitations under that Act.

S. 1302

At the request of Mr. TESTER, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 1302, a bill to amend the Family and Medical Leave Act of 1993 to provide leave because of the death of a son or daughter.

S. 1455

At the request of Mr. MARKEY, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1455, a bill to provide access to medication-assisted therapy, and for other purposes.

S. 1890

At the request of Mr. HATCH, the name of the Senator from Wyoming (Mr. ENZI) 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. 1982

At the request of Mr. CARDIN, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 1982, a bill to authorize a Wall of Remembrance as part of the Korean War Veterans Memorial and to allow certain private contributions to fund the Wall of Remembrance.

S. 2021

At the request of Mr. BOOKER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2021, a bill to prohibit Federal agencies and Federal contractors from requesting that an applicant for employment disclose criminal history record information before the applicant has received a conditional offer, and for other purposes.

S. 2185

At the request of Ms. HEITKAMP, the names of the Senator from New Jersey

(Mr. MENENDEZ) and the Senator from Hawaii (Mr. SCHATZ) 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. 2332

At the request of Mr. HATCH, the name of the Senator from Iowa (Mrs. ERNST) was added as a cosponsor of S. 2332, a bill to amend the National Child Protection Act of 1993 to establish a permanent background check system.

S. 2373

At the request of Ms. CANTWELL, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 2373, a bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of certain lymphedema compression treatment items as items of durable medical equipment.

S. 2377

At the request of Mr. REID, the name of the Senator from New Mexico (Mr. HENRICH) was added as a cosponsor of S. 2377, a bill to defeat the Islamic State of Iraq and Syria (ISIS) and protect and secure the United States, and for other purposes.

S. 2415

At the request of Mr. FLAKE, the name of the Senator from North Carolina (Mr. TILLIS) was added as a cosponsor of S. 2415, a bill to implement integrity measures to strengthen the EB-5 Regional Center Program in order to promote and reform foreign capital investment and job creation in American communities.

S. 2423

At the request of Mrs. SHAHEEN, the name of the Senator from New York (Mrs. GILLIBRAND) 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. 2446

At the request of Mr. HOEVEN, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 2446, a bill to amend subtitle D of the Solid Waste Disposal Act to encourage recovery and beneficial use of coal combustion residuals and establish requirements for the proper management and disposal of coal combustion residuals that are protective of human health and the environment.

S. 2452

At the request of Mr. MORAN, the names of the Senator from Pennsylvania (Mr. TOOMEY) and the Senator from Georgia (Mr. PERDUE) 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. 2464

At the request of Mr. PAUL, the name of the Senator from Indiana (Mr.

COATS) was added as a cosponsor of S. 2464, a bill to implement equal protection under the 14th Amendment to the Constitution of the United States for the right to life of each born and preborn human person.

S. 2466

At the request of Mr. PETERS, the name of the Senator from Delaware (Mr. CARPER) 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. 2487

At the request of Mrs. BOXER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2487, a bill to direct the Secretary of Veterans Affairs to identify mental health care and suicide prevention programs and metrics that are effective in treating women veterans as part of the evaluation of such programs by the Secretary, and for other purposes.

S. 2495

At the request of Mr. CRAPO, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2495, a bill to amend the Social Security Act relating to the use of determinations made by the Commissioner.

S. RES. 184

At the request of Mr. BOOKER, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. Res. 184, a resolution expressing the sense of the Senate that conversion therapy, including efforts by mental health practitioners to change the sexual orientation, gender identity, or gender expression of an individual, is dangerous and harmful and should be prohibited from being practiced on minors.

S. RES. 349

At the request of Mr. ROBERTS, the names of the Senator from Louisiana (Mr. VITTER), the Senator from Arkansas (Mr. BOOZMAN), the Senator from Louisiana (Mr. CASSIDY), the Senator from Ohio (Mr. BROWN), the Senator from Minnesota (Mr. FRANKEN), the Senator from West Virginia (Mr. MANCHIN), the Senator from South Dakota (Mr. ROUNDS), the Senator from Wyoming (Mr. ENZI) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. Res. 349, a resolution congratulating the Farm Credit System on the celebration of its 100th anniversary.

S. RES. 355

At the request of Ms. HEITKAMP, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. Res. 355, a resolution designating the week beginning February 7, 2016, as "National Tribal Colleges and Universities Week".

AMENDMENT NO. 3249

At the request of Mr. KIRK, his name was added as a cosponsor of amendment No. 3249 intended to be proposed to S. 2012, an original bill to provide for the modernization of the energy policy of the United States, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN (for himself, Mr. MERKLEY, and Mrs. MURRAY):

S. 2504. A bill to amend the Controlled Substances Act to allow for advertising relating to certain activities in compliance with State law; to the Committee on the Judiciary.

Mr. WYDEN. Mr. President, today I am introducing the Marijuana Advertising In Legal States Act to allow small businesses and newspapers in States that have legalized marijuana to advertise marijuana products.

In the last few years, voters in Oregon, Washington, Colorado and Alaska overwhelmingly approved initiatives to legalize the adult use and sale of marijuana. Additionally, 23 States, the District of Columbia and Guam have legalized full medical marijuana programs, and 17 more States have approved more limited medical marijuana programs. In many of these States, State-approved dispensaries are up and running, bringing the industry out of the shadows of the black market and creating a safe, regulated system in much of America.

Despite passage of these state laws, marijuana remains stuck in the past as a Schedule I substance according to the Federal Controlled Substances Act, CSA. This designation means it is a felony to distribute, possess or consume it. Recognizing this discrepancy, the Obama administration issued a memorandum in 2013 which held: so long as certain enforcement criteria were met, Federal law enforcement entities would not interfere with legal state marijuana activity. Congress then followed suit and barred the Department of Justice from expending resources in contravention of state medical marijuana laws.

However, since marijuana is designated as a Schedule I substance, according to Federal law it is still unlawful for anyone to place an advertisement for marijuana, including a medical marijuana product, in any newspaper, magazine, handbill or other publication, even if that activity is legal under State law. This creates a legally conflicted reality in States, like Oregon, where marijuana is legal for those marijuana businesses that seek to advertise in local newspapers, as well as for the many newspapers around the country that rely on advertising revenue.

Further complicating the matter, the United States Postal Service, USPS, recently declared that it is illegal to mail any items, including newspapers, which contain advertisements offering



to buy or sell marijuana, even if the marijuana-related activity is in compliance with a state law. The USPS stated that if it uncovers any items deemed to be “non-mailable,” it would report the item to the Postal Inspection Service, which would refer it to a law enforcement agency for investigation. Despite the 2013 Obama administration memo indicating Federal law enforcement would not interfere, these businesses are concerned. Small businesses and community newspapers rely on the USPS to reach their customers, especially in rural areas. The USPS policy could have the effect of stopping all written marijuana advertisements in states that have already made the decision to legalize marijuana, which would be a blow to newspapers and small businesses that are already struggling financially.

My proposal would create a narrow exception in CSA to allow for the written advertisement of an activity, involving marijuana, if it is in compliance with State law.

I am pleased to be joined on this bill by my colleague from Oregon Senator JEFF MERKLEY who has worked closely with me over the years to ensure that the decision that Oregon voters made at the polls is respected by the Federal Government.

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

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

S. 2504

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Marijuana Advertising in Legal States Act of 2016” or the “MAILS Act”.

#### SEC. 2. AMENDMENT.

Section 403(c)(1) of the Controlled Substances Act (21 U.S.C. 843(c)(1)) is amended by adding at the end the following: “This paragraph does not apply to an advertisement to the extent that the advertisement relates to an activity, involving marijuana, that is in compliance with the law of the State in which that activity takes place.”.

By Mr. LEAHY (for himself, Mr. FRANKEN, Mr. BLUMENTHAL, Mr. DURBIN, and Mr. WHITEHOUSE):

S. 2506. A bill to restore statutory rights to the people of the United States from forced arbitration; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I rise to discuss legislation I am introducing today to protect workers and families in Vermont and across the country who are being forced to give up crucial rights because of legal fine print forced on them by corporations.

The Restoring Statutory Rights Act combats the injustice of forced arbitration. It will ensure that hardworking men and women can vindicate their rights in court instead of being forced

into a private, shadow justice program. Some of the contracts people sign automatically, with little, tiny type, say: If we overbill you, if we give you defective equipment, if we do anything to you, it will go to arbitration. Guess what. The only people who primarily get to pick the arbitrators are those who side with the corporations.

Mr. President, I am introducing this legislation on behalf of myself, Mr. FRANKEN, Mr. BLUMENTHAL, Mr. DURBIN, and Mr. WHITEHOUSE.

Today I want to speak about a problem that many Americans are unaware of but that affects all of us in our daily lives. When Americans sign cell phone agreements, rent an apartment, or accept a contract for a job, most of us focus on the service we are about to receive or that we are about to provide. What Americans do not realize—until it is too late—is that too often we are also signing away crucial legal rights. Legal fine print tips the scales against us. It is forcing consumers into private arbitration, denying us of our constitutional right to protect ourselves in court and to have others learn about the harm caused by corporations.

This problem has meaningful, real-world implications for Americans’ ability to seek justice. When victims are forced into private arbitration, their cases proceed without public record. The cases cannot serve as precedent for future injustices, and the plaintiffs—hardworking consumers—cannot obtain a meaningful appeal. An arbitrator is selected by the corporate defendant, creating incentives that favor repeat corporate players. In many cases, forced arbitration stops victims’ legal actions altogether: by requiring victims to waive their legal right to join with other victims in a class action, arbitration clauses often remove the crucial tool that plaintiffs need to afford pursuing their claims.

The injustice of forced arbitration affects consumers, workers, seniors, veterans, and families in every State across the country. The cases are heart-wrenching. In one recent case, a pregnant woman suffered a tragic miscarriage and was not able to work for 7 days. When she returned to work, she was fired. When this woman attempted to hold her employer accountable in court for violating the Family and Medical Leave Act and her State’s pregnancy discrimination laws, her case was forced into private arbitration. We do not know the outcome of the case, but that is precisely the problem. In private arbitration, there is no way to know if she obtained justice, no precedent to deter other employers from such behavior, and no public accountability for the corporation that may have violated both State and Federal law.

In another recent case, an hourly employee at a hospital realized she was not being paid for all of the time she worked because her employer’s payroll system was “rounding down” her time. When she attempted to bring a class action on behalf of all the hourly employees at the hospital, her lawsuit was dismissed and forced into individual arbitration. To seek justice, the hospital employees must now pay to bring their complaints case-by-case, even though

the cost of bringing an individual arbitration almost certainly outweighs the lost wages any worker would receive.

Forced arbitration has also been a favorite tool for well-heeled corporations to make an end-run around our civil rights laws. When working women are paid less for doing the same job; when minorities are denied promotions despite their success; or when banks target poor minority neighborhoods with predatory loans, the closed and unaccountable forum of private arbitration lets them conceal their discriminatory actions.

This system of forced arbitration denies individuals access to justice. But it also guts vital protections we have fought for in our laws. Whether we are talking about family and medical leave, equal pay, or crucial civil rights protections, what strength do our laws have when the legal process Congress created to enforce them is stripped away without recourse? Through legal fine print, corporations are giving themselves a “get out of jail free” pass that guts citizens’ rights and shields bad actors from accountability.

When Congress passed the Federal Arbitration Act, it was intended to give sophisticated businesses an alternative venue to resolve their disputes. There is a valid role for arbitration when parties choose it willingly, after a dispute arises, as an alternative to court. But arbitration should not be forced upon consumers and workers through take-it-or-leave-it contracts they have no real choice but to accept. And it should not—it must not—prevent Americans from enforcing their rights under fundamental State and Federal laws.

Nor should Federal law interfere when States take action to address the injustice of forced arbitration. A full 47 of our 50 States have tried to protect their citizens in some way from forced arbitration, but these efforts have been thwarted by Federal law. In Vermont, lawmakers required that arbitration clauses be accompanied by a written acknowledgement signed by both parties, to ensure that consumers were aware of them. This reasonable, commonsense requirement was invalidated because it conflicted with Federal law.

Following a 2011 Supreme Court case, *AT&T v. Concepcion*, other efforts in Vermont and across the country to protect citizens from forced arbitration have also been invalidated. Vermonters who tried to sue their phone service provider for disturbing them with unwanted text messages and Vermont drivers who tried to sue their car insurers over coverage have all been forced into private arbitration despite conflicting measures in Vermont law. This restriction on States’ authority is wrong, especially when the enforceability of contracts is traditionally an area left to State law. This is not a partisan issue. Both Republican and Democratic attorneys general have repeatedly spoken out against the Federal Arbitration Act’s intrusion on State sovereignty and a State’s compelling interest in protecting the health and welfare of its citizens.



Congress must act to stop these abuses. That is why today I am introducing legislation to limit the injustice of forced arbitration and protect Americans' right to seek justice in our courts. The Restoring Statutory Rights Act will ensure that critical State and Federal laws can actually be effective, by ensuring that citizens cannot be stripped of their ability to enforce their rights using our independent justice system. It will also ensure that when States take action to address forced arbitration, they are not preempted by an overbroad reading of our Federal arbitration laws.

This effort is supported by the Leadership Conference for Civil and Human Rights, the National Employment Lawyers' Association, Americans For Financial Reform, Alliance for Justice, Earthjustice and consumer groups such as Consumers Union, Public Citizen, the National Consumer Law Center, and Consumers for Auto Reliability and Safety. These groups and many others have worked tirelessly to highlight the injustice of forced arbitration and the unparalleled scope and number of people it affects.

All Senators should care about the implications of forced arbitration for statutes that this body writes, debates, and enacts into law. Senators should also care about their home States' ability to protect consumers from unconscionable contracts when their State chooses to act. I urge Members to support this bill.

Mr. LEAHY. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. Mr. President, I rise today to discuss the widespread and harmful impact of forced arbitration—mandatory arbitration. Last November, the New York Times published a three-part investigative series, which I recommend to every Member, on the pervasive use of forced arbitration—or mandatory arbitration. Mandatory arbitration is a privatized system of justice that corporations rely on when their customers or workers seek justice for being cheated, injured, or mistreated.

