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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.

Infinite Spirit, generous giver of life's joys, from Your vantage point of eternity, look afresh into our times. Teach our lawmakers to serve You as they should so that they will do what is best for our Nation and world. As they seek to do Your will, help them to see Your glorious image in humanity and search for opportunities to empower those on life's margins.

Lord, inspire our Senators to trust the unfolding of Your loving providence so that they will not become weary in doing what is right. May they live with such integrity that Your purposes will be accomplished on Earth. Remind us all that it is in giving that we receive and through dying to self that we are born to eternal life.

We pray in Your great 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 (Ms. COLLINS). The Republican leader is recognized.

ENERGY POLICY MODERNIZATION BILL

Mr. MCCONNELL. Madam President, there are a lot of reasons to like the broad bipartisan Energy bill which is before us. You will like it if you are an American interested in producing more energy. You will like it if you are interested in paying less for energy. You will like it if you are an American interested in saving energy. There are a lot of important reasons to support the Energy Policy Modernization Act.

Here's another one. You will like it if you are an American interested in bolstering your country's long-term national security. That is always important, and Americans are telling us it is especially important today. They see our commanders, for instance, attempting to juggle myriad threats from across the globe with diminishing force structure. Well, if we are interested in improving our overall strategic position, then there are ways this broad bipartisan Energy bill can help.

First, the Energy Policy Modernization Act is designed to boost America's liquefied natural gas exports. That doesn't just hold potential for America's economy, it holds potential for America's global leadership, including the security of our allies. We know that Russia is the dominant supplier of natural gas to Western Europe, and we know that building America's own export capacity can enhance European energy security in the long run. So, in broad strokes, ''by increasing our ability to export natural gas—in the form of liquefied natural gas or LNG—to Europe, the U.S. can weaken Russia's strategic stronghold while boosting our domestic economy by increasing energy exports.'' That is how Congressman CALVERT, a Republican, and Congressman ISRAEL, a Democrat, put it in an op-ed they authored last year after returning from a trip to Ukraine.

Here is what a former Obama energy adviser wrote in November: ''Increased LNG trade can also enhance energy security for our allies,'' he said. ''[Russian state-owned energy giant] Gazprom's grip on Europe is weakening, and U.S. LNG will accelerate that shift even as Russia seeks to counter it. . . .''

Enhancing America's own export capacity is also important when you consider that Iran has just been freed from Western sanctions and is looking to expand its own trade in energy resources, including its natural gas potential. Robust LNG exports to Asia can also enhance America's stature there, too, and give our allies in the region a stable source of energy.

Boosting America's natural gas exports is one reason to support the bill, but here is another. The Energy Policy Modernization Act is designed to reduce our foreign reliance on minerals and raw materials needed for everything from military assets to smart phones.

We can strengthen American mineral security by developing our world-class American mineral base. The necessary modern policies can move us ahead, and this bill contains positive steps forward.

Here's what else this bill would do. The Energy Policy Modernization Act is designed to defend our national energy grid from terrorist cyber attacks. It would help prepare us by authorizing additional cyber security research, it would help deter attacks by erecting stronger cyber security defenses, and it would help provide for faster and more effective responses when threats do arise.

At the end of the day, here is what you can say about the Energy Policy Modernization Act. It aims to make America more secure in an era of insecurity. It aims to make America more prosperous in a time of economic uncertainty. It is a bipartisan bill that deserves to pass. It is great to see so many Republicans and Democrats in this Chamber who actually agree with that. It is great to see both sides working with the bill managers to process amendments and move this legislation along.

I ask Members to continue working in the same spirit of cooperation.

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

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

FLINT, MICHIGAN, WATER CRISIS

Mr. REID. Madam President, in recent weeks the Nation has become concerned, afraid, and even outraged to learn that nearly 100,000 people who are residents of the city of Flint, MI, have been poisoned. About 9,000 of those poisoned are children under the age of 6 years.

Two years ago, in an effort to pinch pennies, an unelected emergency manager appointed by Governor Rick Snyder switched the water supply from the city of Flint, MI, water source to the Flint River. Water from the Flint River is contaminated with lead, bacteria that causes Legionnaires' disease, and lots of other bad things. As a result, the residents of Flint, MI, were forced to drink the water.

There is no trick photography here. This is a person in Flint, MI. You could go to any house you wanted to go to. This is the water that they were drinking and bathing in. It is hard to comprehend that this went on for such a long time.

Can you imagine taking a bath in this, brushing your teeth, or drinking it? How about bathing a new baby? This is your little bathtub.

Through no fault of their own, the people of Flint, MI, are being forced to endure a public health crisis that could have been avoided. This is a manmade crisis. We will never know the full extent of the damage to the people who live in Flint, MI—especially to the children. They have been harmed because they have been poisoned by the acts of the leadership in the State of Michigan, especially the Governor of the State of Michigan. The reckless decision to switch to unsafe drinking water was forced upon 100,000 people. These people in Flint, MI, are now exposed to water with high levels of lead—frighteningly high levels of lead—among other things. This is not just lead. There is bacteria, and they haven't determined the full extent of it. It is established.

I can remember when I first came to this body many, many years ago. I had the good fortune to chair a number of hearings in the environment committee dealing with lead poisoning.

At the time that we studied it, lead poisoning was lead that children ingested—children who lived in developments where there were large amounts of lead-based paint. The children who ate this lead—not on purpose—were not what they could have been. It affected their brains.

This lead in water, lead anyplace, affects the brain. It affects adults, too, but especially children. Lead causes serious problems for adults, as I mentioned, but it is especially dangerous for children, causing lifetime effects. You can't get well. They have a program where they try to take the blood out and run it through a purifier. It takes a long time, but there are no safe levels of lead for children.

After the city made this wrong decision to switch its water source, it was really very quickly that the citizens of Flint complained that the water was discolored, and it also smelled. Everyone began to develop rashes.

The response of State government was appalling. Rick Snyder, the Governor of Michigan, is one of those who berates government all the time. Emails released from his office just last week referred to a resident who said she was told by a State nurse in January 2015, a little over a year ago—she was complaining about her son's elevated blood levels. The nurse told this woman: It is just a few IQ points. It is not the end of the world.

Can you imagine a health care worker telling someone: It is your baby, but it is just a few IQ points. No big deal. It is not the end of the world. This was a State nurse.

The water was so poisonous that General Motors, the manufacturer of automobile parts there, stopped using the source for their Flint engine operations because the parts corroded during the manufacturing process. They had to stop using this water. People were still drinking this water and bathing in this water.

Despite overwhelming evidence that a city in his State had lead poisoning, Governor Snyder failed to act and protect the people of Flint. This went on for a long time.

As Flint struggles to recover from this terrible public health problem, an investigation will determine who exactly is to blame for this reckless decision. We know who caused the problem.

This was a manmade disaster, as I said earlier, but now we must act to protect the residents of Flint. This protection should start with repairs to their water infrastructure. Like many cities—and there are quite a few in the Midwest—Flint has lead pipes, but the highly corrosive nature of the Flint River damaged them. It ate away at the insides of those pipes. Now these lead pipes are leaching into the clean water supply from Lake Huron. It will cost over $1 billion to replace Flint's corroded water infrastructure.

The people in Flint, MI, are struggling. There has been money spent there. Flint had been doing quite well until this came along. There was a new vitality. But now people are afraid to eat in restaurants, and the businesses have been terribly damaged because people don't believe the water is pure. A lot of these restaurants, for example, put in their own water supply and water purification system, but people don't believe it. They are afraid.

We need this done now. The State and Federal Government must cooperate now to end this crisis, which requires that we make investments. I repeat: now.

President Obama has declared a state of emergency in Flint, MI, and given FEMA, the Federal Emergency Management Agency, the authority to provide resources for the people of Flint. The problem is that right now they are just getting bottled water. The infrastructure is so bad.

Governor Snyder has finally—finally—declared a state of emergency and finally apologized for his administration's slow response. The Governor's apology is too late. The residents of Flint have already been poisoned.

It is too bad the people on that side of the aisle disparage the government all the time. It is too intrusive. It is too involved. It is detrimental to our society.

The Governor of Michigan is one of the leading cheerleaders of that theory. He denigrates government every single chance he gets. But to whom does he turn when the State of Michigan is in trouble? To the Federal Government. When emergency strikes, the Federal Government steps in. That is one of the responsibilities we have to protect America.

So I hope Senate Republicans will support our efforts to protect the people of Flint in this time of need. Senator MURKOWSKI—the chair of that important committee that has jurisdiction of the bill that is before this body today—is working with Senator CANTWELL. They are committed to doing something to help in this. Let's make sure we support them.

Sadly, some of the same Republicans who have called for relief when their States faced natural disasters are disparaging government action in Flint. For example, last year, Texas was devastated with historic flooding. But who stepped in? It was the Federal Government that stepped in to provide disaster relief for the people of Texas.

That is why I was disappointed to see the senior Senator from Texas say: ''While we all have sympathy for what's happened in Flint, this is primarily a local and state responsibility.'' He didn't say that when the flooding was taking place in Texas.

Last year, as Florida was hit with extreme flooding, the junior Senator from Florida called for Federal disaster assistance. But when it comes to the children and families of Flint, the Senator, who finished third last night in the Iowa caucuses, cautions against any action. This is what he said about Flint: ''I believe the federal government's role in some of these things (is) largely limited unless it involves a federal jurisdictional issue.''

Well, the issue was that the State of Michigan didn't do what it was supposed to do.

The junior Senator from Florida is not alone. Republican Senators routinely rush to the floor to demand Federal aid when trouble hits their backyard. That is the right thing to do. Americans help each other in times of crisis.

This week the Senate has a chance to help the families suffering through a

public health crisis. I hope Republicans who have had difficulties in the past and have requested Federal aid for their States won't turn their backs on the people of Michigan.

If a Federal Government response is necessary for natural disasters, shouldn't the Federal Government help respond to these manmade disasters? The examples I gave in Texas and Florida were not manmade disasters; this is.

We remain committed to giving the people of Flint, MI, what they need during this crisis—help from the Federal Government to restore clean, safe water. But the Federal Government cannot do it all. The people of Flint, MI, should understand that the Governor of Michigan is costing them a lot of money, and it is going to cost the taxpayers of Michigan a lot more because the Federal Government cannot do it all.

Senator STABENOW and Senator PETERS have proposed an amendment to the bill before us that provides emergency relief to address the Flint water crisis. I support that. The people of Flint have been poisoned. We owe our fellow citizens swift action to address this medical emergency.

I urge my colleagues, especially my Republican friends, to support the Stabenow-Peters amendment to give the people of Flint the relief they so desperately need.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business until 11 a.m., with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Utah.

ORDER OF PROCEDURE

Mrs. BOXER. Madam President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state her parliamentary inquiry.

Mrs. BOXER. Yes, is it a fact that the Senator from Utah will have 10 minutes and then the floor will be open for other Senators at that time?

The PRESIDING OFFICER. The order for business is every Senator is entitled to speak for up to 10 minutes each until the hour of 11 a.m.

Mrs. BOXER. Well, that was my parliamentary inquiry. So each Senator has 10 minutes, and then at the expiration of 10 minutes, the floor would be open; is that correct?

The PRESIDING OFFICER. Absent any consent agreement to the contrary, the Senator is correct.

Mrs. BOXER. Thank you so much.

The PRESIDING OFFICER. The Senator from Utah.

JUDICIAL REDRESS ACT

Mr. HATCH. Madam President, I rise today to emphasize the importance of the Judicial Redress Act. This is a bill that the Senate Judiciary Committee favorably reported last week by an overwhelmingly bipartisan vote of 19 to 1.

As I speak, the Senate majority and minority leaders are in the process of clearing this legislation by unanimous consent. I am optimistic the Senate will pass the Judicial Redress Act in the coming days and that ultimately we will send this legislation to the President's desk.

I thank Senator CHRIS MURPHY for introducing this important bill with me and for the broad support we have built among both Republicans and Democrats.

I also wish to acknowledge the good work of Representatives JIM SENSENBRENNER and JOHN CONYERS for their efforts in the House. They have been stalwarts in advancing this important legislation in the House of Representatives. It has been a true bipartisan, bicameral event.

Simply stated, the Judicial Redress Act would extend certain data protections and remedies available to U.S. citizens under the Privacy Act to European citizens by allowing them to correct flawed information in their records and, in rare instances, the option to pursue legal remedies if Federal agencies improperly disclose their data.

Our legislation fights an inequity—a reciprocal benefit that has been withheld from our European allies with little justification. Cross-border data flows between the United States and Europe are the highest in the world. Today most countries in the European Union affirmatively provide data protection rights to Americans on European soil. Our European allies and their citizens should likewise have access to the core benefits of the Privacy Act when in the United States. It is the right and fair thing to do. Passing the Judicial Redress Act is critical to ratification of the Data Privacy and Protection Agreement, commonly called the ''umbrella agreement.'' This agreement allows for data transfers between European and American law enforcement officials for the purpose of fighting and investigating crime, including terrorism.

European officials have said they will not ratify the umbrella agreement until Congress provides EU citizens with limited judicial redress. Our bill is key to providing reciprocity to our European allies and will serve as the catalyst to finalizing the long-awaited data protection deal.

The U.S. Department of Justice, which supports this legislation, states that failure to finalize the umbrella agreement ''would dramatically reduce cooperation and significantly hinder counterterrorism efforts.'' Given the global state of affairs, we simply cannot risk losing the critical benefits of the umbrella agreement.

As chairman of the Senate Republican High-Tech Task Force, I am always seeking ways to keep our American technology industry at the forefront of the global economy. I am convinced that passing the Judicial Redress Act will build much needed good will with our European allies. We are currently negotiating a new safe harbor agreement—an international agreement that allows U.S. technology companies to move digital information between the European Union and the United States.

For years, safe harbor rules have benefited U.S. technology companies that provide cloud services to their European customers. Without a safe harbor agreement, however, U.S. cloud-based companies seeking to do business in Europe would be forced to negotiate with 28 individual countries in the European Union over how their citizens' data is collected and stored. Such a requirement would disrupt and chill transatlantic business operations, jeopardize countless American jobs, and stifle American domestic innovation.

Indeed, businesses of all sizes and in all sectors would face profound consequences if we do not conclude a new safe harbor agreement.

The economic damage would be significant and relatively immediate, and the consequences could be catastrophic, especially for small enterprises. Failure to reach an agreement would impact the economies of both the United States and our friends in the European Union.

If we are unable to reach a final safe harbor agreement soon, Congress must be prepared to take appropriate action to ensure that these negative consequences do not come to fruition.

In the meantime, it is critically important that Congress pass the Judicial Redress Act. I am pleased that the Senate is swiftly moving toward this end, and I am optimistic that we will have a successful resolution in the coming days.

I thank my colleagues on both sides of the floor for their support in this effort.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I ask unanimous consent that I be allowed to speak for up to 20 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

FLINT, MICHIGAN, WATER CRISIS AND ALISO CANYON NATURAL GAS LEAK

Mrs. BOXER. Madam President, I am on the floor to talk about a situation that is occurring in my home State with a leak—a natural gas leak that is

creating havoc in one of my communities. But before I do, I wish to comment on the issue that my Democratic leader talked about, which is the poisoning of children in Flint, MI, due to lead in the drinking water.

Maybe I am old-fashioned, but I believe that when you hurt a child, that is the lowest thing you can do. There is nothing lower in life than hurting an innocent child. That means if you abuse a child, if you taunt a child—but when you poison a child and their brain is damaged for the rest of their life—that is the lowest thing an adult can do. Any adult who knew that these children were being poisoned and looked the other way, in my view, is liable. You don't hurt a child. You don't hurt a child—let alone for life—and destroy their mind.

I know that Senators STABENOW and PETERS are working hard with the Republicans to come up with something to help the people there, and I hope that it will work out. I know that in my committee on the environment we have been working with them, along with Senator INHOFE, so we can do something. But it is after the fact. It is not as if you can make this damage go away.

What shocked me was that on the heels of this tragedy and travesty in Flint, MI, we were marking up a bill, and the Republicans, to a person, supported the ability of people spraying pesticides into drinking water not to have to get a permit anymore and to take away the authority of the EPA to require a permit if you are going to spray harmful pesticides with toxins into a drinking water supply.

This is what my Republican friends did in the environment committee. I think they ought to change the name of that committee to the pollution committee. What is that? In addition, the underlying bill says you can never regulate the lead in fishing tackle under TSCA. Lead. Hello? We now know what lead does when it gets into drinking water. If there are ways to have less toxic fishing tackle, shouldn't we try to make that happen if it is available?

So here we have a bill called the sportsmen's bill. Lots of things in there are wonderful and I support wholeheartedly, but now we are going to say you can never regulate the lead in fishing tackle under TSCA? Then you are going to say you don't need a permit to spray pesticides into a water supply? You have to be kidding.

We talk a lot about defending the American people. We have to do it abroad and at home because dead is dead. It is a serious issue when you expose people to toxins. They get cancer. They have brain damage.

I am hopeful we can do something for the people of Flint and stand with them, but I will tell you it is not going to let people off the hook. Anybody who knew this was happening and turned away or said: Who cares? It is a poor community, they will be punished at some point, even if in their own heart. We cannot disconnect from that incident to what we are doing today in saying you no longer need a permit to dump pesticides into drinking water. What are people thinking? Are we so beholden to special moneyed interests that we can't tell them they have to have responsibility? Defending our people means having a smart policy to defend them from terror, which I support, but it also means protecting and defending them with reasonable rules and regulations so we don't poison them here at home or hurt the brains of their kids.

I want to show something that is happening in my State as we speak. This is quite a picture. It shows what a gas leak looks like: plumes of methane gas above a community. This is an infrared camera. This is what is happening from a natural gas leak. It didn't happen yesterday and it didn't happen a month ago. It happened on October 23, and it is still out of control. I have submitted an amendment on behalf of myself and Senator FEINSTEIN today to get some of the brightest minds from the Department of Energy—and there are very bright minds over there—to take a look at what the heck is happening and why it is that this is running amuck. It is now burning longer than the BP oilspill. I remember so well because I worked so hard on the committee with all of my colleagues, with Senator Landrieu and others, to get to the bottom of why it was happening, and we sent Stephen Chu, who was then Secretary of Energy. Guess what. In the BP spill, he figured out a better way to track the spill and therefore contain it by using gamma rays, as I remember.

As of last week, almost 3,700 households have been relocated to hotels and other temporary housing because the residents who live right here are experiencing headaches, nausea, dizziness, nose bleeds, and other side effects stemming from the rotten egg smell, the chemicals that give the natural gas its artificial odor.

This is Aliso Canyon. Schools have temporarily closed because the kids and teachers can't stand the smell all day. People's homes, their furniture, everything they have left behind are becoming infused with this horrid smell and the chemicals. It is a disaster for these residents and for many local businesses struggling to stay afloat. We see here, this is the Aliso Canyon leaking well site, but the plume is all over this community.

I want to share a couple of other photos because we know a picture is worth a thousand words. These are children, sick of being sick at school. This is a mom who is having serious headaches. That is why this amendment is so important because this is what is happening and, by the way, could happen probably anywhere where there are these natural gas storage sites. There are 400 in America—400, in America. This is the first, and we had better deal with it and figure out how to deal with it because right now it is running amuck.

One of my constituents said: My husband and I moved there over 3 years ago. We poured a lot of money into this home, our dream home, thinking it was a perfect area to move. I am expecting. We had difficulties trying to conceive. The joy has been robbed from us because we have had to relocate twice. I am fearful to bring my newborn baby back to Porter Ranch.

That is the community here, Porter Ranch. She said: I am fearful to bring my newborn baby back to Porter Ranch when the time comes and they say the coast is clear.

Another one. This particular individual, Scott McClure, was quoted in the L.A. Times:

> I can't go outside and play baseball with my sons. I can't go on walks with my family. My youngest son has been moved to another school. My property value has dropped dramatically. I get headaches, stomach aches. . . .

The California Air Resources Board estimates that more than 86.5 million kilograms of methane—a powerful greenhouse gas—have been emitted into the atmosphere. So we move from a disaster for our families—reflected in this woman's face—to a disaster for the environment because it is, so far, 2.2 million tons of carbon dioxide. That is the equivalent of the methane that has poured into the atmosphere. That is more greenhouse gas than 468,000 cars emit in 1 year. Just think, in over 3 months this one leak has emitted as much as half a million cars do in an entire year. We have worked so hard across party lines here to make sure our cars have good fuel economy and don't emit so much of this greenhouse gas, and now we have seen as much as half a million cars in an entire year. That is what has come into the atmosphere.

This leaking well is 8,600 feet deep. The leak is thought to be around 500 feet below the surface. The gas company has unsuccessfully attempted to kill the well seven times by plugging it with brine and gravel. They are now attempting to drill a relief well down to the reservoir and cut the resisting well at its base, but this may not be completed in another month. If it isn't successful, they will have to start over again.

So—October 23. We are now starting February, and these people have lived with this extraordinary disaster over them. I pray that this nightmare will be over and people can move back to their homes and that they have the peace of mind that their homes are clean and their air is clean and the community will return to normal. In the meantime, we have to figure out what caused this leak and how to prevent it from happening again at Aliso Canyon and everywhere around the country where there are 400 similar sites.

On January 6, 2016, the Governor of the State of California declared an

emergency for Los Angeles County due to the Aliso Canyon natural gas leak. State regulators have been working with the gas company and with Federal PHMSA and EPA. PHMSA is hazardous pipeline. They check to make sure those hazardous pipelines—the pipelines that carry this hazardous material—are safe. They have been working as they have been providing consultation.

I want to say that the working group on climate change called in the Federal people who were working in PHMSA and the EPA. They are doing conference calls and they are working, but it is not enough. It is not enough. We need the best minds—the best minds—and that is why Senator FEINSTEIN and I have offered this amendment today. It is at the desk.

Under the amendment, the Department of Energy Secretary would lead a broad review of this leak, including the cause, the response, and the impacts on communities and the environment. They will issue a finding to all of us, all of our committees, as we listen, and to the President, within 6 months, but if they find something in the course of their investigation that can solve this leak or prevent another leak—in the Presiding Officer's State or anybody's State—they would have to come forward and make it clear and report that finding.

The task force includes representatives of PHMSA—the Pipeline and Hazardous Materials Safety Administration—Department of Health and Human Services, Environmental Protection Agency, the Federal Energy Regulatory Commission, and the Department of Commerce. We have a small task force here. Is it now seven? Seven. The reason is, we don't want some big bureaucracy. We want a small task force to meet, headed by Secretary Moniz, who is an outstanding scientist, and we want them to help solve this crisis and provide relief for the thousands of affected residents when they come in with their analysis. We want to make sure—we want to make sure—this doesn't happen again in anybody's State, because when you have a constituent like this in your State who comes out and says: My God, I don't know what to do, that is what is on this face. I don't know what to do. I am scared. My kids are breathing this. I am breathing this. Where do I go? So we need our brightest minds, absolutely, dealing with this, and that is what our amendment does.

Again, we have more than 400 underground natural gas storage facilities. We have nine in California. This is a public health and public safety issue that is critical for people not only in my State but across the Nation.

Again, we know our most sacred responsibility is to keep our people safe. Whenever we say that, people right away think about what is happening abroad and homeland security and taking on ISIL and doing everything we have to do to keep our people safe. We have the Super Bowl coming up in my beautiful State. Believe me, we are focused on that. This is a great nation. We know how to take care of our people. Therefore, when we see a woman or children like this saying they are sick and we see this—and this is what the people of California are seeing in their living rooms, the picture of this out-of-control plume going on since October 23—we think: Wait a minute. This is the greatest country in the world, with the greatest minds in the world, the greatest science in the world. We have so many wonderful things, and we can't stop this leak? My God. It is ridiculous.

I was frustrated after I had that meeting because we are very much alike in many ways. We want to solve a problem, and we don't want bureaucracy to get in the way. We want to get the best people. Who cares who gets the credit? Sit around and get it done. When I had this meeting with those Federal officials who were on these conference calls, I got a clear sense, after all my years of experience—and I have had a lot. When I started out, I didn't have all this gray hair.

The bottom line is, I know from experience that it doesn't feel like somebody is truly in charge. That is why Senator FEINSTEIN and I are giving this amendment all of our heart and soul. We hope that our friends on the other side will sign off on it because I know the Democratic side has. I believe they will. We are working with them right now on a couple of issues.

If this passes and becomes the law of the land, we will finally have someone in charge here at the Federal level, someone so bright, so smart—Secretary Moniz. I have a lot of faith in him. I think a lot of us do. He is in it for the right reasons. I think if he goes in there and they start to take a look at this, they may well find something right away that has been overlooked that could stop this horrific leak.

I want to close with this: Californians are leaders in so many areas—technology, entertainment, and trade. We would be the seventh or eighth largest economy in the world.

I don't want to be a leader showing the way to the future with this kind of a travesty. I want to solve the problem. I want to tell my friends here in the Senate that we have the technology to solve it; we have leak-detection systems to find these problems before they happen. This particular yard started in the fifties. If you built a house in the fifties, you have to keep making improvements. I don't know the history of all of this, and I am not getting into that now. We are where we are. But I would suggest that if this natural gas yard was set up in the fifties, I don't think there were a lot of homes around at that time. Let's be clear. We have to think about these things, where we place these facilities. If I were in another State right now—and I am going to do this in California: I am going to look at the eight other facilities in my State. God forbid, if they have a leak, what is going to happen and how can we prevent it? Maybe there is an easy way to maintain these pipes in a way that makes sense. If we can find that out, we can stop this. We can say: This was horrible. We stopped it, and we are going to be able to prevent other explosions like this from happening. And if they do happen, we will know how to deal with it.

We are not going to subject kids to this where they have to go out with signs—and, by the way, masks around their necks—that say ''relocate our school'' and ''sick of being sick at school'' and dislocate these kids, and they have been dislocated. They have been dislocated from their school. You know how it is for a kid. You have your world. Your world is your home. Your world is your school. Your world is your family. That is it. When you disrupt that, it is very difficult on our children.

I hope and pray that we will get this done today and that we will get the Department of Energy ready to go on this. Even if we pass it here and we don't get it quickly to the House and they don't do it quickly, I think we will send a signal to the Department of Energy that they can look at this now and help in a way where they would have the confidence that we would all be behind that here in the Senate.

I am looking forward to a vote on this. I hope we have a voice vote. We don't need a recorded vote on something like this. I am going to continue to work with the Republican leaders on this. I hope we can move forward.

I thank you so much for your patience and your time.

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

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

ENERGY POLICY MODERNIZATION BILL

Mr. THUNE. Madam President, one of the things the Republicans were determined to do when we took the majority in the Senate last January was to get the Senate working again for American families.

Under Democratic control, the Senate had basically ground to a halt. The Democratic leadership spent its time pushing partisan show votes instead of putting in any real work on the challenges that are facing our Nation. Republicans were committed to changing that. Since we took the majority last January, we have worked hard to once again make the Senate a place for serious debate and serious legislation. We have succeeded.

Last year we passed a number of significant bipartisan bills, including a

major reform of No Child Left Behind and a multiyear transportation bill that will strengthen our infrastructure and put Americans to work.

This week we are beginning consideration of a bipartisan energy bill to modernize our Nation's energy policies for the 21st century. This bill is the product of months of work by Republican and Democratic Senators and staffers on the Energy and Natural Resources Committee. Senators held four full committee hearings and spent countless hours hammering out the legislation that is before us today. This bill is a great example of the kind of substantive, bipartisan legislation we can produce when the Senate is working the way it is supposed to work.

Among many other things, this bill will streamline the application process to make it easier for American companies to export liquefied natural gas. The natural gas industry in the United States has grown by leaps and bounds in recent years, and our economy will benefit tremendously when U.S. companies start exporting American liquefied natural gas this year. Liquefied natural gas exports from the United States will also strengthen our allies in Europe by allowing them to rely on the United States for their import needs instead of relying on aggressive nations like Russia.

I have also submitted several amendments to this bill, including an amendment to streamline the permitting process for wind development. American wind developers cite permitting delays as one of the chief obstacles to development of this clean energy source. My amendment will remove this roadblock and allow wind generation and the jobs that it creates to move forward more quickly.

I have also submitted an amendment that would examine whether hydroelectric dams in places like the Missouri River in my home State of South Dakota could be paired with future hydrokinetic generation to better harness the great energy potential of our rivers.

I have submitted an amendment to prevent the Environmental Protection Agency from moving ahead with a lower ground-level ozone standard until 85 percent of the U.S. counties that are not yet able to meet the old smog standard are able to meet the old requirements. We should prioritize the worst cases of smog in America before imposing significant economic burdens or limiting energy generation in other areas.

One thing Republicans always say when we talk about energy is that we need an ''all of the above'' energy policy. What do we mean by that? We mean that we need to focus on developing all of our Nation's energy resources, from renewable fuels, such as wind and solar, to traditional sources of energy, such as oil and natural gas. That is the only way to make sure Americans have access to a stable, reliable energy supply and to keep our energy sector thriving.

The bill we are considering today is an ''all of the above'' energy bill. It invests in a wide range of clean energies, from nuclear, to hydroelectric, to geothermal. It supports traditional sources of energy. It modernizes our Nation's electrical grid. It promotes energy efficiency. It encourages conservation. That is the kind of energy policy we need to take our energy sector into the 21st century.

Unfortunately, the President has repeatedly blocked domestic energy development and the jobs it would create. He rejected the Keystone XL Pipeline—a project that his own State Department found would have virtually no impact on the environment and that would have supported 42,000 jobs during construction. He has blocked attempts to tap our vast domestic oil reserves in Alaska. His EPA has imposed a steady stream of burdensome regulations that are making it more expensive to produce American energy. The President's national energy tax will drive up energy bills for poor and middle-class families and reduce our Nation's energy security, while doing very little to help our environment. Similarly, the President's waters of the United States rule will place heavy regulatory burdens on farmers, ranches, homeowners, and small businesses across the country.

President Obama might like to think that the United States can rely on a few boutique renewable energies, but the truth is that our Nation is simply not there yet. Efforts to impede other, more traditional and reliable types of energy production simply punish American families who then face soaring energy prices and fewer jobs in the energy sector.

Robust domestic energy production coupled with commonsense energy efficiency measures will create jobs, enhance the reliability of our energy supply, spur economic development, and help keep energy costs low. Those are the kinds of energy policies that this bill supports.

Last Friday we learned that the economy grew at a rate of seven-tenths of 1 percent in the fourth quarter of 2015. Needless to say, that is not where we need to be in terms of economic growth. The recession may have technically ended 6½ years ago, but our economy has never fully rebounded. Economic growth has been persistently weak during the Obama recovery, and there are no signs of substantial improvement in the near future. In historical terms, the Obama recovery is the weakest economic recovery since the Eisenhower administration. If you rank the 66 years since 1950 in terms of economic growth, the Obama years rank 45th, 46th, 47th, 48th, 54th, 55th, and 66th. Let me repeat that. If you rank the 66 years since 1950 in terms of economic growth, the Obama years rank 45th, 46th, 47th, 48th, 54th, 55th, and 66th—or dead last. It is no wonder the American people are tired of living in the Obama economy.

Given this weak economic growth, removing impediments to energy development is more important than ever. A thriving energy sector can help us overcome the weakness of the Obama recovery and usher in a new era of stronger economic growth.

According to former CBO Director Douglas Holtz-Eakin, the difference between a 2.5-percent growth rate and a 3.5-percent growth rate would have a major impact on the quality of life for low- and middle-income families. If our economy grew at just 1 percentage point faster per year, we would have 2½ million more jobs and average incomes would be nearly $9,000 higher—$9,000 higher. That is the difference between owning your own home and renting one. It is the difference between being able to send your kids to college and forcing them to go deeply into debt to pay for their education. It is the difference between a secure retirement and being forced to work well into old age. Additionally, an additional percentage point in economic growth will reduce our annual deficits by $300 billion. That in turn would further improve the health of our economy.