The series in the New York Times, while shocking, illustrates something that I have been saying for a long time: Mandatory arbitration agreements—forced arbitration agreements, which are often buried in the fine print of employment and service contracts, severely restrict Americans' access to justice by stripping consumers and workers of their legal rights and insulating corporations from liability. From nursing home contracts and employment agreements to credit card and cell phone contracts, corporate America uses forced arbitration clauses to rig the system against ordinary Americans in a wide variety of cases.

My staff recently heard from a Minnesota lawyer who represents families with serious injury and wrongful death claims. He told the heartbreaking

story of a man who suffered from dementia and was eventually checked into a nursing home. Twenty-one days after entering the home, it became clear to the man's family that his life was in danger; he was rapidly losing weight and had fallen into a coma. He was then sent to a hospital, where it was discovered that he was suffering from "profound dehydration." Unfortunately, the hospital could not correct the harm caused by the nursing home, and the man died shortly thereafter. He was 71 years old. Then, instead of being able to take the nursing home to court, the man's family was forced to settle their wrongful death claim through arbitration. When all was said and done, the arbitrators actually received greater compensation than the family, and the nursing home got away with a slap on the wrist.

Egregious cases like that of this Minnesota family are not rare. Time and again, arbitration clauses stack the deck in favor of big business and against consumers, as if the deck weren't stacked enough already. As the number of unbelievable stories grows, the need for reform has become clearer and more urgent. That is why I am proud to be joining Senator LEAHY, as well as Senators BLUMENTHAL, DURBIN, and WHITEHOUSE, in introducing the Restoring Statutory Rights Act to ensure that Americans can enforce their civil rights.

As Members of Congress, we have fought hard to pass legislation that will protect Americans from discrimination. This critical work is undermined, however, if we strip away their right to go to court and instead force these claims into a privatized justice system.

Remember that corporations can write the rules for the arbitration proceedings; everything can be done in secret, without public rulings; discovery can be limited, making it hard for consumers to get the evidence they need to prove their case; and there is no meaningful judicial review, so there is not much a consumer or an employee can do if the arbitrator gets it wrong. It is simply not fair.

I have also introduced with a number of colleagues my own bill, the Arbitration Fairness Act, which would fix these unfair practices by amending the Federal Arbitration Act to prohibit the use of mandatory, predispute arbitration agreements in consumer, employment, civil rights, and anti-trust cases. This bill gives Americans a real choice: If a consumer or worker wants to take his claim into arbitration, then, by all means, he is free to do so, provided that the corporation is willing to do so as well. However, if the consumer or employee wants to go to court, that option will once again be available.

To put it simply, both of these bills are about reopening the courthouse doors to American consumers and workers, because the courthouse doors never should have been closed in the first place.

I ask others to please join me in fighting back against mandatory arbitration and cosponsor the Restoring Statutory Rights Act and the Arbitration Fairness Act.

Mr. President, I yield the floor.

#### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 362—RECOGNIZING THE CONTRIBUTIONS OF THE MONTAGNARD INDIGENOUS TRIBESPEOPLE OF THE CENTRAL HIGHLANDS OF VIETNAM TO THE UNITED STATES ARMED FORCES DURING THE VIETNAM WAR, AND CONDEMNING THE ONGOING VIOLATION OF HUMAN RIGHTS BY THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF VIETNAM

Mr. BURR (for himself and Mr. TILLIS) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 362

Whereas the Montagnards are an indigenous tribespeople living in Vietnam's Central Highlands region;

Whereas the Montagnards were driven into the mountains by invading Vietnamese and Cambodians in the 9th century;

Whereas French Roman Catholic missionaries converted many of the Montagnards in the 19th century and American Protestant missionaries subsequently converted many to various Protestant sects;

Whereas, during the 1960s, the United States Mission in Saigon, the Central Intelligence Agency (CIA), and United States Army Special Forces, also known as the Green Berets, trained the Montagnards in unconventional warfare;

Whereas an estimated 61,000 Montagnards, out of an estimated population of 1,000,000, fought alongside the United States and the Army of the Republic of Vietnam (ARVN) forces against the North Vietnamese Army and the Viet Cong;

Whereas the Central Intelligence Agency, United States Special Forces, and the Montagnards cooperated on the Village Defense Program, a forerunner to the War's Strategic Hamlet Program, and an estimated 43,000 Montagnards were organized into "Civilian Irregular Defense Groups" (CIDGs) to provide protection for the areas around the CIDGs' operational bases;

Whereas, at its peak, the CIDGs had approximately 50 operational bases, with each base containing a contingent of two United States Army officers and ten enlisted men, and an ARVN unit of the same size, and each base trained 200 to 700 Montagnards, or "strikers";

Whereas another 18,000 Montagnards were reportedly enlisted into mobile strike forces, and various historical accounts describe a strong bond between the United States Special Forces and the Montagnards, in contrast to Vietnamese Special Forces and ARVN troops;

Whereas the lives of thousands of members of the United States Armed Forces were saved as a result of the heroic actions of the Montagnards, who fought loyally and bravely alongside United States Special Forces in the Vietnam War;

Whereas, after the fall of the Republic of Vietnam in 1975, thousands of Montagnards fled across the border into Cambodia to escape persecution;

Whereas the Government of the reunified Vietnamese nation, renamed the Socialist Republic of Vietnam, deeply distrusted the Montagnards who had sided with the United States and ARVN forces and subjected them to imprisonment and various forms of discrimination and oppression after the Vietnam War ended;

Whereas, after the Vietnam War, the United States Government resettled large numbers of Montagnards, mostly in North Carolina, and an estimated several thousand Montagnards currently reside in North Carolina, which is the largest population of Montagnards residing outside of Vietnam;

Whereas the Socialist Republic of Vietnam currently remains a one-party state, ruled and controlled by the Communist Party of Vietnam (CPV), which continues to restrict freedom of religion, movement, land and property rights, and political expression;

Whereas officials of the Government of Vietnam have forced Montagnards to publicly denounce their religion, arrested and imprisoned Montagnards who organized public demonstrations, and mistreated Montagnards in detention;

Whereas some Montagnard Americans have complained that Vietnamese authorities either have prevented them from visiting Vietnam or have subjected them to interrogation upon re-entering the country on visits;

Whereas the Department of State's 2014 Country Reports on Human Rights Practices ("2014 Human Rights Report") documents that, despite Vietnam's significant economic growth, some indigenous and ethnic minority communities benefitted little from improved economic conditions, even though such communities formed a majority of the population in certain areas, including the Northwest and Central Highlands and portions of the Mekong Delta;

Whereas the 2014 Human Rights Report states that, although Vietnamese law prohibits discrimination against ethnic minorities, such social discrimination was longstanding and persistent, notably in the Central Highlands;

Whereas the 2014 Human Rights Report documents that land rights protesters have reported regular instances of government authorities physically harassing and intimidating them at land expropriation sites around the country;

Whereas, in its 2015 Annual Report, the United States Commission on International Religious Freedom (USCIRF) references the accounts of Montagnards, including children, fleeing persecution in Vietnam to seek refugee status in Cambodia, only to suffer harsh conditions while hiding in the jungles and forcibly returned to Vietnam by Cambodian officials;

Whereas USCIRF reports the Government of Vietnam continues to detain numerous prisoners of conscience and the number of new church registrations is exceptionally low when compared to the thousands of congregations that either choose to remain independent or are denied registration, leaving them no choice but to operate illegally;

Whereas the Department of State's 2014 International Religious Freedom Report documents that leaders of unregistered Protestant denominations continued to report that local authorities in the Central Highlands discriminated against their followers by threatening to exclude them from state programs if they did not denounce their faith and that students who were openly Protestant often suffered discrimination; and

Whereas USCIRF recommends that Vietnam be designated a Country of Particular Concern (CPC) as ongoing human rights violations "serve as a cautionary tale of the potential for backsliding in religious freedoms

when vigilance in monitoring such abuses ceases": Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the contributions of the Montagnards who fought loyally and bravely with United States Armed Forces during the Vietnam War and who continue to suffer persecution in Vietnam as a result of this relationship;

(2) condemns ongoing actions by the Government of Vietnam to suppress basic human rights and civil liberties for all its citizens;

(3) calls on the Government of Vietnam to allow human rights groups access to all regions of the country and to end restrictions of basic human rights, including the right for Montagnards to practice their Christian faith freely, the right to land and property, freedom of movement, the right to retain ethnic identity and culture, and access to an adequate standard of living; and

(4) urges the President and Congress to develop policies that support Montagnards and other marginalized ethnic minority and indigenous populations in Vietnam and reflect United States interests and commitment to upholding human rights and democracy abroad.

#### SENATE RESOLUTION 363—CONGRATULATING THE UNIVERSITY OF MOUNT UNION FOOTBALL TEAM FOR WINNING THE 2015 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION III FOOTBALL CHAMPIONSHIP

Mr. BROWN (for himself and Mr. PORTMAN) submitted the following resolution; which was considered and agreed to:

S. RES. 363

Whereas, on December 18, 2015, the University of Mount Union Purple Raiders football team (referred to in this preamble as the "Purple Raiders") won the 2015 National Collegiate Athletic Association (referred to in this preamble as the "NCAA") Division III Football Championship with a 49 to 35 victory over the University of St. Thomas Tommies;

Whereas the head coach of the Purple Raiders led the team to a national championship win in his third year as the head coach of the Purple Raiders;

Whereas the University of Mount Union has won 12 national championships in NCAA Division III football;

Whereas the victory of the Purple Raiders broke their own record for the most national titles in football held by a program in any division;

Whereas the Purple Raiders defeated the 2014 national champion, the University of Wisconsin-Whitewater Warhawks, in the semifinal of the 2015 season, 36 to 6, to advance to the national championship game;

Whereas, in the 2015 national championship game—

(1) the running back of the Purple Raiders, number 34, rushed for 220 yards and 2 touchdowns on 25 carries;

(2) the quarterback of the Purple Raiders, number 11, threw for 201 yards and 3 touchdowns with zero interceptions;

(3) the wide receiver of the Purple Raiders, number 3, caught 5 passes for 127 yards, including a 63-yard catch;

(4) the freshman defensive back of the Purple Raiders, number 21, recorded the only interception by any player in the game;

Whereas, in the 2015 football season, the Purple Raiders—

(1) finished with a record of 14 wins and zero losses;

(2) continued a 103-game regular season winning streak, which began in 2005; and

(3) won the Ohio Athletic Conference championship, which was—

(A) the 24th consecutive Ohio Athletic Conference title won by the Purple Raiders; and

(B) the 27th conference title won by the Purple Raiders;

Whereas, in the 2015 football season—

(1) the junior offensive lineman of the Purple Raiders, number 52, was named the winner of the Division III Rimington Award, which is awarded to the most outstanding center in NCAA Division III football;

(2) the senior defensive lineman of the Purple Raiders, number 90, was named to the American Football Coaches Association Division III Coaches' All-America team;

(3) the senior linebacker of the Purple Raiders, number 4, a 3-time team captain, was named—

(A) a winner of the NCAA ELITE 90 award for the third straight year; and

(B) the Academic All-American of the Year for Division III football by the College Sports Information Directors of America; and

(4) the senior safety of the Purple Raiders, number 31, was named 1 of the 10 finalists for the Gagliardi Trophy, which is awarded to the top all-around player in NCAA Division III football;

Whereas the President and the director of athletics of the University of Mount Union have fostered a continuing tradition of athletic and academic excellence at the University of Mount Union;

Whereas the University of Mount Union has proven to be a perennial championship contender in NCAA Division III football; and

Whereas the marching band, cheerleaders, students, faculty, alumni, and fans of the University of Mount Union have supported the Purple Raiders through a season filled with triumph: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the University of Mount Union Purple Raiders football team for winning the 2015 National Collegiate Athletic Association Division III Football Championship;

(2) recognizes the players, coaches, staff, and fans of the University of Mount Union Purple Raiders football team, whose hard work led to the team winning the 2015 National Collegiate Athletic Association Division III Football Championship; and

(3) respectfully requests that the Secretary of the Senate prepare an official copy of this resolution for presentation to—

(A) the President of the University of Mount Union;

(B) the director of athletics of the University of Mount Union; and

(C) the head coach of the University of Mount Union football team.

#### SENATE RESOLUTION 364—RELATIVE TO THE DEATH OF MARLOW COOK, FORMER UNITED STATES SENATOR FOR THE COMMONWEALTH OF KENTUCKY

Mr. MCCONNELL (for himself, Mr. REID of Nevada, Mr. PAUL, Mr. ALEXANDER, Ms. AYOTTE, Ms. BALDWIN, Mr. BARRASSO, Mr. BENNET, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOKER, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN, Mr. BURR, Ms. CANTWELL, Mrs. CAPITO, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CASSIDY, Mr. COATS, Mr. COCHRAN, Ms. COLLINS, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. COTTON, Mr. CRAPO, Mr. CRUZ, Mr. DAINES, Mr. DONNELLY,

Mr. DURBIN, Mr. ENZI, Mrs. ERNST, Mrs. FEINSTEIN, Mrs. FISCHER, Mr. FLAKE, Mr. FRANKEN, Mr. GARDNER, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. HATCH, Mr. HEINRICH, Ms. HEITKAMP, Mr. HELLER, Ms. HIRONO, Mr. HOEVEN, Mr. INHOFE, Mr. ISAKSON, Mr. JOHNSON, Mr. KAINE, Mr. KING, Mr. KIRK, Ms. KLOBUCHAR, Mr. LANKFORD, Mr. LEAHY, Mr. LEE, Mr. MANCHIN, Mr. MARKEY, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mr. MURPHY, Mrs. MURRAY, Mr. NELSON, Mr. PERDUE, Mr. PETERS, Mr. PORTMAN, Mr. REED of Rhode Island, Mr. RISCH, Mr. ROBERTS, Mr. ROUNDS, Mr. RUBIO, Mr. SANDERS, Mr. SASSE, Mr. SCHATZ, Mr. SCHUMER, Mr. SCOTT, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. STABENOW, Mr. SULLIVAN, Mr. TESTER, Mr. THUNE, Mr. TILLIS, Mr. TOOMEY, Mr. UDALL, Mr. VITTER, Mr. WARNER, Ms. WARREN, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 364

Whereas Marlow Cook was born in New York in 1926;

Whereas during World War II, Marlow Cook entered the United States Navy at age seventeen and served in the submarine service in the Atlantic and Pacific Oceans;

Whereas Marlow Cook graduated from University of Louisville Law School in 1950, was admitted to the Kentucky bar and practiced law in Louisville, Kentucky;

Whereas Marlow Cook was elected to the Kentucky House of Representatives in 1957 in which he served two terms and was elected as a Jefferson County judge in 1961 and re-elected in 1965;

Whereas Marlow Cook as Jefferson County judge purchased and refurbished the boat known today as the Belle of Louisville, an essential element of the famed annual Kentucky Derby Festival;

Whereas Marlow Cook was first elected to the United States Senate in 1968 and served as a Senator for the Commonwealth of Kentucky until 1974;

Whereas Marlow Cook was the first Roman Catholic elected to major statewide office in the Commonwealth of Kentucky;

Whereas Marlow Cook was known for his integrity, humility and dedication to public service: Now, therefore, be it

*Resolved*, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Marlow Cook, former member of the United States Senate.

*Resolved*, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

*Resolved*, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Marlow Cook.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 3280. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 3077 submitted by Mr. ROBERTS (for himself and Mr. BOOZMAN) and intended to be proposed to the 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 3281. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 3263 submitted by Mr. INHOFE and intended to be proposed to the amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3282. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 3129 submitted by Ms. STABENOW (for herself and Mr. PETERS) and intended to be proposed to the amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3283. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 3247 submitted by Ms. STABENOW (for herself and Mr. PETERS) and intended to be proposed to the amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3284. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 3248 submitted by Ms. STABENOW (for herself and Mr. PETERS) and intended to be proposed to the amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3285. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 3249 submitted by Ms. STABENOW (for herself and Mr. PETERS) and intended to be proposed to the amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3286. Mr. HELLER (for himself and 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 3287. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3288. Mr. MERKLEY (for himself and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3289. Mr. CARPER 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 3290. Mr. ALEXANDER (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

SA 3280. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 3077 submitted by Mr. ROBERTS (for himself and Mr. BOOZMAN) and intended to be proposed to the amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be stricken, insert the following:

### SEC. 4501. STUDY ON ENERGY MARKET REGULATORY COORDINATION AND INFORMATION COLLECTION.

(a) STUDY.—The Energy Information Administration, in consultation with the Com-

modity Futures Trading Commission, the Department of Energy, the Federal Trade Commission, and the Federal Energy Regulatory Commission, shall conduct a study—

(1) to identify the factors that affect the pricing of crude oil, refined petroleum products, natural gas, and electricity; and

(2) to review and assess—

(A) existing statutory authorities and regulatory coordination relating to the oversight and regulation of markets critical to the energy security of the United States; and

(B) the need for additional information collection for and statutory authority within the Federal Government to effectively oversee and regulate physical markets critical to the energy security of the United States.

(b) ELEMENTS OF STUDY.—The study shall include—

(1) an examination of price formation of crude oil, refined petroleum products, natural gas, and electricity in physical markets;

(2) an examination of relevant international regulatory regimes;

(3) an examination of changes in energy market transparency, liquidity, and structure and the impact of those changes on price formation in physical markets;

(4) an examination of the effect of increased financial investment in energy commodities on energy prices and the energy security of the United States; and

(5) an examination of the owners of the 50 largest volumes of oil and natural gas, as well as storage and transportation capacity for each.

(c) REPORT AND RECOMMENDATIONS.—The Energy Information Administration shall issue a final report not later than 1 year after the date of enactment of this Act that—

(1) describes the results of the study; and

(2) provides options for appropriate additional Federal regulatory coordination of oversight and regulatory actions to ensure transparency of energy product pricing and the elimination of excessive speculation, including recommendations on data collection and analysis to be carried out by the Energy Information Administration.

(d) CONSULTATION.—In conducting the study, the Energy Information Administration shall consult, as appropriate, with representatives of the various exchanges, clearinghouses, self-regulatory bodies, other major market participants, consumers, and the general public.

SA 3281. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 3263 submitted by Mr. INHOFE and intended to be proposed to the amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

### Subtitle I—Prevention and Protection From Lead Exposure

#### SEC. 4801. DRINKING WATER INFRASTRUCTURE.

(a) DEFINITIONS.—In this section:

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

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

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

(b) **STATE REVOLVING LOAN FUND ASSISTANCE.**—

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

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

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

(2) **AUTHORIZATION.**—

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

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

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

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

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

(c) **WATER INFRASTRUCTURE FINANCING.**—

(1) **SECURED LOANS.**—

(A) **IN GENERAL.**—The Administrator may make a secured loan to an eligible State to carry out a project to address lead or other contaminants in drinking water in an eligible system.

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

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

(d) **ASSET MANAGEMENT PLAN.**—Any individual or entity that carries out construction of infrastructure using assistance provided under this section shall develop and implement, in consultation with the Administrator and appropriate officials of the applicable eligible State, a strategic and systematic process of operating, maintaining, and improving affected physical assets, with a focus on engineering and economic analysis based on quality information, to identify a structured sequence of maintenance, preservation, repair, rehabilitation, and replacement actions that will achieve and sustain a desired state of good repair during the lifecycle of the assets at minimum practicable cost.

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

(f) **FUNDING.**—

(1) **ADDITIONAL SRF CAPITALIZATION GRANTS.**—

(A) **APPROPRIATION.**—There is appropriated to the Administrator, out of any moneys in

the Treasury not otherwise appropriated, \$50,000,000, to remain available for obligation for 1 year after the date on which the amounts are made available, to provide additional grants to eligible States pursuant to section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j-12) for the purposes described in subsection (b)(2).

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

(i) a description of the project;

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

(iii) the estimated cost of the project; and

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

(C) **UNOBLIGATED AMOUNTS.**—Any amounts made available to the Administrator under subparagraph (A) that are unobligated on the date that is 1 year after the date on which the amounts are made available shall be available to carry out the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3901 et seq.), to remain available until expended.

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

(2) **WIFIA FUNDING.**—

(A) **APPROPRIATION.**—There is appropriated to the Administrator, out of any moneys in the Treasury not otherwise appropriated, \$50,000,000, to remain available until expended, to provide credit subsidies and administrative costs, in consultation with the Director of the Office of Management and Budget, for secured loans under subsection (c)(1)(A) in an amount equal to not more than \$600,000,000 to eligible States under the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3901 et seq.).

(B) **DEADLINE.**—The Administrator and the Director of the Office of Management and Budget shall provide to an eligible State a credit subsidy under subparagraph (A) by not later than 60 days after the date of receipt of a loan application from the eligible State.

(C) **USE.**—Secured loans provided pursuant to subparagraph (A) shall be available for activities to address lead and other contaminants in drinking water, including repair and replacement of public and private drinking water infrastructure.

(3) **APPLICABILITY.**—Unless explicitly waived, all requirements under section 1450(e) of the Safe Drinking Water Act (42 U.S.C. 300j-9(e)) and the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3901 et seq.) shall apply to funding provided under this subsection.

(g) **OFFSET.**—There is rescinded the unobligated balance of amounts made available to carry out section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513).

(h) **HEALTH EFFECTS EVALUATION.**—Pursuant to section 104(i)(1)(E) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9604(i)(1)(E)), and on receipt of a request of an appropriate State or local health official of an eligible State, the Director of the Agency for Toxic Substances and Disease Registry of the National Center for Environmental Health shall—

(1) in coordination with other Federal departments and agencies, as appropriate, con-

duct voluntary surveillance activities to evaluate any adverse health effects on individuals exposed to lead from drinking water; and

(2) provide for those individuals consultations regarding health issues relating to that exposure.

**SEC. 4802. LOAN FORGIVENESS.**

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

**SEC. 4803. DISCLOSURE OF PUBLIC HEALTH THREATS FROM LEAD EXPOSURE.**

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

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

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

(2) in paragraph (2)—

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

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

“(D) **EXCEEDANCE OF LEAD ACTION LEVEL.**—Regulations issued under subparagraph (A) shall specify notification procedures for an exceedance of a lead action level or any other prescribed level of lead in a regulation issued under section 1412.”;

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

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

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

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

“(B) **RESULTS OF LEAD MONITORING.**—

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

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

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

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

“(I) press release; or

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

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

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

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

(3) in paragraph (3)(B), in the first sentence, by striking “(D)” and inserting “(E)”.  
**SEC. 4804. CENTER OF EXCELLENCE ON LEAD EXPOSURE.**

(a) DEFINITIONS.—In this section:

(1) CENTER.—The term “Center” means the Center of Excellence on Lead Exposure established under subsection (b).

(2) CITY.—The term “City” means a City that has been exposed to lead through a water system or other source.

(3) COMMUNITY.—The term “community” means the community of the City.

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

(5) STATE.—The term “State” means a State containing a City that has been exposed to lead through a water system or other source.

(b) ESTABLISHMENT.—The Secretary may, by contract, grant, or cooperative agreement, establish a center to be known as the “Center of Excellence on Lead Exposure”.

(c) COLLABORATION.—The Center shall collaborate with relevant Federal agencies, research institutions, hospitals, Federally qualified health centers, school-based health centers, community behavioral health providers, and State and local public health agencies in the development and operation of the Center.

(d) ADVISORY COMMITTEE.—

(1) IN GENERAL.—The Center shall establish an advisory committee to provide scientific and technical support for the Center and to advise the Secretary, consisting of, at a minimum—

- (A) an epidemiologist;
- (B) a toxicologist;
- (C) a mental health professional;
- (D) a pediatrician;
- (E) an early childhood education expert;
- (F) a special education expert;
- (G) a dietician;
- (H) an environmental health expert; and
- (I) 2 community representatives.

(2) APPLICATION OF FACCA.—The advisory committee shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(e) RESPONSIBILITIES.—The Center shall, at minimum, develop and carry out the following components and responsibilities:

(1) Establish a health registry with the following responsibilities:

(A) Survey City residents on a voluntary basis about exposure to lead, and inform City residents of the health and developmental impacts that may have resulted from that exposure.

(B) Identify and provide ongoing monitoring for City residents on a voluntary basis who have been exposed to lead.

(C) Collect and analyze clinical data related to the monitoring and treatment of City residents.

(D) Provide culturally and linguistically relevant personnel and materials necessary for City residents.

(2) Without duplicating other Federal research efforts, conduct or recommend that the Secretary conduct or support, through a grant or contract, research on physical, be-

havioral, and developmental impacts, as well as other health or educational impacts associated with lead exposure, including cancer, heart disease, liver disease, neurological impacts, developmental delays, reproductive health impacts, and maternal and fetal health impacts.

(3) Without duplicating other Federal efforts, develop or recommend that the Secretary develop or support the development of, through a grant or contract, lead mitigation recommendations and allocate resources, as appropriate, for health-, education-, and nutrition-related interventions, as well as other interventions, to mitigate lead exposure in children and adults.

(4) Establish a partnership with the Regional Center of Excellence on Nutrition Education of the Department of Agriculture to provide any relevant nutrition information for lead mitigation, including—

(A) identifying and implementing best practices in nutrition education regarding lead-mitigating foods; and

(B) making recommendations and conducting outreach to improve access to lead-mitigating foods in the community.

(5) Without duplicating other Federal efforts, conduct or recommend that the Secretary conduct or support, through a grant or contract, education and outreach efforts for the City and State, including the following:

(A) Create a publicly accessible website that provides, at minimum, details about the health registry for City residents, available testing and other services through the Center for City residents and other communities impacted by lead exposure, any relevant information regarding health and educational impacts of lead exposure, any relevant information on mitigation services, and any research conducted through the Center.

(B) Conduct at least 2 meetings annually in the City to discuss the ongoing impact of lead exposure on residents and solicit community input regarding ongoing mitigation needs.

(C) Establish a navigation program to connect City residents to available Federal, State, and local resources and programs that assist with cognitive, developmental, and health problems associated with lead exposure.

(f) REPORT.—Annually, the Secretary shall submit to the Committees on Finance, Health, Education, Labor, and Pensions, and Agriculture, Nutrition, and Forestry of the Senate and the Committees on Education and the Workforce, Energy and Commerce, and Agriculture of the House of Representatives a report—

(1) assessing the impacts of the Center on City health and education systems and outcomes;

(2) describing any research conducted by or in connection with the Center;

(3) describing any mitigation tools used or developed by the Center including outcomes; and

(4) making any recommendations for the City, State, or other communities impacted by lead exposure, as appropriate.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$20,000,000 for each of fiscal years 2017 through 2026, to remain available until expended.

#### **SEC. 4805. GAO REVIEW AND REPORT.**

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Attorney General and the Inspector General of the Environmental Protection Agency shall submit to the Committees on Appropriations, Environment and Public Works, and Homeland Security and Governmental Affairs of the Senate and the Committees on

Appropriations, Energy and Commerce, Transportation and Infrastructure, and Oversight and Government Reform of the House of Representatives a report on the status of any ongoing investigations into the Federal and State response to the contamination of the drinking water supply of the City of Flint, Michigan.

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

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

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

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

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

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

**SA 3282.** Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 3129 submitted by Ms. STABENOW (for herself and Mr. PETERS) and intended to be proposed to the amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

#### **Subtitle I—Prevention and Protection From Lead Exposure**

##### **SEC. 4801. DRINKING WATER INFRASTRUCTURE.**

(a) DEFINITIONS.—In this section:

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

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

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

(b) STATE REVOLVING LOAN FUND ASSISTANCE.—

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

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

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

(2) AUTHORIZATION.—

(A) IN GENERAL.—Using funds provided under subsection (f)(1)(A), an eligible State

may provide assistance to an eligible system within the eligible State, for the purpose of addressing lead or other contaminants in drinking water, including repair and replacement of public and private drinking water infrastructure.

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

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

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

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

(C) **WATER INFRASTRUCTURE FINANCING.**—

(1) **SECURED LOANS.**—

(A) **IN GENERAL.**—The Administrator may make a secured loan to an eligible State to carry out a project to address lead or other contaminants in drinking water in an eligible system.

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

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

(d) **ASSET MANAGEMENT PLAN.**—Any individual or entity that carries out construction of infrastructure using assistance provided under this section shall develop and implement, in consultation with the Administrator and appropriate officials of the applicable eligible State, a strategic and systematic process of operating, maintaining, and improving affected physical assets, with a focus on engineering and economic analysis based on quality information, to identify a structured sequence of maintenance, preservation, repair, rehabilitation, and replacement actions that will achieve and sustain a desired state of good repair during the lifecycle of the assets at minimum practicable cost.