The American people have suffered long enough in the Obama economy. They are ready for a new era of strong economic growth; an era built upon free enterprise, not big government programs; an era that focuses on growth, opportunity, and income mobility, not redistribution of shrinking economic resources; an era that rewards innovators and entrepreneurs rather than punishes them.

Over the next year, Americans who are ready for a change from Obama's failed policies will hear from congressional Republicans who are increasingly focused on getting our economy working again. Reforming our Tax Code and reining in regulations, repealing and replacing ObamaCare, strengthening our international security by rebuilding our military, and reforming outdated poverty programs will be the foundation of our agenda for a more prosperous future.

Americans will also continue to hear from a Republican-led Senate that it is focused on moving bipartisan bills to improve economic security for American families. The bill before us today is one of those bills. It will help consumers use less energy and free up energy producers to develop resources and create jobs.

I am glad the Senate is focused on an ''all of the above'' energy approach that supports energy growth and development in this country. I thank Senator MURKOWSKI for her leadership and work on this bill. I look forward to working on more bills here in the Senate that will strengthen economic security for American families. That is what we should be about—better, more robust growth in the American economy that creates better paying jobs for American workers and families.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. MARKEY. Madam President, I ask unanimous consent to speak for up to 10 minutes.

The PRESIDING OFFICER. Is there objection?

Hearing none, it is so ordered.

PRESCRIPTION DRUG ADDICTION

Mr. MARKEY. Madam President, I am here to talk about a public health epidemic that kills more people in the United States every year than gun violence or motor vehicle accidents. Last year, drug overdoses killed nearly 50,000 Americans. Almost 60 percent of those overdoses were caused by prescription opioids or heroin. Drug overdoses are increasing the death rate of young adults in the United States to levels not experienced since the AIDS epidemic, more than 20 years ago. These skyrocketing death rates make them the first generation since the time of the Vietnam war to experience higher death rates in early adulthood than the generation that preceded them.

So we ask ourselves: What specifically is causing this tidal wave of addiction and overdoses? Well, the answer is clear. Over the last 10 years, the Drug Enforcement Agency has increased the amount of oxycodone it has approved for manufacturing by 150 percent.

For 2016, the DEA has told Big Pharma it is OK to make nearly 1.4 million grams of oxy. That is enough for almost 15 billion 10-milligram pills. Let me say that again: That is enough for almost 15 billion 10-milligram pills to be sold in America this year. That is a full bottle of potent painkillers for every man, woman, and child in the United States of America for 2016. This tsunami of opioid addiction is swallowing families as quickly as Big Pharma wants Americans to swallow its pills. Yet, despite this raging epidemic, you would think the Food and Drug Administration, the agency responsible for the safety of all prescription drugs in the United States, would welcome every bit of expert advice it can get from doctors and other public health professionals. In fact, the FDA's own rules call for it to establish an independent advisory committee of experts to assist the agency when it considers a question that is controversial or of great public interest, such as whether to allow a new addictive prescription painkiller to be marketed in the United States. Instead, the FDA has put up a sign in its window: ''No Help Wanted.'' The FDA began turning its back on advisory committees in 2013 when an expert panel established to review the powerful new opioid painkiller Zohydro voted 11 to 2 against recommending its approval, but the FDA approved the drug anyway, overruling the concerns voiced by experienced physicians on the panel. Those experts criticized the agency for ignoring this incredible growing epidemic. The advisory panel warned that this Oxycontin epidemic—this heavily abused prescription painkiller that the FDA first approved back in 1995—needed a new test for safety. They warned about the growing dangers of addiction, abuse, and dependence associated with the entire class of opioid painkillers. Justifiably, the FDA was lambasted for its decision to approve Zohydro by public health experts, doctors, Governors, and Members of Congress. But despite the warning of real-world dangers of abuse and dependence on these new supercharged opioid painkillers, the FDA willfully blinded itself to warning signs.

In 2014, in the wake of the Zohydro decision, the FDA twice skipped the advisory committee process altogether when it approved the new prescription opioids Targiniq and Hysingla. Then, in August 2015, the FDA did it again. This time it bypassed an advisory committee on the question of a new use for Oxycontin for children aged 11 to 16. This time the FDA even ignored its own rules that specifically called for an advisory committee when a question of pediatric dosing is involved. In other words, there is a special category when children are involved that calls for advisory committees, and the FDA ignored that.

At this point it became clear that the FDA was intentionally choosing to forgo an advisory committee in order to avoid another overwhelming vote recommending against approval of a prescription opioid. Why? Because the FDA would then have had to ignore yet another group of experts in order to continue its relentless march to put more drugs into the marketplace.

With the Oxycontin-for-kids decision, the FDA's reckless attitude toward expert advice on drug safety went too far. Children whose brains are not yet fully developed are especially vulnerable to drug dependency and abuse. Yet the agency focused its so-called safety analysis only on concerns about proper dosing, saying that it needed only to tell doctors the proper doses for children who needed the drug.

Well, that is just plain wrong. We use experts to determine if child car seats are safe, if toothpaste is safe, and if vaccines are safe. We should use experts to determine if the opioid painkillers are safe for our families. We need to immediately reform the Food and Drug Administration opioid approval process if we want to stop this epidemic of prescription drug and heroin addiction.

Last week I placed a hold on the nomination of Dr. Robert Califf to head the FDA. Before I can support this nomination, the FDA must make three needed changes to its opioid approval process. First, the FDA needs to make sure that every opioid approval question is reviewed by an external panel of experts. Second, the FDA needs to consider addiction, abuse, and dependence as part of its determination of whether an opioid is safe. The FDA cannot continue to operate as if safety just means dosage, when it should include all of the dangers, as well, of these painkillers. And third, the FDA should rescind its decision on Oxycontin for kids and then convene an advisory panel, as it should have done in the first place. Then the FDA can consider the Oxycontin-for-kids decision with the benefit of that panel's independent advice and with the proper meaning of safety in mind.

The FDA must commit to shift the way it approaches and evaluates addiction before I can consider supporting Dr. Califf's nomination.

The prescription drug and heroin epidemic knows no geographic boundaries, and our response should know no political boundary. That is why Majority Leader MITCH MCCONNELL and I worked together to identify solutions to this crisis. Last spring, Senator MCCONNELL and I joined together in calling for a Surgeon General's report on the opioid crisis.

Last fall, Surgeon General Vivek Murthy announced that he will be issuing a new report on the substance abuse crisis this year. Fifty years ago, there was a historic report on smoking that changed the way our country viewed that. This is the same kind of report that we need from our Surgeon General for our country to see, but that is just the first step in a larger comprehensive national strategy that I am fighting for this year.

We need to stop the overprescription of pain medication that is leading to heroin addiction and fueling this crisis. That starts with the prescribers. We need to ensure that all prescribers of opioid painkillers are educated about the dangers of addiction and appropriate and responsible prescribing practices.

I have a bill that requires every prescriber of opioid pain medication in this country, as a condition of receiving their DEA prescribing license, to be trained in the best practices of using pain medications and methods to identify and manage an opioid-use disorder. Stopping overprescription also includes narrowing the pipeline at the front end.

The PRESIDING OFFICER (Mr. ROUNDS). The Senator's time has expired.

Mr. MARKEY. Mr. President, I ask unanimous consent to continue for 2 additional minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MARKEY. Mr. President, this means that the DEA needs to reduce the quotas of oxycodone and hydrocodone that it approves for manufacture each year. The DEA is allowing Big Pharma to manufacture too many of these pain pills. Although the United States is less than 5 percent of the world's population, Americans consume 80 percent of the global supply of opioid painkillers and 99 percent of the world's supply of hydrocodone, the active ingredient in Vicodin. Tragically,

we have become the ''United States of oxy.''

With the opioid epidemic reaching epic proportions, our Federal budget should reflect the magnitude and importance of investing in treatment and recovery services.

In Massachusetts, approximately 65,000 people are currently dependent on opioids. Some 50,000 need treatment but are not receiving it. Treatment for prescription drug and heroin addiction is absolutely at the top of the list of the things this Congress should deal with, and that is why we need to work together. We need to make sure that the treatment is there for each of these patients, and that includes ensuring that patients receive from a physician the help they may need from Suboxone. Right now, that is denied to many different patients.

I have been in Congress for 39 years. I have never actually seen an issue like this that has grown so quickly and affects so many families in our country. Not a day goes by in the State of Massachusetts where someone doesn't come up to me and talk to me about a family member who has been affected by this epidemic. It is time for us to join together in a bipartisan fashion to produce the kind of legislation to give hope to families and let them know that relief is on the way, and that prevention and treatment will be there to help their families deal with this crisis.

I hope we can accomplish that goal this year, and I believe we can do it on a bipartisan basis.

I yield back the remainder of my time with thanks to the Senator from Alaska for her indulgence.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

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 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. The Senator from Alaska.

DRUG ADDICTION

Ms. MURKOWSKI. Mr. President, before I begin my remarks this morning about the Energy Policy Modernization Act, I wish to acknowledge my colleague from Massachusetts. I come from a very large, remote State. About 80 percent of the communities in Alaska are not connected by a road, so one would think that our isolation would insulate us from some of the scourges that we see when it comes to drugs and drug addiction. Unfortunately, that is not the case. In my State we are seeing the same level of addiction. While the numbers might not be as eye-popping as Massachusetts or New Hampshire and other parts of the country, that is because we have fewer people. But on a per capita basis, the numbers are staggering and very worrying.

As my colleague from Massachusetts notes, this is not something that should be a Republican or a Democratic problem or have a Republican or Democratic solution. This should have all of us working together because what is happening and what we are seeing is simply unacceptable. It is destroying families and communities, and we must work together. I appreciate his comments here before the body this morning.

Mr. President, I hope the Senate is prepared for another good, busy day of debate on our broad bipartisan energy bill.

Late yesterday, while we were not taking votes, we were in session for a few hours—but what we were able to do during that time period was approve eight more amendments by voice vote. We are now up to 19 amendments accepted so far. The latest batch from yesterday featured a proposal from Senators GARDNER, COONS, PORTMAN, and SHAHEEN to boost energy savings projects that will limit the cost of government and save taxpayer dollars.

We also approved an amendment from Senators FLAKE, MCCASKILL, and BOOKER to evaluate the number of duplicative green buildings programs within the Federal Government. I think we all appreciate the need to be more efficient, but do we need to have dozens and dozens of duplicative programs to build this out? That is what that amendment addressed.

We also approved an amendment from Senators INHOFE, MARKEY, and BOOKER to renew a brownfields restoration program run by the EPA.

So we did OK yesterday, approving eight amendments by voice votes, which is not bad for a Monday around here when we were not scheduled to have votes, but I think we can do better than that. I think we can pick up the pace, and we are ready to do that.

We will have two rollcall votes that are scheduled for 2:30 this afternoon. The first one is an amendment by the Senator from Utah, Mr. LEE, amendment No. 3023, and it would limit Presidential authority to permanently withdraw Federal lands as national monuments. This is an issue that I have joined the Senator from Utah on, as well as many Senators from around the West, who have concerns that we would see vast areas of our particular States permanently withdrawn—something that again resonates very strongly in my State, where 61 percent of our State is held in Federal land. I am pleased that my colleague from Utah has offered this amendment, and I am hopeful the Senate will adopt it.

The second amendment we will have this afternoon is the Franken amendment No. 3115. This would impose a nationwide efficiency mandate. This is a matter that we had before the energy committee when we were in markup in July, and many Members are already familiar with it.

I am aware that some Members are still filing amendments, but I think my advice to them is to know they are chasing the train down the tracks at this point in time. We had a total of 230 amendments filed as of this morning, so we have a lot to sort through as we are trying to deal with the debate and just kind of keep things moving.

A number of Members are also hoping to secure a vote on their priorities, so we have a line now. Those who are just thinking about filing should know where you are in this process. Senator CANTWELL and I intend to continue to process amendments as quickly as we can and we ask for the cooperation of Members to help that effort move along.

I do want to thank the ranking member on the energy committee. Senator CANTWELL and her staff have been working very hard and very well with me and my staff as we are working to process this bill. The level of back-and-forth has been very constructive, very helpful, and I appreciate it, and I want to give special recognition to the yeoman's work that the staff are doing right now.

We will be setting up additional rollcall votes today. We will hopefully be able to reach agreement on amendments that we can clear on both sides as well.

As we have moved through the debate process on this important Energy bill, we have seen some good, strong amendments. I mentioned some already. We have had amendments from both parties. We have had them offered by Members from all areas of the country. We have seen some particularly good ones that focus on hydropower. I wish to take a few moments this morning to speak about hydropower and the amazing supply source that hydropower provides for our Nation.

Hydropower harnesses the forces of flowing water to generate electricity, and it has many virtues as an energy resource. It is not only emissions free and renewable, it is also capable of producing stable, reliable, and affordable base power. How about that: stable, affordable, and reliable base power. It is emissions free. It is renewable. It is not defined yet as renewable, and we address that in this bill. Right now, hydropower produces about 6 percent of our Nation's electricity and nearly half of our renewable energy. That is more

than wind and solar combined and enough electricity to power some 30 million American homes.

Up in Alaska, hydropower provides—the number is right about 24 percent of our electricity. It provides energy for communities throughout the State, most notably in the southeastern part of the State where I was born and raised. It is very significant there. It is also in what we call the railbelt area. It is an amazing contributor to our State's energy base. We continue, though, to have vast potential with hundreds of sites in Alaska alone just waiting to be developed. We are a leader on hydropower, but we are hardly alone in having untapped potential.

According to an official from the Department of Energy who testified before the energy committee back in 2011, our country could realize ''an additional 300 gigawatts of hydropower through efficiency and capacity upgrades at existing facilities, powering nonpowered dams, new small hydro development, and pump storage hydropower.''

So let me repeat what that really means: An additional 300 gigawatts of hydropower, not through some big megadam but through efficiency, through capacity upgrades at existing facilities, powering up our nonpowered dams, new small hydro development—we see a lot of that in Alaska—and pump storage hydropower. With that, 300 gigawatts of additional power.

Putting it into context, 1 gigawatt can power hundreds of thousands of homes. We have an estimated 300 gigawatts of potential hydropower—a huge benefit to our country in terms of what we could get from our hydro resources, and it will not take much to start taking advantage of it. That is the beauty of it.

It may surprise some to know that right now only 3 percent of our Nation's existing 80,000 dams around the country currently produce electricity. Just 3 percent of 80,000 dams that are already out there are producing electricity. Think about what we could do if we electrify just the top 100—just the top 100 out of 80,000. We could generate enough electricity for nearly 3 million more homes and create thousands of jobs. Meanwhile, simply upgrading the turbines at existing hydropower dams could yield a similar amount of additional electric generating capacity.

We talk a lot about efficiency around here. Well, let us apply the efficiency with what we have with our existing facilities. What most of us agree on is that hydropower is a great American resource. It is renewable, it is affordable, it is always on, and nearly every State has potential in some way. Yet, despite all of this—despite the tremendous benefits that it provides and despite our tremendous untapped potential—America's hydropower development has stalled. Why? It has stalled, quite honestly, because of redtape and environmental opposition.

This was the subject of a recent op-ed piece that I cowrote with Jay Faison, who is the founder of the ClearPath Foundation. It is called ''Stop Wasting America's Hydropower Potential.'' It ran in the New York Times last month, and we have gotten some pretty good, positive comments. I ask unanimous consent that this op-ed be printed in the RECORD.

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

[From the New York Times, Jan. 14, 2016]

STOP WASTING AMERICA'S HYDROPOWER POTENTIAL

(By Lisa Murkowski and Jay Faison)

President Obama has described climate change as one of the biggest challenges facing our country and has said he is open to new ideas to address it. He can start by supporting legislation to increase the nation's hydropower capacity, one of our vital renewable energy resources.

Hydropower harnesses the force of flowing water to generate electricity. It already produces about 6 percent of the nation's electricity and nearly half of its renewable energy, more than wind and solar combined. This is enough electricity to power 30 million homes and, according to the Department of Energy, avoids some 200 million metric tons of carbon dioxide emissions each year. That amounts to taking about 40 million cars off the road for one year.

But we could be doing much more to harness the huge potential of hydropower, even without building new dams.

For instance, only 3 percent of the nation's 80,000 dams now produce electricity. Electrifying just the 100 top impoundments—primarily locks and dams on the Ohio, Mississippi, Alabama and Arkansas Rivers that are operated by the Army Corps of Engineers—would generate enough electricity for nearly three million more homes and create thousands of jobs.

And upgrading and modernizing the turbines at existing hydropower dams could yield a similar amount of additional electricity-generating capacity.

Despite the benefits of this technology, American hydropower development has stalled because of government red tape and environmental opposition. Less capacity has been added each decade since the 1970s, even as our infrastructure ages. Half of our plants use turbines or other major equipment designed and installed more than 50 years ago.

At the heart of the problem is a broken federal permitting process that has created an unnavigable gantlet for hydropower projects. While mandatory environmental reviews must be stringent to protect waterways and wildlife, federal bureaucrats insist on duplicative, sequential processes that exacerbate regulatory uncertainty, delay approvals and drive up consumer costs.

Compounding the roadblocks are environmental groups that claim to adhere to sound science but hold remarkably outdated views of hydropower and its benefits. Rather than acknowledge technological advances and the environmental safeguards in our laws, these groups have filed lawsuits to dismantle dams or stop their construction.

Add it all up, and it can now take well over a decade to relicense an existing hydropower dam. For the California customers of Pacific Gas and Electric, relicensing costs have run as high as $50 million a dam—all for the privilege of continuing to operate an existing renewable energy project.

One-third of the nation's hydropower dams will require license renewals by 2030. We need to make this process more efficient by reducing bureaucratic and administrative delays that end up increasing electricity rates and slowing hydropower's expansion.

Fortunately, Congress has stepped in to get hydropower development back on track. Legislation in both chambers, including a measure in the Senate that was approved by a bipartisan vote in committee, would direct agencies to expedite the permitting of new projects and the relicensing of existing ones, and would advance the use of hydropower nationwide.

But while Congress has chosen to lead on this important issue, President Obama has threatened to veto the House bill, claiming it would undermine environmental safeguards. The challenge is finding a way to bring state and federal agencies to the table with the applicants at the beginning of the process so they can identify potential problems and coordinate environmental reviews. The legislation would not change the authority of federal agencies to impose environmental conditions.

There is much more that we can do. Upgrading existing dams is just one of the approaches that holds big promise. Coordinating hydropower projects on a regionwide basis might allow for permitting on a more timely basis and provide better opportunities for environmental mitigation. There is also tremendous potential for electricity generation using new marine hydrokinetic technologies that convert the energy of waves, tides and river and ocean currents into electricity. And it is important to recognize the huge, untapped potential for hydropower in Alaska.

With hydropower, Congress has given the president an opportunity to address climate change and ''bridge the divide'' between parties. If he is serious about expanding the use of clean, renewable energy, he should at last give hydropower the attention it deserves in his final year.

[From the Register-Guard, Jan. 20, 2016]

PRESERVE HYDRO ASSETS

On Sept. 29, 1963, a crowd of 1,800 people gathered near the headwaters of the McKenzie River for the dedication of the Eugene Water & Electric Board's Carmen Smith project. A band played, box lunches were served, Gov. Mark Hatfield spoke and power flowed from a hydroelectric complex for which Eugene voters had approved a $23.5 million bond issue three years earlier.

Carmen Smith has been generating electricity ever since, and now its license to operate on a public waterway needs to be renewed. EWEB submitted its relicensing application to the Federal Energy Regulatory Commission 10 years ago. The relicensing process—along with improvements to the project, most of them related to fish passage—will cost an estimated $226 million.

It is costing 10 times as much and taking more than three times as long to relicense the project as it did to build it in the first place.

To be sure, a million dollars isn't worth what it used to be, more is known about the environmental effects of hydroelectric projects than was the case half a century ago, and appreciation of the importance of the McKenzie River's fish habitat has grown. Still, the high cost of relicensing has tipped the value of the Carmen Smith project into negative territory. Low power prices are to blame—but another factor is a relicensing process that is predicated on the notion that hydroelectric projects are valuable enough to carry a heavy load of added costs.

The $226 million price tag for relicensing stems in part from an agreement that EWEB negotiated in 2008 with government agencies, environmental groups and Native American tribes. The other parties to the agreement

pledged to support a new license of Carmen Smith, and EWEB agreed to retrofit its components to improve fish passage and make other improvements. With electricity selling at $100 per megawatt hour or more, power generated by the Carmen Smith complex would easily cover the costs.

In today's markets, however, electricity is selling for one-third that amount on a good day—and sometimes, buyers can't be found at any price. Without a reduction in relicensing costs, Carmen Smith will become a money loser. Parties to the 2008 agreement are close to accepting a revision that would lower the costs by $55 million to $60 million. EWEB would close a relatively small generating turbine at the complex's Trail Bridge Dam, eliminating the need for a costly fish screen. Even with that change, prospects of a positive cash flow from Carmen Smith are dicey.

EWEB is not the only utility whose hydroelectric plants are being weighed down by relicensing costs. One-third of the nation's dams will need new licenses by 2030. These are mostly dams whose construction bonds have long been paid off, an advantage that until recently allowed the relicensing process to become a vehicle for the addition of environmental, recreational and other improvements. In some cases, such improvements are no longer affordable. In other cases, the costs of licensing acts as a barrier to the electrification of dams or other impoundments, blocking the development of a reliable, carbon-free power source.

Many hydro projects need environmental upgrades, and should not be relicensed without them. But the process should not drag on for a decade, and it ought to recognize the environmental benefits of hydropower—benefits in danger of being buried under a mountain of relicensing costs.

Ms. MURKOWSKI. At the heart of the problem is a broken Federal permitting process that has created an unnavigable gauntlet for our hydropower projects. It can now take well over a decade to relicense an existing dam. I will say it again. We are not talking about licensing a new dam; we are talking about relicensing an existing dam—a process that can take over a decade. For the California consumers of Pacific Gas and Electric, relicensing costs have run as high as $50 million per dam simply to continue an existing project. We are not building anything new. We want to relicense it. It is costing $50 million and taking over 10 years.

There was a recent editorial in a Eugene, OR, newspaper, the Register-Guard, which called for the preservation of hydropower assets, and it noted that the existing Carmon Smith project has been mired in the relicensing process for over 10 years, with a pricetag estimated at $226 million. It amounts to 10 times as much and 3 times as long as it took to build the project when it was constructed in 1963. What is wrong with this picture? Taking 10 times as much—requiring 10 times as much money—$226 million—and taking 3 times as long to build as when they built that project back in 1963. We are going in the wrong direction. This is not progress. We are headed exactly in the wrong direction.

We can change that. Let us put it in the context of what we have existing in this country right now. I said that right now hydro is providing about 6 percent of our energy and about half of our renewables. One-third of our Nation's existing hydropower projects will require license renewals by 2030. One-third of the existing facilities are going to have to go through this decade-long relicensing process, which will cost millions of dollars. What we need to do is make the relicensing process more efficient by reducing bureaucratic and administrative delays that end up increasing electricity rates, slowing hydropower's expansion, and actually delaying the adoption of environmental mitigation measures. If you are concerned about the environment, you ought to be interested in making sure we have a better process because if we fail to improve the relicensing process, we are going to start losing hydropower projects, and we will backslide as other forms of generation replace them, just as we are seeing with nuclear power in some parts of our country. We are going to go backward.

Whether your issue is climate change or whether it is electric reliability or just good, affordable energy, we should be able to agree that this is a situation we want to avoid. We do not want to be going backward on this.

Coming from Washington State, Senator CANTWELL understands and clearly appreciates the value of our hydropower resources. I have been very pleased to be able to work with her on many of these initiatives, as well as with many other members of our committee, on some of the bipartisan reforms we have contained within the Energy Policy Modernization Act. What we realize is that our current policies are holding this resource back and that we need to update, we need to modernize them, if we ever want to harness the amazing potential of domestic hydropower. Our joint hydropower language attempts to bring State and Federal agencies to the table with the applicants at the beginning of the process so they can identify where the potential problems may be and coordinate environmental reviews.

Because hydropower licenses are issued by the FERC, our bill authorizes the Federal Energy Regulatory Commission to be the lead agency so they set a schedule and they coordinate all the needed Federal authorizations. The schedule is to be established on a case-by-case basis, in consultation with other agencies, and if a resource agency then cannot meet a deadline, the White House Council on Environmental Quality is then tasked with resolving these interagency disputes.

In terms of a step that is long overdue, we formally designate hydropower as a renewable resource for the purpose of all Federal programs.

When I first came to the Senate some years ago and focused on energy issues, I just really had a hard time with the fact that hydropower was not considered a renewable resource.

I was born in Ketchikan, AK. It is in the middle of a rainforest. I was raised in southeastern Alaska, where the annual precipitation is something that would take most people's breath away. If I were to tell the people of Juneau or Wrangell or Ketchikan that what is coming out of the sky today is not a renewable resource, I would be laughed out of the room. Hopefully we take care of this and formally designate hydropower as a renewable resource for the purposes of all Federal programs.

We have very good, commonsense ideas carefully crafted within our bill. Our language does not alter the authority of Federal agencies to impose mandatory environmental conditions or weaken the stringent environmental review process. For those who are afraid that somehow or another we are going to run roughshod over the environmental regulators, that is not the case. What we are doing is, through efficiency, streamlining, and some coordination, we are going to be able to make a difference in our Nation's ability to develop hydropower, and that is why the members of the Energy and Natural Resources Committee overwhelmingly supported the hydropower provisions in the bill we have before us today.

There is always more good news we can add. We have looked at the amendments other Members have offered. We have already accepted an amendment from Senator DAINES to extend the deadline for the relicensing of a hydropower project in Montana. We also have a number of other amendments from other Members from both sides of the aisle, and I am hoping we will be able to add them to the bill. For example, Senator GILLIBRAND has filed an amendment to extend the deadline for a hydroproject in her home State of New York. Senator BURR has filed an amendment to extend the deadline of a hydroproject in his home State of North Carolina. Senator KAINE has filed an amendment to extend the deadline for hydroprojects in his State of Virginia. All of these projects would add power to nonpowered dams. These projects already have licenses, but what they need is more time to deal with the technical and regulatory issues that often arise before construction can begin.

We have a fair number of our western Members who are understandably prioritizing hydropower. Senator BARRASSO is filing an amendment to authorize the use of active capacity of the Fontenelle Reservoir in southwest Wyoming. Senators FLAKE and FEINSTEIN have come together with a pretty good amendment to improve the way the Army Corps of Engineers operates dams to increase their efficiency. Is this not just good common sense?

It probably comes as no surprise that I have a couple of amendments that will benefit Alaska, including one that will expand the existing project at Terror Lake and allow the local community there—Kodiak—to remain powered almost entirely by renewable energy. Right now they are 99.7 percent powered by renewable energy between wind

and their hydrocapacity. We want them to get to that full 100 percent.

Finally, I want to recognize the Senator from Massachusetts, Mr. MARKEY, who has a proposal to encourage the development of pumped storage hydropower assets—one of the best ways to store baseload power and a technology that could help to smooth out the intermittency of other renewable resources. We are working on that one—checking it out—but it looks good.

These are good proposals. As we continue our voting and clearing process here today, I am confident we will be able to accept many more of them.

Again, I want to acknowledge the work and partnership I have with Senator CANTWELL on many of these hydro issues. Her State certainly enjoys the benefit of lower cost energy because of the investments made in hydro.

We have more work ahead of us. I know Members are anxious to talk on their amendments that they may have an interest in moving toward this afternoon, but this Senator is glad to be back on the bill, and hopefully we will have an exciting and energetic day.

With that, I yield the floor to my ranking member.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I want to thank my colleague from Alaska for her focus on the hydropower bills we may be considering here, and I am thankful for the focus from all my colleagues on hydropower and ways we can continue to improve the efficiency of our resources and make sure we are continuing to diversify.

I think we have outlined a good plan for today. Obviously we need the cooperation of our colleagues to keep moving forward on this legislation. We are going to have a couple of votes.

I am so pleased my colleague from Minnesota is here to talk about one of our first votes, a federal energy efficiency resource standard. He has been a leader on this issue.

Yesterday I outlined some of the great States in this Nation that have already adopted what are called energy efficiency resource standards, which have shown great success in helping to save energy and driving down demand, thereby saving money for both businesses and homeowners. I think it is something that will also receive a lot of enthusiasm as we move forward.

I know that we have many ideas; that is what I like about this Energy bill—it was bipartisan coming out of the committee, and so far it has been bipartisan on the Senate floor in working out these issues. I hope my colleagues will understand that there will be a point where we do have to move off of this bill. Hopefully, with the cooperation of Members, we can make a great deal of progress today on additional votes besides the two that are pending, set more votes for later this evening, and also continue the process of getting some of these other issues resolved in the meantime.

Again, I thank our colleagues for turning their focus to this. I thank my colleague for outlining where we have already been on the bill as it relates to the amendments we adopted last night and the continued progress. I think it comes down to the fact that as our economy changes, energy production needs to have the attention of our committee. We need to continue to be able to help empower this transformation that our economy is seeing on energy, and working together in a bipartisan fashion helps us to get there. It is good for our homeowners, it is good for businesses, and it is good for our economy.

With that, I yield the floor and encourage our colleagues to support my colleague Senator FRANKEN on his EERS amendment we will be voting on shortly.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. Mr. President, I ask unanimous consent to speak for up to 15 minutes.

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

Mr. FRANKEN. Thank you, Mr. President.

I rise today to talk about the importance of updating our Nation's energy policy. I thank Chairwoman MURKOWSKI, Ranking Member CANTWELL, and their staffs for their hard work in crafting a bipartisan energy bill.

Congress hasn't passed a comprehensive energy bill since 2007, and a lot has changed in the energy sector since then. We have seen a transformation in renewable energy. Electricity generation from wind power has grown by more than 400 percent. Wind energy now supplies electricity for 20 million Americans. The growth of solar energy is equally impressive. In its early days, solar power was known for powering satellites and space stations. Now we are seeing residential and utility-scale solar power becoming important components of the grid. Since the passage of the last Energy bill in 2007, our solar generation capacity has increased more than 2,000 percent. During that time, the cost of solar energy has dropped more than 60 percent. We have to build on these trends and reorient our energy sector toward a clean energy future. Comprehensive energy legislation needs to promote innovation, deploy clean energy technology, and create good-paying jobs.

The bipartisan Energy bill we are currently debating is an important step forward. It improves our Nation's energy efficiency through commonsense measures, such as updating building codes. It invests in energy storage, which will turn intermittent renewable energy into baseload power. It also helps States and tribes to access funds to deploy more clean energy technologies. These are good measures, and that is why I voted to support this bill out of the energy committee.

However, the current bill does not go far enough to fight the challenge of climate change. Climate change presents a Sputnik moment—an opportunity to rise to the challenge and defeat the threat of climate change. In response to Sputnik, we mobilized American ingenuity and innovation. We ended up not just winning the space race and sending a man to the Moon, we did all sorts of great things for the American economy and for our society.

By rising to the challenge of climate change, we can bet again on American ingenuity. We have the opportunity not just to clean up our air but also to drive innovation and create jobs. That is why I am offering my American Energy Efficiency Act as an amendment to this bill. This amendment, which is cosponsored by Senators HEINRICH, WARREN, and SANDERS, establishes a national energy efficiency standard that requires electric and natural gas utilities to help their customers use their electricity more efficiently. This is something that 25 States are already doing, and what those programs have shown us is that energy efficiency standards work.

Our amendment will send market signals that we are serious about energy efficiency. It will unleash the manufacturing and deployment of all kinds of energy-efficient products throughout our economy. It will help households and businesses save money on their electricity bills. According to the American Council for an Energy-Efficient Economy—the experts in energy efficiency who rated the energy savings in the Portman-Shaheen bill—our amendment will generate more than three times the energy savings of the entire Portman-Shaheen energy efficiency title in the base bill. By the year 2030, our amendment will generate 20 percent energy savings across the country and result in about $145 billion in net savings to consumers.

Our amendment is modeled on the experience of States that have adopted energy efficiency standards. In fact, the first State to adopt efficiency standards was Texas. Similar programs have been adopted by both red and blue States. What we have seen with these programs is that they work. They are saving energy, and they are saving consumers money, both in businesses and homes.

My State of Minnesota passed its energy efficiency standards under a Republican Governor—Governor Tim Pawlenty—in 2007. We have a goal of 1.5 percent annual energy savings, and we don't just meet that goal, we exceed it. These energy efficiency standards also send a market signal to companies to innovate and deploy energy savings technologies.

The State of Arkansas set its energy savings targets in 2011, and according to the Arkansas Advanced Energy Foundation, the program has generated $1 billion in sales by energy efficiency companies. The standard has also helped create 9,000 well-paying jobs in the State. The program has been so successful that the State public service commission recently extended the energy efficiency goals through 2019.

Arizona implemented its energy efficiency savings targets in 2011. Just 3 years after its implementation, Arizona went from being 29th to the 15th most energy-efficient State in the country. Through the program, utilities have saved electricity equivalent to powering 133,000 homes for 1 year. Businesses and residents have already saved $540 million from reduced energy and water usage. These savings put more in people's pockets. That means more money to buy groceries, a new car, or to pay for college.

The States have shown that energy efficiency standards work. We should learn from Pennsylvania, Illinois, Colorado, and 22 other States and bring this successful experiment to the whole country.

I again applaud the efforts of Senator MURKOWSKI and Senator CANTWELL in bringing this bipartisan Energy bill to the floor.

I urge my colleagues to support my amendment when it comes to a vote this afternoon. My amendment will make this good piece of legislation stronger. It will reduce emissions. It will save Americans money. It will unleash clean energy innovation and jobs throughout the Nation. I urge all of my colleagues to vote yes on this amendment and to bet on our future.

This is a Sputnik moment. When we responded to Sputnik, we did amazing things. This is a piece of it. I urge my colleagues to support my amendment.

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. CASSIDY. 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. CASSIDY. Mr. President, I speak on amendment No. 3192, which is revolutionary. At some point I will yield to my colleague the Senator from Louisiana to further discuss this amendment.

Mr. President, the amendment I filed today is a byproduct of the work and bipartisan agreement of members representing the gulf, the Atlantic, and the Arctic regions of our country. I specifically thank Senators MURKOWSKI, WARNER, SCOTT, VITTER, KAINE, and TILLIS for their contributions in our efforts to bring greater equity revenue sharing from funds derived from offshore energy production.

For years, energy activities in coastal gulf States and adjacent offshore waters have produced billions of barrels of oil and trillions of cubic feet of natural gas for American energy consumers. The States along the gulf coast and the Arctic, et cetera, have supported offshore energy development for the rest of the country, providing the support for and paying for the infrastructure needed to bring this energy to market. With all of this development, as you might guess, there have been increased costs associated with supporting this increased traffic, additional use of local and State resources, as well as transportation corridors—such as pipelines, vessels, and trucks—to get this energy delivered to those consumers driving vehicles all across the United States.

Maybe most importantly, in addition to the critical areas that support this energy supply, in my State in particular we are experiencing unparalleled land loss due to Federal decisions as to how the lower Mississippi River will be channeled for the benefit of the inland country as well as those efforts associated with this oil and gas development. We can see the effects of this unparalleled land loss. When Hurricanes Katrina and Rita hit our coast, there was no longer the wetlands that buffered the impact of tidal action. Those wetlands eroded, so those hurricanes hit with greater force, causing greater damage to our State. After Hurricane Katrina, you only have to remember those news reports from New Orleans to understand how devastating that could be—all related to decisions made by the Federal Government.

Addressing these historic costs of hosting a capital-intensive industry, while ensuring resilient domestic energy supply, can be obtained only through equitable revenue sharing. What Louisiana does under our State constitution with any revenue that is shared from the Federal Government related to drilling off the coast of the Gulf of Mexico—100 percent is dedicated to coastal restoration; 100 percent is dedicated to restoring the wetlands that would prevent another Hurricane Katrina from devastating New Orleans or any other coastal community in our State.

There are other benefits for the rest of the country. This amendment that we have filed would increase funding for the Land and Water Conservation Fund by over $600 million, so the rest of the country benefits as well.

This amendment brings greater equity in revenue sharing with the gulf States by lifting the Gulf of Mexico Energy Security Act, or the GOMESA revenue sharing cap, while allowing mid-Atlantic States and Alaska to share in future revenue from offshore energy production. All energy-producing States deserve to share the revenue derived from energy developed both onshore and offshore. Responsible revenue sharing allows States hosting energy production to mitigate for the historic and prospective infrastructure demands of energy production and allows States to make strategic investments ensuring future generations of resiliency for this vital infrastructure and natural resources.

Mr. President, I yield to my colleague from Louisiana, Senator VITTER, for his thoughts on this issue.

Mr. VITTER. Mr. President, I thank Senator CASSIDY.

Mr. President, I also rise in strong support of this amendment, the Cassidy amendment, which would increase revenue sharing for States for offshore and oil and gas development.

Revenue sharing is a critical issue that I have advocated with others for many years, certainly including Senator CASSIDY, his predecessor, and Committee Chair MURKOWSKI. I am pleased that our coalition in support of this strong, positive concept has grown in recent years and it now includes colleagues from the mid-Atlantic States. I am particularly pleased that that is evidenced by this amendment being supported and coauthored by the two Senators from Virginia and Senator SCOTT.

Revenue sharing with oil and gas producing States is, No. 1, fair to those States that incur real environmental and other costs due to production activity that benefits the Nation; and, No. 2, it is good, positive pro-American energy policy.

It is fair because, again, energy-producing States incur costs and impacts from that production, including environmental costs. Those States need to be properly compensated to deal with those real costs and impacts.

Secondly, and just as importantly, this is positive, productive policy that furthers pro-American energy agenda. It encourages the production of American energy. It incents domestic drilling and activity and domestic energy production over the long term. That energy production is essential to job creation and an overall healthy economy. If it weren't for the oil and gas jobs that accompanied the energy sector boom earlier this decade, we would still be in a technical recession.

One point I wish to emphasize is that many of those jobs have been created by small firms in the oil and gas services industry and support sectors. These small business jobs are something I have highlighted in my role as chair of the Committee on Small Business and Entrepreneurship.

This amendment before the Senate, the Cassidy amendment, would increase revenue sharing for gulf States, and it would establish revenue sharing for new production from Alaska, Virginia, North Carolina, South Carolina, and Georgia. This is a clear gain for those States and those regions. But, more importantly, it is a clear gain for the country because in the medium and long term, we will get more American energy production and be more self-sufficient.

Let me be clear what revenue sharing means for States such as my home of Louisiana. In Louisiana we spend 100 percent of those revenues on valid environmental works, specifically coastal restoration.

We lose a football field of land in Louisiana's coastal area—just in coastal Louisiana—every 38 minutes. Think about that. Close your eyes, and picture a football field losing that amount of Louisiana coastal land every 38 minutes, 24 hours a day, 7 days a week, 52

weeks a year, with no time off for holidays or weekends. This is our most significant environmental issue by far in Louisiana, so our State has committed itself to spending all of the money we receive from revenue sharing to restoring, rebuilding, and stabilizing our coast.

This is vitally important for us. It is also vitally important for the rest of the country because Louisiana supplies so much energy to the rest of the country—so many fisheries, fish, and seafood to the rest of the country. Our ports in the midst of that coastal area are vital to trade and commerce for the rest of the country.

What this amendment does is expand revenue sharing to Alaska and the mid-Atlantic States. Between 2027 and 2031, those States would receive 37.5 percent of revenue sharing from oil and gas production off of their coasts, which is what Louisiana and the Gulf States receive now.

The amendment would also lift the cap on revenue sharing that the gulf States are burdened with under the GOMESA act of 2006. Under that law, revenue sharing with gulf States is capped arbitrarily at $500 million a year, but in those operative years of this amendment, that would be increased to $1 billion a year.

Revenue sharing is vital when it comes to adequately compensating the States that incur costs and impacts, so it is vital for fairness. But, again, it is vital to encourage more American energy production and more self-sufficiency. For our Nation—not just the States impacted—that means growth, and that means energy independence. That is a win, in fact, for our foreign policy—less dependence on unstable and sometimes very unfriendly nations in the Middle East.

We want to continue to play a critical role in meeting America's energy needs. We want to do that in Louisiana; other States want to do that. This amendment and this concept will very much encourage us to do that and continue to forge a path of American energy independence, which is great for economic growth.

I wish to briefly take a moment to compliment my colleague from Louisiana, Senator CASSIDY. He has worked very hard on this issue, this amendment, and other critical energy issues as a member of the energy committee and also before that as a Member of the House of Representatives. I am very grateful for this opportunity to work with him on this amendment and this concept that we have been working on and furthering for some time.

I urge all of my colleagues to support this commonsense, pro-American energy, pro-American jobs amendment. This will move us in the right direction for energy independence, for economic growth, and for a sound foreign policy that decreases our reliance and dependence of any sort on nations in the Middle East.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. FISCHER). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. PORTMAN. Madam President, I will be speaking later, as we are expecting Senator SHAHEEN from New Hampshire.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mrs. SHAHEEN. Madam President, I am delighted to be on the floor today, again, with my good friend from Ohio, Senator PORTMAN, to discuss our energy efficiency bill, the Energy Savings and Industrial Competitiveness Act, which is almost entirely now a part of the broad Energy Policy Modernization Act that is on the floor today.

The Energy Policy Modernization Act is a broad bipartisan approach to improve our Nation's energy policies on efficiency, infrastructure, supply, and accountability. I wish to thank the chair of the energy committee, Senator MURKOWSKI, and Ranking Member CANTWELL for the good work they have done to put together this bipartisan piece of legislation that is going to address a number of our energy challenges and also permanently reauthorize the Land and Water Conservation Fund. Now, as I said, a fundamental component of this bill started out as Shaheen-Portman. Now we call it Portman-Shaheen. But as my colleagues know, Senator PORTMAN and I have been working on this energy efficiency legislation since we first introduced it in 2011.

I am a proponent of energy efficiency because it is the easiest, cheapest way to reduce energy costs, to combat climate change, and to create private sector jobs. In addition to being affordable, energy efficiency benefits aren't confined to a certain fuel source or to a particular region of the country. You can like efficiency if you are a supporter of fossil fuels or if you are a supporter of new alternative energies.

Our piece of this comprehensive bill represents nearly 5 years of meetings, negotiations, compromise, and broad stakeholder outreach. The end result is an affordable, bipartisan approach to boost the use of energy efficiency technologies in manufacturing, in buildings, and across the Federal Government.

According to the American Council for an Energy-Efficient Economy, when fully implemented, our efficiency bill will create nearly 200,000 jobs, reduce carbon emissions by the equivalent of taking 22 million cars off the road, and save consumers $16 billion a year. And it does this with absolutely no mandates.

Critical to the negotiation of this legislation has been the joint effort between Senator PORTMAN and myself, and between our staffs, to work out with stakeholder groups the concerns they had in the energy efficiency legislation and to come up with compromises that we all thought not only helped build support for the legislation but that actually make it a better bill.

So on buildings, which use about 40 percent of our energy in this country, the proposals in our legislation would improve energy savings by strengthening outdated model building codes to make new homes and commercial buildings more energy efficient. Again, I point out that it does that without any mandates. It is a carefully crafted agreement that has been negotiated with everyone, from the home builders to the realtors to a number of our friends in labor. So I think this is a compromise, and the language in the bill is a compromise for which there is broad support.

The bill also encourages energy efficiency in the industrial sector, which consumes more energy than any other sector of our economy. Again, the provisions in the legislation would encourage the private sector to develop innovative energy efficient technologies for industrial applications and to invest in a workforce that is trained to deploy energy efficiency practices to manufacturers, and they would encourage the Department of Energy to work more closely with stakeholders on commercialization of new technologies.

Finally, the energy efficiency piece of this legislation would encourage the Federal Government, the Nation's largest energy consumer, to adopt more efficient building standards and technologies, such as smart meters. With stronger efficiency standards for Federal facilities, we can save taxpayers millions of dollars.

Senator PORTMAN and I have introduced our bill three times. Each time, this legislation has received broad bipartisan support from our Senate colleagues, broad bipartisan support in the energy committee, and it has received strong support from a diverse group of stakeholders—everyone from trade associations and the U.S. Chamber of Commerce to the National Association of Manufacturers, labor organizations, and the environmental community—all, I think, because efficiency is something that we can all agree on.

At long last, I am excited to see that the full Senate is again taking up this legislation as part of a bigger, more comprehensive bill.

Before I turn it over to Senator PORTMAN, who is here, I would also point out that two other provisions I have been working on are included in this comprehensive bill. One is smart manufacturing legislation, which uses technology to integrate all aspects of

manufacturing so that businesses can manufacture more while using less energy. The other provision deals with grid integration, because, as we know, this is one of the issues that the committee took up as part of this bill: How do we address our aging transmission and distribution infrastructure? The grid integration bill will ensure the broader deployment of clean and efficient technologies, such as solar, combined heat and power, and energy storage. I think that is important to strengthen this Nation's energy security.

Finally, I will close by saying that the Senate is working this week on a comprehensive energy bill for the first time since 2007, if it becomes law. Since then, we have seen a dramatic change in our economy, and we have seen a dramatic change in the world economy with respect to energy. The United States has greatly reduced our energy imports. We are now the world's top producer of oil and natural gas. In many places around the world, electricity generated by renewable sources, such as wind and solar, is cheap enough to compete effectively with electricity generated by fossil fuels. Just at the end of the year, we saw more than 180 countries come together to form a global plan to reduce greenhouse gas emissions and mitigate the effects of climate change. So we are truly experiencing a revolution in energy production and energy technology. It is way past time for our energy policies in America to catch up with that revolution.

I, again, thank the chair and ranking member and the entire energy committee, and, again, my colleague Senator PORTMAN for the great work he has done and that we have done together to bring this portion of the bill to the floor.

I yield to Senator PORTMAN.

Mr. PORTMAN. Madam President, I thank my colleague from New Hampshire, and I tell her that the third time is the charm. Right? We have had the bill before us twice now. We really think this is the opportunity for us to do something good for our constituents and for our country. This is an opportunity for us to pass energy efficiency legislation. It will help create more jobs, make the environment cleaner, make our businesses more competitive, make us less dependent on foreign sources of oil, and help with the trade deficit because of that. So this is a win-win for everybody, and, because of that, I thank Senator SHAHEEN for her work on this. We have been working on this for 4 years together. The last vote we had in the energy committee on this legislation was a 20-to-2 vote. As we have worked on this over time, we have received more and more support as people understood what we were doing and why it was so important for their States and for our country.

The economic growth in this last quarter was 0.7 percent, meaning less than 1 percent growth. That is discouraging. We have to look around and say: What can we do to help to get this economy moving again? One area is energy. There is no question about it. We believe our legislation will help. It is going to create jobs. We have the number out there, as Senator SHAHEEN talked about, and just under 200,000 jobs could be created by our legislation. We have an analysis that shows this. But this broader energy bill would also help. That is one reason we need to move forward on this.

We are grateful that our legislation is part of this broader bill called the Energy Policy Modernization Act. This legislation is one that Senator MURKOWSKI and Senator CANTWELL have been talking about on the floor. I support that broader legislation, also, as does Senator SHAHEEN, and we like it because it is a broader bill that looks at the energy issue as an ''all the above.'' In other words, we should be using various sources of energy and producing more energy, but we should also be using what we have more efficiently.

We are delighted that our legislation—the Portman-Shaheen legislation—is title I of this broader bill. This is an opportunity for us to do something really good for the economy—this broader bill, as well as our specific bill. We think our specific bill is really important with regard to jobs.

One thing I hear back home from our manufacturing companies is that they would like to become more competitive so that they can create more jobs in Ohio and in America. We are starting to bring some jobs back because energy prices are relatively low, natural gas and oil in particular. But one of the issues they are facing overseas is that other countries are more energy efficient and their manufacturing companies are more efficient. So they are competing with companies that have a lower cost to produce the same product. So one reason they are excited about this legislation—and why the National Association of Manufacturers is for this legislation and has worked with us from the start—is that this provides them access to new technologies on energy efficiency that will let them compete globally with other companies and create more jobs. This is going to result in more jobs coming to Ohio, more jobs coming to New Hampshire, and more jobs coming to America. We like that about the legislation. It also has more jobs because these energy efficiency retrofits are going to create more jobs and activity here in this country. So as buildings become more efficient, we will need workers to work on that. We have some training programs in our legislation, for instance, to provide for that workforce. So we are going to create more jobs.

As to energy independence, the underlying bill lets us actually produce more energy here but use it more efficiently. I like producing more and using less. It is a nice combination, and it lets us say to other countries in the world that we are going to be energy independent and not subject to the dangerous and volatile parts of the world where our energy comes from. We are going to be a net exporter over time. Energy efficiency helps us to be able to do that.

Our trade deficit is driven by a couple things. I am a former U.S. Trade Representative, and, yes, countries like China and other countries aren't playing by the rules. That is a problem, and we need to address that. But another one is energy. We still do need to bring in more energy than we are exporting. That is an opportunity for us to help our economy overall with efficiency and to help improve our trade deficit, which improves our environment.

Senator SHAHEEN talked about improving the environment, but the analysis she was using is that 21 million cars being taken off the road is the equivalent savings that is in this legislation for emissions. That is because of the energy efficiency. This is an opportunity for us to be much more energy efficient in terms of our economy and be more competitive but also to clean the environment. This is a good example.

By the way, it is not a big regulatory approach, as some other approaches are. It doesn't have any mandates in it, so it is not going to kill jobs. It is actually going to create jobs and yet help the environment. That is a good combination for us. It is one we are excited about because it is a way for us to both help the economy and help the environment. That is important too.

We are excited about getting this across the finish line because we know it is the right legislation. It is the right time. We think there is an opportunity for us to actually do something that is bipartisan, something we can get through the House and get to the President's desk for his signature.

One reason we are excited about the prospects of getting something done is that we have so much support around the country. There are over 260 trade association groups that have now supported this legislation. By the way, they range from the National Association of Manufacturers—as I talked about earlier—to the Sierra Club, to the Alliance to Save Energy, to the U.S. Chamber of Commerce. That is not a group that normally gets together on legislation. So this is an opportunity for us to get a lot of groups involved and focused because it does make good economic sense, good energy sense, and good environmental sense. While helping others in the private sector, the bill does not have mandates. I think that is very important. This is legislation that provides incentives but not mandates.

The final piece I want to talk about is one that everybody should be for. It is going to actually help reduce the costs of the Federal Government and therefore help us all as taxpayers; that is, to take on the Federal Government's efficiency challenge. We believe

the U.S. Federal Government is the largest energy user in the United States and may well be the largest energy user in the world. This is let's practice what we preach.

The Federal Government is talking about green technologies, energy efficiency, and so on, but in our own Federal Government we see huge gaps and huge opportunities. This legislation goes after that and specifically puts in place requirements for the Federal Government to be much more efficient with how it uses energy. That will make a big difference in terms of everything we talked about with regard to the environment and the benefits of efficiency, but it also helps the taxpayer because at the end of the day, we will be spending less on energy for the Federal Government as taxpayers.

It is another part of the legislation that I think is important and one where I would hope everybody would be supportive. Overall, we believe this legislation will save consumers $13.7 billion annually in reduced energy costs. This is a big deal. This is something that if we can get it through the Senate this week and get it through the House and get it to the President for his signature, it will make a real difference for the families I represent and whom all of us in this Chamber have the honor to represent.

I thank Senator SHAHEEN for her patience over what has been 4, 5 years working on this together with me and the good work she has done and others have done to give us this opportunity to be able to help those folks whom we represent with an ''all of the above'' energy strategy that is good for jobs, good for the environment, and good for the taxpayer.

The PRESIDING OFFICER. The majority whip.

Mr. CORNYN. Madam President, as the Presiding Officer knows, we are busy working to complete action on the Energy Policy Modernization Act. I want to start by saying some good words about the leadership of Senator MURKOWSKI, the chairman of the energy committee, and her ranking member, Senator CANTWELL, who have gotten us to this point. Unless we drop the ball in the next couple of days, we ought to be able to wrap up our debate and deliberation on this very important bill that will help our country move forward with energy policies that reflect the times we are living in.

I also think we ought to reflect on what those times are because it was just a few short years ago when all of the pundits and experts were predicting peak oil. In other words, all the oil that could be discovered, they said, had been discovered and we would then be in a period of decline from that point forward. In the United States we also found ourselves in the main dependent upon imported oil from the Middle East. As you know, both of those have turned around. In other words, because of the innovation and good old all-American know-how, we are now exporting more energy.

To Senator MURKOWSKI's credit, she led the effort to lift the ban on exporting crude oil, so now American-produced energy can be made available on world markets. Just as significantly, we can make sure our friends and allies around the world aren't captive to people like Vladimir Putin, who uses energy as a weapon and threatens to cut off the energy supply, particularly of those countries in its orbit in the Baltics unless they are willing to go along with his heavy-handed tactics.

This is a very good story. This legislation will update our energy policies with that reality in mind and enable our country to continue to grow its role as a leading global energy power. I pause here to say that this is not just from people who come from an energy State as I do, such as from Texas or Alaska or North Dakota. The energy story is the story of world history in so many ways.

One of my favorite books is written by Daniel Yergin, a Pulitzer Prize-winning author. One of the books he has written is called ''The Prize,'' which tracks the history of the globe and in an incredible sort of way, but he makes the point that so much of our history has been determined by the need for and attempt to gain access to reliable energy supplies and how important that is not only to our military to be able to fight and win our Nation's wars but to our economy, to the businesses that need access to reasonably priced energy and to consumers, obviously.

We are seeing the benefit now, those of us who filled our gas tank recently, of inexpensive gasoline prices because the price of oil has come down because of increased world supply. There comes a point where it is challenging to the industry, but they have been through ups and downs in the past, and I am sure they will make the appropriate adjustments.

In this legislation, in addition to addressing and modernizing our energy policies, we are doing things such as modernizing the electric grid. That is what keeps the lights on at night and keeps our thermostats working when it is cold and we have snowstorms like we had in Washington recently.

This bill will make our electricity supply more reliable and more economical in the long run. Just like we did with crude oil, this bill will help expedite the approval process for liquefied natural gas exports. It is amazing to me to think that a few short years ago we were building import terminals that would actually receive natural gas being exported from other countries to being brought to the United States to help us with our energy needs. Now those have been retrofitted and reversed so these export terminals are now exporting American energy to markets around the world.

I want to spend a couple of minutes talking about some amendments that I have offered to the underlying bill. Again, I must compliment the bill managers for working with various Senators to try to work in, either through a voice vote or by some acceptance of amendments, provisions which are designed to improve this legislation. My amendments that I want to mention now are designed to address Texas's needs and the American people's needs from preventing overreach by the administration, particularly when it comes to your energy production and supply.

One amendment I have offered specifically targets an upcoming rule offered by the Bureau of Safety and Environmental Enforcement, known as BSEE. BSEE is an organization that most people are completely unaware of, but it is set to hand down a rule referred to as the so-called well control rule that deals with highly technical and complex safety producers for offshore wells.

Certainly, since the BP blowout in the Gulf of Mexico, we have become all too aware of the dangers of uncontrolled blowout of offshore drilling, but there has been a lot of very important study, work, and education that has been acquired since that time. The industry has done a lot to make itself safer.

You can imagine, if you are a publicly traded company or if you are not a publicly traded company, you sure don't want to be in the middle of another crisis like we saw with the BP blowout in the Gulf of Mexico for all sorts of reasons: People lost their lives, cost hundreds of millions of dollars, and of course the environmental impact along the gulf coast, including States like Texas. In typical bureaucratic fashion, the Bureau of Safety and Environmental Enforcement, BSEE, has refused to engage in discussions that might help clear up some confusion among stakeholders. They have been unwilling to take the time to fully vet the negative impact on their proposed rules and to talk to the people who know the most about it, and that would be the people who would be most affected by the rule.

My amendment would require BSEE to resubmit the rule but first by taking additional comments from stakeholders, and it would require the rulemaking organization to have additional workshops with industry experts so everybody can understand what they are trying to accomplish and to do it more efficiently and better.

So often the very people who have the most expertise are in the industry the government tries to regulate. I know there is a natural reluctance to try to consult with and learn from the regulated industry, but the fact is, often—and it is true in this case—it is that industry that understands the process and both the risks and what protective measures need to be taken in order to accomplish the objective. So rather than just issuing a rule that is complex and highly technical without consulting the stakeholders who are sitting down and having a reasonable conversation trying to figure out

what you are trying to accomplish, have you thought of this, have you thought of doing it differently or a better way, that doesn't happen. Unfortunately, that is where we are with BSEE.

In addition, I have submitted an amendment that protects property owners along a 116-mile stretch of the Red River, which borders the States of Texas and Oklahoma. This has to do with another bureaucracy called the Bureau of Land Management. A few years ago, the Bureau of Land Management claimed to actually own tens of thousands of acres along the Red River. As you can imagine, that came as quite a shock to the people who thought they owned that property, and now many of them are stuck today fighting the U.S. Government—their government—in court to reclaim the property that is rightfully theirs.

My amendment would help protect these landowners from this massive land grab. It would require a legitimate survey of the land in question to be conducted and approved by the authorities. It seems so commonsensical, but unfortunately common sense isn't all that common when you see the bureaucracy at work. With this amendment, these landowners would finally get a reasonably efficient means of resolution to this frustrating abuse of Federal Government power.

Another amendment I have submitted would address how States, counties, and other affected parties enter into a conversation about the Endangered Species Act. Too often States and local communities, not to mention private property owners, are left in the dark while interest groups they don't know much about conduct closed-door discussions with Federal authorities about potential listing of endangered species.

My amendment will give all of the stakeholders the opportunity to have a seat at the table and to have a conversation—it doesn't seem like a lot to ask—so both the regulators and the regulated can talk about the real impact those regulations will have on their daily lives and better inform the regulatory process.

These amendments get to different specific problems, but the common theme uniting them is a desire to try to lessen the interference by the government in our everyday lives. By pushing back against overbearing, costly regulations that don't actually accomplish the goal that even the regulators say they want to accomplish and ensuring that State and local communities and stakeholders play a role in this conversation which should be part of the regulatory process, the American people would be better served by this legislation.

As we continue these discussions on this bill, I hope my colleagues will consider these amendments and others like them to help get the government out of the way or to help correct the bureaucracy when it is misguided and misinformed about how to actually accomplish consensus goals.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENT NO. 3023 TO AMENDMENT NO. 2953

Mr. LEE. Madam President, I call up my amendment No. 3023.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Utah [Mr. LEE] proposes an amendment numbered 3023 to amendment No. 2953.

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

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

The amendment is as follows:

(Purpose: To modify the authority of the President of the United States to declare national monuments)

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

SEC. 44____. MODIFICATION OF AUTHORITY TO DECLARE NATIONAL MONUMENTS.

Section 320301 of title 54, United States Code, is amended by adding at the end the following:

''(e) EFFECTIVE DATE.—A proclamation or reservation issued after the date of enactment of this subsection under subsection (a) or (b) shall expire 3 years after proclaimed or reserved unless specifically approved by—

''(1) a Federal law enacted after the date of the proclamation or reservation; and

''(2) a State law, for each State where the land covered by the proclamation or reservation is located, enacted after the date of the proclamation or reservation.''.

Mr. LEE. Madam President, I ask unanimous consent to speak for up to an additional 15 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LEE. Madam President, if there is one thing we know about American politics—if there is one thing we have learned from the 2016 Presidential race thus far—it is that there is a deep and growing mistrust between the American people and the Federal Government. This institution, Congress, is held in shamefully low regard by the people we were elected to represent, but so, too, are the scores of bureaucratic agencies that are based in Washington, DC, but extend their reach into the most remote corners of American life.

In my home State of Utah, the public's distrust of Washington is rooted not in ideology, but experience. In particular, the experience of living in a State where a whopping two-thirds of the land is owned by the Federal Government and managed by distant, unaccountable agencies that are either indifferent or downright hostile to the interests of the local communities that they are supposed to serve. I have lost track of the number of stories I have heard from the people of Utah about their run-ins with Federal land management agencies, but there is one story that every Utahan knows: President Bill Clinton's infamous use of the Antiquities Act in 1996 to designate as a national monument more than 1.5 million acres of land in southern Utah—what would become known as the Grand Staircase-Escalante National Monument.

What Utahans remember about this episode is not just what President Clinton did, but how he did it. Signed into law in 1906, the Antiquities Act gives the President power to unilaterally designate tracts of Federal land as ''historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest.'' The purpose of the law is to enable the Executive to act quickly to protect archaeological sites on Federal lands from looting, destruction, or vandalism.

But the Antiquities Act is not supposed to be carte blanche for the President. In fact, it is quite the opposite. The language of the law is clear. It instructs the President to restrict the designation of national monuments under the Antiquities Act to the ''smallest area compatible with proper care and management of the objects to be protected.'' So you can imagine the surprise, and, in fact, the indignation across the State of Utah following President Clinton's decision to annex a stretch of land roughly 1½ times the size of the State of Delaware and then to give control over that land to a Federal bureaucracy that routinely maintains a maintenance backlog that is several billion dollars higher than its multibillion-dollar annual budget.

Even worse than the enormous size of the designation was the Clinton administration's hostility toward the people of Utah and the communities that would be most directly and severely affected by his decision. Not only did President Clinton announce the monument designation in Arizona—over 100 miles from the Utah State border—but he refused to consult or even notify Utah's congressional delegation until the day before his announcement. Consulting with the people who live and work in the communities around a potential national monument area isn't just a matter of following political etiquette, it is a matter of ensuring that Federal land policy does not rob citizens of their livelihood, which is exactly what happened as a result of the Grand Staircase designation.

Utah's economy is built on the farm and agriculture industry, and livestock is the State's single largest sector of farm income. But of the 45 million acres of rangeland in Utah, nearly three-quarters is owned and managed by the Federal Government.

Since the 1940s, Federal agencies have slashed livestock grazing across the Utah landscape by more than 50 percent—a policy of economic deprivation that accelerated after 1996 on rangeland within the Grand Staircase case. Even today the Bureau of Land Management shows no sign of relenting.

For most people, the Grand Staircase episode is a case study of government-sponsored injustice and a form of bureaucratic tyranny. For me, it brings to mind the line from America's Declaration of Independence in which the colonists charge that the King of Great Britain ''has erected a multitude of New Offices and sent hither swarms of officers to harass our people, and eat out their substance.''

But for President Obama and the radical environmental groups that have co-opted Federal land agencies, it is the textbook model for the application of the Antiquities Act. In fact, it appears that President Obama is considering using his final year in the White House to target another vast tract of land in southern Utah for designation as a national monument. Covering 1.9 million acres of Federal land in San Juan County, this area, known as Bears Ears, is roughly the same size as the Grand Staircase. Both are situated near the southern edge of the State, and both possess an abundance of national beauty unrivaled by any place in the world.