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

(f) **FUNDING.**—

(1) **ADDITIONAL SRF CAPITALIZATION GRANTS.**—

(A) **APPROPRIATION.**—There is appropriated to the Administrator, out of any moneys in the Treasury not otherwise appropriated, \$50,000,000, to remain available for obligation for 1 year after the date on which the amounts are made available, to provide additional grants to eligible States pursuant to section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j-12) for the purposes described in subsection (b)(2).

(B) **SUPPLEMENTED INTENDED USE PLANS.**—The Administrator shall disburse to an eligible State amounts made available under subparagraph (A) by not later than 30 days after the date on which the eligible State submits to the Administrator a supplemented intended use plan under section 1452(b) of the Safe Drinking Water Act (42 U.S.C. 300j-12(b)) that includes preapplication information regarding projects to be funded using

the additional assistance, including, with respect to each such project—

(i) a description of the project;

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

(iii) the estimated cost of the project; and

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

(C) **UNOBLIGATED AMOUNTS.**—Any amounts made available to the Administrator under subparagraph (A) that are unobligated on the date that is 1 year after the date on which the amounts are made available shall be available to carry out the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3901 et seq.), to remain available until expended.

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

(2) **WIFIA FUNDING.**—

(A) **APPROPRIATION.**—There is appropriated to the Administrator, out of any moneys in the Treasury not otherwise appropriated, \$50,000,000, to remain available until expended, to provide credit subsidies and administrative costs, in consultation with the Director of the Office of Management and Budget, for secured loans under subsection (c)(1)(A) in an amount equal to not more than \$600,000,000 to eligible States under the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3901 et seq.).

(B) **DEADLINE.**—The Administrator and the Director of the Office of Management and Budget shall provide to an eligible State a credit subsidy under subparagraph (A) by not later than 60 days after the date of receipt of a loan application from the eligible State.

(C) **USE.**—Secured loans provided pursuant to subparagraph (A) shall be available for activities to address lead and other contaminants in drinking water, including repair and replacement of public and private drinking water infrastructure.

(3) **APPLICABILITY.**—Unless explicitly waived, all requirements under section 1450(e) of the Safe Drinking Water Act (42 U.S.C. 300j-9(e)) and the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3901 et seq.) shall apply to funding provided under this subsection.

(g) **OFFSET.**—There is rescinded the unobligated balance of amounts made available to carry out section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513).

(h) **HEALTH EFFECTS EVALUATION.**—Pursuant to section 104(i)(1)(E) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9604(i)(1)(E)), and on receipt of a request of an appropriate State or local health official of an eligible State, the Director of the Agency for Toxic Substances and Disease Registry of the National Center for Environmental Health shall—

(1) in coordination with other Federal departments and agencies, as appropriate, conduct voluntary surveillance activities to evaluate any adverse health effects on individuals exposed to lead from drinking water; and

(2) provide for those individuals consultations regarding health issues relating to that exposure.

#### SEC. 4802. LOAN FORGIVENESS.

The matter under the heading “STATE AND TRIBAL ASSISTANCE GRANTS” under the heading “ENVIRONMENTAL PROTECTION AGENCY” in title II of division G of the Consolidated Appropriations Act, 2016 (Public Law 114-113), is amended in paragraph (1), by striking the semicolon at the end and inserting the following: “or, if a Federal emergency declaration has been issued due to a

threat to public health from heightened exposure to lead in a municipal drinking water supply, before the date of enactment of this Act: *Provided further*, That in a State in which such an emergency declaration has been issued, the State may use more than 20 percent of the funds made available under this title to the State for Drinking Water State Revolving Fund capitalization grants to provide additional subsidy to eligible recipients.”.

#### SEC. 4803. DISCLOSURE OF PUBLIC HEALTH THREATS FROM LEAD EXPOSURE.

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

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

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

(2) in paragraph (2)—

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

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

“(D) **EXCEEDANCE OF LEAD ACTION LEVEL.**—Regulations issued under subparagraph (A) shall specify notification procedures for an exceedance of a lead action level or any other prescribed level of lead in a regulation issued under section 1412.”;

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

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

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

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

“(B) **RESULTS OF LEAD MONITORING.**—

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

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

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

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

“(I) press release; or

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

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

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

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

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



**SEC. 4804. CENTER OF EXCELLENCE ON LEAD EXPOSURE.**

(a) **DEFINITIONS.**—In this section:

(1) **CENTER.**—The term “Center” means the Center of Excellence on Lead Exposure established under subsection (b).

(2) **CITY.**—The term “City” means a City that has been exposed to lead through a water system or other source.

(3) **COMMUNITY.**—The term “community” means the community of the City.

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

(5) **STATE.**—The term “State” means a State containing a City that has been exposed to lead through a water system or other source.

(b) **ESTABLISHMENT.**—The Secretary may, by contract, grant, or cooperative agreement, establish a center to be known as the “Center of Excellence on Lead Exposure”.

(c) **COLLABORATION.**—The Center shall collaborate with relevant Federal agencies, research institutions, hospitals, Federally qualified health centers, school-based health centers, community behavioral health providers, and State and local public health agencies in the development and operation of the Center.

(d) **ADVISORY COMMITTEE.**—

(1) **IN GENERAL.**—The Center shall establish an advisory committee to provide scientific and technical support for the Center and to advise the Secretary, consisting of, at a minimum—

- (A) an epidemiologist;
- (B) a toxicologist;
- (C) a mental health professional;
- (D) a pediatrician;
- (E) an early childhood education expert;
- (F) a special education expert;
- (G) a dietician;
- (H) an environmental health expert; and
- (I) 2 community representatives.

(2) **APPLICATION OF FAC.**—The advisory committee shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(e) **RESPONSIBILITIES.**—The Center shall, at minimum, develop and carry out the following components and responsibilities:

(1) Establish a health registry with the following responsibilities:

(A) Survey City residents on a voluntary basis about exposure to lead, and inform City residents of the health and developmental impacts that may have resulted from that exposure.

(B) Identify and provide ongoing monitoring for City residents on a voluntary basis who have been exposed to lead.

(C) Collect and analyze clinical data related to the monitoring and treatment of City residents.

(D) Provide culturally and linguistically relevant personnel and materials necessary for City residents.

(2) Without duplicating other Federal research efforts, conduct or recommend that the Secretary conduct or support, through a grant or contract, research on physical, behavioral, and developmental impacts, as well as other health or educational impacts associated with lead exposure, including cancer, heart disease, liver disease, neurological impacts, developmental delays, reproductive health impacts, and maternal and fetal health impacts.

(3) Without duplicating other Federal efforts, develop or recommend that the Secretary develop or support the development of, through a grant or contract, lead mitigation recommendations and allocate resources, as appropriate, for health-, education-, and nutrition-related interventions, as well as other interventions, to mitigate lead exposure in children and adults.

(4) Establish a partnership with the Regional Center of Excellence on Nutrition

Education of the Department of Agriculture to provide any relevant nutrition information for lead mitigation, including—

(A) identifying and implementing best practices in nutrition education regarding lead-mitigating foods; and

(B) making recommendations and conducting outreach to improve access to lead-mitigating foods in the community.

(5) Without duplicating other Federal efforts, conduct or recommend that the Secretary conduct or support, through a grant or contract, education and outreach efforts for the City and State, including the following:

(A) Create a publicly accessible website that provides, at minimum, details about the health registry for City residents, available testing and other services through the Center for City residents and other communities impacted by lead exposure, any relevant information regarding health and educational impacts of lead exposure, any relevant information on mitigation services, and any research conducted through the Center.

(B) Conduct at least 2 meetings annually in the City to discuss the ongoing impact of lead exposure on residents and solicit community input regarding ongoing mitigation needs.

(C) Establish a navigation program to connect City residents to available Federal, State, and local resources and programs that assist with cognitive, developmental, and health problems associated with lead exposure.

(f) **REPORT.**—Annually, the Secretary shall submit to the Committees on Finance, Health, Education, Labor, and Pensions, and Agriculture, Nutrition, and Forestry of the Senate and the Committees on Education and the Workforce, Energy and Commerce, and Agriculture of the House of Representatives a report—

(1) assessing the impacts of the Center on City health and education systems and outcomes;

(2) describing any research conducted by or in connection with the Center;

(3) describing any mitigation tools used or developed by the Center including outcomes; and

(4) making any recommendations for the City, State, or other communities impacted by lead exposure, as appropriate.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$20,000,000 for each of fiscal years 2017 through 2026, to remain available until expended.

**SEC. 4805. GAO REVIEW AND REPORT.**

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

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

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

the response, as well as the capacity of the State and City to manage the drinking water system; and

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

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

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

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

**SA 3283.** Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 3247 submitted by Ms. STABENOW (for herself and Mr. PETERS) and intended to be proposed to the amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

**Subtitle I—Prevention and Protection From Lead Exposure**

**SEC. 4801. DRINKING WATER INFRASTRUCTURE.**

(a) **DEFINITIONS.**—In this section:

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

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

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

(b) **STATE REVOLVING LOAN FUND ASSISTANCE.**—

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

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

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

(2) **AUTHORIZATION.**—

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

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

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

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

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

(c) WATER INFRASTRUCTURE FINANCING.—

(1) SECURED LOANS.—

(A) IN GENERAL.—The Administrator may make a secured loan to an eligible State to carry out a project to address lead or other contaminants in drinking water in an eligible system.

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

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

(d) ASSET MANAGEMENT PLAN.—Any individual or entity that carries out construction of infrastructure using assistance provided under this section shall develop and implement, in consultation with the Administrator and appropriate officials of the applicable eligible State, a strategic and systematic process of operating, maintaining, and improving affected physical assets, with a focus on engineering and economic analysis based on quality information, to identify a structured sequence of maintenance, preservation, repair, rehabilitation, and replacement actions that will achieve and sustain a desired state of good repair during the lifecycle of the assets at minimum practicable cost.

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

(f) FUNDING.—

(1) ADDITIONAL SRF CAPITALIZATION GRANTS.—

(A) APPROPRIATION.—There is appropriated to the Administrator, out of any moneys in the Treasury not otherwise appropriated, \$50,000,000, to remain available for obligation for 1 year after the date on which the amounts are made available, to provide additional grants to eligible States pursuant to section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j-12) for the purposes described in subsection (b)(2).

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

- (i) a description of the project;
- (ii) an explanation of the means by which the project will address a situation causing a declared emergency in the eligible State;
- (iii) the estimated cost of the project; and
- (iv) the projected start date for construction of the project.

(C) UNOBLIGATED AMOUNTS.—Any amounts made available to the Administrator under subparagraph (A) that are unobligated on the date that is 1 year after the date on which the amounts are made available shall be available to carry out the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3901 et seq.), to remain available until expended.

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

(2) WIFIA FUNDING.—

(A) APPROPRIATION.—There is appropriated to the Administrator, out of any moneys in the Treasury not otherwise appropriated, \$50,000,000, to remain available until expended, to provide credit subsidies and administrative costs, in consultation with the Director of the Office of Management and Budget, for secured loans under subsection (c)(1)(A) in an amount equal to not more than \$600,000,000 to eligible States under the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3901 et seq.).

(B) DEADLINE.—The Administrator and the Director of the Office of Management and Budget shall provide to an eligible State a credit subsidy under subparagraph (A) by not later than 60 days after the date of receipt of a loan application from the eligible State.

(C) USE.—Secured loans provided pursuant to subparagraph (A) shall be available for activities to address lead and other contaminants in drinking water, including repair and replacement of public and private drinking water infrastructure.

(3) APPLICABILITY.—Unless explicitly waived, all requirements under section 1450(e) of the Safe Drinking Water Act (42 U.S.C. 300j-9(e)) and the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3901 et seq.) shall apply to funding provided under this subsection.

(g) OFFSET.—There is rescinded the unobligated balance of amounts made available to carry out section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513).

(h) HEALTH EFFECTS EVALUATION.—Pursuant to section 104(i)(1)(E) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9604(i)(1)(E)), and on receipt of a request of an appropriate State or local health official of an eligible State, the Director of the Agency for Toxic Substances and Disease Registry of the National Center for Environmental Health shall—

(1) in coordination with other Federal departments and agencies, as appropriate, conduct voluntary surveillance activities to evaluate any adverse health effects on individuals exposed to lead from drinking water; and

(2) provide for those individuals consultations regarding health issues relating to that exposure.

#### SEC. 4802. LOAN FORGIVENESS.

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

#### SEC. 4803. DISCLOSURE OF PUBLIC HEALTH THREATS FROM LEAD EXPOSURE.

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

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

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

(2) in paragraph (2)—

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

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

“(D) EXCEEDANCE OF LEAD ACTION LEVEL.—Regulations issued under subparagraph (A) shall specify notification procedures for an exceedance of a lead action level or any other prescribed level of lead in a regulation issued under section 1412.”;

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

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

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

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

“(B) RESULTS OF LEAD MONITORING.—

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

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

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

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

“(I) press release; or

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

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

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

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

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

#### SEC. 4804. CENTER OF EXCELLENCE ON LEAD EXPOSURE.

(a) DEFINITIONS.—In this section:

(1) CENTER.—The term “Center” means the Center of Excellence on Lead Exposure established under subsection (b).

(2) CITY.—The term “City” means a City that has been exposed to lead through a water system or other source.

(3) COMMUNITY.—The term “community” means the community of the City.

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

(5) STATE.—The term “State” means a State containing a City that has been exposed to lead through a water system or other source.

(b) **ESTABLISHMENT.**—The Secretary may, by contract, grant, or cooperative agreement, establish a center to be known as the “Center of Excellence on Lead Exposure”.

(c) **COLLABORATION.**—The Center shall collaborate with relevant Federal agencies, research institutions, hospitals, Federally qualified health centers, school-based health centers, community behavioral health providers, and State and local public health agencies in the development and operation of the Center.

(d) **ADVISORY COMMITTEE.**—

(1) **IN GENERAL.**—The Center shall establish an advisory committee to provide scientific and technical support for the Center and to advise the Secretary, consisting of, at a minimum—

- (A) an epidemiologist;
- (B) a toxicologist;
- (C) a mental health professional;
- (D) a pediatrician;
- (E) an early childhood education expert;
- (F) a special education expert;
- (G) a dietician;
- (H) an environmental health expert; and
- (I) 2 community representatives.