The similarities don't end there. Each area is home to a group of Utahans deeply connected to the Federal land targeted by environmental activists for a national monument designation. In the case of the Grand Staircase, it is the ranchers, and in the case of Bears Ears, it is the Kaayelii Navajo. The Kaayelii believe that a national monument designation in Bears Ears, their ancestral home, would threaten their livelihood and destroy their very way of life.

Their concerns are well founded. In the 1920s and 1930s, hundreds of Navajo families settled on homesteads located in national monuments only to find themselves steadily pushed out by imperious Federal agencies all too eager to eradicate the private use of public lands. So it should come as no surprise to us today that the Kaayelii are protesting the unilateral Federal takeover of Bears Ears and calling on the Obama administration to forgo the high-handed approach to land conservation that was employed by President Clinton in 1996.

The Kaayelii, of course, are not opposed to the protection or the conservation of public lands. They care about the preservation of Bears Ears just as much as anyone else. To them, the land is not just beautiful, it is also sacred. They depend on it for their economic and spiritual survival, which is why all they are asking for is a seat at the table so that their ancestral land isn't given over, sight unseen, to the arbitrary and arrogant control of Federal land management agencies.

I agree with the Kaayelii. The President of the United States has no business seizing vast stretches of public land to be micromanaged and mismanaged by Federal agencies, especially if the people who live, work, and depend on the land stand in opposition to such a takeover. There is no denying that the people of San Juan County reject the presumption that they should have no say in the management of the land in their community. The truth is that most of those who have mobilized to support a monument designation at Bears Ears, including several Native American groups, live outside of Utah in States such as Colorado, New Mexico, and Arizona.

By contrast, the people of San Juan County, UT—the people whose lives and livelihoods are intricately tied to Bears Ears—stand united in their opposition to a monument designation. That is why I have offered amendment No. 3023, which would update the Antiquities Act in order to protect the right of the Kaayelii and their fellow citizens of San Juan County to participate in the government's efforts to protect and preserve public land.

Here is how my amendment works: It preserves the President's authority to designate tracts of Federal land as national monuments, but it also reserves a seat at the table for people who would be directly affected by Executive action. It does so by opening the policymaking process to the people's elected representatives at the State and Federal levels so they can weigh in on monument designations.

Under my amendment, Congress and the legislature of the State in which a monument has been designated would have 3 years to pass resolutions ratifying the designation. If they fail to do so, the national monument designation will expire. Some critics might claim that this amendment would take unprecedented steps to curtail the President's monument designation authority under the Antiquities Act. This is not true. This, in fact, is nonsense. The truth is that Congress has twice passed legislation amending the Antiquities Act. In 1950, Congress wholly prohibited Presidential designation of national monuments under the Antiquities Act in the State of Wyoming. Some 30 years later, Congress passed another law requiring congressional approval of national monuments in Alaska larger than 5,000 acres.

If you have ever visited Wyoming or Alaska, you know that these provisions have not led to the parade of horribles conjured up by radical environmental activists who seem intent on achieving nothing short of ironfisted Federal control of all Federal lands.

In reality, the States of Wyoming and Alaska have proven that national monument designations are not necessary to protect and conserve America's most beautiful, treasured public lands. So why should the people of Wyoming and Alaska enjoy these reasonable, commonsense protections under the law while the people of Utah—and indeed, the people of every other State in the Union—do not enjoy the same protections? There is no good answer to this question except, of course, the adoption of my amendment.

To anyone who might suggest that the people of these communities in and around national monuments are not prepared to participate in the monument process and policy process that leads to the creation of a monument, I invite you to visit San Juan County in southeastern Utah. You will see a community that is not only well informed about the issues and actively engaged in the political process, but also genuinely dedicated to finding a solution that works for everyone.

The people of San Juan County—from the Kaayelii to the county commissioners—have the determination that is necessary to forge a legislative solution to the challenges facing public lands in their community, and that is exactly what you would expect. San Juan is a hardscrabble community. It is one of the most disadvantaged in the entire State of Utah, but you wouldn't know it from the people there. The citizens of San Juan County are hardworking, honest, decent, and happy people. Yet for far too long, Federal land management agencies have given the people of San Juan County and the people all across America little reason to trust the Federal Government.

My amendment gives us an opportunity to change that. If Congress wants to regain the trust of the American people, we are going to have to earn it, and one of the ways we can earn it is by returning power to the people, and that is what this amendment would do. Passing this amendment giving all Americans a voice in the land management decisions of their community would be a meaningful and important step toward earning back that trust. I urge my colleagues to lend their support to this amendment and the vital public trust that it will help us to rebuild.

I thank the Presiding Officer, and I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Madam President, I am hopeful that before we go to the caucus lunches, we will be able to move forward on a few more amendments and the scheduling of votes. Hopefully we will be able to do that in a few minutes.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Ms. MURKOWSKI. Madam President, we are making some good progress here in the intervening hours since we came to the floor this morning and began business.

Working with the ranking member on the Energy and Natural Resources Committee, we have come to an agreement to announce a series of amendments that will be voted on. I want to acknowledge the effort that has gone back and forth on both sides to make

sure folks have an opportunity to weigh in and vote on amendments that are important to them. I think we have a good series here that we will announce.

It is our hope that as we move to vote on these amendments, we will also continue the good work we have done to try to advance some other measures that will be able to go by voice votes, and we will be working on those throughout the day.

Madam President, I ask unanimous consent that it be in order to call up the following amendments: No. 3182, Rounds, as modified; No. 3030, Barrasso; No. 2996, Sullivan; No. 3176, Schatz; No. 3095, Durbin; and No. 3125, Whitehouse; that following the disposition of the Franken amendment No. 3115, the Senate proceed to vote in relation to the above amendments in the order listed with no second-degree amendments in order prior to the votes; that a 60-vote affirmative threshold be required for adoption; and that there be 2 minutes of debate equally divided prior to each vote.

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

Ms. MURKOWSKI. Madam President, I would note that there will now be a series of eight votes when we commence at 2:30 this afternoon, and recognizing that there are committees meeting and other Senate business going on, we would hope to be able to process these votes relatively efficiently, respecting that 10-minute vote parameter, so that we can move through them in a manner that respects others' schedules.

With that, Madam President, I yield the floor.

RECESS

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

Thereupon, the Senate, at 12:49 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

ENERGY POLICY MODERNIZATION ACT OF 2015—Continued

The PRESIDING OFFICER. Under the previous order, the time until 2:30 p.m. will be equally divided in the usual form.

The Senator from Arizona.

AMENDMENT NO. 3023

Mr. FLAKE. Mr. President, I rise today in support of Lee amendment No. 3023, which places commonsense limitations on the ability of the executive branch to unilaterally lock up large swaths of public land. Specifically, the amendment provides Congress and the applicable State legislatures a 3-year window to approve Presidentially declared national monuments, ensuring that land use decisions finally have the input from the impacted States.

Arizona knows all too well the effects of restrictive Federal land designations. Like most Western States, a significant portion of Arizona is under Federal ownership. Arizona leads the Nation with a total of 21 national parks and monuments. Like most, our Federal land is a mix of single-purpose lands set aside for recreation and multiple-use lands providing opportunities for grazing, mining, and timber production. The ability to use these lands for multiple purposes is critical; however, a national monument designation can take away that opportunity with one stroke of the President's pen.

It is also worth noting that a monument designation has the potential to change the character of the water rights associated with Federal lands—an outcome I am working to prevent with separate stand-alone legislation.

There is a real concern that the President will take unilateral action to increase the Federal Government's ownership of Federal lands. In fact, one recent proposal would lock up another 1.7 million acres right in Arizona to create yet another national monument. That is an area larger than the entire State of Delaware. The negative impact of such a land grab would likely extend to activities such as hunting, livestock grazing, wildfire prevention, mining, and other recreation activities. Last March Senator MCCAIN and I sent a letter to the President urging him to not unilaterally pursue this monument designation. This sentiment is echoed by a large number of individuals throughout Arizona, including State and local officials, several municipalities, and a wide range of sportsmen's groups.

The Lee amendment would give these stakeholders a voice in the monument designation process, and I am happy to be a cosponsor and to support this amendment on the floor today.

I also look forward to considering several amendments I have submitted on this legislation as well regarding safeguarding hydropower production, reimbursing national parks after a government shutdown occurs, and creating a database to increase transparency for WAPA customers.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Ms. CANTWELL. 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. CANTWELL. Mr. President, we are about to vote shortly on the Lee amendment.

I rise to speak in opposition to that amendment and to remind my colleagues that this is a vote that we took around the same time last year.

The Antiquities Act is one of our Nation's most successful conservation laws. It was signed into law in 1906 and used by President Theodore Roosevelt to designate Devils Tower in Wyoming as its first national monument.

In the 110 years since its enactment, the Antiquities Act has been used by 16 different Presidents—8 Republicans, 8 Democrats—to designate more than 140 national monuments, including the San Juan Islands and the Hanford Reach in the State of Washington. Nearly half of our national parks, including national icons, such as the Grand Canyon and Olympic National Park, were designated as national monuments under the Antiquities Act. However, the amendment of the Senator from Utah would effectively end the President's ability to use the Antiquities Act to protect these threatened lands. His amendment requires that the national monument designation will expire after 3 years unless Congress enacts a law specifically approving the designation, and the State in which the monument would be located would also have to approve the designation. So this amendment requires State and Federal approval over a Federal land designation, which is unprecedented, giving away Federal land management responsibilities to States and a veto over these conservation efforts.

I hope that, as my colleagues look at this first vote, they will oppose this amendment. As I said, I strongly do, and I hope our colleagues will look at their past record on this as well, because I am pretty sure we are all on record on our side in opposition to this amendment in the past.

With that, I know we are probably ready to proceed to the vote.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, I rise to speak in support of my amendment No. 3023.

The purpose of this amendment is simple—to put in the hands of the people the right to decide whether a monument close to them will be designated. My amendment would leave intact the President's authority to designate a monument such that we could protect land from imminent destruction, but it puts a fuse on that. It puts a finite limit on that authority so that within 3 years that monument designation would expire unless both the host State has acted to embrace it and Congress has affirmatively enacted the monument designation into law.

The American people demand and deserve nothing less than to have decisions such as these put in the hands of their elected representatives rather than simply handed over to one single official who doesn't stand accountable to the American people.

I encourage my colleagues to support this amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3023.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ), the Senator from South Carolina (Mr. GRAHAM), the Senator from Florida (Mr. RUBIO), and the Senator from Alabama (Mr. SHELBY).

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

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 result was announced—yeas 47, nays 48, as follows:

[Rollcall Vote No. 10 Leg.]

YEAS—47

Barrasso	Fischer	Paul
Blunt	Flake	Perdue
Boozman	Grassley	Portman
Burr	Hatch	Risch
Capito	Heller	Roberts
Cassidy	Hoeven	Rounds
Coats	Inhofe	Sasse
Cochran	Isakson	Scott
Collins	Johnson	Sessions
Corker	Lankford	Sullivan
Cornyn	Lee	Thune
Cotton	Manchin	Tillis
Crapo	McCain	Toomey
Daines	McConnell	Vitter
Enzi	Moran	Wicker
Ernst	Murkowski	

NAYS—48

Alexander	Franken	Murphy
Ayotte	Gardner	Murray
Baldwin	Gillibrand	Nelson
Bennet	Heinrich	Peters
Blumenthal	Heitkamp	Reed
Booker	Hirono	Reid
Boxer	Kaine	Schatz
Brown	King	Schumer
Cantwell	Kirk	Shaheen
Cardin	Klobuchar	Stabenow
Carper	Leahy	Tester
Casey	Markey	Udall
Coons	McCaskill	Warner
Donnelly	Menendez	Warren
Durbin	Merkley	Whitehouse
Feinstein	Mikulski	Wyden

NOT VOTING—5

Cruz	Rubio	Shelby
Graham	Sanders	

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

The Senator from Minnesota.

AMENDMENT NO. 3115 TO AMENDMENT NO. 2953

(Purpose: To establish a Federal energy efficiency resource standard for electricity and natural gas suppliers)

Mr. FRANKEN. Mr. President, I call up amendment No. 3115 and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report the amendment by number.

The senior assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. FRANKEN] proposes an amendment numbered 3115 to amendment No. 2953.

(The amendment is printed in the RECORD of January 28, 2016, under ''Text of Amendments.'')

Mr. FRANKEN. Mr. President, I ask for order so my colleagues might hear my wise remarks.

The PRESIDING OFFICER. The Senate will come to order.

Mr. FRANKEN. Mr. President, I call on my colleagues to support my amendment No. 3115 that I offer with Senators HEINRICH, WARREN, and SANDERS. This amendment establishes a national energy efficiency standard that requires electric and natural gas utilities to help their customers use energy more efficiently. Our amendment is modeled on the experience of Minnesota and 24 other States that have already adopted energy efficiency standards, including States such as Texas, Arizona, and Arkansas. The State programs are working great, helping reduce energy usage, saving customers, consumers, and businesses money on their electricity bills, creating well-paying jobs, and reducing greenhouse gas emissions. According to the American Council for an Energy-Efficient Economy, our amendment will generate more than three times the energy savings of the entire Portman-Shaheen energy efficiency title, which is a great title in and of itself, in the base bill. By the year 2030, our amendment will generate 20 percent energy savings across the country and result in about $145 billion in net savings to consumers.

We like to say that States are the laboratories of democracy, and half our States have shown that these policies work. So it is time to build on their successes and bring this successful experiment to the entire country. I ask my colleagues to join me in supporting this important amendment.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I urge that Members oppose this amendment that would impose a Federal mandate on retail electricity and natural gas suppliers to reduce a certain percentage of electricity or natural gas that their customers use annually. We have considered this before. We have seen it. It has been under consideration for about a decade. Most recently, the energy committee rejected this same proposal as we were moving forward on this bipartisan Energy bill.

A national mandate like this depends on the behavior of end-use customers. The concern that you take a one-size-fits-all policy that refuses to recognize very real regional differences that are in play out there with energy use is problematic. As the Senator from Minnesota said, 25 States already have this in place, but what we do by imposing a new national mandate is we upend those existing State programs.

We have a good, bipartisan efficiency measure contained in this. That is why a Federal EERS has not worked before. Now is not the right time to move forward with it.

Mr. President, I ask unanimous consent that the votes in this series be 10 minutes in length so we can move through the amendments we have in front of us.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

All time has expired.

The question occurs on agreeing to the amendment.

Mr. MCCONNELL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ), the Senator from South Carolina (Mr. GRAHAM), the Senator from Florida (Mr. RUBIO), and the Senator from Alabama (Mr. SHELBY).

Further, if present and voting, the Senator from Alabama (Mr. SHELBY) would have voted ''nay.''

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

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

The result was announced—yeas 43, nays 52, as follows:

[Rollcall Vote No. 11 Leg.]

YEAS—43

Baldwin	Franken	Nelson
Bennet	Gillibrand	Peters
Blumenthal	Heinrich	Reed
Booker	Hirono	Reid
Boxer	Kaine	Schatz
Brown	King	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Leahy	Stabenow
Carper	Markey	Udall
Casey	McCaskill	Warner
Collins	Menendez	Warren
Coons	Merkley	Whitehouse
Donnelly	Mikulski	Wyden
Durbin	Murphy	
Feinstein	Murray	

NAYS—52

Alexander	Flake	Paul
Ayotte	Gardner	Perdue
Barrasso	Grassley	Portman
Blunt	Hatch	Risch
Boozman	Heitkamp	Roberts
Burr	Heller	Rounds
Capito	Hoeven	Sasse
Cassidy	Inhofe	Scott
Coats	Isakson	Sessions
Cochran	Johnson	Sullivan
Corker	Kirk	Tester
Cornyn	Lankford	Thune
Cotton	Lee	Tillis
Crapo	Manchin	Toomey
Daines	McCain	Vitter
Enzi	McConnell	Wicker
Ernst	Moran	
Fischer	Murkowski	

NOT VOTING—5

Cruz	Rubio	Shelby
Graham	Sanders	

THE PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

The Senator from South Dakota.

AMENDMENT NO. 3182, AS MODIFIED, TO AMENDMENT NO. 2953

Mr. ROUNDS. Mr. President, I call up my amendment No. 3182, as modified.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. ROUNDS] proposes an amendment numbered 3182, as modified, to amendment No. 2953.

The amendment, as modified, is as follows:

(Purpose: To direct the Secretary of the Interior to establish a conservation incentives landowner education program)

At the end of title V, add the following:

SEC. 50___. CONSERVATION INCENTIVES LANDOWNER EDUCATION PROGRAM.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Interior shall establish a conservation incentives landowner education program (referred to in this section as the ''program'').

(b) PURPOSE OF PROGRAM.—The program shall provide information on Federal conservation programs available to landowners interested in undertaking conservation actions on the land of the landowners, including options under each conservation program available to achieve the conservation goals of the program, such as—

(1) fee title land acquisition;

(2) donation; and

(3) perpetual and term conservation easements or agreements.

(c) AVAILABILITY.—The Secretary of the Interior shall ensure that the information provided under the program is made available to—

(1) interested landowners; and

(2) the public.

(d) NOTIFICATION.—In any case in which the Secretary of the Interior contacts a landowner directly about participation in a Federal conservation program, the Secretary shall, in writing—

(1) notify the landowner of the program; and

(2) make available information on the conservation program options that may be available to the landowner.

The PRESIDING OFFICER. There is 2 minutes equally divided.

The Senator from South Dakota.

Mr. ROUNDS. Mr. President, conservation easements are an important tool when we talk about rural America. They are used on a regular basis, but whenever entering into a conservation easement with the government, farmers, ranchers, and landowners should be made aware of all of the options made available to them, not just permanent easements. While there are many programs and options available, all too often landowners are not aware of these options and will unknowingly enter into a contract with the government because they don't realize there are also shorter term options available to them.

This amendment will aggregate information for landowners and will allow landowners to choose from conservation options that are shorter term and are not a permanent contract with the government.

I ask that my colleagues support this amendment.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, this amendment would direct the Department of the Interior to create a new education program to educate landowners about conservation programs. It also requires that if the Interior Department contacts landowners about selling property or participating in a Federal conservation program, that the landowner be provided information about the Federal conservation programs available. I think this information is already publicly available, so I don't oppose establishing it as a conservation education program, and I am happy to move this amendment by a voice vote.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I appreciate Senator ROUNDS bringing this measure before us. It appears we do have an agreement to do a voice vote on the Rounds amendment, as modified; therefore, I ask unanimous consent that the 60-vote threshold with respect to Rounds amendment No. 3182, as modified, be vitiated.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is on agreeing to the amendment.

The amendment (No. 3182), as modified, was agreed to.

The PRESIDING OFFICER. The Senator from Wyoming.

AMENDMENT NO. 3030 TO AMENDMENT NO. 2953

Mr. BARRASSO. Mr. President, I call up amendment No. 3030.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. BARRASSO] proposes an amendment numbered 3030 to amendment No. 2953.

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

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

The amendment is as follows:

(Purpose: To establish deadlines and expedite permits for certain natural gas gathering lines on Federal land and Indian land)

At the appropriate place, insert the following:

SEC. _____. NATURAL GAS GATHERING ENHANCEMENT.

(a) CERTAIN NATURAL GAS GATHERING LINES LOCATED ON FEDERAL LAND AND INDIAN LAND.—

(1) IN GENERAL.—Subtitle B of title III of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 685) is amended by adding at the end the following:

''SEC. 319. CERTAIN NATURAL GAS GATHERING LINES LOCATED ON FEDERAL LAND AND INDIAN LAND.

''(a) DEFINITIONS.—In this section:

''(1) GAS GATHERING LINE AND ASSOCIATED FIELD COMPRESSION UNITS.—

''(A) IN GENERAL.—The term 'gas gathering line and associated field compression unit' means—

''(i) a pipeline that is installed to transport natural gas production associated with 1 or more wells drilled and completed to produce oil or gas; and

''(ii) if necessary, 1 or more compressors to raise the pressure of that transported natural gas to higher pressures suitable to enable the gas to flow into pipelines and other facilities.

''(B) EXCLUSIONS.—The term 'gas gathering line and associated field compression unit' does not include a pipeline or compression unit that is installed to transport natural gas from a processing plant to a common carrier pipeline or facility.

''(2) FEDERAL LAND.—

''(A) IN GENERAL.—The term 'Federal land' means land the title to which is held by the United States.

''(B) EXCLUSIONS.—The term 'Federal land' does not include—

''(i) a unit of the National Park System;

''(ii) a unit of the National Wildlife Refuge System;

''(iii) a component of the National Wilderness Preservation System; or

''(iv) Indian land.

''(3) INDIAN LAND.—The term 'Indian land' means land the title to which is held by—

''(A) the United States in trust for an Indian tribe or an individual Indian; or

''(B) an Indian tribe or an individual Indian subject to a restriction by the United States against alienation.

''(b) CERTAIN NATURAL GAS GATHERING LINES.—

''(1) IN GENERAL.—Subject to paragraph (2), the issuance of a sundry notice or right-of-way for a gas gathering line and associated field compression unit that is located on Federal land or Indian land and that services any oil or gas well shall be considered to be an action that is categorically excluded (as defined in section 1508.4 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this section)) for purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) if the gas gathering line and associated field compression unit are—

''(A) within a field or unit for which an approved land use plan or an environmental document prepared pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) analyzed transportation of natural gas produced from 1 or more oil or gas wells in that field or unit as a reasonably foreseeable activity; and

''(B) located adjacent to or within—

''(i) any existing disturbed area; or

''(ii) an existing corridor for a right-of-way.

''(2) APPLICABILITY.—Paragraph (1) shall apply to Indian land, or a portion of Indian land, for which the Indian tribe with jurisdiction over the Indian land submits to the Secretary of the Interior a written request that paragraph (1) apply to that Indian land (or portion of Indian land).

''(c) EFFECT ON OTHER LAW.—Nothing in this section affects or alters any requirement—

''(1) relating to prior consent under—

''(A) section 2 of the Act of February 5, 1948 (25 U.S.C. 324); or

''(B) section 16(e) of the Act of June 18, 1934 (25 U.S.C. 476(e)) (commonly known as the 'Indian Reorganization Act');

''(2) under section 306108 of title 54, United States Code; or

''(3) under any other Federal law (including regulations) relating to tribal consent for rights-of-way across Indian land.''.

(2) ASSESSMENTS.—Title XVIII of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 1122) (as amended by section 2311) is amended by adding at the end the following:

''SEC. 1842. NATURAL GAS GATHERING SYSTEM ASSESSMENTS.

''(a) DEFINITION OF GAS GATHERING LINE AND ASSOCIATED FIELD COMPRESSION UNIT.—In this section, the term 'gas gathering line and associated field compression unit' has the meaning given the term in section 319.

''(b) STUDY.—Not later than 1 year after the date of enactment of this section, the Secretary of the Interior, in consultation with other appropriate Federal agencies, States, and Indian tribes, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a study identifying—

''(1) any actions that may be taken, under Federal law (including regulations), to expedite permitting for gas gathering lines and associated field compression units that are located on Federal land or Indian land, for the purpose of transporting natural gas associated with oil and gas production on any land to a processing plant or a common carrier pipeline for delivery to markets; and

''(2) any proposed changes to Federal law (including regulations) to expedite permitting for gas gathering lines and associated field compression units that are located on Federal land, for the purpose of transporting natural gas associated with oil and gas production on any land to a processing plant or a common carrier pipeline for delivery to markets.

''(c) REPORT.—Not later than 1 year after the date of enactment of this section, and every 1 year thereafter, the Secretary of the Interior, in consultation with other appropriate Federal agencies, States, and Indian tribes, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes—

''(1) the progress made in expediting permits for gas gathering lines and associated field compression units that are located on Federal land or Indian land, for the purpose of transporting natural gas associated with oil and gas production on any land to a processing plant or a common carrier pipeline for delivery to markets; and

''(2) any issues impeding that progress.''.

(3) TECHNICAL AMENDMENTS.—

(A) Section 1(b) of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 594) is amended by adding at the end of subtitle B of title III the following:

''Sec. 319. Natural gas gathering lines located on Federal land and Indian land.''.

(B) Section (1)(b) of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 594) is amended by adding at the end of title XXVIII the following:

''Sec. 1842. Natural gas gathering system assessments.''.

(b) DEADLINES FOR PERMITTING NATURAL GAS GATHERING LINES UNDER THE MINERAL LEASING ACT.—Section 28 of the Mineral Leasing Act (30 U.S.C. 185) is amended by adding at the end the following:

''(z) NATURAL GAS GATHERING LINES.—The Secretary of the Interior or other appropriate agency head shall issue a sundry notice or right-of-way for a gas gathering line and associated field compression unit (as defined in section 319(a) of the Energy Policy Act of 2005) that is located on Federal land not later than 90 days after the date on which the applicable agency head receives the request for issuance unless the Secretary or agency head finds that the sundry notice or right-of-way would violate division A of subtitle III of title 54, United States Code, or the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).''.

Mr. BARRASSO. Mr. President, we all want to reduce the flaring of natural gas in oil wells, and to do that we need natural gas gathering lines. These are small pipelines that capture natural gas from oil wells where it would otherwise be flared off into the atmosphere.

This is a bipartisan amendment. I am delighted to be here with Senator HEITKAMP, who is a cosponsor. This bipartisan amendment expedites the permitting of the gathering lines on Federal land and, subject to tribal consent, also on Indian lands. This is a commonsense solution that helps taxpayers, Indian Country, and our environment.

I yield to my lead cosponsor, the junior Senator from North Dakota.

Ms. HEITKAMP. Mr. President, I thank my great friend from the State of Wyoming.

Many of you have talked about the challenges you have in terms of seeing the flaring. If you want to stop waste, whether it is economic waste because of a lack of royalties, both Federal and State, or if you want to stop flaring and waste and do a great environmental thing, you will vote yes on this amendment.

What this amendment fundamentally does is shorten the time period for pipeline easements across Federal land—easements where today it takes 2 or 3 weeks to get a private or State easement—which takes over a year. During that period of time, we have seen flaring across North Dakota and across the West.

Please vote yes for this amendment. It is a great environmental and economic amendment.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, speaking in opposition to this amendment, it is basically like Keystone ''light.'' The proponents want to have no environmental review of natural gas gathering pipelines, and that is why we should oppose it. With two exceptions, the amendment would require the Secretary of the Interior or Agriculture to approve the right to waive any gathering pipelines, unless they violate the Endangered Species Act or the National Historic Preservation Act. It would require the Secretary of the Interior or Agriculture to approve the right to waive with pipelines.

I consulted with the Department of the Interior, which had grave concerns about waiving those laws here. This amendment would significantly limit the Department's ability to gather relevant, scientific, technical information, and the public views about how to manage our public lands. So I encourage our colleagues to vote no.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ), the Senator from South Carolina (Mr. GRAHAM), the Senator from Florida (Mr. RUBIO), and the Senator from Alabama (Mr. SHELBY).

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

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 result was announced—yeas 52, nays 43, as follows:

[Rollcall Vote No. 12 Leg.]

YEAS—52

Alexander	Fischer	Murkowski
Ayotte	Flake	Paul
Barrasso	Gardner	Perdue
Blunt	Grassley	Portman
Boozman	Hatch	Risch
Burr	Heitkamp	Roberts
Capito	Heller	Rounds
Cassidy	Hoeven	Sasse
Coats	Inhofe	Scott
Cochran	Isakson	Sessions
Collins	Johnson	Sullivan
Corker	Kirk	Thune
Cornyn	Lankford	Tillis
Cotton	Lee	Toomey
Crapo	Manchin	Vitter
Daines	McCain	Wicker
Enzi	McConnell	
Ernst	Moran	

NAYS—43

Baldwin	Gillibrand	Peters
Bennet	Heinrich	Reed
Blumenthal	Hirono	Reid
Booker	Kaine	Schatz
Boxer	King	Schumer
Brown	Klobuchar	Shaheen
Cantwell	Leahy	Stabenow
Cardin	Markey	Tester
Carper	McCaskill	Udall
Casey	Menendez	Warner
Coons	Merkley	Warren
Donnelly	Mikulski	Whitehouse
Durbin	Murphy	Wyden
Feinstein	Murray	
Franken	Nelson	

NOT VOTING—5

Cruz	Rubio	Shelby
Graham	Sanders	

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

The Senator from Alaska.

AMENDMENT NO. 2996 TO AMENDMENT NO. 2953

Mr. SULLIVAN. Mr. President, I call up my amendment No. 2996.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. SULLIVAN] proposes an amendment numbered 2996 to amendment No. 2953.

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

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

The amendment is as follows:

(Purpose: To require each agency to repeal or amend 1 or more rules before issuing or amending a rule)

At the appropriate place, insert the following:

SEC. ___. REPEAL OF RULES REQUIRED BEFORE ISSUING OR AMENDING RULE.

(a) DEFINITIONS.—In this section—

(1) the term ''agency'' has the meaning given the term in section 551 of title 5, United States Code;

(2) the term ''covered rule'' means a rule of an agency that causes a new financial or administrative burden on businesses in the United States or on the people of the United States, as determined by the head of the agency;

(3) the term ''rule''—

(A) has the meaning given the term in section 551 of title 5, United States Code; and

(B) includes—

(i) any rule issued by an agency pursuant to an Executive Order or Presidential memorandum; and

(ii) any rule issued by an agency due to the issuance of a memorandum, guidance document, bulletin, or press release issued by an agency; and

(4) the term ''Unified Agenda'' means the Unified Agenda of Federal Regulatory and Deregulatory Actions.

(b) PROHIBITION ON ISSUANCE OF CERTAIN RULES.—

(1) IN GENERAL.—An agency may not—

(A) issue a covered rule that does not amend or modify an existing rule of the agency, unless—

(i) the agency has repealed 1 or more existing covered rules of the agency; and

(ii) the cost of the covered rule to be issued is less than or equal to the cost of the covered rules repealed under clause (i), as determined and certified by the head of the agency; or

(B) issue a covered rule that amends or modifies an existing rule of the agency, unless—

(i) the agency has repealed or amended 1 or more existing covered rules of the agency; and

(ii) the cost of the covered rule to be issued is less than or equal to the cost of the covered rules repealed or amended under clause (i), as determined and certified by the head of the agency.

(2) APPLICATION.—Paragraph (1) shall not apply to the issuance of a covered rule by an agency that—

(A) relates to the internal policy or practice of the agency or procurement by the agency; or

(B) is being revised to be less burdensome to decrease requirements imposed by the covered rule or the cost of compliance with the covered rule.

(c) CONSIDERATIONS FOR REPEALING RULES.—In determining whether to repeal a covered rule under subparagraph (A)(i) or (B)(i) of subsection (b)(1), the head of the agency that issued the covered rule shall consider—

(1) whether the covered rule achieved, or has been ineffective in achieving, the original purpose of the covered rule;

(2) any adverse effects that could materialize if the covered rule is repealed, in particular if those adverse effects are the reason the covered rule was originally issued;

(3) whether the costs of the covered rule outweigh any benefits of the covered rule to the United States;

(4) whether the covered rule has become obsolete due to changes in technology, economic conditions, market practices, or any other factors; and

(5) whether the covered rule overlaps with a covered rule to be issued by the agency.

(d) PUBLICATION OF COVERED RULES IN UNIFIED AGENDA.—

(1) REQUIREMENTS.—Each agency shall, on a semiannual basis, submit jointly and without delay to the Office of Information and Regulatory Affairs for publication in the Unified Agenda a list containing—

(A) each covered rule that the agency intends to issue during the 6-month period following the date of submission;

(B) each covered rule that the agency intends to repeal or amend in accordance with subsection (b) during the 6-month period following the date of submission; and

(C) the cost of each covered rule described in subparagraphs (A) and (B).

(2) PROHIBITION.—An agency may not issue a covered rule unless the agency complies with the requirements under paragraph (1).

Mr. SULLIVAN. Mr. President, we all know that our economy is overregulated, and this overregulation undermines our ability to grow our economy and create good jobs. I am sure all the Senators know that just this last quarter we grew at 0.7 percent GDP growth. We can't even break 1 percent GDP growth now.

Take a look at this chart. This is one of the big problems. Federal regulations only grow. They only grow year after year. They never go away. They are never sunsetted.

Even President Obama recognizes this is a problem. In his State of the Union address, the President said: ''I think there are outdated regulations that need to be changed. There is red tape that . . . [must] be cut.''

My amendment is an opportunity to do just that. It is a simple, one-in, one-out requirement for agencies. When an agency issues a new reg, it has to sunset or get rid of an old reg. Now, it is up to the agency to choose which reg it is going to get rid of, but it has to abide by the one-in, one-out rule.

This is not a partisan idea. In fact, this is becoming a consensus idea.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SULLIVAN. The U.K. and Canada are doing this.

Many of my colleagues on the other side of the aisle are very interested in this idea. I ask for their support of this amendment.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, as the ranking member of the committee on homeland security, I rise in opposition to this amendment.

Our friend who is offering this amendment today indicates that Federal agencies are always promulgating regulations, and we never stand any of them down; we never retire them. As it turns out, about 5 or 6 years ago, President Obama said to Cass Sunstein, who runs OIRA, part of OMB: I want you to begin a top-to-bottom review of regulations. Find the ones that don't serve a purpose, and let's get rid of them.

Over the next 5 years, that effort will bear fruit. It is not like saving a couple of million dollars. Over the next 5 years, it is going to save $22 billion. So we actually do have a process, and this is one that has really been provided by leadership from the administration.

The other avenue was provided by our Democratic leader from years ago when he authored something called the Congressional Review Act. It is not always effective; it doesn't always work, but it is actually a way to stand down regulations that we don't want to see stood up.

So there are two ways to do this. We always have an opportunity whenever regulations are proposed. We can speak to them. We can testify to them. We can urge that they be changed while they are in production.

I urge us to vote no on this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. GRASSLEY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ), the Senator from South Carolina (Mr. GRAHAM), the Senator from Florida (Mr. RUBIO), and the Senator from Alabama (Mr. SHELBY).

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

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 result was announced—yeas 49, nays 46, as follows:

[Rollcall Vote No. 13 Leg.]

YEAS—49

Alexander	Fischer	Paul
Ayotte	Flake	Perdue
Barrasso	Gardner	Portman
Blunt	Grassley	Risch
Boozman	Hatch	Roberts
Burr	Heller	Rounds
Capito	Hoeven	Sasse
Cassidy	Inhofe	Scott
Coats	Isakson	Sessions
Cochran	Johnson	Sullivan
Corker	Kirk	Thune
Cornyn	Lankford	Tillis
Cotton	Lee	Toomey
Crapo	McCain	Vitter
Daines	McConnell	Wicker
Enzi	Moran	
Ernst	Murkowski	

NAYS—46

Baldwin	Gillibrand	Nelson
Bennet	Heinrich	Peters
Blumenthal	Heitkamp	Reed
Booker	Hirono	Reid
Boxer	Kaine	Schatz
Brown	King	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Leahy	Stabenow
Carper	Manchin	Tester
Casey	Markey	Udall
Collins	McCaskill	Warner
Coons	Menendez	Warren
Donnelly	Merkley	Whitehouse
Durbin	Mikulski	Wyden
Feinstein	Murphy	
Franken	Murray	

NOT VOTING—5

Cruz	Rubio	Shelby
Graham	Sanders	

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

The Senator from Hawaii.

AMENDMENT NO. 3176 TO AMENDMENT NO. 2953

(Purpose: To amend the Internal Revenue Code of 1986 to phase out tax preferences for fossil fuels on the same schedule as the phase out of the tax credits for wind facilities)

Mr. SCHATZ. Mr. President, I call up amendment No. 3176 and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report the amendment by number.

The senior assistant legislative clerk read as follows:

The Senator from Hawaii [Mr. SCHATZ] proposes an amendment numbered 3176 to amendment No. 2953.

(The amendment is printed in the RECORD of February 1, 2016, under ''Text of Amendments.'')

Mr. SCHATZ. Mr. President, this amendment is based on a very simple idea: that there should be a level playing field for fossil fuels and for clean energy. Right now we have subsidies on both the fossil fuel side and on the clean energy side through our Tax Code. Periodically, we need to recalibrate our energy policy based on market conditions, fiscal circumstances, and what is happening in the world.

Again, here is the idea: We should make sure to reevaluate tax preferences for fossil fuels and clean energy at the same time. If we are serious about creating a level playing field, we should phase out incentives for fossil fuels as we phased them out for wind and solar power. Majorities of both Democrats and Republicans support the repeal of these tax preferences, and so I hope my colleagues will join me in a big bipartisan vote for putting our clean sources of energy on equal footing with their fossil fuel counterparts.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, we have seen an iteration of this before. It is Groundhog Day, but there is a difference with the approach that has been taken with regard to targeting oil and gas production with this basket of fossil fuel subsidies, where we are talking about the repeal of five very important tax provisions that are vital to our domestic small and midsize operators.

The sponsor is correct. It does tie the expiration of these provisions to the expiration of wind tax credits, which most of us would agree should be phased out.

I am in favor of reforming our Tax Code to make it more straightforward and fair. I would welcome that discussion for us to engage in broad-based tax reform on the Senate floor, but the Energy Policy Modernization Act is not the place to do it. It is not the appropriate venue for a tax amendment. As my colleagues know, all revenue-raising measures must originate within the House. The adoption of this tax-related amendment would therefore create an impermissible blue-slip problem.

I urge its rejection.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Ms. MURKOWSKI. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ), the Senator from South Carolina (Mr. GRAHAM), the Senator from Florida (Mr. RUBIO), and the Senator from Alabama (Mr. SHELBY).

Further, if present and voting, the Senator from Alabama (Mr. SHELBY) would have voted ''nay.''

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

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

The result was announced—yeas 45, nays 50, as follows:

[Rollcall Vote No. 14 Leg.]

YEAS—45

Alexander	Feinstein	Murray
Ayotte	Franken	Nelson
Baldwin	Gillibrand	Peters
Bennet	Heinrich	Reed
Blumenthal	Hirono	Reid
Booker	Kaine	Schatz
Boxer	King	Schumer
Brown	Klobuchar	Shaheen
Cantwell	Leahy	Stabenow
Cardin	Markey	Tester
Carper	McCaskill	Udall
Casey	Menendez	Warner
Collins	Merkley	Warren
Coons	Mikulski	Whitehouse
Durbin	Murphy	Wyden

NAYS—50

Barrasso	Flake	Murkowski
Blunt	Gardner	Paul
Boozman	Grassley	Perdue
Burr	Hatch	Portman
Capito	Heitkamp	Risch
Cassidy	Heller	Roberts
Coats	Hoeven	Rounds
Cochran	Inhofe	Sasse
Corker	Isakson	Scott
Cornyn	Johnson	Sessions
Cotton	Kirk	Sullivan
Crapo	Lankford	Thune
Daines	Lee	Tillis
Donnelly	Manchin	Toomey
Enzi	McCain	Vitter
Ernst	McConnell	Wicker
Fischer	Moran	

NOT VOTING—5

Cruz	Rubio	Shelby
Graham	Sanders	

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

The Senator from Illinois.

AMENDMENT NO. 3095 TO AMENDMENT NO. 2953

Mr. DURBIN. Mr. President, I call up amendment No. 3095 and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report the amendment by number.

The senior assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 3095 to amendment No. 2953.

The amendment is as follows:

(Purpose: To increase funding for the Office of Science of the Department of Energy)

On page 352, strike lines 17 through 21 and insert the following:

''(8) $5,423,000,000 for fiscal year 2016;
''(9) $5,808,000,000 for fiscal year 2017;
''(10) $6,220,000,000 for fiscal year 2018;
''(11) $6,661,000,000 for fiscal year 2019; and
''(12) $7,134,000,000 for fiscal year 2020.''.

Mr. DURBIN. Mr. President, this bipartisan amendment which I am offering with Senator ALEXANDER would increase funding levels for the Department of Energy Office of Science to a rate of 5 percent annual real growth for 5 years.

The Office of Science is an incredible organization—24 scientists, 10 national labs, research in 300 colleges and universities in all 50 States. It was their work which led to the development of the MRI, and they are currently working on imaging systems to identify Alzheimer's in its early stages. It is an incredible operation. This commitment will pay us back many times over.

I yield to my friend and colleague from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I urge a ''yes'' vote because I think an important part of a Republican progrowth policy is support for government-sponsored research. That is how we got 3–D mapping and horizontal drilling that led to unconventional gas and oil. That is how we are going to get the cost of carbon capture low enough to make it commercial. That is how we are going to get solar panels cheap enough to make them useful.

We should reduce wasteful spending on subsidies for mature energy technology and double energy research, and this would do that on a conservative path. At 5 percent a year, it would take 10 years to double the $5 billion of energy spending we have today.

I urge a ''yes'' vote.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I understand that we have an agreement to voice vote the Durbin amendment. Therefore, I ask unanimous consent that the 60-vote threshold with respect to the Durbin amendment No. 3095 be rescinded.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Is there any further debate on the amendment?

Hearing none, the question occurs on agreeing to the amendment.

The amendment (No. 3095) was agreed to.

The PRESIDING OFFICER. The Senator from Rhode Island.

AMENDMENT NO. 3125 TO AMENDMENT NO. 2953

Mr. WHITEHOUSE. Mr. President, I call up amendment No. 3125 and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report the amendment by number.

The senior assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. WHITEHOUSE] proposes an amendment numbered 3125 to amendment No. 2953.

The amendment is as follows:

(Purpose: To require campaign finance disclosures for certain persons benefitting from fossil fuel activities)

At the appropriate place, insert the following:

SEC. ___. CAMPAIGN FINANCE DISCLOSURES BY FOSSIL FUEL BENEFICIARIES.

(a) IN GENERAL.—Section 304 of the Federal Election Campaign Act of 1974 (52 U.S.C.

30104) is amended by adding at the end the following new subsection:

''(j) DISCLOSURE BY FOSSIL FUEL BENEFICIARIES.—

''(1) IN GENERAL.—

''(A) INITIAL DISCLOSURE.—Every covered entity which has made covered disbursements and received covered transfers in an aggregate amount in excess of $10,000 during the period beginning on January 1, 2014, and ending on the date that is 165 days after the date of the enactment of this subsection shall file with the Commission a statement containing the information described in paragraph (2) not later than the date that is 180 days after the date of the enactment of this subsection.

''(B) SUBSEQUENT DISCLOSURES.—Every covered entity which makes covered disbursements (other than covered disbursement reported under subparagraph (A)) and received covered transfers (other than a covered transfer reported under subparagraph (A)) in an aggregate amount in excess of $10,000 during any calendar year shall, within 48 hours of each disclosure date, file with the Commission a statement containing the information described in paragraph (2).

''(2) CONTENTS OF STATEMENT.—Each statement required to be filed under this subsection shall be made under penalty of perjury and shall contain the following information:

''(A) The identification of the person making the disbursement or receiving the transfer, of any person sharing or exercising direction or control over the activities of such person, and of the custodian of the books and accounts of the person making the disbursement or receiving the transfer.

''(B) The principal place of business of the person making the disbursement or receiving the transfer, if not an individual.

''(C) The amount of each disbursement or transfer of more than $200 during the period covered by the statement and the identification of the person to whom the disbursement was made or from whom the transfer was received.

''(D) The elections to which the disbursements or transfers pertain and the names (if known) of the candidates involved.

''(E) If the disbursements were paid out of a segregated bank account which consists of funds contributed solely by individuals who are United States citizens or nationals or lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20))) directly to this account for electioneering communications, the names and addresses of all contributors who contributed an aggregate amount of $1,000 or more to that account during—

''(i) in the case of a statement under paragraph (1)(A), during the period described in such paragraph, and

''(ii) in the case of a statement under paragraph (1)(B), the period beginning on the first day of the preceding calendar year and ending on the disclosure date.

Nothing in this subparagraph is to be construed as a prohibition on the use of funds in such a segregated account for a purpose other than covered disbursements.

''(F) If the disbursements were paid out of funds not described in subparagraph (E), the names and addresses of all contributors who contributed an aggregate amount of $1,000 or more to the person making the disbursement during—

''(i) in the case of a statement under paragraph (1)(A), during the period described in such paragraph, and

''(ii) in the case of a statement under paragraph (1)(B), the period beginning on the first day of the preceding calendar year and ending on the disclosure date.

''(3) COVERED ENTITY.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'covered entity' means—

''(i) any person who is described in subparagraph (B), and

''(ii) any person who owns 5 percent or more of any person described in subparagraph (B).

''(B) PERSON DESCRIBED.—A person is described in this subparagraph if such person has received revenues or stands to receive revenues of $1,000,000 or greater from fossil fuel activities.

''(C) FOSSIL FUEL ACTIVITIES.—For purposes of this paragraph, the term 'fossil fuel activities' includes the extraction, production, refining, transportation, or combustion of oil, natural gas, or coal.

''(4) COVERED DISBURSEMENT.—For purposes of this subsection, the term 'covered disbursement' means a disbursement for any of the following:

''(A) An independent expenditure.

''(B) A broadcast, cable, or satellite communication (other than a communication described in subsection (f)(3)(B)) which—

''(i) refers to a clearly identified candidate for Federal office;

''(ii) is made—

''(I) in the case of a communication which refers to a candidate for an office other than President or Vice President, during the period beginning on January 1 of the calendar year in which a general or runoff election is held and ending on the date of the general or runoff election (or in the case of a special election, during the period beginning on the date on which the announcement with respect to such election is made and ending on the date of the special election); or

''(II) in the case of a communication which refers to a candidate for the office of President or Vice President, is made in any State during the period beginning 120 days before the first primary election, caucus, or preference election held for the selection of delegates to a national nominating convention of a political party is held in any State (or, if no such election or caucus is held in any State, the first convention or caucus of a political party which has the authority to nominate a candidate for the office of President or Vice President) and ending on the date of the general election; and

''(iii) in the case of a communication which refers to a candidate for an office other than President or Vice President, is targeted to the relevant electorate (within the meaning of subsection (f)(3)(C)).

''(C) A transfer to another person for the purposes of making a disbursement described in subparagraph (A) or (B).

''(5) COVERED TRANSFER.—For purposes of this subsection, the term 'covered transfer' means any amount received by a covered entity for the purposes of making a covered disbursement.

''(6) DISCLOSURE DATE.—For purposes of this subsection, the term 'disclosure date' means—

''(A) the first date during any calendar year by which a person has made covered disbursements and received covered transfers aggregating in excess of $10,000; and

''(B) any other date during such calendar year by which a person has made covered disbursements and received covered transfers aggregating in excess of $10,000 since the most recent disclosure date for such calendar year.

''(7) CONTRACTS TO DISBURSE; COORDINATION WITH OTHER REQUIREMENTS; ETC,.—Rules similar to the rules of paragraphs (5), (6), and (7) of subsection (f) shall apply for purposes of this subsection.''.

Mr. WHITEHOUSE. Mr. President, this is the last vote in this tranche of votes, and I hope this can be a bipartisan vote. We all understand that a shadow has fallen over this Chamber since Citizens United, and that is the shadow of dark money. The American public is sick about the special interests that have so much sway. They are even more sick of special interests having secret sway because of secret spending. This secret spending influences what we can and cannot do. It influences our deliberations. It has even constrained the shape of the very bill on the floor right now. As one Kentucky newspaper said, it has also created a tsunami of slime in our elections.

This vote gives us the chance to push back and to put a little daylight on the secret money that is being spent in our elections. I very much hope that, consistent with past Republican support for sunshine and disclosure, we can get a bipartisan vote in favor of disclosure of the big-money donors who are now putting secret money into our elections—in this case, particularly in the energy sector.

I ask for the votes of my colleague in favor of this amendment.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I do think that at some point in time it is fair to discuss disclosure when it comes to campaign finance and campaign finance disclosure. However what this amendment does is require campaign finance disclosures from individuals receiving over $1 million from fossil fuel activities—no other activities.

What activities are we talking about? It defines fossil fuel activities as those including ''the extraction, production, refining, transportation, or combustion of oil, natural gas, or coal.'' That is pretty broad. We are talking about explorers, producers, refiners, perhaps even the automotive industry, the rail industry, powerplants, and many others.

We can have a discussion about campaign finance disclosure and what may or may not be appropriate. We defeated an amendment similar to this when we had the Keystone debate last January. We tabled another. The time and the place to debate this issue is not in this Energy Policy Modernization Act. Therefore, I will be opposing the amendment and encourage my colleagues to do the same.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Ms. MURKOWSKI. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator

from Texas (Mr. CRUZ), the Senator from South Carolina (Mr. GRAHAM), the Senator from Florida (Mr. RUBIO), and the Senator from Alabama (Mr. SHELBY).

Further, if present and voting, the Senator from Alabama (Mr. SHELBY) would have voted ''nay.''

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

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

The result was announced—yeas 43, nays 52, as follows:

[Rollcall Vote No. 15 Leg.]

YEAS—43

Baldwin	Gillibrand	Peters
Bennet	Heinrich	Reed
Blumenthal	Hirono	Reid
Booker	Kaine	Schatz
Boxer	King	Schumer
Brown	Klobuchar	Shaheen
Cantwell	Leahy	Stabenow
Cardin	Markey	Tester
Carper	McCaskill	Udall
Casey	Menendez	Warner
Coons	Merkley	Warren
Donnelly	Mikulski	Whitehouse
Durbin	Murphy	Wyden
Feinstein	Murray	
Franken	Nelson	

NAYS—52

Alexander	Fischer	Murkowski
Ayotte	Flake	Paul
Barrasso	Gardner	Perdue
Blunt	Grassley	Portman
Boozman	Hatch	Risch
Burr	Heitkamp	Roberts
Capito	Heller	Rounds
Cassidy	Hoeven	Sasse
Coats	Inhofe	Scott
Cochran	Isakson	Sessions
Collins	Johnson	Sullivan
Corker	Kirk	Thune
Cornyn	Lankford	Tillis
Cotton	Lee	Toomey
Crapo	Manchin	Vitter
Daines	McCain	Wicker
Enzi	McConnell	
Ernst	Moran	

NOT VOTING—5

Cruz	Rubio	Shelby
Graham	Sanders	

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

The Senator from Alaska.

Ms. MURKOWSKI. Madam President, we have just concluded this series of eight votes. You combine that with the rollcall votes we had yesterday, as well as the voice votes we have taken, and we are up to 27 amendments that we have processed. We are moving right along.

I appreciate the cooperation of Members on both sides and the staff who are working as we speak to see if we can pull together yet another block of amendments we will be able to accept by voice vote. We will not have any more rollcall votes for the remainder of today, but know that we are working aggressively to try to process as many amendments as we can by voice vote and then set up a process tomorrow.

We will notify Members in terms of when we might be able to expect votes on amendments. I thank colleagues for the good work today. We encourage you to come down to the floor, speak to your amendments, speak to the issues you are hoping to advance. We would like to get this bill through to completion by the end of this week. I thank Members for their support.

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

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

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk for the Murkowski substitute amendment No. 2953.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk for the underlying bill, S. 2012.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the mandatory quorum call under rule XXII of the Standing Rules of the Senate with respect to the cloture motions be waived.

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

The Senator from Ohio.

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

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

Mr. BROWN. Mr. President, the crisis in Flint, MI, is a tragedy that was entirely preventable. This week we have a chance to do something about it. Senator STABENOW and Senator PETERS from Michigan have submitted an amendment that I hope, when we go back on the bill, we will consider. As we do so, it is important to remember that Flint is far from the only town in this country where families face exposure to dangerous levels of lead.

In Sebring, in northeast Ohio, near Youngstown, we know there are troubling amounts of lead in the water. Families are scared that their drinking water isn't safe. They are afraid they are facing another Flint. No parent should have to worry that the water coming out of their faucets might in fact be poisoning their children. Pregnant women shouldn't have to fear their tap water.

In Sebring, just as in Flint, families were left in the dark about the safety of their water. For months, local officials failed to notify residents about the lead, and the State EPA failed to step in. I spoke with the mayor. I spoke recently—just this week—to State Representative Boccieri and State Senator Schiavoni, who represent Sebring and that part of the county, about what our response should be.

The amendment before us this week will help put a stop to the failure—in Michigan, the failure of the Governor, and in Columbus, it appears to be the failure of the State EPA. It requires the Federal Environmental Protection Agency to notify the public directly if there is a danger from lead in the water system if a State fails to do so within 15 days. No more arguing about whose responsibility it is while families continue drinking water that we know is not safe. No more finger-pointing after the fact. This amendment says that when there is a problem with the water, people have a right to know and that it is the EPA's job to make sure they do. The sooner we know about lead contamination, the sooner we can get to work to fix it. That is why notification is critical. But notification is just the beginning. The amendment before us this week will be just the beginning of our work to protect Americans from unsafe levels of lead.

The Centers for Disease Control estimates that at least 4 million American households—4 million American households with children—are exposed to high levels of lead. We know what that does to their brain development. We know the impact it has for the rest of their lives. Four million households in this country have children who are exposed to high levels of lead even though we know it isn't safe.

This problem stretches far beyond Flint, MI, and far beyond just our water systems. Corroded lead pipes are a major health hazard, but they are far from the only source of lead poisoning. We know that too many of our children

are exposed to lead through paint—mostly in older homes and mostly in lower income homes—and even the dirt in their backyards. Imagine that.

The devastating effects of lead poisoning fall disproportionately on low-income children and on children of color. They are more likely to live in older homes closer to the city center and in rental housing that is poorly maintained. I have seen it firsthand in Ohio. The Cleveland Plain Dealer conducted an investigation last fall. They found that some 40,000 Cuyahoga County children have tested positive for lead poisoning in the last 10 years. Think about that—40,000 children in that community alone have been tested for lead poisoning over the past 10 years and have tested positive.

Paint chips shed from molding and windowsills in older homes turn into dust that is easily ingested. Sometimes babies pick up lead chips and chew on them because they are colorful.

The danger hasn't subsided. More than 187,000 homes in Cuyahoga County are putting their occupants at risk of lead poisoning. That is why our efforts can't stop with Michigan and can't stop with lead in our water.

The good news is, we can combat this. I know we can because we have done it before. In 2012 a number of my colleagues—Senators FRANKEN from Minnesota, CASEY from Pennsylvania, and MERKLEY from Oregon—wrote to the EPA about the danger posed by former lead smelter sites in urban residential communities. I was in one of those neighborhoods and talked to people who had seen far too much lead in the dirt where their children play in front or behind their houses. Because of our efforts and some diligent reporting by reporters at USA TODAY, the EPA has acted to reexamine hundreds of former lead factory sites, helping communities address and deal with this problem. Think about this: You move into a home. You didn't know that 40 years ago this neighborhood had a lead smelting plant. Your children play in it. You have no idea that soil is contaminated from that lead smelter that closed decades ago.

We also worked to combat the threat of lead in our children's toys. In 2007 Ashland University professor Jeff Weidenhamer found that more than one in seven Halloween toys he purchased and tested through his classes contained dangerous levels of lead, most of them made in China, most of them painted by companies contracting with U.S. toy companies. Who is responsible for that? Surely the Chinese companies' subcontractors that put the lead paint on the toys but certainly the U.S. toy companies that contracted with them and didn't care enough or know enough to check the quality of these toys. Following that shocking discovery, we worked with Professor Weidenhamer and other experts to pass the bipartisan Consumer Product Safety Improvement Act in 2008. When Professor Weidenhamer conducted the same test on toys in 2011, none of them tested positive for dangerous levels of lead.

In spite of the fact that many people sitting in this body won their elections by saying that the government can never do anything good, that the government can never have an impact on our lives, and that the government is too big, that is what the government did—we passed a consumer protection bill in 2008. Two years later we found that comparable toys don't have lead paint in them. So we know we can make progress when we work together and strengthen consumer protections to ensure that agencies tasked with protecting children have the resources they need.

We need to take the lead in our water, in our communities, and in our homes just as seriously as lead in toys. It is not enough to just respond to the crisis at hand. We should do that in Flint, we should do that in Sebring, and we should do that in smaller communities in Ohio in older homes—all of those things. But it is not enough just to respond. Once children have been exposed, the effects can't be erased. We have to do more to help protect families from being exposed to lead in the first place.

We did the right thing in December when we funded critical programs at the CDC and at Housing and Urban Development that helped prevent lead poisoning and monitor lead levels in children, but we can't stop there. We are seeing in Flint, we are seeing in Sebring, OH, and we are seeing in cities across our country that current efforts are not enough. Senator STABENOW and Senator PETERS' amendment is a first good step. I hope we will use this opportunity to examine what more we can do to protect our children, especially those young enough that their brain is developing. Lead poisoning arrests much of their brain development and affects the rest of their lives. We have to do whatever we can to protect our children from the terrible effects of lead poisoning.

The PRESIDING OFFICER. The Senator from Hawaii.

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

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

REMEMBERING STATE SENATOR GIL KAHELE

Mr. SCHATZ. Mr. President, what is aloha? It is not a catchphrase. As it is commonly understood, it is synonymous with kindness, with love, with hospitality, with a Hawaiian perspective, but it is difficult for those not from Hawaii to fully understand its meaning and for those of us from Hawaii to fully explain.

No one embodied the spirit of aloha more than State senator Gil Kahele, who died suddenly last week. He was a living personification of the idea that we are all in this together, that it really does mean something to live together in an island State in the most isolated populated place on the planet and the most beautiful place in the world.

Senator Kahele devoted his life to public service, but political office for him was an afterthought. Gil was a veteran of the U.S. Marine Corps. He worked for the State's department of defense for 33 years and eventually became director of public works at the Pohakuloa Training Area.

Gil took office in 2011 and dedicated his efforts to the people of Senate District 1. He was the chair of the Tourism and International Affairs Committee. Gil was committed to supporting the needs of his district and was instrumental in securing funding for the College of Pharmacy at the University of Hawaii at Hilo.

The circumstances of my election in 2014 were unusual in the extreme, and they brought me to Gil. On election night, I was ahead by fewer than 2,000 votes, but there were parts of Hawaii Island—two precincts in particular—that were unable to vote because of a category 4 hurricane that hit the southern part of the Big Island, the Puna District. As a result, the day after the primary election day, we realized we weren't quite done, and so we went to Puna. But more than the election not being done, the people of Puna were without water and power. Their food was rotting, their roads weren't clear, and they had no working utilities. So we went to work—not gathering votes but gathering provisions; not walking door to door to campaign but literally standing on the road handing out blocks of ice for the folks in Puna. We did this every day for a week, with Gil and the Kahele ohana, until a sense of normalcy was eventually restored. For their family, this was just what you do if you are a person like Gil Kahele, born in a grass shack in the fishing village of Miolii, a Native Hawaiian who served his country, his State, his community, and his family the best way he knew how—with aloha.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

WILDFIRE PREVENTION FUNDING

Mr. WYDEN. Mr. President, last year more acreage in our forests burned than ever before. I know the Presiding Officer understands what this has been like in the West over the last few years. Senator CRAPO and I have dedicated something like 5 years of our professional lives to coming up with practical approaches to deal with this mushrooming problem. There are a whole host of issues that go into making a sensible forestry policy to make sure that we can protect our treasures

in the West, have jobs in the woods that are sustainable, and keep our forests healthy.

In order to do that, one of the most important reforms that are necessary is the one that Senator CRAPO and I have been working on. I really began on this before I was the chairman of the Energy and Natural Resources Committee. Senator CRAPO and I literally have teamed up now for half a decade to end a particularly inefficient and harmful economic and environmental policy that we call fire borrowing. Fire borrowing takes place when Congress fails to budget enough money to fight wildfires, forcing agencies to raid their other accounts, including accounts to prevent wildfires.

Obviously, there may be some listening in who don't represent western communities. But what Senator CRAPO and I have tried to convey to our colleagues is that fire borrowing doesn't just threaten fire prevention and suppression. It is quicksand that is dragging down all of the programs at the Forest Service: timber sales, stream restoration, trail maintenance, recreation, and many more.

So Senator CRAPO and I said that this was too important to have yet another issue that gets thrown around, batted around like another bit of cannon fodder for partisan kind of drills. We have put together legislation with 21 cosponsors in the Senate and 145 in the House to end fire borrowing. Our legislation is supported by a coalition of more than 250 groups of anglers, sportsmen, environmentalists, and timber companies. It is pretty hard to get more than a handful of people to agree on much of anything here in Washington, DC. What Senator CRAPO and I have been talking about now has more than 250 organizations behind it.

Despite the overwhelming support for this effort, the bill has been stuck. Tonight what Senator CRAPO and I are going to talk about is how we can work together with our colleagues to unstick this and to get it done. We felt that all along we had been doing what it took to make this happen. We talked to our colleagues of both parties. We negotiated. We talked to House Members. We talked to Senate offices. We talked to the administration. We talked to timber and environmental people. All we said is that it makes sense, even though there are a whole host of changes that you can pursue for a sensible fire policy to end fire borrowing for good, to end the erosion of the Forest Service budget, and to start focusing on prevention. Wouldn't it make more sense to concentrate on prevention, going in there and thinning out the forests and using sensible fire prevention strategies rather than not to do the prevention and have the forests get hot and dry? Then we have lightning strikes in our part of the world. All of a sudden you have an inferno on your hands, and they don't have enough money to put all these fires out. So you borrow from the prevention fund and the problem gets worse.

What Senator CRAPO and I said is that we will work with all of the budget authorities. We were very much involved with Chairman ENZI in this. We could come up with some budget process issues that would be acceptable here in the Senate and also to our colleagues in the House.

There was a colloquy last week among the chairs of the Energy, Budget, and Agriculture Committees that indicated that they very much want a resolution of the issue. I am pleased that they are interested in hearings and working on legislation and moving in February and March. I felt that this was a promising start to the year because that is what Senator CRAPO and I were after last July when we got a great many Senators together and we said that we were going to try to get this worked out so that it could have been done last fall. We all said that we were going to get together and get this resolved.

Obviously, for a variety of reasons it didn't happen. But I think what we heard last week strikes me as a beginning to finally getting this unstuck, and I have been so appreciative of working with the Senator on this now for something like 5 years. I would be interested in the Senator's reaction with respect to this situation.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Mr. President, I strongly agree with my friend and colleague Senator WYDEN from Oregon. He is absolutely right that we have been working on this for probably 5 years as we have worked to identify the solution and then build the coalition of support to implement the solution that is necessary for this critical problem.

I am also very appreciative, as Senator WYDEN has said, that we had the chairman of the Energy Committee, the chairman of the Budget Committee, and the chairman of the Agriculture Committee engaged in a colloquy last week discussing the urgency of resolving this issue. I believe we are now getting to a point at which the understanding of how critical it is to resolve this issue has penetrated deeply into the political fiber of both the Senate and the House. Now we need to take that momentum and continue to move forward.

As we take stock of last year's fire season, the statistics are sobering. Senator WYDEN referenced a little bit of it. Let me just add to that a little bit.

Nationally, last year, we had 68,151 fires that burned 10.1 million acres and cost over $1.7 billion in suppression operations. These fires accounted for the loss of roughly 4,600 structures, and, most tragically, the lives of 13 wild land firefighters.

This set of statistics is a set of statistics that is growing every year. We are seeing more fires and more catastrophic fires every year because we are not managing our forests properly, and we are not dealing with the crisis that is creating in forest fires.