(2) **APPLICATION OF FACCA.**—The advisory committee shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(e) **RESPONSIBILITIES.**—The Center shall, at minimum, develop and carry out the following components and responsibilities:

(1) Establish a health registry with the following responsibilities:

(A) Survey City residents on a voluntary basis about exposure to lead, and inform City residents of the health and developmental impacts that may have resulted from that exposure.

(B) Identify and provide ongoing monitoring for City residents on a voluntary basis who have been exposed to lead.

(C) Collect and analyze clinical data related to the monitoring and treatment of City residents.

(D) Provide culturally and linguistically relevant personnel and materials necessary for City residents.

(2) Without duplicating other Federal research efforts, conduct or recommend that the Secretary conduct or support, through a grant or contract, research on physical, behavioral, and developmental impacts, as well as other health or educational impacts associated with lead exposure, including cancer, heart disease, liver disease, neurological impacts, developmental delays, reproductive health impacts, and maternal and fetal health impacts.

(3) Without duplicating other Federal efforts, develop or recommend that the Secretary develop or support the development of, through a grant or contract, lead mitigation recommendations and allocate resources, as appropriate, for health-, education-, and nutrition-related interventions, as well as other interventions, to mitigate lead exposure in children and adults.

(4) Establish a partnership with the Regional Center of Excellence on Nutrition Education of the Department of Agriculture to provide any relevant nutrition information for lead mitigation, including—

(A) identifying and implementing best practices in nutrition education regarding lead-mitigating foods; and

(B) making recommendations and conducting outreach to improve access to lead-mitigating foods in the community.

(5) Without duplicating other Federal efforts, conduct or recommend that the Secretary conduct or support, through a grant or contract, education and outreach efforts for the City and State, including the following:

(A) Create a publicly accessible website that provides, at minimum, details about the

health registry for City residents, available testing and other services through the Center for City residents and other communities impacted by lead exposure, any relevant information regarding health and educational impacts of lead exposure, any relevant information on mitigation services, and any research conducted through the Center.

(B) Conduct at least 2 meetings annually in the City to discuss the ongoing impact of lead exposure on residents and solicit community input regarding ongoing mitigation needs.

(C) Establish a navigation program to connect City residents to available Federal, State, and local resources and programs that assist with cognitive, developmental, and health problems associated with lead exposure.

(F) **REPORT.**—Annually, the Secretary shall submit to the Committees on Finance, Health, Education, Labor, and Pensions, and Agriculture, Nutrition, and Forestry of the Senate and the Committees on Education and the Workforce, Energy and Commerce, and Agriculture of the House of Representatives a report—

(1) assessing the impacts of the Center on City health and education systems and outcomes;

(2) describing any research conducted by or in connection with the Center;

(3) describing any mitigation tools used or developed by the Center including outcomes; and

(4) making any recommendations for the City, State, or other communities impacted by lead exposure, as appropriate.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$20,000,000 for each of fiscal years 2017 through 2026, to remain available until expended.

#### SEC. 4805. GAO REVIEW AND REPORT.

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

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

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

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

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

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

(2) recommendations for Congress and the President to take any actions to prevent a

similar situation in the future and to protect public health.

**SA 3284.** Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 3248 submitted by Ms. STABENOW (for herself and Mr. PETERS) and intended to be proposed to the amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

#### Subtitle I—Prevention and Protection From Lead Exposure

##### SEC. 4801. DRINKING WATER INFRASTRUCTURE.

(a) **DEFINITIONS.**—In this section:

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

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

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

(b) **STATE REVOLVING LOAN FUND ASSISTANCE.**—

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

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

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

(2) **AUTHORIZATION.**—

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

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

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

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

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

(c) **WATER INFRASTRUCTURE FINANCING.**—

(1) **SECURED LOANS.**—

(A) **IN GENERAL.**—The Administrator may make a secured loan to an eligible State to carry out a project to address lead or other contaminants in drinking water in an eligible system.

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

(2) **FEDERAL INVOLVEMENT.**—Notwithstanding section 5029(b)(9) of the Water Infrastructure Finance and Innovation Act of 2014

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

(d) **ASSET MANAGEMENT PLAN.**—Any individual or entity that carries out construction of infrastructure using assistance provided under this section shall develop and implement, in consultation with the Administrator and appropriate officials of the applicable eligible State, a strategic and systematic process of operating, maintaining, and improving affected physical assets, with a focus on engineering and economic analysis based on quality information, to identify a structured sequence of maintenance, preservation, repair, rehabilitation, and replacement actions that will achieve and sustain a desired state of good repair during the lifecycle of the assets at minimum practicable cost.

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

(f) **FUNDING.**—

(1) **ADDITIONAL SRF CAPITALIZATION GRANTS.**—

(A) **APPROPRIATION.**—There is appropriated to the Administrator, out of any moneys in the Treasury not otherwise appropriated, \$50,000,000, to remain available for obligation for 1 year after the date on which the amounts are made available, to provide additional grants to eligible States pursuant to section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j-12) for the purposes described in subsection (b)(2).

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

(i) a description of the project;

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

(iii) the estimated cost of the project; and

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

(C) **UNOBLIGATED AMOUNTS.**—Any amounts made available to the Administrator under subparagraph (A) that are unobligated on the date that is 1 year after the date on which the amounts are made available shall be available to carry out the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3901 et seq.), to remain available until expended.

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

(2) **WIFIA FUNDING.**—

(A) **APPROPRIATION.**—There is appropriated to the Administrator, out of any moneys in the Treasury not otherwise appropriated, \$50,000,000, to remain available until expended, to provide credit subsidies and administrative costs, in consultation with the Director of the Office of Management and Budget, for secured loans under subsection (c)(1)(A) in an amount equal to not more than \$600,000,000 to eligible States under the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3901 et seq.).

(B) **DEADLINE.**—The Administrator and the Director of the Office of Management and Budget shall provide to an eligible State a credit subsidy under subparagraph (A) by not later than 60 days after the date of receipt of a loan application from the eligible State.

(C) **USE.**—Secured loans provided pursuant to subparagraph (A) shall be available for activities to address lead and other contaminants in drinking water, including repair and replacement of public and private drinking water infrastructure.

(3) **APPLICABILITY.**—Unless explicitly waived, all requirements under section 1450(e) of the Safe Drinking Water Act (42 U.S.C. 300j-9(e)) and the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3901 et seq.) shall apply to funding provided under this subsection.

(g) **OFFSET.**—There is rescinded the unobligated balance of amounts made available to carry out section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513).

(h) **HEALTH EFFECTS EVALUATION.**—Pursuant to section 104(i)(1)(E) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9604(i)(1)(E)), and on receipt of a request of an appropriate State or local health official of an eligible State, the Director of the Agency for Toxic Substances and Disease Registry of the National Center for Environmental Health shall—

(1) in coordination with other Federal departments and agencies, as appropriate, conduct voluntary surveillance activities to evaluate any adverse health effects on individuals exposed to lead from drinking water; and

(2) provide for those individuals consultations regarding health issues relating to that exposure.

#### **SEC. 4802. LOAN FORGIVENESS.**

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

#### **SEC. 4803. DISCLOSURE OF PUBLIC HEALTH THREATS FROM LEAD EXPOSURE.**

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

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

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

(2) in paragraph (2)—

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

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

“(D) **EXCEEDANCE OF LEAD ACTION LEVEL.**—Regulations issued under subparagraph (A) shall specify notification procedures for an

exceedance of a lead action level or any other prescribed level of lead in a regulation issued under section 1412.”;

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

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

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

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

“(B) **RESULTS OF LEAD MONITORING.**—

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

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

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

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

“(I) press release; or

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

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

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

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

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

#### **SEC. 4804. CENTER OF EXCELLENCE ON LEAD EXPOSURE.**

(a) **DEFINITIONS.**—In this section:

(1) **CENTER.**—The term “Center” means the Center of Excellence on Lead Exposure established under subsection (b).

(2) **CITY.**—The term “City” means a City that has been exposed to lead through a water system or other source.

(3) **COMMUNITY.**—The term “community” means the community of the City.

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

(5) **STATE.**—The term “State” means a State containing a City that has been exposed to lead through a water system or other source.

(b) **ESTABLISHMENT.**—The Secretary may, by contract, grant, or cooperative agreement, establish a center to be known as the “Center of Excellence on Lead Exposure”.

(c) **COLLABORATION.**—The Center shall collaborate with relevant Federal agencies, research institutions, hospitals, Federally qualified health centers, school-based health centers, community behavioral health providers, and State and local public health agencies in the development and operation of the Center.

(d) **ADVISORY COMMITTEE.**—

(1) **IN GENERAL.**—The Center shall establish an advisory committee to provide scientific and technical support for the Center and to

advise the Secretary, consisting of, at a minimum—

- (A) an epidemiologist;
- (B) a toxicologist;
- (C) a mental health professional;
- (D) a pediatrician;
- (E) an early childhood education expert;
- (F) a special education expert;
- (G) a dietician;
- (H) an environmental health expert; and
- (I) 2 community representatives.

(2) APPLICATION OF FACAs.—The advisory committee shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(e) RESPONSIBILITIES.—The Center shall, at minimum, develop and carry out the following components and responsibilities:

(1) Establish a health registry with the following responsibilities:

(A) Survey City residents on a voluntary basis about exposure to lead, and inform City residents of the health and developmental impacts that may have resulted from that exposure.

(B) Identify and provide ongoing monitoring for City residents on a voluntary basis who have been exposed to lead.

(C) Collect and analyze clinical data related to the monitoring and treatment of City residents.

(D) Provide culturally and linguistically relevant personnel and materials necessary for City residents.

(2) Without duplicating other Federal research efforts, conduct or recommend that the Secretary conduct or support, through a grant or contract, research on physical, behavioral, and developmental impacts, as well as other health or educational impacts associated with lead exposure, including cancer, heart disease, liver disease, neurological impacts, developmental delays, reproductive health impacts, and maternal and fetal health impacts.

(3) Without duplicating other Federal efforts, develop or recommend that the Secretary develop or support the development of, through a grant or contract, lead mitigation recommendations and allocate resources, as appropriate, for health-, education-, and nutrition-related interventions, as well as other interventions, to mitigate lead exposure in children and adults.

(4) Establish a partnership with the Regional Center of Excellence on Nutrition Education of the Department of Agriculture to provide any relevant nutrition information for lead mitigation, including—

(A) identifying and implementing best practices in nutrition education regarding lead-mitigating foods; and

(B) making recommendations and conducting outreach to improve access to lead-mitigating foods in the community.

(5) Without duplicating other Federal efforts, conduct or recommend that the Secretary conduct or support, through a grant or contract, education and outreach efforts for the City and State, including the following:

(A) Create a publicly accessible website that provides, at minimum, details about the health registry for City residents, available testing and other services through the Center for City residents and other communities impacted by lead exposure, any relevant information regarding health and educational impacts of lead exposure, any relevant information on mitigation services, and any research conducted through the Center.

(B) Conduct at least 2 meetings annually in the City to discuss the ongoing impact of lead exposure on residents and solicit community input regarding ongoing mitigation needs.

(C) Establish a navigation program to connect City residents to available Federal, State, and local resources and programs that

assist with cognitive, developmental, and health problems associated with lead exposure.

(f) REPORT.—Annually, the Secretary shall submit to the Committees on Finance, Health, Education, Labor, and Pensions, and Agriculture, Nutrition, and Forestry of the Senate and the Committees on Education and the Workforce, Energy and Commerce, and Agriculture of the House of Representatives a report—

(1) assessing the impacts of the Center on City health and education systems and outcomes;

(2) describing any research conducted by or in connection with the Center;

(3) describing any mitigation tools used or developed by the Center including outcomes; and

(4) making any recommendations for the City, State, or other communities impacted by lead exposure, as appropriate.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$20,000,000 for each of fiscal years 2017 through 2026, to remain available until expended.

#### SEC. 4805. GAO REVIEW AND REPORT.

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

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

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

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

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

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

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

**SA 3285.** Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 3249 submitted by Ms. STABENOW (for herself and Mr. PETERS) and intended to be proposed to the amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

#### Subtitle I—Prevention and Protection From Lead Exposure

##### SEC. 4801. DRINKING WATER INFRASTRUCTURE.

(a) DEFINITIONS.—In this section:

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

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

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

(b) STATE REVOLVING LOAN FUND ASSISTANCE.—

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

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

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

(2) AUTHORIZATION.—

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

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

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

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

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

(c) WATER INFRASTRUCTURE FINANCING.—

(1) SECURED LOANS.—

(A) IN GENERAL.—The Administrator may make a secured loan to an eligible State to carry out a project to address lead or other contaminants in drinking water in an eligible system.

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

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

(d) ASSET MANAGEMENT PLAN.—Any individual or entity that carries out construction of infrastructure using assistance provided under this section shall develop and implement, in consultation with the Administrator and appropriate officials of the applicable eligible State, a strategic and systematic process of operating, maintaining,

and improving affected physical assets, with a focus on engineering and economic analysis based on quality information, to identify a structured sequence of maintenance, preservation, repair, rehabilitation, and replacement actions that will achieve and sustain a desired state of good repair during the lifecycle of the assets at minimum practicable cost.

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

(f) **FUNDING.**—

(1) **ADDITIONAL SRF CAPITALIZATION GRANTS.**—

(A) **APPROPRIATION.**—There is appropriated to the Administrator, out of any moneys in the Treasury not otherwise appropriated, \$50,000,000, to remain available for obligation for 1 year after the date on which the amounts are made available, to provide additional grants to eligible States pursuant to section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j-12) for the purposes described in subsection (b)(2).

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

(i) a description of the project;

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

(iii) the estimated cost of the project; and

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

(C) **UNOBLIGATED AMOUNTS.**—Any amounts made available to the Administrator under subparagraph (A) that are unobligated on the date that is 1 year after the date on which the amounts are made available shall be available to carry out the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3901 et seq.), to remain available until expended.

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

(2) **WIFIA FUNDING.**—

(A) **APPROPRIATION.**—There is appropriated to the Administrator, out of any moneys in the Treasury not otherwise appropriated, \$50,000,000, to remain available until expended, to provide credit subsidies and administrative costs, in consultation with the Director of the Office of Management and Budget, for secured loans under subsection (c)(1)(A) in an amount equal to not more than \$600,000,000 to eligible States under the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3901 et seq.).

(B) **DEADLINE.**—The Administrator and the Director of the Office of Management and Budget shall provide to an eligible State a credit subsidy under subparagraph (A) by not later than 60 days after the date of receipt of a loan application from the eligible State.

(C) **USE.**—Secured loans provided pursuant to subparagraph (A) shall be available for activities to address lead and other contaminants in drinking water, including repair and replacement of public and private drinking water infrastructure.

(3) **APPLICABILITY.**—Unless explicitly waived, all requirements under section 1450(e) of the Safe Drinking Water Act (42 U.S.C. 300j-9(e)) and the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C.

3901 et seq.) shall apply to funding provided under this subsection.

(g) **OFFSET.**—There is rescinded the unobligated balance of amounts made available to carry out section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513).

(h) **HEALTH EFFECTS EVALUATION.**—Pursuant to section 104(i)(1)(E) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9604(i)(1)(E)), and on receipt of a request of an appropriate State or local health official of an eligible State, the Director of the Agency for Toxic Substances and Disease Registry of the National Center for Environmental Health shall—

(1) in coordination with other Federal departments and agencies, as appropriate, conduct voluntary surveillance activities to evaluate any adverse health effects on individuals exposed to lead from drinking water; and

(2) provide for those individuals consultations regarding health issues relating to that exposure.

#### SEC. 4802. LOAN FORGIVENESS.

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

#### SEC. 4803. DISCLOSURE OF PUBLIC HEALTH THREATS FROM LEAD EXPOSURE.

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

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

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

(2) in paragraph (2)—

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

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

“(D) **EXCEEDANCE OF LEAD ACTION LEVEL.**—Regulations issued under subparagraph (A) shall specify notification procedures for an exceedance of a lead action level or any other prescribed level of lead in a regulation issued under section 1412.”;

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

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

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

“(A) **EXCEEDANCE OF LEAD ACTION LEVEL.**—Not later than 15 days after the date of being notified by the primary agency of an exceedance of a lead action level or any other prescribed level of lead in a regulation issued under section 1412, including the concentrations of lead found in a monitoring activity or any other level of lead determined by the

Administrator to warrant notice, either on a case-specific or more general basis, the Administrator shall notify the public of the concentrations of lead found in the monitoring activity conducted by the public water system if the public water system or the State does not notify the public of the concentrations of lead found in a monitoring activity.

“(B) **RESULTS OF LEAD MONITORING.**—

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

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

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

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

“(I) press release; or

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

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

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

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

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

#### SEC. 4804. CENTER OF EXCELLENCE ON LEAD EXPOSURE.

(a) **DEFINITIONS.**—In this section:

(1) **CENTER.**—The term “Center” means the Center of Excellence on Lead Exposure established under subsection (b).

(2) **CITY.**—The term “City” means a City that has been exposed to lead through a water system or other source.

(3) **COMMUNITY.**—The term “community” means the community of the City.

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

(5) **STATE.**—The term “State” means a State containing a City that has been exposed to lead through a water system or other source.

(b) **ESTABLISHMENT.**—The Secretary may, by contract, grant, or cooperative agreement, establish a center to be known as the “Center of Excellence on Lead Exposure”.

(c) **COLLABORATION.**—The Center shall collaborate with relevant Federal agencies, research institutions, hospitals, Federally qualified health centers, school-based health centers, community behavioral health providers, and State and local public health agencies in the development and operation of the Center.

(d) **ADVISORY COMMITTEE.**—

(1) **IN GENERAL.**—The Center shall establish an advisory committee to provide scientific and technical support for the Center and to advise the Secretary, consisting of, at a minimum—

(A) an epidemiologist;

(B) a toxicologist;

(C) a mental health professional;

(D) a pediatrician;

(E) an early childhood education expert;

(F) a special education expert;

(G) a dietitian;

(H) an environmental health expert; and

(I) 2 community representatives.

(2) **APPLICATION OF FACA.**—The advisory committee shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(e) **RESPONSIBILITIES.**—The Center shall, at minimum, develop and carry out the following components and responsibilities:

(1) Establish a health registry with the following responsibilities:



(A) Survey City residents on a voluntary basis about exposure to lead, and inform City residents of the health and developmental impacts that may have resulted from that exposure.

(B) Identify and provide ongoing monitoring for City residents on a voluntary basis who have been exposed to lead.

(C) Collect and analyze clinical data related to the monitoring and treatment of City residents.

(D) Provide culturally and linguistically relevant personnel and materials necessary for City residents.

(2) Without duplicating other Federal research efforts, conduct or recommend that the Secretary conduct or support, through a grant or contract, research on physical, behavioral, and developmental impacts, as well as other health or educational impacts associated with lead exposure, including cancer, heart disease, liver disease, neurological impacts, developmental delays, reproductive health impacts, and maternal and fetal health impacts.

(3) Without duplicating other Federal efforts, develop or recommend that the Secretary develop or support the development of, through a grant or contract, lead mitigation recommendations and allocate resources, as appropriate, for health-, education-, and nutrition-related interventions, as well as other interventions, to mitigate lead exposure in children and adults.

(4) Establish a partnership with the Regional Center of Excellence on Nutrition Education of the Department of Agriculture to provide any relevant nutrition information for lead mitigation, including—

(A) identifying and implementing best practices in nutrition education regarding lead-mitigating foods; and

(B) making recommendations and conducting outreach to improve access to lead-mitigating foods in the community.

(5) Without duplicating other Federal efforts, conduct or recommend that the Secretary conduct or support, through a grant or contract, education and outreach efforts for the City and State, including the following:

(A) Create a publicly accessible website that provides, at minimum, details about the health registry for City residents, available testing and other services through the Center for City residents and other communities impacted by lead exposure, any relevant information regarding health and educational impacts of lead exposure, any relevant information on mitigation services, and any research conducted through the Center.

(B) Conduct at least 2 meetings annually in the City to discuss the ongoing impact of lead exposure on residents and solicit community input regarding ongoing mitigation needs.

(C) Establish a navigation program to connect City residents to available Federal, State, and local resources and programs that assist with cognitive, developmental, and health problems associated with lead exposure.

(f) **REPORT.**—Annually, the Secretary shall submit to the Committees on Finance, Health, Education, Labor, and Pensions, and Agriculture, Nutrition, and Forestry of the Senate and the Committees on Education and the Workforce, Energy and Commerce, and Agriculture of the House of Representatives a report—

(1) assessing the impacts of the Center on City health and education systems and outcomes;

(2) describing any research conducted by or in connection with the Center;

(3) describing any mitigation tools used or developed by the Center including outcomes; and

(4) making any recommendations for the City, State, or other communities impacted by lead exposure, as appropriate.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$20,000,000 for each of fiscal years 2017 through 2026, to remain available until expended.

#### SEC. 4805. GAO REVIEW AND REPORT.

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

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

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

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

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

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

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

**SA 3286.** Mr. HELLER (for himself and 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 244, between lines 13 and 14, insert the following:

#### **Subpart B—Development of Geothermal, Solar, and Wind Energy on Public Land**

##### **SEC. 3011A. DEFINITIONS.**

In this subpart:

(1) **COVERED LAND.**—The term “covered land” means land that is—

(A) public land administered by the Secretary; and

(B) not excluded from the development of geothermal, solar, or wind energy under—

(i) a land use plan established under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); or

(ii) other Federal law.

(2) **EXCLUSION AREA.**—The term “exclusion area” means covered land that is identified by the Bureau of Land Management as not suitable for development of renewable energy projects.

(3) **PRIORITY AREA.**—The term “priority area” means covered land identified by the

land use planning process of the Bureau of Land Management as being a preferred location for a renewable energy project.

(4) **PUBLIC LAND.**—The term “public land” has the meaning given the term “public lands” in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702).

(5) **RENEWABLE ENERGY PROJECT.**—The term “renewable energy project” means a project carried out on covered land that uses wind, solar, or geothermal energy to generate energy.

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

(7) **VARIANCE AREA.**—The term “variance area” means covered land that is—

(A) not an exclusion area; and

(B) not a priority area.

#### **SEC. 3011B. LAND USE PLANNING; SUPPLEMENTS TO PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENTS.**

(a) **PRIORITY AREAS.**—

(1) **IN GENERAL.**—The Secretary, in consultation with the Secretary of Energy, shall establish priority areas on covered land for geothermal, solar, and wind energy projects.

(2) **DEADLINE.**—

(A) **GEOTHERMAL ENERGY.**—For geothermal energy, the Secretary shall establish priority areas as soon as practicable, but not later than 5 years, after the date of enactment of this Act.

(B) **SOLAR ENERGY.**—For solar energy, the solar energy zones established by the 2012 western solar plan of the Bureau of Land Management shall be considered to be priority areas for solar energy projects.

(C) **WIND ENERGY.**—For wind energy, the Secretary shall establish priority areas as soon as practicable, but not later than 3 years, after the date of enactment of this Act.

(b) **VARIANCE AREAS.**—To the maximum extent practicable, variance areas shall be considered for renewable energy project development, consistent with the principles of multiple use as defined in the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(c) **REVIEW AND MODIFICATION.**—Not less frequently than once every 10 years, the Secretary shall—

(1) review the adequacy of land allocations for geothermal, solar, and wind energy priority and variance areas for the purpose of encouraging new renewable energy development opportunities; and

(2) based on the review carried out under paragraph (1), add, modify, or eliminate priority, variance, and exclusion areas.

(d) **COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT.**—For purposes of this section, compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall be accomplished—

(1) for geothermal energy, by supplementing the October 2008 final programmatic environmental impact statement for geothermal leasing in the western United States;

(2) for solar energy, by supplementing the July 2012 final programmatic environmental impact statement for solar energy projects; and

(3) for wind energy, by supplementing the July 2005 final programmatic environmental impact statement for wind energy projects.

(e) **NO EFFECT ON PROCESSING APPLICATIONS.**—A requirement to prepare a supplement to a programmatic environmental impact statement under this section shall not result in any delay in processing an application for a renewable energy project.

(f) **COORDINATION.**—In developing a supplement required by this section, the Secretary shall coordinate, on an ongoing basis, with appropriate State, tribal, and local governments, transmission infrastructure owners

and operators, developers, and other appropriate entities to ensure that priority areas identified by the Secretary are—

(1) economically viable (including having access to transmission);

(2) likely to avoid or minimize conflict with habitat for animals and plants, recreation, and other uses of covered land; and

(3) consistent with section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712), including subsection (c)(9) of that section.

(g) **REMOVAL FROM CLASSIFICATION.**—In carrying out subsections (a), (c), and (d), if the Secretary determines an area previously suited for development should be removed from priority or variance classification, not later than 90 days after the date of the determination, the Secretary shall submit to Congress a report on the determination.

#### **SEC. 3011C. ENVIRONMENTAL REVIEW ON COVERED LAND.**

(a) **IN GENERAL.**—If the Secretary determines that a proposed renewable energy project has been sufficiently analyzed by a programmatic environmental impact statement conducted under section 3011B(d), the Secretary shall not require any additional review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) **ADDITIONAL ENVIRONMENTAL REVIEW.**—If the Secretary determines that additional environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) is necessary for a proposed renewable energy project, the Secretary shall rely on the analysis in the programmatic environmental impact statement conducted under section 3011B(d), to the maximum extent practicable when analyzing the potential impacts of the project.

(c) **RELATIONSHIP TO OTHER LAW.**—Nothing in this section modifies or supersedes any requirement under applicable law, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

#### **SEC. 3011D. PROGRAM TO IMPROVE RENEWABLE ENERGY PROJECT PERMIT COORDINATION.**

(a) **ESTABLISHMENT.**—The Secretary shall establish a program to improve Federal permit coordination with respect to renewable energy projects on covered land.

(b) **MEMORANDUM OF UNDERSTANDING.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall enter into a memorandum of understanding for purposes of this section, including to specifically expedite the environmental analysis of applications for projects proposed in a variance area, with—

(A) the Secretary of Agriculture; and

(B) the Assistant Secretary of the Army for Civil Works.

(2) **STATE PARTICIPATION.**—The Secretary may request the Governor of any interested State to be a signatory to the memorandum of understanding under paragraph (1).

(c) **DESIGNATION OF QUALIFIED STAFF.**—

(1) **IN GENERAL.**—Not later than 90 days after the date on which the memorandum of understanding under subsection (b) is executed, all Federal signatories, as appropriate, shall identify for each of the Bureau of Land Management Renewable Energy Coordination Offices an employee who has expertise in the regulatory issues relating to the office in which the employee is employed, including, as applicable, particular expertise in—

(A) consultation regarding, and preparation of, biological opinions under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536);

(B) permits under section 404 of Federal Water Pollution Control Act (33 U.S.C. 1344);

(C) regulatory matters under the Clean Air Act (42 U.S.C. 7401 et seq.);

(D) planning under section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a);

(E) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(F) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.); and

(G) the preparation of analyses under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) **DUTIES.**—Each employee assigned under paragraph (1) shall—

(A) be responsible for addressing all issues relating to the jurisdiction of the home office or agency of the employee; and

(B) participate as part of the team of personnel working on proposed energy projects, planning, monitoring, inspection, enforcement, and environmental analyses.

(d) **ADDITIONAL PERSONNEL.**—The Secretary may assign additional personnel for the renewable energy coordination offices as are necessary to ensure the effective implementation of any programs administered by those offices, including inspection and enforcement relating to renewable energy project development on covered land, in accordance with the multiple use mandate of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(e) **RENEWABLE ENERGY COORDINATION OFFICES.**—In implementing the program established under this section, the Secretary may establish additional renewable energy coordination offices or temporarily assign the qualified staff described in subsection (c) to a State, district, or field office of the Bureau of Land Management to expedite the permitting of renewable energy projects, as the Secretary determines to be necessary.

(f) **REPORT TO CONGRESS.**—

(1) **IN GENERAL.**—Not later than February 1 of the first fiscal year beginning after the date of enactment of this Act, and each February 1 thereafter, the Secretary 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 describing the progress made pursuant to the program under this subpart during the preceding year.

(2) **INCLUSIONS.**—Each report under this subsection shall include—

(A) projections for renewable energy production and capacity installations; and

(B) a description of any problems relating to leasing, permitting, siting, or production. On page 244, line 14, strike “Subpart B” and insert “Subpart C”.