There is a very important statistic that I think everyone in America should understand about this critical issue. I just said that there were 68,151 fires in America last year. One percent of those fires cost 30 percent of the firefighting budget. Those are the fires that became catastrophes. They became catastrophic. The solution we have come together on to help address this issue is simply to make a very obvious conclusion and to put it into the law; that is, when we get a fire that is 1 percent of the fires that cost 30 percent of the firefighting and do so much of the damage, we declare that they are natural disasters—just like the earthquakes, the hurricanes, the tornadoes, the floods and the other disasters that we acknowledge here in Congress and deal with as disasters when we finance the efforts to fight them and to respond to them.

With these numbers in mind, I want to again thank the committee chairmen who came to the floor last week and engaged in a colloquy to express how serious this issue is. It is getting to a crisis point. As those Senators last week noted, when it comes to how we fight wildfires, we are in a crisis.

For more than a decade, as fires have raged across the West, we have seriously underbudgeted for the necessary suppression costs with these disasters. To make matters worse, the lack of resources to fight the worst of our annual fires has forced land management agencies into what Senator WYDEN has so ably described—fire borrowing that results in less money for the very activities that can prevent the large devastating fires from happening in the first place. What happens is our management agencies, the Forest Service, Bureau of Land Management, and those who deal with the wild lands and grasses that burn, have had to borrow from all of their other funds so that they can't adequately manage the land. As a result, we end up with more bad fires, and every year the catastrophic fires grow.

When the Forest Service is forced to borrow to fight fires, they are actually borrowing against jobs, recreational opportunities, and proper forest management. The best way to think of fire borrowing is less timber, less jobs, and less access to these beautiful lands because while it is fire borrowing, in many cases it delays the repayment in ways that actually cancel projects, undercut the ability to implement proper forest management, lose jobs, and reduce access to our public lands. Perhaps the most destructive is the fact that less work in the woods means that the harmful cycle just gets worse.

As Senator WYDEN has noted, to address this problem, we have consistently introduced legislation for years now that would treat the devastating fires as the disasters that they are.

I need to back up for a second. We talk about the fact that there is a cost that is not being provided for by Congress and that this fire borrowing has

to happen, but I think it is critical to note that our solution has been scored by both the Congressional Budget Office and by the OMB at the White House as having zero budget impact. It will not increase the deficit because we do end up paying to fight these fires, it is just the way that we end up paying to fight them is the way we deal with so much of our catastrophic health care—at the emergency room with the most expensive solutions, the worst outcomes, and we don't deal with the underlying crisis.

While there is broad agreement from lawmakers on both sides of the aisle and in both Houses of Congress that a fix to fire borrowing is needed, there have been different approaches to the solution. Senator WYDEN and I have been very willing to work with those who have different ideas about how we need to solve this problem and can actually make adjustments in our legislation as we move forward to deal with issues and concerns that others have raised.

We are now at the crisis point, and now we need to move forward and put a final resolution in place. Senator WYDEN and I have worked with these lawmakers and will continue to work with them. We are simply here tonight to say that we are very pleased to see that the leadership of the critical committees in the Senate and others who are so concerned about this issue are in agreement that we need to put this on the front burner and engage with developing a solution and putting it into law.

I look forward to working with Senator WYDEN, the chairman of our Energy, Budget, and Agriculture Committees, and all the interested stakeholders whom Senator WYDEN mentioned—250 groups from across the political spectrum. This is one of those issues in which those groups that so often have different perspectives on how to manage our public lands are in agreement, and we need to take this support—the political agreement that is taking place and the political awareness of the crisis that is happening—and move forward to the implementation of a solution.

I appreciate the opportunity to come to the floor tonight and talk with Senator WYDEN one more time about this as we move to the final stages of implementing this important legislation.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I thank my friend from Idaho, and in wrapping this up I wish to convey what the bottom line really is here.

Senator CRAPO and I do not want to be back on the floor of the U.S. Senate in the winter of 2017 once again talking about how something got stuck or somebody didn't agree with somebody on one small aspect of this, and as a result fire borrowing is still in place. What Senator CRAPO and I are saying is we want to work with all sides. It is going to have to be bipartisan and it is going to have to be bicameral. Those are probably the most important words in this whole discussion. It is going to have to be bipartisan and it is going to have to be bicameral.

We have lots of committees involved. We have the Energy and Natural Resources Committee that I am on and the Agriculture, Nutrition, and Forestry Committee, and the Budget Committee that both of us have been on. We have lots of committees in the Senate, and we have partners in the House who have also played a meaningful role.

I would like to think that Senator CRAPO and I were able to move that bipartisan, bicameral process a fair way down the road at the end of last year, but what we are saying is: Let's now vow, as a body and working with our colleagues, to make sure we are not back here in the winter of 2017 after yet another horrendous fire season and once again saying: You know, this Forest Service practice is a textbook case of inefficiency, and we are explaining what fire borrowing is and how it does so much damage in the forest and to forest health.

This is about the betterment of rural resource-dependent communities, especially in the West and around the country. Senator CRAPO and I have worked together on other past efforts, such as the secure rural schools legislation and the Healthy Forests Restoration Act. We were both involved in those efforts and they were, in fact, bipartisan and bicameral.

Tonight our hope is, as a result of this discussion and what we heard on the floor of the Senate last week, that in fact after more than 5 years of effort on this issue, that this time the Congress, on both sides of the Capitol, will come together and will work with the administration. They indicated support for what we were doing last year and will indicate support early on for efforts that are bipartisan and bicameral. The sooner we can get on with that, the better. That is why it is good news that the committees will be starting hearings and legislative consideration shortly, and we look forward to working with our colleagues.

I yield at this time.

The PRESIDING OFFICER. The Senator from Massachusetts.

TRANS-PACIFIC PARTNERSHIP AGREEMENT

Ms. WARREN. Mr. President, on Thursday, 12 countries will sign a massive trade agreement to change the rules for 40 percent of the world's economy, but the Trans-Pacific Partnership will not go into effect unless Congress approves it. I urge my colleagues to reject the TPP and stop an agreement that will tilt the playing field even more in favor of big multinational corporations and against working families.

Much of the debate over this trade agreement has been described as a fight over America's role in setting the rules of international trade, but this is a deliberate diversion. In fact, the United States has free-trade agreements with half of the TPP countries. Most of the TPP's 30 chapters don't even deal with traditional trade issues. No. Most of TPP is about letting multinational corporations rig the rules on everything from patent protection to food safety standards all to benefit themselves.

The first clue about whom the TPP helps is who wrote it. Twenty-eight trained advisory committees were formed to whisper in the ear of our trade negotiators to urge them to move this way or that way during negotiations. Who are the special privileged whisperers? Well, 85 percent are corporate executives or industry lobbyists. Many of the committees—including those on chemicals and pharmaceuticals, aerospace equipment, textiles and clothing, and financial services—are 100 percent industry representatives. In 15 advisory committees, no one—no one—was in the room who represented American workers or American consumers. There was no one in the room who worried about the enforcement of environmental issues or protection against human rights abuses. Nope. Day after day, meeting after meeting, our official negotiators listened to the whispers of the giant industries and heard little from anyone else.

The second clue about what is going on is that it all happened behind closed doors. The U.S. Trade Representative, Michael Froman, says that the United States has been working to negotiate this trade deal for over 5½ years, but the text of the agreement was hidden from public view until just 3 months ago, and when I say hidden, I mean hidden. The drafts were kept under lock and key so that even Members of the Senate had to go to a secure location to see them, and then we weren't allowed to say anything to anyone about what we had actually seen. A rigged process produces a rigged outcome. When the people whispering in the ears of our negotiators are mostly top executives and lobbyists for big corporation—and when the public is shut out of the negotiating process—the final deal tilts in favor of corporate interests.

Evidence of this tilt can be seen in a key TPP provision, investor-state dispute settlement, ISDS. With ISDS, big companies get the right to challenge laws they don't like, not in courts but in front of industry-friendly arbitration panels that sit outside any court system. Those panels can force taxpayers to write huge checks to big corporations with no appeals. Workers, environmentalists, and human rights advocates don't get the special right, only corporations do.

Most Americans don't think of keeping dangerous pesticides out of our food or keeping our drinking water clean as trade issues, but all over the globe companies have used ISDS to demand compensation for laws they don't like. Just last year a mining company

won an ISDS case when Canada denied the company permits to blast off the coast of Nova Scotia. Today, Canadian taxpayers are on the hook for up to $300 million all because their government tried to protect its environment and tried to protect the livelihood of local fishermen.

ISDS hasn't been a problem just for other countries. We have seen the dangers of ISDS right here at home. Last year, the U.S. State Department concluded, and President Obama agreed, that the Keystone XL Pipeline would not serve the national interests of the United States. It was a long fight, but the administration, applying American law, decided that the pipeline was a threat to our air, to our water, and to our climate and denied the permit, but the oil company that wants to build this pipeline doesn't think the buck stops with our President. Now this foreign oil company is using the ISDS provision in NAFTA to demand more than $15 billion in damages from the United States just because we turned down the Keystone Pipeline.

The Nation's top experts in law and economics have warned us about the dangers of ISDS. Nobel Prize-winning economist Joe Stiglitz, Harvard law professor Laurence Tribe, and others recently noted that if ISDS panels force countries to pay high enough fines, the countries will voluntarily drop the health, safety, labor, and environmental laws that big corporations don't like. That is exactly what Germany did in 2011 when they cut back on environmental regulations after an ISDS lawsuit.

Everyone understands the risks associated with ISDS. In fact, the issue got so hot over tobacco companies using ISDS to roll back health standards around, the world that the TPP negotiators decided to limit the use of ISDS to challenge tobacco laws. That is a pretty bold admission that ISDS can be used to weaken public health laws.

I am glad tobacco laws are protected from ISDS, but what about food safety laws or drug safety laws or any other regulation that is designed to protect our citizens? Under TPP every other company, regardless of the health or safety impact, will be able to use ISDS.

Congress will have to vote straight up or down on TPP. We will not have a chance to strip out any of the worst provisions like ISDS. That is why I oppose the TPP, and I hope Congress will use its constitutional authority to stop this deal before it makes things even worse and more dangerous for America's hardest working families.

Thank you, Mr. President.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. GARDNER. Mr. President, I would like to take a moment to applaud the great work that Chairman MURKOWSKI and Ranking Member CANTWELL are doing this week on the Energy bill to get this bill to the floor—the Energy Policy Modernization Act of 2016. They have been leaders and have shown their commitment to developing and advancing what is truly a bipartisan bill.

This legislation is a result of nearly a year's work on the Energy and Natural Resources Committee, with four legislative hearings leading up to a July markup. There have been many hours put into the base text, and we had a strong bipartisan vote to report the bill out of committee 18 to 4. It is also nice to see Members over the past several days, and last week as well, having the opportunity to amend the bill on the floor—to make it even stronger through an open amendment process throughout this past week.

The Energy Policy Modernization Act will mean more energy efficiency, more energy generation, and more jobs in the energy sector. Promoting energy efficiency and clean alternative power sources is something that has been a focus of my service, and I am pleased that I have had a chance in my role on the Energy and Natural Resources Committee to continue shaping Federal energy policy in the U.S. Senate.

We have before us this week an opportunity to really advance our national energy policy and to think about what our national energy policy means for this country—energy being a cornerstone of our economy and our security. It means more jobs, it means more growth, and perhaps even one of the most potent foreign policy tools this Nation has to offer our allies.

I wish to take a little bit of time to highlight several provisions of the bill that I helped champion and sponsor to get included in the base of the text.

Section 1006 would encourage the use of something called energy savings performance contracts and utility energy savings contracts in Federal buildings. It is a long name for something that probably doesn't fit very well on a bumper sticker. But what energy savings performance contracts and utility energy savings contracts do is something very simple. They are tools that will allow innovative public and private partnerships to occur, that allow private companies to use private dollars to make energy efficient upgrades to Federal buildings. The private companies are then reimbursed for upgrades once the Federal buildings' energy costs are lower. So, in essence, we are taking private sector ingenuity and know-how and private sector investments and putting them into Federal buildings to lower utility costs, to make sure we are doing a better job of heating or cooling or turning the lights on in our buildings, all through private sector know-how, with no cost to the taxpayer, resulting in taxpayer savings and, of course, thousands of private sector jobs.

Last night we had an amendment that passed by voice vote which requires Federal agencies to implement energy savings projects at Federal facilities. For the past several years, we have been carrying out mandatory Federal energy audits that outline energy savings projects for Federal facilities that are aimed at reducing energy consumption and saving tax dollars, but Federal agencies were not required to implement these changes. So we were actually spending Federal dollars to find out how we can save Federal dollars. Yet we would put that report on a shelf where it could gather dust, and we actually didn't implement the taxpayer savings that the reports suggested. We are not talking about just a little bit of savings; we are talking about billions upon billions of dollars of savings that we could put upon the Federal Government simply by making the billions of square feet of office space that the Federal Government has more energy efficient—all, again, by using private sector know-how and private sector ingenuity, with zero taxpayer dollars involved. This amendment that we added last night would make sure those requirements—those findings of energy savings—are actually put into place. Instead of just gathering dust on the shelf, we are going to make them a reality.

Section 3002 of the bill would reauthorize a Department of Energy program for 10 additional years to provide funding to retrofit existing dams and river conduits with electricity-generating technology. It is estimated by the Department of Energy that there is up to 12 gigawatts of untapped hydropower development within the Nation's existing dam infrastructure—12 gigawatts already there, untapped. Right now we estimate that only about 3 percent of the Nation's 80,000 existing dams are used to generate clean hydroelectric power. If people are concerned about zero emissions and carbon emissions, hydropower is one of the greatest opportunities we have—hydroelectric generation—to produce clean energy, a renewable resource and emission free.

We have heard from the Colorado Small Hydro Association that there are new Colorado hydroelectric projects benefiting from this program that were originally authorized in the Energy Policy Act of 2005. These projects include new small hydro projects near Ouray, Creede, Grand Lake, and Ridgeway, CO.

Another measure I have been working on over the past several years is section 2201, which expedites the approval of liquefied natural gas export applications. I carried this measure in the House where we passed it with bipartisan support, and now we are going to be able to pass it with bipartisan support in the U.S. Senate.

When we think about the foreign policy potential that expediting liquefied natural gas has for this country and the world, it is truly significant. We

now can send to our allies in Eastern Europe and around the globe—nations that are currently dependent on energy from tyrannical governments or governments that would use their energy contracts and pricing to try to gouge their neighbors or to manipulate markets for their own gain of an unscrupulous leader—it is a foreign policy tool that the United States can now provide to our allies abundant, affordable energy. This bill will allow that liquefied natural gas permitting process to be expedited. Nations can't wait to get their hands on U.S. energy. The Department of Energy has said that they can comply with the terms of this bill. It is a no-brainer.

I also sponsored language in section 4101 of the bill to commission a study of the feasibility and the potential benefits that could be brought about by an energy-water Center Of Excellence within the Department of Energy's national laboratories. In Colorado we are home to the National Renewable Energy Laboratory. We are also home to some of the most incredible waterways our Nation has to offer. We are also home, of course, to the high plains areas of the Western Slope and the Eastern Plains that need more attention when it comes to how we are going to develop our energy sources while also making sure we are protecting our water and making sure we are being good conservationists when it comes to our water. An energy-water Center Of Excellence would aid in efforts to establish a comprehensive approach for managing energy and water resources in the future.

In section 3017, I worked to clarify that oilseed crops are eligible to qualify for the same research provisions as biomass. Meeting future demand for energy and fuel will require a variety of sources, and science and research indicate that oilseed crops have the potential to play a significant role. The Central Great Plains Research Station in Akron, CO, is researching right now oilseed productivity under varying water availability. Meeting our energy needs in an increasingly drought-ridden area will only become harder and harder. Without the necessary research, we may not have an appropriate response, but with continued innovation, we will have a great one.

Oilseeds can hold the key to providing safe, clean energy that is water efficient—a key for the increasingly drought-ridden West.

One of the things we know we have to consider in agriculture, as farmers sometimes face challenging and sometimes historic lows in commodity prices, is to make sure we are finding new ways and new value to the crops they can raise. The development of oilseeds, development of dryland oilseed technologies is an incredible way for us to bring value-added opportunities to rural America.

These are only a few of the provisions that I have worked to advance in this bill, and I wish to thank, again, Chairman MURKOWSKI and so many of our colleagues for including these provisions so important to States like Colorado and the Presiding Officer's State of Montana, and for what we have been able to do in this Energy bill.

We are spending this time on energy because it is so important to this country. Why is it important? Because it means jobs. It means an economic foundation. Abundant and affordable energy means the opportunity for a small business to open up. It means the ability of our neighbors to be able to afford to cool or heat their homes, to be able to turn on the light switch when they wake up in the morning and go home at night.

Over the past year we have looked back at the work the Senate has done, and really the past year has been a very productive one in the Senate for the American people. We have focused on four things in the Senate—four corners—something that I call my four corners plan: Working on education, passing a bipartisan education bill; areas such as our economy, and providing tax relief to small businesses and people around the country; passing a bipartisan transportation bill to make sure we are getting goods to and from the market. We have worked on the environment by passing the Land and Water Conservation Fund. In fact, this bill will address the great program of the Land and Water Conservation Fund, which has benefited all 50 States across the country with projects in every single one. This bill, the Energy Modernization Policy Act that we are working on today, will address the fourth corner of my four corner plan, and that is energy. We will hopefully produce hundreds of thousands of jobs around Colorado and the country, directly or indirectly related to energy development and energy production, whether that is clean energy, renewable energy, energy efficiency, traditional energy, transmission of that energy to and from consumers; whether it is produced in the sparsely populated southeastern areas of Colorado or the densely populated areas of Colorado's front range and beyond. I hope our colleagues will agree to support and pass this legislation so that it actually continues American leadership when it comes to energy policy.

So I thank the Presiding Officer for his leadership. I know in Montana this Energy bill is an important step forward because it represents an all-of-the-above energy policy. I want to thank the Presiding Officer for his leadership in Montana, and I also want to thank the chairman of the committee, Senator MURKOWSKI, for her leadership as well.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Ms. MURKOWSKI. Mr. President, we have been working hard this afternoon. I think we had a very productive day. We processed eight amendments, which was very good for the process we are in. I have appreciated Members' cooperation with that.

We have been working through the back-and-forth to come up with a package of amendments that we can process by voice vote. It has been good. It has been a little lengthier than we had anticipated, but I think we are in a good place now and I am pleased with that. Again, tomorrow we will look to set up a series of additional votes. Members can expect that beginning probably in the afternoon, but we are also looking to adopt additional votes as we try to reach that unanimous consent agreement.

AMENDMENTS NOS. 3064; 3065, AS MODIFIED; 3179; 3145; 3174; 3140, AS MODIFIED; 3156; 3143; 3194, AS MODIFIED; 3205; AND 3160 TO AMENDMENT NO. 2953

Ms. MURKOWSKI. Mr. President, at this point in time we are now ready to process some amendments by voice vote.

I ask unanimous consent that the following amendments be called up and reported by number: Hirono amendment No. 3064; Hirono amendment No. 3065, with modification; Klobuchar amendment No. 3179; Inhofe-Carper amendment No. 3145; Heitkamp amendment No. 3174; Collins-Klobuchar amendment No. 3140, with modification; Baldwin amendment No. 3156; Carper-Inhofe amendment No. 3143; Boxer-Feinstein amendment No. 3194, with modification; Inhofe-King amendment No. 3205; and Booker amendment No. 3160.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the amendments by number.

The legislative clerk read as follows:

The Senator from Alaska [Ms. MURKOWSKI], for others, proposes amendments numbered 3064; 3065, as modified; 3179; 3145; 3174; 3140, as modified; 3156; 3143; 3194, as modified; 3205; and 3160 en bloc to amendment No. 2953.

The amendments are as follows:

AMENDMENT NO. 3064

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

In section 3602(d)(1)(B), after ''State'' insert the following: ''(as defined in 202 of the Energy Conservation and Production Act (42 U.S.C. 6802)) (referred to in this section as the 'State')''.

AMENDMENT NO. 3065, AS MODIFIED

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

In section 3602(d), strike paragraph (3) and insert the following:

(3) work with Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)), tribal organizations (as defined in section 3765 of title 38, United States Code), and Native American veterans (as defined in section 3765 of title 38, United States Code), including veterans who are a descendant of an

Alaska Native (as defined in Section 3(r) of the Alaska Native Claims Settlement Act (432 U.S.C. 1602(r).''

AMENDMENT NO. 3179

(Purpose: To modify the areas of focus under the grid storage program)

On page 174, line 5, insert '', electric thermal, electromechanical,'' after ''materials''.

AMENDMENT NO. 3145

(Purpose: To provide that for purposes of the Federal purchase requirement, renewable energy includes thermal energy)

At the end of title III, add the following:

Subtitle I—Thermal Energy

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

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

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

(2) in subsection (b)—

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

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

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

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

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

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

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

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

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

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

(3) in subsection (c)—

(A) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively, and indenting appropriately;

(B) in the matter preceding subparagraph (A) (as so redesignated), by striking ''For purposes'' and inserting the following:

''(1) IN GENERAL.—For purposes''; and

(C) by adding at the end the following:

''(2) SEPARATE CALCULATION.—

''(A) IN GENERAL.—For purposes of determining compliance with the requirements of this section, any energy consumption that is avoided through the use of renewable energy shall be considered to be renewable energy produced.

''(B) DENIAL OF DOUBLE BENEFIT.—Avoided energy consumption that is considered to be renewable energy produced under subparagraph (A) shall not also be counted for purposes of achieving compliance with another Federal energy efficiency goal.''.

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

AMENDMENT NO. 3174

(Purpose: To affirm a Federal commitment to carbon capture utilization and storage research, development, and implementation and to study the costs and benefits of contracting authority for price stabilization)

On page 302, between lines 14 and 15, insert the following:

SEC. 3401. SENSE OF THE SENATE ON CARBON CAPTURE, USE, AND STORAGE DEVELOPMENT AND DEPLOYMENT.

It is the sense of the Senate that—

(1) carbon capture, use, and storage deployment is—

(A) an important part of the clean energy future and smart research and development investments of the United States; and

(B) critical—

(i) to increasing the energy security of the United States;

(ii) to reducing emissions; and

(iii) to maintaining a diverse and reliable energy resource;

(2) the fossil energy programs of the Department should continue to focus on research and development of technologies that will improve the capture, transportation, use (including for the production through biofixation of carbon-containing products), and injection processes essential for carbon capture, use, and storage activities in the electrical and industrial sectors;

(3) the Secretary should continue to partner with the private sector and explore avenues to bring down the cost of carbon capture, including through loans, grants, and sequestration credits to help make carbon capture, use, and storage technologies more competitive compared to other technologies that are a part of the clean energy future of the United States; and

(4) the Secretary should continue working with international partners on pre-existing agreements, projects, and information sharing activities of the Secretary to develop the latest and most cutting-edge carbon capture, use, and storage technologies for the electrical and industrial sectors.

On page 302, line 15, strike ''**3401**'' and insert ''**3402**''.

On page 302, line 21, strike ''**3402**'' and insert ''**3403**''.

On page 311, between lines 7 and 8, insert the following:

SEC. 3404. REPORT ON PRICE STABILIZATION SUPPORT.

(a) DEFINITION OF ELECTRIC GENERATION UNIT.—In this section, the term ''electric generation unit'' means an electric generation unit that—

(1) uses coal-based generation technology; and

(2) is capable of capturing carbon dioxide emissions from the unit.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall prepare and submit to the appropriate committees of Congress a report—

(1) on the benefits and costs of entering into long-term binding contracts on behalf of the Federal Government with qualified parties to provide price stabilization support for certain industrial sources for capturing carbon dioxide from electricity generated at an electric generation unit or carbon dioxide captured from an electric generation unit and sold to a purchaser for—

(A) the recovery of crude oil; or

(B) other purposes for which a commercial market exists; and

(2) that—

(A) contains an analysis of how the Department would establish, implement, and maintain a contracting program described in paragraph (1); and

(B) outlines options for how price stabilization contracts may be structured and regulations that would be necessary to implement a contracting program described in paragraph (1).

AMENDMENT NO. 3140, AS MODIFIED

(Purpose: To require certain Federal agencies to establish consistent policies relating to forest biomass energy to help address the energy needs of the United States)

At the end of part IV of subtitle A of title III, add the following:

SEC. 30___. POLICIES RELATING TO BIOMASS ENERGY.

To support the key role that forests in the United States can play in addressing the energy needs of the United States, the Secretary, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency shall, consistent with their missions, jointly—

(1) ensure that Federal policy relating to forest bioenergy—

(A) is consistent across all Federal departments and agencies; and

(B) recognizes the full benefits of the use of forest biomass for energy, conservation, and responsible forest management; and

(2) establish clear and simple policies for the use of forest biomass as an energy solution, including policies that—

(A) reflect the carbon-neutrality of forest bioenergy and recognize biomass as a renewable energy source, provided the use of forest biomass for energy production does not cause conversion of forests to non-forest use.

(B) encourage private investment throughout the forest biomass supply chain, including in—

(i) working forests;

(ii) harvesting operations;

(iii) forest improvement operations;

(iv) forest bioenergy production;

(v) wood products manufacturing; or

(vi) paper manufacturing;

(C) encourage forest management to improve forest health; and

(D) recognize State initiatives to produce and use forest biomass.

AMENDMENT NO. 3156

(Purpose: To strike a repeal under a provision relating to manufacturing energy efficiency)

Beginning on page 130, strike line 18 and all that follows through page 131, line 5.

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

AMENDMENT NO. 3143

(Purpose: To reauthorize the diesel emissions reduction program)

At the end of part III of subtitle D of title I, add the following:

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

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

AMENDMENT NO. 3194, AS MODIFIED

(Purpose: To direct the Secretary of Energy to establish a task force to analyze and assess the Aliso Canyon natural gas leak)

At the appropriate place, insert the following:

SEC. _____. ALISO CANYON NATURAL GAS LEAK TASK FORCE.

(b) ESTABLISHMENT OF TASK FORCE.—Not later than 15 days after the date of enactment of this Act, the Secretary shall lead and establish an Aliso Canyon Task Force (referred to in this section as the ''task force'').

(c) MEMBERSHIP OF TASK FORCE.—In addition to the Secretary, the task force shall be composed of—

(1) 1 representative from the Pipeline and Hazardous Materials Safety Administration;

(2) 1 representative from the Department of Health and Human Services;

(3) 1 representative from the Environmental Protection Agency;

(4) 1 representative from the Department of the Interior;

(5) 1 representative from the Department of Commerce; and

(6) 1 representative from the Federal Energy Regulatory Commission.

(d) REPORT.—

(1) FINAL REPORT.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the task force shall submit a final report that contains the information described in subparagraph (B) to—

(i) the Committee on Energy and Natural Resources of the Senate;

(ii) the Committee on Natural Resources of the House of Representatives;

(iii) the Committee on Environment and Public Works of the Senate;

(iv) the Committee on Transportation and Infrastructure of the House of Representatives;

(v) the Committee on Commerce, Science, and Transportation of the Senate;

(vi) the Committee on Energy and Commerce of the House of Representatives;

(vii) the Committee on Health, Education, Labor, and Pensions of the Senate;

(viii) the Committee on Education and the Workforce of the House of Representatives;

(ix) the President; and

(x) relevant Federal and State agencies.

(B) INFORMATION INCLUDED.—The report submitted under subparagraph (A) shall include, at a minimum—

(i) an analysis and conclusion of the cause of the Aliso Canyon natural gas leak;

(ii) an analysis of measures taken to stop the natural gas leak, with an immediate focus on other, more effective measures that could be taken;

(iii) an assessment of the impact of the natural gas leak on health, safety, the environment, and the economy of the residents and property surrounding Aliso Canyon;

(iv) an analysis of how Federal and State agencies responded to the natural gas leak;

(v) in order to lessen the negative impacts of natural gas leaks, recommendations on how to improve—

(I) the response to a future leak; and

(II) coordination between all appropriate Federal, State, and local agencies in the response to the Aliso Canyon natural gas leak and future natural gas leaks;

(vi) an analysis of the potential for a similar natural gas leak to occur at other underground natural gas storage facilities in the United States;

(vii) recommendations on how to prevent any future natural gas leaks;

(viii) recommendations on whether to continue operations at Aliso Canyon and other facilities in close proximity to residential populations based on an assessment of the risk of a future natural gas leak;

(ix) a recommendation on information that is not currently collected but that would be in the public interest to collect and distribute to agencies and institutions for the continued study and monitoring of natural gas infrastructure in the United States;

(x) an analysis of the impact of the Aliso Canyon natural gas leak on wholesale and retail electricity prices; and

(xi) an analysis of the impact of the Aliso Canyon natural gas leak on the reliability of the bulk-power system.

(2) PUBLICATION.—The final report under paragraph (1) shall be made available to the public in an electronically accessible format.

(3) If, before the final report is submitted under paragraph (1) the task force finds methods to solve the natural gas leak at Aliso Canyon; better protect the affected communities; or finds methods to help prevent other leaks, they must immediately issue such findings to the same entities that are to receive the final report.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary.

AMENDMENT NO. 3205

(Purpose: To provide for the use of geomatic data in consideration of applications for Federal authorization)

On page 196, between lines 7 and 8, insert the following:

(d) GEOMATIC DATA.—If a Federal or State department or agency considering an aspect of an application for Federal authorization requires the applicant to submit environmental data, the department or agency shall consider any such data gathered by geomatic techniques, including tools and techniques used in land surveying, remote sensing, cartography, geographic information systems, global navigation satellite systems, photogrammetry, geophysics, geography, or other remote means.

AMENDMENT NO. 3160

(Purpose: To strike a provision relating to identifyng and characterizing methane hydrate resources using remote sensing and seismic data in the Atlantic Ocean Basin)

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

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

The PRESIDING OFFICER. Is there further debate?

If not, the question occurs on agreeing to the amendments en bloc.

The amendments (Nos. 3064; 3065, as modified; 3179; 3145; 3174; 3140, as modified; 3156; 3143; 3194, as modified; 3205; and 3160) were agreed to en bloc.

Ms. MURKOWSKI. Mr. President, I appreciate again the cooperation and the working relationship with my ranking member, as well as her very strong and able team working with mine, as well as the floor staff who have been doing a great job.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, we just cleared several amendments in a bipartisan fashion, working back and forth across the aisle, and I so appreciate our colleagues working so diligently on these tonight. If we want to keep making progress, obviously we have to keep communicating, but I thank everybody involved with getting these amendments done.

To my colleague from Alaska, thanks for her diligence in focusing on these issues. Hopefully we will resolve these issues tomorrow. The cloture motion has been filed, so we need to keep moving forward so that we can resolve these issues by the end of this week.

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.

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

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

AMENDMENT NO. 3140, AS MODIFIED

Ms. CANTWELL. Mr. President, I did want to mention on amendment No. 3140 that I want to thank everybody who worked on that particular amendment tonight. I know tomorrow we are going to have a colloquy continuing the dialogue among all our colleagues who care about these issues as they relate to energy and biomass and making sure we are all continuing to work on this together. I want to point out that there will be a colloquy on that tomorrow.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

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

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

MONTAGNARDS OF VIETNAM

Mr. BURR. Mr. President, I want to take a moment today to recognize the Montagnard community in my State of North Carolina and in other places across the Nation. I am proud to say that North Carolina is home to the largest population of Montagnards in the Unites States and home to the largest population of Montagnards outside of Vietnam.