**SA 3287.** Ms. MURKOWSKI 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:

In lieu of the matter proposed to be inserted, insert the following:

#### **Subtitle I—Prevention and Protection From Lead Exposure**

##### **SEC. 4801. DRINKING WATER INFRASTRUCTURE.**

(a) **DEFINITIONS.**—In this section:

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

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

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

(b) **STATE REVOLVING LOAN FUND ASSISTANCE.**—

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

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

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

(2) **AUTHORIZATION.**—

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

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

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

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

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

(c) **WATER INFRASTRUCTURE FINANCING.**—

(1) **SECURED LOANS.**—

(A) **IN GENERAL.**—The Administrator may make a secured loan to an eligible State to carry out a project to address lead or other contaminants in drinking water in an eligible system.

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

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

(d) **ASSET MANAGEMENT PLAN.**—Any individual or entity that carries out construction of infrastructure using assistance provided under this section shall develop and implement, in consultation with the Administrator and appropriate officials of the applicable eligible State, a strategic and systematic process of operating, maintaining, and improving affected physical assets, with a focus on engineering and economic analysis based on quality information, to identify a structured sequence of maintenance, preservation, repair, rehabilitation, and replacement actions that will achieve and sustain a desired state of good repair during the lifecycle of the assets at minimum practicable cost.

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

(f) **FUNDING.**—

(1) **ADDITIONAL SRF CAPITALIZATION GRANTS.**—

(A) **APPROPRIATION.**—There is appropriated to the Administrator, out of any moneys in

the Treasury not otherwise appropriated, \$50,000,000, to remain available for obligation for 1 year after the date on which the amounts are made available, to provide additional grants to eligible States pursuant to section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j-12) for the purposes described in subsection (b)(2).

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

(i) a description of the project;

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

(iii) the estimated cost of the project; and

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

(C) **UNOBLIGATED AMOUNTS.**—Any amounts made available to the Administrator under subparagraph (A) that are unobligated on the date that is 1 year after the date on which the amounts are made available shall be available to carry out the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3901 et seq.), to remain available until expended.

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

(2) **WIFIA FUNDING.**—

(A) **APPROPRIATION.**—There is appropriated to the Administrator, out of any moneys in the Treasury not otherwise appropriated, \$50,000,000, to remain available until expended, to provide credit subsidies and administrative costs, in consultation with the Director of the Office of Management and Budget, for secured loans under subsection (c)(1)(A) in an amount equal to not more than \$600,000,000 to eligible States under the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3901 et seq.).

(B) **DEADLINE.**—The Administrator and the Director of the Office of Management and Budget shall provide to an eligible State a credit subsidy under subparagraph (A) by not later than 60 days after the date of receipt of a loan application from the eligible State.

(C) **USE.**—Secured loans provided pursuant to subparagraph (A) shall be available for activities to address lead and other contaminants in drinking water, including repair and replacement of public and private drinking water infrastructure.

(3) **APPLICABILITY.**—Unless explicitly waived, all requirements under section 1450(e) of the Safe Drinking Water Act (42 U.S.C. 300j-9(e)) and the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3901 et seq.) shall apply to funding provided under this subsection.

(g) **OFFSET.**—There is rescinded the unobligated balance of amounts made available to carry out section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513).

(h) **HEALTH EFFECTS EVALUATION.**—Pursuant to section 104(i)(1)(E) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9604(i)(1)(E)), and on receipt of a request of an appropriate State or local health official of an eligible State, the Director of the Agency for Toxic Substances and Disease Registry of the National Center for Environmental Health shall—

(1) in coordination with other Federal departments and agencies, as appropriate, con-

duct voluntary surveillance activities to evaluate any adverse health effects on individuals exposed to lead from drinking water; and

(2) provide for those individuals consultations regarding health issues relating to that exposure.

#### SEC. 4802. LOAN FORGIVENESS.

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

#### SEC. 4803. DISCLOSURE OF PUBLIC HEALTH THREATS FROM LEAD EXPOSURE.

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

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

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

(2) in paragraph (2)—

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

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

“(D) **EXCEEDANCE OF LEAD ACTION LEVEL.**—Regulations issued under subparagraph (A) shall specify notification procedures for an exceedance of a lead action level or any other prescribed level of lead in a regulation issued under section 1412.”;

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

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

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

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

“(B) **RESULTS OF LEAD MONITORING.**—

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

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

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

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

“(I) press release; or

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

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

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

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

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

#### SEC. 4804. CENTER OF EXCELLENCE ON LEAD EXPOSURE.

(a) **DEFINITIONS.**—In this section:

(1) **CENTER.**—The term “Center” means the Center of Excellence on Lead Exposure established under subsection (b).

(2) **CITY.**—The term “City” means a City that has been exposed to lead through a water system or other source.

(3) **COMMUNITY.**—The term “community” means the community of the City.

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

(5) **STATE.**—The term “State” means a State containing a City that has been exposed to lead through a water system or other source.

(b) **ESTABLISHMENT.**—The Secretary may, by contract, grant, or cooperative agreement, establish a center to be known as the “Center of Excellence on Lead Exposure”.

(c) **COLLABORATION.**—The Center shall collaborate with relevant Federal agencies, research institutions, hospitals, Federally qualified health centers, school-based health centers, community behavioral health providers, and State and local public health agencies in the development and operation of the Center.

(d) **ADVISORY COMMITTEE.**—

(1) **IN GENERAL.**—The Center shall establish an advisory committee to provide scientific and technical support for the Center and to advise the Secretary, consisting of, at a minimum—

- (A) an epidemiologist;
- (B) a toxicologist;
- (C) a mental health professional;
- (D) a pediatrician;
- (E) an early childhood education expert;
- (F) a special education expert;
- (G) a dietitian;
- (H) an environmental health expert; and
- (I) 2 community representatives.

(2) **APPLICATION OF FACAs.**—The advisory committee shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(e) **RESPONSIBILITIES.**—The Center shall, at minimum, develop and carry out the following components and responsibilities:

(1) Establish a health registry with the following responsibilities:

(A) Survey City residents on a voluntary basis about exposure to lead, and inform City residents of the health and developmental impacts that may have resulted from that exposure.

(B) Identify and provide ongoing monitoring for City residents on a voluntary basis who have been exposed to lead.

(C) Collect and analyze clinical data related to the monitoring and treatment of City residents.

(D) Provide culturally and linguistically relevant personnel and materials necessary for City residents.

(2) Without duplicating other Federal research efforts, conduct or recommend that the Secretary conduct or support, through a grant or contract, research on physical, behavioral, and developmental impacts, as well

as other health or educational impacts associated with lead exposure, including cancer, heart disease, liver disease, neurological impacts, developmental delays, reproductive health impacts, and maternal and fetal health impacts.

(3) Without duplicating other Federal efforts, develop or recommend that the Secretary develop or support the development of, through a grant or contract, lead mitigation recommendations and allocate resources, as appropriate, for health-, education-, and nutrition-related interventions, as well as other interventions, to mitigate lead exposure in children and adults.

(4) Establish a partnership with the Regional Center of Excellence on Nutrition Education of the Department of Agriculture to provide any relevant nutrition information for lead mitigation, including—

(A) identifying and implementing best practices in nutrition education regarding lead-mitigating foods; and

(B) making recommendations and conducting outreach to improve access to lead-mitigating foods in the community.

(5) Without duplicating other Federal efforts, conduct or recommend that the Secretary conduct or support, through a grant or contract, education and outreach efforts for the City and State, including the following:

(A) Create a publicly accessible website that provides, at minimum, details about the health registry for City residents, available testing and other services through the Center for City residents and other communities impacted by lead exposure, any relevant information regarding health and educational impacts of lead exposure, any relevant information on mitigation services, and any research conducted through the Center.

(B) Conduct at least 2 meetings annually in the City to discuss the ongoing impact of lead exposure on residents and solicit community input regarding ongoing mitigation needs.

(C) Establish a navigation program to connect City residents to available Federal, State, and local resources and programs that assist with cognitive, developmental, and health problems associated with lead exposure.

(f) REPORT.—Annually, the Secretary shall submit to the Committees on Finance, Health, Education, Labor, and Pensions, and Agriculture, Nutrition, and Forestry of the Senate and the Committees on Education and the Workforce, Energy and Commerce, and Agriculture of the House of Representatives a report—

(1) assessing the impacts of the Center on City health and education systems and outcomes;

(2) describing any research conducted by or in connection with the Center;

(3) describing any mitigation tools used or developed by the Center including outcomes; and

(4) making any recommendations for the City, State, or other communities impacted by lead exposure, as appropriate.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$20,000,000 for each of fiscal years 2017 through 2026, to remain available until expended.

#### SEC. 4805. GAO REVIEW AND REPORT.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Attorney General and the Inspector General of the Environmental Protection Agency shall submit to the Committees on Appropriations, Environment and Public Works, and Homeland Security and Governmental Affairs of the Senate and the Committees on Appropriations, Energy and Commerce,

Transportation and Infrastructure, and Oversight and Government Reform of the House of Representatives a report on the status of any ongoing investigations into the Federal and State response to the contamination of the drinking water supply of the City of Flint, Michigan.

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

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

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

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

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

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

**SA 3288.** Mr. MERKLEY (for himself and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

#### SEC. 44 \_\_\_\_\_. KLAMATH PROJECT WATER AND POWER.

(a) ADDRESSING WATER MANAGEMENT AND POWER COSTS FOR IRRIGATION.—The Klamath Basin Water Supply Enhancement Act of 2000 (Public Law 106-498; 114 Stat. 2221) is amended—

(1) by redesignating sections 4 through 6 as sections 5 through 7, respectively; and

(2) by inserting after section 3 the following:

##### “SEC. 4. POWER AND WATER MANAGEMENT.

“(a) DEFINITIONS.—In this section:

“(1) COVERED POWER USE.—The term ‘covered power use’ means a use of power to develop or manage water for irrigation, wildlife purposes, or drainage on land that is—

“(A) associated with the Klamath Project, including land within a unit of the National Wildlife Refuge System that receives water due to the operation of Klamath Project facilities; or

“(B) irrigated by the class of users covered by the agreement dated April 30, 1956, between the California Oregon Power Company and Klamath Basin Water Users Protective Association and within the Off Project Area (as defined in the Upper Basin Comprehensive Agreement entered into on April 18, 2014), only if each applicable owner and holder of a possessory interest of the land is a party to that agreement (or a successor agreement that the Secretary determines provides a comparable benefit to the United States).

“(2) KLAMATH PROJECT.—

“(A) IN GENERAL.—The term ‘Klamath Project’ means the Bureau of Reclamation

project in the States of California and Oregon.

“(B) INCLUSIONS.—The term ‘Klamath Project’ includes any dams, canals, and other works and interests for water diversion, storage, delivery, and drainage, flood control, and similar functions that are part of the project described in subparagraph (A).

“(3) POWER COST BENCHMARK.—The term ‘power cost benchmark’ means the average net delivered cost of power for irrigation and drainage at Reclamation projects in the area surrounding the Klamath Project that are similarly situated to the Klamath Project, including Reclamation projects that—

“(A) are located in the Pacific Northwest; and

“(B) receive project-use power.

“(b) WATER, ENVIRONMENTAL, AND POWER ACTIVITIES.—

“(1) IN GENERAL.—Pursuant to the reclamation laws and subject to appropriations and required environmental reviews, the Secretary may carry out activities, including entering into an agreement or contract or otherwise making financial assistance available—

“(A) to plan, implement, and administer programs to align water supplies and demand for irrigation water users associated with the Klamath Project, with a primary emphasis on programs developed or endorsed by local entities comprised of representatives of those water users;

“(B) to plan and implement activities and projects that—

“(i) avoid or mitigate environmental effects of irrigation activities; or

“(ii) restore habitats in the Klamath Basin watershed, including restoring tribal fishery resources held in trust; and

“(C) to limit the net delivered cost of power for covered power uses.

“(2) EFFECT.—Nothing in subparagraph (A) or (B) of paragraph (1) authorizes the Secretary—

“(A) to develop or construct new facilities for the Klamath Project without appropriate approval from Congress under section 9 of the Reclamation Projects Act of 1939 (43 U.S.C. 485h); or

“(B) to carry out activities that have not otherwise been authorized.

“(c) REDUCING POWER COSTS.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Energy Policy Modernization Act of 2016, the Secretary, in consultation with interested irrigation interests that are eligible for covered power use and representative organizations of those interests, 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—

“(A) identifies the power cost benchmark; and

“(B) recommends actions that, in the judgment of the Secretary, are necessary and appropriate to ensure that the net delivered power cost for covered power use is equal to or less than the power cost benchmark, including a description of—

“(i) actions to immediately reduce power costs and to have the net delivered power cost for covered power use be equal to or less than the power cost benchmark in the near term, while longer-term actions are being implemented;

“(ii) actions that prioritize water and power conservation and efficiency measures and, to the extent actions involving the development or acquisition of power generation are included, renewable energy technologies (including hydropower);

“(iii) the potential costs and timeline for the actions recommended under this subparagraph;

“(iv) provisions for modifying the actions and timeline to adapt to new information or circumstances; and

“(v) a description of public input regarding the proposed actions, including input from water users that have covered power use and the degree to which those water users concur with the recommendations.

“(2) IMPLEMENTATION.—Not later than 180 days after the date of submission of the report under paragraph (1), the Secretary shall implement those recommendations described in the report that the Secretary determines will ensure that the net delivered power cost for covered power use is equal to or less than the power cost benchmark, subject to availability of appropriations, on the fastest practicable timeline.

“(3) ANNUAL REPORTS.—The Secretary shall submit to each Committee described in paragraph (1) annual reports describing progress achieved in meeting the requirements of this subsection.

“(d) TREATMENT OF POWER PURCHASES.—

“(1) IN GENERAL.—Any purchase of power by the Secretary under this section shall be considered to be an authorized sale for purposes of section 5(b)(3) of the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839c(b)(3)).

“(2) EFFECT.—Nothing in this section authorizes the Bonneville Power Administration to make a sale of power from the Federal Columbia River Power System at rates, terms, or conditions better than those afforded preference customers of the Bonneville Power Administration.

“(e) GOALS.—The goals of activities under subsections (b) and (c) shall include, as applicable—

“(1) the short-term and long-term reduction and resolution of conflicts relating to water in the Klamath Basin watershed; and

“(2) compatibility and utility for protecting natural resources throughout the Klamath Basin watershed, including the protection, preservation, and restoration of Klamath River tribal fishery resources, particularly through collaboratively developed agreements.

“(f) PUMPING PLANT D.—The Secretary may enter into 1 or more agreements with the Tulalake Irrigation District to reimburse the Tulalake Irrigation District for not more than 69 percent of the cost incurred by the Tulalake Irrigation District for the operation and maintenance of Pumping Plant D, on the condition that the cost benefits the United States.”.

(b) CONVEYANCE OF NON-PROJECT WATER; REPLACEMENT OF C CANAL.—

(1) DEFINITION OF KLAMATH PROJECT.—In this subsection:

(A) IN GENERAL.—The term “Klamath Project” means the Bureau of Reclamation project in the States of California and Oregon.

(B) INCLUSIONS.—The term “Klamath Project” includes any dams, canals, and other works and interests for water diversion, storage, delivery, and drainage, flood control, and similar functions that are part of the project described in subparagraph (A).

(2) CONVEYANCE OF NON-PROJECT WATER.—

(A) IN GENERAL.—An entity operating under a contract entered into with the United States for the operation and maintenance of Klamath Project works or facilities, and an entity operating any work or facility not owned by the United States that receives Klamath Project water, may use any of the Klamath Project works or facilities to convey non-Klamath Project water for any authorized purpose of the Klamath Project, subject to subparagraphs (B) and (C).

(B) PERMITS; MEASUREMENT.—An addition, conveyance, and use of water pursuant to

subparagraph (A) shall be subject to the requirements that—

(i) the applicable entity shall secure all permits required under State or local laws; and

(ii) all water delivered into, or taken out of, a Klamath Project facility pursuant to that subparagraph shall be measured.

(C) EFFECT.—A use of Klamath Project water under this paragraph shall not—

(i) adversely affect the delivery of water to any water user or land served by the Klamath Project; or

(ii) result in any additional cost to the United States.

(3) REPLACEMENT OF C CANAL FLUME.—The replacement of the C Canal flume within the Klamath Project shall be considered to be, and shall receive the treatment authorized for, emergency extraordinary operation and maintenance work in accordance with Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.)).

(c) ADMINISTRATION.—

(1) COMPLIANCE.—In implementing this section and the amendments made by this section, the Secretary of the Interior shall comply with—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(C) all other applicable laws.

(2) EFFECT.—Nothing in this section—

(A) modifies the authorities or obligations of the United States with respect to the tribal trust and treaty obligations of the United States; or

(B) creates or determines water rights or affects water rights or water right claims in existence on the date of enactment of this Act.

**SA 3289.** Mr. CARPER 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. \_\_\_\_ . QUALIFYING OFFSHORE WIND FACILITY CREDIT.**

(a) IN GENERAL.—Section 46 of the Internal Revenue Code of 1986 is amended—

(1) by striking “and” at the end of paragraph (5),

(2) by striking the period at the end of paragraph (6) and inserting “, and”, and

(3) by adding at the end the following new paragraph:

“(7) the qualifying offshore wind facility credit.”.

(b) AMOUNT OF CREDIT.—Subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 48D the following new section:

**“SEC. 48E. CREDIT FOR OFFSHORE WIND FACILITIES.**

“(a) IN GENERAL.—For purposes of section 46, the qualifying offshore wind facility credit for any taxable year is an amount equal to 30 percent of the qualified investment for such taxable year with respect to any qualifying offshore wind facility of the taxpayer.

“(b) QUALIFIED INVESTMENT.—

“(1) IN GENERAL.—For purposes of subsection (a), the qualified investment for any taxable year is the basis of eligible property placed in service by the taxpayer during such taxable year which is part of a qualifying offshore wind facility.

“(2) CERTAIN QUALIFIED PROGRESS EXPENDITURES RULES MADE APPLICABLE.—Rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this section.

“(c) DEFINITIONS.—For purposes of this section—

“(1) QUALIFYING OFFSHORE WIND FACILITY.—“(A) IN GENERAL.—The term ‘qualifying offshore wind facility’ means an offshore facility using wind to produce electricity.

“(B) OFFSHORE FACILITY.—The term ‘offshore facility’ means any facility located in the inland navigable waters of the United States, including the Great Lakes, or in the coastal waters of the United States, including the territorial seas of the United States, the exclusive economic zone of United States, and the outer Continental Shelf of the United States.

“(2) ELIGIBLE PROPERTY.—The term ‘eligible property’ means any property—

“(A) which is—

“(i) tangible personal property, or

“(ii) other tangible property (not including a building or its structural components), but only if such property is used as an integral part of the qualifying offshore wind facility, and

“(B) with respect to which depreciation (or amortization in lieu of depreciation) is allowable.

“(d) QUALIFYING CREDIT FOR OFFSHORE WIND FACILITIES PROGRAM.—

“(1) ESTABLISHMENT.—

“(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this section, the Secretary, in consultation with the Secretary of Energy and the Secretary of the Interior, shall establish a qualifying credit for offshore wind facilities program to consider and award certifications for qualified investments eligible for credits under this section to qualifying offshore wind facility sponsors.

“(B) LIMITATION.—The total amount of megawatt capacity for offshore facilities with respect to which credits may be allocated under the program shall not exceed 3,000 megawatts.

“(2) CERTIFICATION.—

“(A) APPLICATION PERIOD.—Each applicant for certification under this paragraph shall submit an application containing such information as the Secretary may require beginning on the date the Secretary establishes the program under paragraph (1).

“(B) PERIOD OF ISSUANCE.—An applicant which receives a certification shall have 5 years from the date of issuance of the certification in order to place the facility in service and if such facility is not placed in service by that time period, then the certification shall no longer be valid.

“(3) SELECTION CRITERIA.—In determining which qualifying offshore wind facilities to certify under this section, the Secretary shall—

“(A) take into consideration which facilities will be placed in service at the earliest date, and

“(B) take into account the technology of the facility that may lead to reduced industry and consumer costs or expand access to offshore wind.

“(4) REVIEW, ADDITIONAL ALLOCATIONS, AND REALLOCATIONS.—

“(A) REVIEW.—Periodically, but not later than 4 years after the date of the enactment of this section, the Secretary shall review the credits allocated under this section as of the date of such review.

“(B) ADDITIONAL ALLOCATIONS AND REALLOCATIONS.—The Secretary may make additional allocations and reallocations of

credits under this section if the Secretary determines that—

“(i) the limitation under paragraph (1)(B) has not been attained at the time of the review, or

“(ii) scheduled placed-in-service dates of previously certified facilities have been significantly delayed and the Secretary determines the applicant will not meet the timeline pursuant to paragraph (2)(B).

“(C) ADDITIONAL PROGRAM FOR ALLOCATIONS AND REALLOCATIONS.—If the Secretary determines that credits under this section are available for further allocation or reallocation, but there is an insufficient quantity of qualifying applications for certification pending at the time of the review, the Secretary is authorized to conduct an additional program for applications for certification.

“(5) DISCLOSURE OF ALLOCATIONS.—The Secretary shall, upon making a certification under this subsection, publicly disclose the identity of the applicant and the amount of the credit with respect to such applicant.

“(e) DENIAL OF DOUBLE BENEFIT.—A credit shall not be allowed under this section with respect to any facility if—

“(1) a credit has been allowed to such facility under section 45 for such taxable year or any prior taxable year,

“(2) a credit has been allowed with respect to such facility under section 46 by reason of section 48(a) or 48C(a) for such taxable or any preceding taxable year, or

“(3) a grant has been made with respect to such facility under section 1603 of the American Recovery and Reinvestment Act of 2009.”

(c) CONFORMING AMENDMENTS.—

(1) Section 49(a)(1)(C) of the Internal Revenue Code of 1986 is amended—

(A) by striking “and” at the end of clause (v),

(B) by striking the period at the end of clause (vi) and inserting “, and”, and

(C) by adding after clause (vi) the following new clause:

“(vii) the basis of any property which is part of a qualifying offshore wind facility under section 48E.”

(2) The table of sections for subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 48D the following new item:

“48E. Credit for offshore wind facilities.”

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

**SA 3290.** Mr. ALEXANDER (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 1306, add the following:

(h) SECONDARY USE APPLICATIONS.—

(1) IN GENERAL.—The Secretary shall carry out a research, development, and demonstration program that—

(A) builds on any work carried out under section 915 of the Energy Policy Act of 2005 (42 U.S.C. 16195);

(B) identifies possible uses of a vehicle battery after the useful life of the battery in a vehicle has been exhausted;

(C) conducts long-term testing to verify performance and degradation predictions and lifetime valuations for secondary uses;

(D) evaluates innovative approaches to recycling materials from plug-in electric drive vehicles and the batteries used in plug-in electric drive vehicles;

(E)(i) assesses the potential for markets for uses described in subparagraph (B) to develop; and

(ii) identifies any barriers to the development of those markets; and

(F) identifies the potential uses of a vehicle battery—

(i) with the most promise for market development; and

(ii) for which market development would be aided by a demonstration project.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress an initial report on the findings of the program described in paragraph (1), including recommendations for stationary energy storage and other potential applications for batteries used in plug-in electric drive vehicles.

(3) SECONDARY USE DEMONSTRATION.—

(A) IN GENERAL.—Based on the results of the program described in paragraph (1), the Secretary shall develop guidelines for projects that demonstrate the secondary uses and innovative recycling of vehicle batteries.

(B) PUBLICATION OF GUIDELINES.—Not later than 18 months after the date of enactment of this Act, the Secretary shall—

(i) publish the guidelines described in subparagraph (A); and

(ii) solicit applications for funding for demonstration projects.

(C) PILOT DEMONSTRATION PROGRAM.—Not later than 21 months after the date of enactment of this Act, the Secretary shall select proposals for grant funding under this section, based on an assessment of which proposals are mostly likely to contribute to the development of a secondary market for batteries.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON ARMED SERVICES

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on February 4, 2016, at 10 a.m.

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

### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on February 4, 2016, at 10:30 a.m., in room SR-253 of the Russell Senate Office Building to conduct a Subcommittee hearing entitled “Ensuring Intermodal USF Support for Rural America.”

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

### COMMITTEE ON FINANCE

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on February 4, 2016, at 10 a.m., in room SD-215 of the Dirksen Senate Office Building, to conduct a hearing entitled

“Hearing to consider the nominations of Mary Katherine Wakefield, Andrew LaMont Eanes, Elizabeth Ann Copeland, and Vik Edwin Stoll.”

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

### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on February 4, 2016, at 10 a.m.

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

### SELECT COMMITTEE ON INTELLIGENCE

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 4, 2016, at 2:30 p.m.

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

## PRIVILEGES OF THE FLOOR

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that privileges of the floor be granted to Karen Dildei, effective today through March 1, 2016.

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

Ms. HEITKAMP. Mr. President, I ask unanimous consent that the following fellows in Senator DURBIN's office be granted floor privileges for the remainder of the 114th Congress: Jeremy Ward, Elizabeth Lawrence, Karla Hagan, and Craig Crawford.

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

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. SASSE. Mr. President, I ask unanimous consent that the Senate proceed to executive session for the consideration of Calendar No. 465; that the nomination be confirmed, 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; 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.

The nomination considered and confirmed is as follows:

#### IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be general*

Lt. Gen. John W. Nicholson, Jr.

## LEGISLATIVE SESSION

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



# AUTHORIZING USE OF EMANCIPATION HALL

Mr. SASSE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H. Con. Res. 109, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 109) authorizing the use of Emancipation Hall in the Capitol Visitor Center for a ceremony to present the Congressional Gold Medal to the foot soldiers who participated in the 1965 Selma to Montgomery marches.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. SASSE. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table with no intervening action or debate.

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

The concurrent resolution (H. Con. Res. 109) was agreed to.

# CONGRATULATING THE UNIVERSITY OF MOUNT UNION FOOTBALL TEAM FOR WINNING THE 2015 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION III FOOTBALL CHAMPIONSHIP

Mr. SASSE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 363, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 363) congratulating the University of Mount Union football team for winning the 2015 National Collegiate Athletic Association Division III Football Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SASSE. 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 or debate.

The resolution (S. Res. 363) was agreed to.

The preamble was agreed to.

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

# RELATIVE TO THE DEATH OF MARLOW COOK

Mr. SASSE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 364, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 364) relative to the death of Marlow Cook, former United States Senator for the Commonwealth of Kentucky.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SASSE. 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 or debate.

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

The resolution (S. Res. 364) was agreed to.

The preamble was agreed to.

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

# APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to the provisions of S. Con. Res. 28 (114th Congress), appoints the following Senators to the Joint Congressional Committee on Inaugural Ceremonies: the Honorable MITCH MCCONNELL of Kentucky, the Honorable ROY BLUNT of Missouri, and the Honorable CHARLES SCHUMER of New York.

# ORDERS FOR MONDAY, FEBRUARY 8, 2016

Mr. SASSE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m., Monday, February 8;

that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; further, that following leader remarks, the Senate be in a period of morning business until 5 p.m., with Senators permitted to speak therein for up to 10 minutes each; finally, that the Senate adjourn under the provisions of S. Res. 364 as a mark of respect for the late Marlow Cook, former Senator from the Commonwealth of Kentucky.

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

# ADJOURNMENT UNTIL MONDAY, FEBRUARY 8, 2016, AT 2 P.M.

Mr. SASSE. 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 5:47 p.m., adjourned until Monday, February 8, 2016, at 2 p.m.

# NOMINATIONS

Executive nominations received by the Senate:

## DEPARTMENT OF JUSTICE

PATRICK A. BURKE, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF COLUMBIA FOR THE TERM OF FOUR YEARS, VICE EDWIN DONOVAN SLOANE, RETIRED.

## THE JUDICIARY

STEPHANIE A. FINLEY, OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF LOUISIANA, VICE RICHARD T. HAIK, SR., RETIRED.

CLAUDE J. KELLY III, OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF LOUISIANA, VICE IVAN L. R. LEMELLE, RETIRED.

# CONFIRMATION

Executive nomination confirmed by the Senate February 4, 2016:

## IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

## To be general

LT. GEN. JOHN W. NICHOLSON, JR.