Many Americans may not know about the history behind the United States's special relationship with the Montagnards, which is a history that goes back to the days of the Vietnam war. The Montagnards are an indigenous tribespeople of the central highlands of Vietnam, and during the Vietnam war, it was the Montagnards who were trained by the CIA and Special Operations Forces to fight alongside our troops against the North Vietnamese and Viet Cong.

At their own great risk, the Montagnards provided critical intelligence support to our troops on the ground, no doubt saving countless American lives. After the war, the United States took in hundreds of Montagnards into our country as refugees because of the severe persecution they faced from the Vietnamese Government for that very reason. While this indeed is a long overdue recognition, I will be submitting later this week a Senate resolution recognizing their service and sacrifice.

However, I believe our recognition of the Montagnards should not stop at what took place decades ago because even today, in 2016, the government of Vietnam continues to discriminate against them for the loyalty and assistance they provided to the United States some 40 years ago. The government of Vietnam continues to persist in its oppression of the Montagnards' basic human rights: the freedom to practice their Christian faith freely without fear of persecution and the right to education, land ownership, and a decent standard of living. This kind of persecution is well documented in the latest human rights and religious freedom reports published by the State Department and the U.S. Commission on International Religious Freedom.

The United States of America has an obligation to stand up for the thousands of suffering Montagnards in Vietnam—some of whom were once our comrades-in-arms. I have heard from many Vietnam war veterans in my State who can tell you how much their military assistance and friendship had meant to them. We should not look the other way; we must continue pressing the Vietnamese Government to respect their fundamental human rights. With this Senate resolution, we send a loud and clear message to the Montagnard people: you are not forgotten.

The United States can do better—we must do better—to support this marginalized tribespeople in Vietnam with whom we share a unique and historic bond.

I would ask my colleagues to join me in supporting this resolution.

Thank you.

ADDITIONAL STATEMENTS

REMEMBERING DONALD ''BUDDY'' WRAY

● Mr. BOOZMAN. Mr. President, today I wish to recognize the life and legacy of Arkansas businessman and former Tyson Foods executive Donald ''Buddy'' Wray.

Buddy spent his life building Tyson Foods into one of the world's leading food companies. He was equally committed to serving northwest Arkansas and leaves behind a legacy as a respected community leader.

Buddy started his career as a service technician in 1961, working as the liaison for the many family-contracted farms ensuring the health of the flocks. He rose through the ranks of the company.

As a regular fixture at Tyson, his dedication led him to become the chief operation officer in 1992 and, a year later, the president of the company, a position he held until his retirement in 2000.

His commitment and love for the company led him to serve as part-time consultant, but he returned to full-time service in 2008. Chairman John Tyson says Buddy was ''instrumental in everything the company did for over 50 years.''

Buddy was a strong voice for the Arkansas poultry industry, always keeping the needs of the farmer close to his heart. He was named the Distinguished Alumni of the Year in 2000 by the University of Arkansas. In 2004, the university established the Donald ''Buddy'' Wray Chair in Food Safety within the Dale Bumpers College of Agriculture. His exemplary dedication to agriculture was noted in 2012 when he was inducted into the Arkansas Agriculture Hall of Fame. In 2015, he was inducted into the Arkansas Business Hall of Fame.

Buddy truly transformed agriculture and was an advocate for Arkansas. My thoughts and prayers are with his wife of 50 years, Linda; children Cindy, Scott, Jana; their eight grandchildren; and the rest of the Wray family.●

RECOGNIZING MARSH DOG

● Mr. VITTER. Mr. President, small businesses have the unique ability to tackle issues in their communities head on through thoughtful, innovative solutions. This week I am proud to recognize Marsh Dog of Baton Rouge, LA, as being small business of the week for their commitment to preserving and protecting Louisiana's vulnerable coastlines.

In 1998, the Louisiana Department of Wildlife and Fisheries placed a bounty on the nutria rat in an effort to curb the reproduction of the invasive species, which has wreaked environment havoc on Louisiana's vulnerable coastal habitats. In response to the bounty, businesses across the State began inventing creative ways to recycle by-products of the rodent.

During this time, Hansel Harlan, the future founder of Marsh Dog, became increasingly concerned with the ingredients he found in mass market dog food products. After reading about the many recalls and the harmful ingredients circulating within the dog food industry, Harlan began toying with the idea of creating custom treats for his canine companion. After a few trial runs and on the suggestion of his sister Veni, Hansel included nutria rat meat into his recipe, creating an all-natural, eco-conscious snack his dog immediately enjoyed. Harlan and Veni, with the blessing of their K–9 taste tester, began developing and marketing the innovative product.

Today Marsh Dog enjoys great success and praise from their customers and environmental groups across the State. In addition to receiving a grant from the Barataria-Terrebonne National Estuary Program in 2011, which proved to be the endorsement that catapulted their success, Marsh Dog was also named Conservation Business of the Year by Louisiana Wildlife Federation.

Hansel and Veni embody what it means to be innovative entrepreneurs. They created a solution for two impactful problems in their community, while also growing a successful small business, is a remarkable feat that deserves celebration.

Congratulations again to Marsh Dog of Baton Rouge, LA, this week's small business of the week, and I look forward to having my rescue dog Ranger try your treats.●

RECOGNIZING PATTON'S WESTERN WEAR

● Mr. VITTER. Mr. President, oftentimes small businesses grow from the humblest of beginnings, providing livelihoods for hard-working entrepreneurs and their families. In rare cases, these small businesses defy all odds, building successful establishments that integrate into their adopted communities, all while supporting local economies and traditions. This week I am proud to recognize Patton's Western Wear of Ruston, LA, as small business of the week for their perseverance in building a solid and successful family-owned and operated retail group that has left its mark across the State of Louisiana.

In 2007, Robert, Patrick, and Thomas Patton used their farming background and extensive experience in retail to open their own western store in Ruston, LA. Catering to the western and oilfield communities of north central Louisiana and southern Arkansas, the Patton brothers began building a reputation for providing a diverse selection of products and quality customer service. One year later, the

brothers experienced such success that they expanded their small business and opened a second western-style store in Lake Charles, LA. In choosing Ruston and Lake Charles, which lie on opposite sides of Louisiana, the Patton brothers have since acquired a loyal clientele that includes everyone from cowboys to college students.

Today the Patton brothers manage their small business by remaining true to their western roots. They are active in the rodeo community, supporting over 100 individual rodeos each year, and have also sponsored a bull rider in the National Finals Rodeo in Las Vegas, NV, for 4 years in a row. Recognized as a Best of the Delta business, the group now operates four locations throughout Louisiana, having most recently opened the doors to their newest location in Shreveport in June 2015.

The Patton brothers continue to show entrepreneurs across the country that it is possible to turn a passion into a business—even from the humblest of means. Through dedicated service to their community, exceptional commitment to customer service, and an excellent retail strategy, the Patton brothers have made their mark across Louisiana and into Arkansas and Texas.

Congratulations again to Patton's Western Wear for being selected as small business of the week, and I look forward to your continued growth and success.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Williams, one of his secretaries.

PRESIDENTIAL MESSAGE

DISTRICT OF COLUMBIA'S FISCAL YEAR (FY) 2016 BUDGET AND FINANCIAL PLAN—PM 39

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

To the Congress of the United States:

Pursuant to my constitutional authority and as contemplated by section 446 of the District of Columbia Self-Government and Governmental Reorganization Act as amended in 1989, I am transmitting the District of Columbia's fiscal year (FY) 2016 Budget and Financial Plan. This transmittal does not represent an endorsement of the contents of the D.C. government's requests.

The proposed FY 2016 Budget and Financial Plan reflects the major programmatic objectives of the Mayor and the Council of the District of Columbia. For FY 2016, the District estimates total revenues and expenditures of $13.0 billion.

BARACK OBAMA.

THE WHITE HOUSE, *February 2, 2016.*

MESSAGE FROM THE HOUSE

At 12:13 p.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, without amendment:

S. 2152. An act to establish a comprehensive United States Government policy to encourage the efforts of countries in sub-Saharan Africa to develop an appropriate mix of power solutions, including renewable energy, for more broadly distributed electricity access in order to support poverty reduction, promote development outcomes, and drive economic growth, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 400. An act to require the Secretary of State and the Administrator of the United States Agency for International Development to submit reports on definitions of placement and recruitment fees for purposes of enabling compliance with the Trafficking Victims Protection Act of 2000, and for other purposes.

H.R. 2187. An act to direct the Securities and Exchange Commission to revise its regulations regarding the qualifications of natural persons as accredited investors.

H.R. 2209. An act to require the appropriate Federal banking agencies to treat certain municipal obligations as level 2A liquid assets, and for other purposes.

H.R. 3784. An act to amend the Securities Exchange Act of 1934 to establish an Office of the Advocate for Small Business Capital Formation and a Small Business Capital Formation Advisory Committee, and for other purposes.

H.R. 4168. An act to amend the Small Business Investment Incentive Act of 1980 to require an annual review by the Securities and Exchange Commission of the annual government-business forum on capital formation that is held pursuant to such Act.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 515) 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, and agrees to the amendment of the Senate to the title of the bill.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 4188) to authorize appropriations for the Coast Guard for fiscal years 2016 and 2017, and for other purposes.

MEASURES REFERRED

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

H.R. 400. An act to require the Secretary of State and the Administrator of the United States Agency for International Development to submit reports on definitions of placement and recruitment fees for purposes of enabling compliance with the Trafficking Victims Protection Act of 2000, and for other purposes; to the Committee on Foreign Relations.

H.R. 2187. An act to direct the Securities and Exchange Commission to revise its regulations regarding the qualifications of natural persons as accredited investors; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2209. An act to require the appropriate Federal banking agencies to treat certain municipal obligations as level 2A liquid assets, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 3784. An act to amend the Securities Exchange Act of 1934 to establish an Office of the Advocate for Small Business Capital Formation and a Small Business Capital Formation Advisory Committee, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 4168. An act to amend the Small Business Investment Incentive Act of 1980 to require an annual review by the Securities and Exchange Commission of the annual government-business forum on capital formation that is held pursuant to such Act.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CORKER, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

H.R. 757. A bill to improve the enforcement of sanctions against the Government of North Korea, and for other purposes.

H.R. 1493. A bill to protect and preserve international cultural property at risk due to political instability, armed conflict, or natural or other disasters, and for other purposes.

S. 1882. A bill to support the sustainable recovery and rebuilding of Nepal following the recent, devastating earthquakes near Kathmandu.

By Mr. CORKER, from the Committee on Foreign Relations, without amendment:

S. 2426. A bill to direct the Secretary of State to develop a strategy to obtain observer status for Taiwan in the International Criminal Police Organization, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mrs. MURRAY (for herself, Ms. COLLINS, Mr. MORAN, Mrs. MCCASKILL, and Mr. KING):

S. 2478. A bill to amend title 31, United States Code, to require the Secretary of the Treasury to provide for the purchase of paper United States savings bonds with tax refunds; to the Committee on Finance.

By Mr. BLUMENTHAL (for himself and Mr. COATS):

S. 2479. A bill to amend Public Health Service Act to expand access to prescription drug monitoring programs; to the Committee on Health, Education, Labor, and Pensions.

By Ms. BALDWIN:

S. 2480. A bill to amend title 5, United States Code, to protect unpaid interns in the Federal Government from workplace harassment and discrimination, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. NELSON:

S. 2481. A bill to amend the Water Resources Development Act of 2000 to provide for expedited project implementation relating to the comprehensive Everglades restoration plan; to the Committee on Environment and Public Works.

By Mr. ROUNDS:

S. 2482. A bill to amend title 10, United States Code, to require the Secretary of Defense to provide training to employment personnel of the Department of Defense on matters relating to authorities for recruitment and retention of employees at the United States Cyber Command, and for other purposes; to the Committee on Armed Services.

By Mr. UDALL (for himself, Mrs. GILLIBRAND, Mr. WHITEHOUSE, Mr. MERKLEY, Mr. WARNER, and Mr. HEINRICH):

S. 2483. A bill to prohibit States from carrying out more than one Congressional redistricting after a decennial census and apportionment, to require States to conduct such redistricting through independent commissions, and for other purposes; to the Committee on the Judiciary.

By Mr. SCHATZ (for himself, Mr. WICKER, Mr. COCHRAN, Mr. CARDIN, Mr. THUNE, and Mr. WARNER):

S. 2484. A bill to amend titles XVIII and XI of the Social Security Act to promote cost savings and quality care under the Medicare program through the use of telehealth and remote patient monitoring services, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. KLOBUCHAR (for herself and Mr. PERDUE):

S. Res. 353. A resolution raising awareness and encouraging the prevention of stalking by designating January 2016, as ''National Stalking Awareness Month''; considered and agreed to.

By Mrs. FISCHER (for herself and Mr. SASSE):

S. Res. 354. A resolution congratulating the University of Nebraska-Lincoln volleyball team for winning the 2015 National Collegiate Athletic Association Division I Volleyball Championship; considered and agreed to.

By Ms. HEITKAMP (for herself, Mr. BARRASSO, Mr. TESTER, Mrs. MURRAY, Mr. FRANKEN, Mr. UDALL, Mr. HEINRICH, Ms. BALDWIN, Ms. HIRONO, Ms. STABENOW, Mr. MORAN, Mr. HOEVEN, Mr. DAINES, Mr. THUNE, Ms. CANTWELL, Ms. KLOBUCHAR, Mr. SULLIVAN, Mr. ROUNDS, Mr. PETERS, and Mr. LANKFORD):

S. Res. 355. A resolution designating the week beginning February 7, 2016, as ''National Tribal Colleges and Universities Week''; considered and agreed to.

By Mr. ISAKSON (for himself, Mr. WHITEHOUSE, Mr. BOOKER, Mr. BROWN, Mrs. CAPITO, Mr. CASSIDY, Mr. CORNYN, and Mr. WYDEN):

S. Res. 356. A resolution recognizing January 2016 as National Mentoring Month; considered and agreed to.

ADDITIONAL COSPONSORS

S. 50

At the request of Mr. VITTER, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 50, a bill to amend the Public Health Service Act to prohibit certain abortion-related discrimination in governmental activities.

S. 391

At the request of Mr. PAUL, the name of the Senator from Georgia (Mr. PERDUE) was added as a cosponsor of S. 391, a bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 1315

At the request of Mr. WYDEN, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S. 1315, a bill to protect the right of law-abiding citizens to transport knives interstate, notwithstanding a patchwork of local and State prohibitions.

S. 1409

At the request of Mr. MARKEY, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1409, a bill to amend title XIX of the Social Security Act to require States to suspend, rather than terminate, an individual's eligibility for medical assistance under the State Medicaid plan while such individual is an inmate of a public institution.

S. 1460

At the request of Mr. BROWN, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1460, a bill to amend title 38, United States Code, to extend the Yellow Ribbon G.I. Education Enhancement Program to cover recipients of the Marine Gunnery Sergeant John David Fry scholarship, and for other purposes.

S. 1717

At the request of Mr. PORTMAN, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 1717, a bill to amend title 46, United States Code, to exempt old vessels that only operate within inland waterways from the fire-retardant materials requirement if the owners of such vessels make annual structural alterations to at least 10 percent of the areas of the vessels that are not constructed of fire-retardant materials.

S. 1887

At the request of Mr. CASEY, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1887, a bill to protect and preserve international cultural property at risk due to political instability, armed conflict, or natural or other disasters, and for other purposes.

S. 1944

At the request of Mr. SULLIVAN, the names of the Senator from Georgia (Mr. PERDUE) and the Senator from Montana (Mr. DAINES) were added as cosponsors of S. 1944, a bill to require each agency to repeal or amend 1 or more rules before issuing or amending a rule.

S. 1982

At the request of Mr. CARDIN, the name of the Senator from North Carolina (Mr. BURR) 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. 2386

At the request of Mrs. GILLIBRAND, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 2386, a bill to authorize the establishment of the Stonewall National Historic Site in the State of New York as a unit of the National Park System, and for other purposes.

S. 2423

At the request of Mrs. SHAHEEN, the names of the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Oregon (Mr. WYDEN) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 2423, a bill making appropriations to address the heroin and opioid drug abuse epidemic for the fiscal year ending September 30, 2016, and for other purposes.

S. 2426

At the request of Mr. GARDNER, the names of the Senator from Georgia (Mr. PERDUE) and the Senator from New Mexico (Mr. HEINRICH) were added as cosponsors of S. 2426, a bill to direct the Secretary of State to develop a strategy to obtain observer status for Taiwan in the International Criminal Police Organization, and for other purposes.

S. 2437

At the request of Ms. MIKULSKI, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 2437, a bill to amend title 38, United States Code, to provide for the burial of the cremated remains of persons who served as Women's Air Forces Service Pilots in Arlington National Cemetery, and for other purposes.

S. 2444

At the request of Mr. INHOFE, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2444, a bill to amend title 18, United States Code, to provide for the disposition, within 60 days, of an application to exempt a projectile from classification as armor piercing ammunition.

S. 2451

At the request of Mr. TOOMEY, his name was added as a cosponsor of S. 2451, a bill to designate the area between the intersections of International Drive, Northwest and Van

Ness Street, Northwest and International Drive, Northwest and International Place, Northwest in Washington, District of Columbia, as ''Liu Xiaobo Plaza'', and for other purposes.

S. 2466

At the request of Mr. PETERS, the name of the Senator from Hawaii (Mr. SCHATZ) 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.

AMENDMENT NO. 2996

At the request of Mr. SULLIVAN, the name of the Senator from North Carolina (Mr. TILLIS) was added as a cosponsor of amendment No. 2996 proposed to S. 2012, an original bill to provide for the modernization of the energy policy of the United States, and for other purposes.

AMENDMENT NO. 3023

At the request of Mr. LEE, the names of the Senator from Utah (Mr. HATCH) and the Senator from Arizona (Mr. FLAKE) were added as cosponsors of amendment No. 3023 proposed to S. 2012, an original bill to provide for the modernization of the energy policy of the United States, and for other purposes.

AMENDMENT NO. 3039

At the request of Mr. HOEVEN, the names of the Senator from Montana (Mr. DAINES) and the Senator from North Dakota (Ms. HEITKAMP) were added as cosponsors of amendment No. 3039 intended to be proposed to S. 2012, an original bill to provide for the modernization of the energy policy of the United States, and for other purposes.

AMENDMENT NO. 3089

At the request of Ms. KLOBUCHAR, the names of the Senator from Minnesota (Mr. FRANKEN) and the Senator from Michigan (Mr. PETERS) were added as cosponsors of amendment No. 3089 intended to be proposed to S. 2012, an original bill to provide for the modernization of the energy policy of the United States, and for other purposes.

AMENDMENT NO. 3095

At the request of Mr. DURBIN, the names of the Senator from Wisconsin (Ms. BALDWIN), the Senator from Illinois (Mr. KIRK) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of amendment No. 3095 proposed to S. 2012, an original bill to provide for the modernization of the energy policy of the United States, and for other purposes.

AMENDMENT NO. 3107

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

AMENDMENT NO. 3112

At the request of Mr. KING, his name was added as a cosponsor of amendment No. 3112 intended to be proposed to S. 2012, an original bill to provide for the modernization of the energy policy of the United States, and for other purposes.

AMENDMENT NO. 3145

At the request of Mr. INHOFE, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of amendment No. 3145 proposed to S. 2012, an original bill to provide for the modernization of the energy policy of the United States, and for other purposes.

AMENDMENT NO. 3157

At the request of Mr. INHOFE, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of amendment No. 3157 intended to be proposed to S. 2012, an original bill to provide for the modernization of the energy policy of the United States, and for other purposes.

AMENDMENT NO. 3160

At the request of Mr. BOOKER, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of amendment No. 3160 proposed to S. 2012, an original bill to provide for the modernization of the energy policy of the United States, and for other purposes.

AMENDMENT NO. 3166

At the request of Mrs. SHAHEEN, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of amendment No. 3166 intended to be proposed to S. 2012, an original bill to provide for the modernization of the energy policy of the United States, and for other purposes.

AMENDMENT NO. 3168

At the request of Mr. PORTMAN, the name of the Senator from North Carolina (Mr. TILLIS) was added as a cosponsor of amendment No. 3168 intended to be proposed to S. 2012, an original bill to provide for the modernization of the energy policy of the United States, and for other purposes.

AMENDMENT NO. 3170

At the request of Mr. SULLIVAN, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of amendment No. 3170 intended to be proposed to S. 2012, an original bill to provide for the modernization of the energy policy of the United States, and for other purposes.

AMENDMENT NO. 3171

At the request of Ms. HEITKAMP, the name of the Senator from Oklahoma (Mr. LANKFORD) was added as a cosponsor of amendment No. 3171 intended to be proposed to S. 2012, an original bill to provide for the modernization of the energy policy of the United States, and for other purposes.

AMENDMENT NO. 3173

At the request of Ms. HEITKAMP, the name of the Senator from Indiana (Mr. DONNELLY) was added as a cosponsor of amendment No. 3173 intended to be proposed to S. 2012, an original bill to provide for the modernization of the energy policy of the United States, and for other purposes.

AMENDMENT NO. 3174

At the request of Ms. HEITKAMP, the names of the Senator from Wyoming (Mr. BARRASSO), the Senator from Indiana (Mr. COATS), the Senator from Wyoming (Mr. ENZI) and the Senator from Indiana (Mr. DONNELLY) were added as cosponsors of amendment No. 3174 proposed to S. 2012, an original bill to provide for the modernization of the energy policy of the United States, and for other purposes.

AMENDMENT NO. 3183

At the request of Ms. HIRONO, the names of the Senator from Delaware (Mr. COONS), the Senator from Ohio (Mr. BROWN) and the Senator from Michigan (Mr. PETERS) were added as cosponsors of amendment No. 3183 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.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 353—RAISING AWARENESS AND ENCOURAGING THE PREVENTION OF STALKING BY DESIGNATING JANUARY 2016, AS ''NATIONAL STALKING AWARENESS MONTH''

Ms. KLOBUCHAR (for herself and Mr. PERDUE) submitted the following resolution; which was considered and agreed to:

S. RES. 353

Whereas 15 percent of women in the United States, at some point during their lifetimes, have experienced stalking victimization, during which the women felt very fearful or believed that they or someone close to them would be harmed or killed;

Whereas, during a 1-year period, an estimated 7,500,000 individuals in the United States reported that they had been victims of stalking, and 75 percent of those individuals reported that they had been stalked by someone they knew;

Whereas 11 percent of victims of stalking reported having been stalked for more than 5 years;

Whereas two-thirds of stalkers pursue their victims at least once a week;

Whereas victims of stalking are forced to take drastic measures to protect themselves, including changing their identities, relocating, changing jobs, or obtaining protection orders;

Whereas the prevalence of anxiety, insomnia, social dysfunction, and severe depression is much higher among victims of stalking than the general population;

Whereas many victims of stalking do not report stalking to the police or contact a victim service provider, shelter, or hotline;

Whereas stalking is a crime under Federal law and the laws of all 50 States, the District of Columbia, and the territories of the United States;

Whereas stalking affects victims of every race, age, culture, gender, sexual orientation, physical and mental ability, and economic status;

Whereas national organizations, local victim service organizations, campuses, prosecutor's offices, and police departments stand ready to assist victims of stalking and are working diligently to develop effective and innovative responses to stalking;

Whereas there is a need to improve the response of the criminal justice system to stalking through more aggressive investigation and prosecution;

Whereas there is a need for an increase in the availability of victim services across the United States, and the services must include programs tailored to meet the needs of victims of stalking;

Whereas individuals 18 to 24 years old experience the highest rates of stalking victimization, and rates of stalking among college students exceed rates of stalking among the general population;

Whereas up to 75 percent of women in college who experience behavior relating to stalking experience other forms of victimization, including sexual or physical victimization;

Whereas there is a need for an effective response to stalking on each campus; and

Whereas the Senate finds that ''National Stalking Awareness Month'' provides an opportunity to educate the people of the United States about stalking: Now, therefore, be it

Resolved, That the Senate—

(1) designates January 2016, as ''National Stalking Awareness Month'';

(2) applauds the efforts of service providers for victims of stalking, police, prosecutors, national and community organizations, campuses, and private sector supporters to promote awareness of stalking;

(3) encourages policymakers, criminal justice officials, victim service and human service agencies, institutions of higher education, and nonprofit organizations to increase awareness of stalking and the availability of services for victims of stalking; and

(4) urges national and community organizations, businesses in the private sector, and the media to promote awareness of the crime of stalking through ''National Stalking Awareness Month''.

SENATE RESOLUTION 354—CONGRATULATING THE UNIVERSITY OF NEBRASKA-LINCOLN VOLLEYBALL TEAM FOR WINNING THE 2015 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I VOLLEYBALL CHAMPIONSHIP

Mrs. FISCHER (for herself and Mr. SASSE) submitted the following resolution; which was considered and agreed to:

S. RES. 354

Whereas, on December 19, 2015, the University of Nebraska-Lincoln Cornhuskers won the 2015 National Collegiate Athletic Association (referred to in this preamble as the ''NCAA'') Division I Volleyball Championship in Omaha, Nebraska in an overwhelming victory over the University of Texas Longhorns by a score of 25 to 23, 25 to 23, and 25 to 21;

Whereas the University of Nebraska-Lincoln has won 4 NCAA volleyball Championships;

Whereas the Cornhuskers ended their championship season with a 16-match winning streak and finished the year with a record of 32 wins and 4 losses;

Whereas all members of the University of Nebraska-Lincoln volleyball team, including Annika Albrecht, Olivia Boender, Kelsey Fien, Mikaela Foecke, Meghan Haggerty, Cecilia Hall, Briana Holman, Kelly Hunter, Kenzie Maloney, Alicia Ostrander, Tiani Reeves, Amber Rolfzen, Kadie Rolfzen, Brooke Smith, Sydney Townsend, and Justine Wong-Orantes, contributed to this outstanding victory;

Whereas head coach John Cook, assistant coach Chris Tamas, assistant coach Dani Busboom Kelly, volunteer assistant coach Jen Tamas, director of operations Lindsay Peterson, video coordinator Natalie Morgan, and graduate managers Dan Mader, Mike Owen, and Peter Netisingha guided this outstanding group of women to a national championship;

Whereas Mikaela Foecke was named the Most Outstanding Player of the 2015 NCAA Championship;

Whereas Justine Wong-Orantes was named the Big Ten Defensive Player of the Year, becoming the first Nebraska player ever to earn that award;

Whereas Kadie Rolfzen, Amber Rolfzen, and Justine Wong-Orantes were recognized as All-Americans by the American Volleyball Coaches Association, and Mikaela Foecke and Kelly Hunter received honorable mention; and

Whereas an NCAA record-breaking crowd of 17,561 volleyball fans attended the championship game, reflecting the tremendous spirit and dedication of Nebraska fans supporting the Cornhuskers as the team won the national championship: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the University of Nebraska-Lincoln volleyball team as the winner of the 2015 National Collegiate Athletic Association Division I Volleyball Championship;

(2) commends the University of Nebraska players, coaches, and staff for their hard work and dedication;

(3) recognizes the students, alumni, and loyal fans that supported the Cornhuskers on their journey to win another Division I Championship; and

(4) respectfully requests that the Secretary of the Senate prepare an official copy of this resolution for presentation to—

(A) the president of University of Nebraska;

(B) the athletic director of the University of Nebraska-Lincoln; and

(C) the head coach of the University of Nebraska-Lincoln volleyball team.

SENATE RESOLUTION 355—DESIGNATING THE WEEK BEGINNING FEBRUARY 7, 2016, AS ''NATIONAL TRIBAL COLLEGES AND UNIVERSITIES WEEK''

Ms. HEITKAMP (for herself, Mr. BARRASSO, Mr. TESTER, Mrs. MURRAY, Mr. FRANKEN, Mr. UDALL, Mr. HEINRICH, Ms. BALDWIN, Ms. HIRONO, Ms. STABENOW, Mr. MORAN, Mr. HOEVEN, Mr. DAINES, Mr. THUNE, Ms. CANTWELL, Ms. KLOBUCHAR, Mr. SULLIVAN, Mr. ROUNDS, Mr. PETERS, and Mr. LANKFORD) submitted the following resolution; which was considered and agreed to:

S. RES. 355

Whereas there are 37 Tribal Colleges and Universities operating on more than 85 campuses in 16 States;

Whereas Tribal Colleges and Universities are tribally chartered or federally chartered institutions of higher education, which creates a unique relationship between Tribal Colleges and Universities and the Federal Government;

Whereas Tribal Colleges and Universities serve students from more than 250 federally recognized Indian tribes;

Whereas Tribal Colleges and Universities offer students access to knowledge and skills grounded in cultural traditions and values, including indigenous languages, which—

(1) enhances Indian communities; and

(2) enriches the United States as a nation;

Whereas Tribal Colleges and Universities provide access to high-quality postsecondary educational opportunities for—

(1) American Indians;

(2) Alaska Natives; and

(3) other individuals that live in some of the most isolated and economically depressed areas in the United States;

Whereas Tribal Colleges and Universities are accredited institutions of higher education that effectively prepare students to succeed in—

(1) the academic pursuits of the students; and

(2) the global and highly competitive workforce;

Whereas Tribal Colleges and Universities have open enrollment policies, and approximately 24 percent of the students at Tribal Colleges and Universities are non-Indian individuals; and

Whereas the collective mission and the considerable achievements of Tribal Colleges and Universities deserve national recognition: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning February 7, 2016, as ''National Tribal Colleges and Universities Week''; and

(2) calls on the people of the United States and interested groups to observe National Tribal Colleges and Universities Week with appropriate ceremonies, activities, and programs to demonstrate support for Tribal Colleges and Universities.

SENATE RESOLUTION 356—RECOGNIZING JANUARY 2016 AS NATIONAL MENTORING MONTH

Mr. ISAKSON (for himself, Mr. WHITEHOUSE, Mr. BOOKER, Mr. BROWN, Mrs. CAPITO, Mr. CASSIDY, Mr. CORNYN, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 356

Whereas, in 2002, the Harvard T.H. Chan School of Public Health and MENTOR: the National Mentoring Partnership established National Mentoring Month;

Whereas the goals of National Mentoring Month are—

(1) to raise awareness of mentoring;

(2) to recruit individuals to mentor; and

(3) to encourage organizations to engage and integrate quality in mentoring into the efforts of the organizations;

Whereas young people across the United States make everyday choices that lead up to the big decisions in life without the guidance and support on which many other people rely;

Whereas a mentor is a caring, consistent presence who devotes time to a young person to help that young person—

(1) discover personal strength; and

(2) achieve the potential of that young person through a structured and trusting relationship;

Whereas quality mentoring—

(1) encourages positive choices;

(2) promotes self-esteem;

(3) supports academic achievement; and

(4) introduces young people to new ideas;

Whereas mentoring programs have shown to be effective in combating school violence

and discipline problems, substance abuse, incarceration, and truancy;

Whereas research shows that young people who were at risk for not completing high school but who had a mentor were, as compared to similarly situated young people without a mentor—

(1) 55 percent more likely to be enrolled in college;

(2) 81 percent more likely to report participating regularly in sports or extracurricular activities;

(3) more than twice as likely to say they held a leadership position in a club or sports team; and

(4) 78 percent more likely to pay it forward by volunteering regularly in their communities;

Whereas 90 percent of young people who were at risk for not completing high school but who had a mentor said they are now interested in becoming mentors themselves;

Whereas youth development experts agree that mentoring encourages smart daily behaviors (such as finishing homework, having healthy social interactions, and saying no when it counts) that have a noticeable influence on the growth and success of a young person;

Whereas mentors help young people set career goals and use the personal contacts of the mentors to help young people meet industry professionals and find jobs;

Whereas all of the described benefits of mentors serve to link youth to economic and social opportunity while also strengthening the fiber of communities in the United States; and

Whereas despite the described benefits, 9,000,000 young people in the United States feel isolated from meaningful connections with adults outside their homes, constituting a ''mentoring gap'' that demonstrates a need for collaboration and resources: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes January 2016 as National Mentoring Month;

(2) recognizes the men and women who serve as staff and volunteers at quality mentoring programs and who help the young people of the United States find inner strength and reach their full potential;

(3) acknowledges that mentoring is beneficial because mentoring encourages educational achievement, reduces juvenile delinquency, improves life outcomes, and strengthens communities;

(4) promotes the establishment and expansion of quality mentoring programs across the United States to equip young people with the tools needed to lead healthy and productive lives; and

(5) supports initiatives to close the ''mentoring gap'' that exists for the many young people in the United States without meaningful connections with adults outside their homes.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3184. Mr. TOOMEY (for himself and Mr. CASEY) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table.

SA 3185. Mr. DAINES 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 3186. Mrs. FISCHER (for herself, Mr. COCHRAN, Mr. GRASSLEY, Mr. GARDNER, Mrs. ERNST, and Mr. MORAN) 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 3187. Mr. TOOMEY 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 3188. Mr. SULLIVAN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3189. Ms. KLOBUCHAR (for herself and Mr. TILLIS) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3190. Ms. CANTWELL (for herself and Mrs. MURRAY) 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 3191. Mr. MERKLEY (for himself, Mr. SCHATZ, and Mr. MARKEY) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3192. Mr. CASSIDY (for himself, Ms. MURKOWSKI, Mr. KAINE, Mr. SCOTT, Mr. VITTER, Mr. TILLIS, and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3193. Mr. BOOKER submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3194. Mrs. BOXER (for herself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra.

SA 3195. 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 3196. Mr. KIRK submitted an amendment intended to be proposed by him to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3197. Ms. COLLINS (for herself, Ms. MIKULSKI, and Ms. HIRONO) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3198. Mr. BROWN (for himself and Mr. KIRK) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3199. Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3200. Mr. WHITEHOUSE (for himself, Mr. MARKEY, Mr. SCHATZ, and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3201. Mr. WARNER (for himself and Mr. KAINE) 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 3202. Mr. ISAKSON (for himself, Mr. BENNET, Mr. PORTMAN, Mrs. SHAHEEN, and Mr. COONS) 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 3203. Mr. COONS 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 3204. 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 3205. Mr. INHOFE (for himself and Mr. KING) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra.

SA 3206. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3207. Mr. THUNE 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 3208. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3209. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3210. Mr. LANKFORD 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 3211. Mr. MCCAIN 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 3212. Mr. HELLER (for himself, Mr. HEINRICH, Mr. GARDNER, Mr. TESTER, Mr. BENNET, and Mr. RISCH) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3213. Mr. WARNER (for himself and Mr. PETERS) 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 3214. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3215. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3216. Mr. KAINE (for himself, Mr. VITTER, and Ms. BALDWIN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3217. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3218. Ms. STABENOW (for herself, Mr. BOOZMAN, Ms. BALDWIN, Mr. CARPER, and Mr. ISAKSON) 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 3219. Mr. CASEY submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the

bill S. 2012, supra; which was ordered to lie on the table.

SA 3220. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3221. Mr. UDALL (for himself, Mr. PORTMAN, Mrs. BOXER, Mr. ALEXANDER, Mr. WYDEN, and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3222. Mr. WYDEN (for himself and Mr. MANCHIN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3223. Mrs. FEINSTEIN 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 3224. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3225. Mr. GARDNER submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3226. Mr. THUNE 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 3227. Mr. TILLIS submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3228. Ms. MURKOWSKI (for herself and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3229. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3230. Mr. FRANKEN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3231. Mr. HELLER (for himself and Mr. REED) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3184. Mr. TOOMEY (for himself and Mr. CASEY) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE ____—COAL REFUSE POWER PLANTS

SEC. __01. SHORT TITLE.

This title may be cited as the ''Satisfying Energy Needs and Saving the Environment Act'' or the ''SENSE Act''.

SEC. __02. STANDARDS FOR COAL REFUSE POWER PLANTS.

(a) DEFINITIONS.—In this title:

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

(2) BOILER OPERATING DAY.—The term ''boiler operating day'' has the meaning given the term in section 63.10042 of title 40, Code of Federal Regulations (or a successor regulation).

(3) COAL REFUSE.—The term ''coal refuse'' means any byproduct of coal mining, physical coal cleaning, or coal preparation operation that contains coal, matrix material, clay, and other organic and inorganic material.

(4) COAL REFUSE ELECTRIC UTILITY STEAM GENERATING UNIT.—The term ''coal refuse electric utility steam generating unit'' means an electric utility steam generating unit that—

(A) is in operation as of the date of enactment of this Act;

(B) uses fluidized bed combustion technology to convert coal refuse into energy; and

(C) uses coal refuse as at least 75 percent of the annual fuel consumed, by heat input, of the unit.

(5) COAL REFUSE-FIRED FACILITY.—The term ''coal refuse-fired facility'' means a facility in which the coal refuse electric utility steam generating units are—

(A) located on 1 or more contiguous or adjacent properties;

(B) specified in the same Major Group (2-digit code), as described in the Standard Industrial Classification Manual (1987); and

(C) under common control of the same person (or persons under common control).

(6) CROSS-STATE AIR POLLUTION RULE.—The terms ''Cross-State Air Pollution Rule'' and ''CSAPR'' mean the regulatory program promulgated by the Administrator to address the interstate transport of air pollution in parts 51, 52, and 97 of title 40, Code of Federal Regulations (or successor regulations).

(7) ELECTRIC UTILITY STEAM GENERATING UNIT.—The term ''electric utility steam generating unit'' means—

(A) an electric utility steam generating unit, as the term is defined in section 63.10042 of title 40, Code of Federal Regulations (or a successor regulation); or

(B) an electricity generating unit or electric generating unit, as the terms are used in CSAPR.

(8) PHASE I.—The term ''Phase I'' means, with respect to CSAPR, the initial compliance period under CSAPR, identified for the 2015 and 2016 annual compliance periods.

(b) APPLICATION OF CSAPR TO CERTAIN COAL REFUSE ELECTRIC UTILITY STEAM GENERATING UNITS.—

(1) COAL REFUSE ELECTRIC UTILITY STEAM GENERATING UNITS COMBUSTING BITUMINOUS COAL REFUSE.—

(A) APPLICABILITY.—This paragraph applies to any coal refuse electric utility steam generating unit that—

(i) combusts coal refuse derived from the mining and processing of bituminous coal; and

(ii) is subject to sulfur dioxide allowance surrender provisions pursuant to CSAPR.

(B) CONTINUED APPLICABILITY OF PHASE I ALLOWANCE ALLOCATIONS.—In carrying out CSAPR, the Administrator shall provide that, for any compliance period, the allocation (whether through a Federal implementation plan or State implementation plan) of sulfur dioxide allowances for a coal refuse electric utility steam generating unit described in subparagraph (A) is equivalent to the allocation of the unit-specific sulfur dioxide allowance allocation identified for that unit for Phase I, as referenced in the notice entitled ''Availability of Data on Allocations of Cross-State Air Pollution Rule Allowances to Existing Electricity Generating Units'' (79 Fed. Reg. 71674 (December 3, 2014)).

(C) RULES FOR ALLOWANCE ALLOCATIONS.—For any compliance period under CSAPR that commences on or after January 1, 2017, any sulfur dioxide allowance allocation provided by the Administrator to a coal refuse electric utility steam generating unit described in subparagraph (A)—

(i) shall not be transferable for use by any other source not located at the same coal refuse-fired facility as the relevant coal refuse electric utility steam generating unit;

(ii) may be transferable for use by another source located at the same coal refuse-fired facility as the relevant coal refuse electric utility steam generating unit;

(iii) may be banked for application to compliance obligations in future compliance periods under CSAPR; and

(iv) shall be surrendered on the date on which the operation of the coal refuse electric utility steam generating unit permanently ceases.

(2) OTHER SOURCES.—

(A) NO INCREASE IN OVERALL STATE BUDGET OF SULFUR DIOXIDE ALLOWANCE ALLOCATIONS.—For purposes of paragraph (1), the Administrator may not, for any compliance period under CSAPR, increase the total budget of sulfur dioxide allowance allocations for a State in which a unit described in paragraph (1)(A) is located.

(B) COMPLIANCE PERIODS 2017 THROUGH 2020.—For any compliance period under CSAPR that commences on or after January 1, 2017, but before December 31, 2020, the Administrator shall carry out subparagraph (A) by proportionally reducing, as necessary, the unit-specific sulfur dioxide allowance allocations from each source that—

(i) is located in a State in which a unit described in paragraph (1)(A) is located;

(ii) permanently ceases operation, or converts the primary fuel source from coal to natural gas, before the relevant compliance period; and

(iii) otherwise receives an allocation of sulfur dioxide allowances under CSAPR for the relevant compliance period.

(c) EMISSION LIMITATIONS TO ADDRESS HYDROGEN CHLORIDE AND SULFUR DIOXIDE AS HAZARDOUS AIR POLLUTANTS.—

(1) APPLICABILITY.—For purposes of regulating emissions of hydrogen chloride or sulfur dioxide from a coal refuse electric utility steam generating unit under section 112 of the Clean Air Act (42 U.S.C. 7412), the Administrator—

(A) shall authorize the operator of the coal refuse electric utility steam generating unit to elect that the coal refuse electric utility steam generating unit comply with either—

(i) an emissions standard for emissions of hydrogen chloride that meets the requirements of paragraph (2); or

(ii) an emission standard for emissions of sulfur dioxide that meets the requirements of paragraph (2); and

(B) may not require that the coal refuse electric utility steam generating unit comply with both an emission standard for emissions of hydrogen chloride and an emission standard for emissions of sulfur dioxide.

(2) RULES FOR EMISSION LIMITATIONS.—

(A) IN GENERAL.—The Administrator shall require an operator of a coal refuse electric utility steam generating unit to comply, at the election of the operator, with not more than 1 of the following emission standards:

(i) An emission standard for emissions of hydrogen chloride from a coal refuse electric utility steam generating unit that is not more stringent than an emission rate of 0.002 pounds per million British thermal units of heat input.

(ii) An emission standard for emissions of hydrogen chloride from a coal refuse electric

utility steam generating unit that is not more stringent than an emission rate of 0.02 pounds per megawatt-hour.

(iii) An emission standard for emissions of sulfur dioxide from a coal refuse electric utility steam generating unit that is not more stringent than an emission rate of 0.20 pounds per million British thermal units of heat input.

(iv) An emission standard for emissions of sulfur dioxide from a coal refuse electric utility steam generating unit that is not more stringent than an emission rate of 1.5 pounds per megawatt-hour.

(v) An emission standard for emissions of sulfur dioxide from a coal refuse electric utility steam generating unit that is not more stringent than capture and control of 93 percent of sulfur dioxide across the coal refuse electric utility steam generating unit or group of coal refuse electric utility steam generating units, as determined by comparing—

(I) the expected sulfur dioxide generated from combustion of fuels emissions calculated based on as-fired fuel samples; to

(II) the actual sulfur dioxide emissions as measured by a sulfur dioxide continuous emission monitoring system.

(B) MEASUREMENT.—An emission standard described in subparagraph (A) shall be measured as a 30-boiler operating day rolling average per coal refuse electric utility steam generating unit or group of coal refuse electric utility steam generating units located at a single coal refuse-fired facility.

SA 3185. Mr. DAINES submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE ____—MINERAL ECONOMIC COMMITTEE

SEC. ___01. MINERAL ECONOMIC COMMITTEE.

(a) IN GENERAL.—In accordance with this section, the Secretary of the Interior (referred to in this title as the ''Secretary'') shall establish a Mineral Economic Committee (referred to in this title as the ''Committee'') in order to further a more consultative process with key Federal, State, tribal, environmental, and energy stakeholders.

(b) PURPOSE.—The purpose of the Committee shall be to provide advice and guidance, through the Director of the Office of Natural Resource Revenue, to the Secretary and the Director of the Bureau of Land Management on the management of Federal and Indian mineral leases and revenues under the law governing the Department of the Interior.

(c) ACTIVITIES.—The Committee shall—

(1) review and comment on revenue management and other mineral- and energy-related policies; and

(2) provide a forum to convey the views of mineral lessees, operators, revenue payers, revenue recipients, governmental agencies, and public interest groups.

(d) CHARTER.—Not later than 180 days after the date of enactment of this Act, the Secretary shall form the Committee in accordance with—

(1) the lapsed charter of the Royalty Policy Committee that was signed by the Secretary on March 26, 2010; and

(2) this section.

(e) MEMBERSHIP.—

(1) IN GENERAL.—To ensure fair and balanced representation with consideration for the efficiency and fiscal economy of the Committee, the Committee shall include—

(A) non-Federal members; and

(B) Federal members.

(2) NON-FEDERAL MEMBERS.—

(A) APPOINTMENT.—The Secretary shall appoint to the Committee non-Federal members in accordance with subparagraph (B) and an alternate for each non-Federal member.

(B) COMPOSITION.—The non-Federal members of the Committee shall be composed of the following:

(i) Not fewer than 5 Governors (or designees) of States that receive over $10,000,000 annually in royalty revenues from Federal mineral leases.

(ii) Not fewer than 5 representatives of Indian tribes producing Federal oil, gas, or coal on the land of the Indian tribes.

(iii) Not more than 5 representatives of various mineral or energy interests.

(iv) Not more than 3 representatives of public interest groups or nongovernmental organizations.

(C) TERM.—

(i) IN GENERAL.—Non-Federal members and the alternate for each non-Federal member shall serve on the Committee for staggered terms.

(ii) DURATION.—

(I) IN GENERAL.—Subject to subclause (II), each non-Federal member and the alternate for each non-Federal member shall serve on the Committee for not more than 3 years in duration.

(II) EXTENSION OF TERM.—Notwithstanding subclause (I), in the case of any new or reappointed non-Federal member of the Committee with a term that expires in the same calendar year as the terms of more than ⅓ of the other non-Federal members, the term of that new or reappointed non-Federal member may be extended for an additional 1-year or 2-year term.

(III) TERM LIMIT.—

(aa) IN GENERAL.—A non-Federal member shall not serve on the Committee for more than 6 consecutive calendar years.

(bb) BREAK IN SERVICE.—A non-Federal member subject to the term limit described in item (aa) shall be eligible for reappointment not earlier than 2 years after the date on which that non-Federal member discontinued service on the Committee.

(D) REVOCATION OF APPOINTMENT.—The Secretary may revoke the appointment of any non-Federal member or any alternate if the appointed non-Federal member or alternate fails to attend 2 consecutive Committee meetings.

(3) FEDERAL MEMBERS.—

(A) IN GENERAL.—The Federal members of the Committee shall be nonvoting, ex-officio members of the Committee.

(B) COMPOSITION.—The Federal members of the Committee shall be composed of—

(i) the Assistant Secretary of Indian Affairs (or a designee);

(ii) the Director of the Bureau of Land Management (or a designee);

(iii) the Director of the Office of Natural Resources Revenue (or a designee);

(iv) the Chairperson and Ranking Member of the Committee on Energy and Natural Resources of the Senate (or designees); and

(v) the Chairperson and Ranking Member of the Committee on Natural Resources of the House of Representatives (or designees).

(f) MEETINGS.—The Committee shall meet—

(1) not less than once each calendar year; and

(2) to consider any pending or proposed regulation related to—

(A) the management of Federal and Indian mineral leases and revenues; and

(B) any other mineral- or energy-related policy.

(g) STATE AND TRIBAL RESOURCES BOARD.—

(1) IN GENERAL.—The Committee shall establish a subcommittee, to be known as the ''State and Tribal Resources Board'', comprised of the members described in clauses (i) and (ii) of subsection (e)(2)(B).

(2) DURATION.—The State and Tribal Resources Board established under paragraph (1) shall terminate on the date that is 10 years after the date on which the Committee is established under this section.

(h) TERMINATION OF COMMITTEE.—The Committee shall terminate not later than 10 years after the date on which the Committee is established under this section.

(i) FUNDING.—Funding made available to carry out this section shall be available only to the extent and in the amount provided in advance in appropriations Acts.

SEC. ___02. PROPOSED REGULATIONS AND POLICIES.

(a) CONSULTATION AND REPORT.—Not later than 180 days after the issuance of any proposed regulation or policy related to mineral leasing policy on Federal land (including valuation methodologies and royalty and lease rates for oil, gas, or coal), including any proposed regulation that is pending as of the date of enactment of this Act, the Committee shall—

(1) assess the proposed regulation or policy; and

(2) issue a report that describes the potential impact, including any State and tribal impact described in subsection (b), of the proposed regulation or policy.

(b) STATE AND TRIBAL IMPACT CERTIFICATION.—

(1) IN GENERAL.—Before the date on which any regulation related to mineral leasing policy on Federal land (including valuation methodologies and royalty and lease rates for oil, gas, or coal) is finalized, the State and Tribal Resources Board shall certify the impact of the new regulation on school funding, public safety, and other essential State or tribal government services.

(2) DELAY REQUEST.—If the State and Tribal Resources Board determines that a regulation described in paragraph (1) will have a negative State or tribal budgetary impact, the State and Tribal Resources Board may request a delay in the finalization of the regulation for the purposes of further—

(A) stakeholder consultation;

(B) budgetary review; and

(C) development of a proposal to mitigate the negative economic impact.

(3) LIMITATION.—A delay in the finalization of a regulation requested under paragraph (2) shall not exceed 180 days from the date on which the State and Tribal Resources Board requested the delay in finalization.

(c) REVISION OF PROPOSED REGULATION.—

(1) IN GENERAL.—Before the date on which any regulation related to mineral leasing policy on Federal land (including valuation methodologies and royalty and lease rates for oil, gas, or coal) is finalized, the Secretary shall revise the proposed regulation to avoid any negative impact reported by the Committee under subsection (a)(2).

(2) FINAL RULE.—Any final rule revised under paragraph (1) shall include the revisions made by the Secretary in accordance with that paragraph.

(d) FUNDING FOR COMMITTEE ACTIVITIES.—Funding made available to carry out Committee activities under this section shall be available only to the extent and in the amount provided in advance in appropriations Acts.

SEC. ___03. PROGRAMMATIC REVIEW.

(a) IN GENERAL.—The programmatic review of coal leasing on Federal land (as described in section 4 of the order of the Secretary entitled ''Discretionary Programmatic Environmental Impact Statement to Modernize

the Federal Coal Program'', numbered 3338, and dated January 15, 2016) shall be completed not later than January 15, 2019.

(b) PARTICIPANTS IN PROGRAMMATIC REVIEW.—

(1) IN GENERAL.—In carrying out the programmatic review described in subsection (a), the Secretary shall confer with, and take into consideration the views of, representatives appointed to the review board described in paragraph (2).

(2) REVIEW BOARD.—The Governors of States in which more than $10,000,000 in Federal coal revenues are collected annually shall appoint not fewer than 3 representatives, 2 of whom shall be members of the State and Tribal Resources Board, to a review board that shall confer with the Secretary in carrying out the programmatic review described in subsection (a).

(c) LIMITATION.—No funds may be used to carry out the programmatic review of coal leasing on Federal land described in subsection (a) after January 15, 2019.

(d) NO IMPLEMENTATION REQUIREMENT.—Nothing in this section requires the Secretary to implement the programmatic review of coal leasing on Federal land described in subsection (a) after January 20, 2017.

SEC. ___04. EMERGENCY LEASING OF COAL RESERVES ON FEDERAL LAND.

(a) IN GENERAL.—In response to an application under subpart 3425 of part 3420 of subchapter C of chapter II of subtitle B of title 43, Code of Federal Regulations (or successor regulation), the Secretary may hold an emergency lease sale for coal reserves on Federal land if the applicant demonstrates that—

(1)(A) the coal reserves on Federal land are needed not later than 5 years after the date on which the application is submitted to the Secretary—

(i) to maintain an existing mining operation at a rate of production, as of the date on which the application is submitted to the Secretary, that is the average of the annual production rates for the 5 calendar years before the date on which the application is submitted to the Secretary; or

(ii) to supply coal for any contract signed before January 15, 2016, as substantiated by a complete copy of the supply or delivery contract; or

(B) if the Secretary—

(i) does not lease the coal deposit on Federal land, that coal deposit would be bypassed in the reasonably foreseeable future; or

(ii) leases the coal deposit on Federal land, a portion of the tract containing the coal deposit would be used not later than 5 years after the date on which the application is submitted to the Secretary; and

(2) the need for the coal on Federal land has resulted from a circumstance—

(A) beyond the control of the applicant; or

(B) that could not have been reasonably foreseen in time to allow the planning necessary for the consideration of leasing the tract under section 3420.3 of title 43, Code of Federal Regulations (or successor regulation).

(b) LENGTH OF LEASE.—

(1) IN GENERAL.—If an applicant qualifies for an emergency lease under only clause (i) of subsection (a)(1)(A), the emergency lease shall not exceed 8 years of recoverable reserves at a rate of production not to exceed the average of the annual production rates for the 5 calendar years before the date on which the application is submitted to the Secretary under subpart 3425 of part 3420 of subchapter C of chapter II of subtitle B of title 43, Code of Federal Regulations (or successor regulation).

(2) HIGHER RATE OF PRODUCTION.—If an applicant qualifies for an emergency lease under clauses (i) and (ii) of subsection (a)(1)(A), the higher rate of production shall apply.

(c) NOTICE TO GOVERNOR.—Not later than 90 days after the date on which the Secretary receives an emergency lease application, the Secretary shall provide notice of the emergency lease application to the Governor of the affected State.

SA 3186. Mrs. FISCHER (for herself, Mr. COCHRAN, Mr. GRASSLEY, Mr. GARDNER, Mrs. ERNST, and Mr. MORAN) 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. ___. OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION PROCESS SAFETY MANAGEMENT STANDARD.

(a) WITHDRAWAL OF POLICY.—

(1) IN GENERAL.—The Secretary of Labor, acting through the Assistant Secretary of Labor for Occupational Safety and Health, shall withdraw the revised enforcement policy relating to the exemption of retail facilities from coverage of the process safety management of highly hazardous chemicals standard under section 1910.119(a)(2)(i) of title 29, Code of Federal Regulations, issued as a memorandum by the Occupational Safety and Health Administration on July 22, 2015.

(2) ENFORCEMENT.—The Secretary of Labor, acting through the Assistant Secretary of Labor for Occupational Safety and Health, shall enforce section 1910.119(a)(2)(i) of title 29, Code of Federal Regulations (or any corresponding similar regulation or ruling) in the same manner as such section was enforced on July 21, 2015, unless such section is amended in accordance with subsection (b).

(b) REQUIREMENTS FOR RULEMAKING.—

(1) PROPOSED RULE.—The Secretary may publish any proposed rule relating to the exemption of retail facilities from coverage of the process safety management of highly hazardous chemicals standard under section 1910.119(a)(2)(i) of title 29, Code of Federal Regulations (or any corresponding similar regulation or ruling) only if—

(A) the Secretary, acting through the Assistant Secretary of Labor for Occupational Safety and Health, arranges for an independent third party to conduct a cost analysis of such proposed rule, and the Secretary includes such analysis in the publication of the proposed rule; and

(B) the Bureau of the Census establishes a code for farm supply retailers under sector 44–45 (relating to retail trade) of the North American Industry Classification System.

(2) NOTICE AND COMMENT.—In promulgating any rule related to the exemption described in paragraph (1), the Secretary of Labor, acting through the Assistant Secretary of Labor for Occupational Safety and Health, shall—

(A) provide notice and comment rulemaking in accordance with section 553 of title 5, United States Code; and

(B) invite meaningful public participation in such rulemaking.

SA 3187. Mr. TOOMEY 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 169, line 6, after ''717b(a))'' insert the following: ''and the Secretary shall deem the application to be consistent with the public interest''.

SA 3188. Mr. SULLIVAN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 44____. CORRECTION OF SURVEY FOR CERTAIN LAND IN THE STATE OF ALASKA.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Interior shall—

(1) correct the United States Survey numbered 11630 to conform with the map entitled ''Swan Lake Project Boundary–Lot 2'' and dated February 1, 2016; and

(2) issue a land patent to the State of Alaska for all Federal land within the corrected survey area pursuant to section 6(a) of the Act of July 7, 1958 (commonly known as the ''Alaska Statehood Act'') (48 U.S.C. note prec. 21; Public Law 85–508).

(b) EFFECT.—All actions taken by the Secretary of the Interior in carrying out this section—

(1) are nondiscretionary actions authorized and directed by Congress; and

(2) shall be considered to comply with all procedural and other requirements of the laws of the United States.

SA 3189. Ms. KLOBUCHAR (for herself and Mr. TILLIS) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 123, between lines 19 and 20, insert the following:

SEC. 1107. INCLUSION OF SMART GRID CAPABILITY ON ENERGY GUIDE LABELS.

Section 324(a)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6294(a)(2)) is amended by adding at the end the following:

''(J) SPECIAL NOTES ON SMART GRID CAPABILITIES.—

''(i) INITIATION OF RULEMAKING.—Not later than 1 year after the date of the enactment of this subparagraph, the Commission shall initiate a rulemaking to consider making a special note in a prominent manner on any Energy Guide label for any product that includes smart grid capability that—

''(I) smart grid capability is a feature of that product; and

''(II) the use and value of that feature depend on the smart grid capability of the utility system in which the product is installed and the active utilization of that feature by the customer.

''(ii) COMPLETION OF RULEMAKING.—Not later than 3 years after the date of the enactment of this subparagraph, the Commission shall complete the rulemaking initiated under clause (i).''.

SA 3190. Ms. CANTWELL (for herself and Mrs. MURRAY) submitted an amendment intended to be proposed to

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

At the end, add the following:

TITLE VI—YAKIMA RIVER BASIN WATER ENHANCEMENT PROJECT

SEC. 6001. SHORT TITLE.

This title may be cited as the ''Yakima River Basin Water Enhancement Project Phase III Act of 2016''.

SEC. 6002. MODIFICATION OF TERMS, PURPOSES, AND DEFINITIONS.

(a) MODIFICATION OF TERMS.—Title XII of Public Law 103–434 (108 Stat. 4550) is amended—

(1) by striking ''Yakama Indian'' each place it appears (except section 1204(g)) and inserting ''Yakama''; and

(2) by striking ''Superintendent'' each place it appears and inserting ''Manager''.

(b) MODIFICATION OF PURPOSES.—Section 1201 of Public Law 103–434 (108 Stat. 4550) is amended—

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

''(1) to protect, mitigate, and enhance fish and wildlife and the recovery and maintenance of self-sustaining harvestable populations of fish and other aquatic life, both anadromous and resident species, throughout their historic distribution range in the Yakima Basin through—

''(A) improved water management and the constructions of fish passage at storage and diversion dams, as authorized under the Hoover Power Plant Act of 1984 (43 U.S.C. 619 et seq.);

''(B) improved instream flows and water supplies;

''(C) improved water quality, watershed, and ecosystem function;

''(D) protection, creation, and enhancement of wetlands; and

''(E) other appropriate means of habitat improvement;'';

(2) in paragraph (2), by inserting '', municipal, industrial, and domestic water supply and use purposes, especially during drought years, including reducing the frequency and severity of water supply shortages for proratable irrigation entities'' before the semicolon at the end;

(3) by striking paragraph (4);

(4) by redesignating paragraph (3) as paragraph (4);

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

''(3) to authorize the Secretary to make water available for purchase or lease for meeting municipal, industrial, and domestic water supply purposes;'';

(6) by redesignating paragraphs (5) and (6) as paragraphs (6) and (8), respectively;

(7) by inserting after paragraph (4) (as so redesignated) the following:

''(5) to realize sufficient water savings from implementing the Yakima River Basin Integrated Water Resource Management Plan, so that not less than 85,000 acre feet of water savings are achieved by implementing the first phase of the Integrated Plan pursuant to section 1213(a), in addition to the 165,000 acre feet of water savings targeted through the Basin Conservation Program, as authorized on October 31, 1994;'';

(8) in paragraph (6) (as so redesignated)—

(A) by inserting ''an increase in'' before ''voluntary''; and

(B) by striking ''and'' at the end;

(9) by inserting after paragraph (6) (as so redesignated) the following:

''(7) to encourage an increase in the use of, and reduce the barriers to, water transfers, leasing, markets, and other voluntary transactions among public and private entities to enhance water management in the Yakima River basin;'';

(10) in paragraph (8) (as redesignated by paragraph (6)), by striking the period at the end and inserting a semicolon; and

(11) by adding at the end the following:

''(9) to improve the resilience of the ecosystems, economies, and communities in the Basin as they face drought, hydrologic changes, and other related changes and variability in natural and human systems, for the benefit of both the people and the fish and wildlife of the region; and

''(10) to authorize and implement the Yakima River Basin Integrated Water Resource Management Plan as Phase III of the Yakima River Basin Water Enhancement Project, as a balanced and cost-effective approach to maximize benefits to the communities and environment in the Basin.''.

(c) MODIFICATION OF DEFINITIONS.—Section 1202 of Public Law 103–434 (108 Stat. 4550) is amended—

(1) by redesignating paragraphs (6), (7), (8), (9), (10), (11), (12), (13), and (14) as paragraphs (8), (10), (11), (13), (14), (15), (16), (18), and (19), respectively;

(2) by inserting after paragraph (5) the following:

''(6) DESIGNATED FEDERAL OFFICIAL.—The term 'designated Federal official' means the Commissioner of Reclamation (or a designee), acting pursuant to the charter of the Conservation Advisory Group.

''(7) INTEGRATED PLAN.—The terms 'Integrated Plan' and 'Yakima River Basin Integrated Water Resource Plan' mean the plan and activities authorized by the Yakima River Basin Water Enhancement Project Phase III Act of 2016 and the amendments made by that Act, to be carried out in cooperation with and in addition to activities of the State of Washington and Yakama Nation.'';

(3) by inserting after paragraph (8) (as redesignated by paragraph (1)) the following:

''(9) MUNICIPAL, INDUSTRIAL, AND DOMESTIC WATER SUPPLY AND USE.—The term 'municipal, industrial, and domestic water supply and use' means the supply and use of water for—

''(A) domestic consumption (whether urban or rural);

''(B) maintenance and protection of public health and safety;

''(C) manufacture, fabrication, processing, assembly, or other production of a good or commodity;

''(D) production of energy;

''(E) fish hatcheries; or

''(F) water conservation activities relating to a use described in subparagraphs (A) through (E).'';

(4) by inserting after paragraph (11) (as redesignated by paragraph (1)) the following:

''(12) PRORATABLE IRRIGATION ENTITY.—The term 'proratable irrigation entity' means a district, project, or State-recognized authority, board of control, agency, or entity located in the Yakima River basin that—

''(A) manages and delivers irrigation water to farms in the basin; and

''(B) possesses, or the members of which possess, water rights that are proratable during periods of water shortage.''; and

(5) by inserting after paragraph (16) (as redesignated by paragraph (1)) the following:

''(17) YAKIMA ENHANCEMENT PROJECT; YAKIMA RIVER BASIN WATER ENHANCEMENT PROJECT.—The terms 'Yakima Enhancement Project' and 'Yakima River Basin Water Enhancement Project' mean the Yakima River basin water enhancement project authorized by Congress pursuant to this Act and other Acts (including Public Law 96–162 (93 Stat. 1241), section 109 of Public Law 98–381 (16 U.S.C. 839b note; 98 Stat. 1340), Public Law 105–62 (111 Stat. 1320), and Public Law 106–372 (114 Stat. 1425)) to promote water conservation, water supply, habitat, and stream enhancement improvements in the Yakima River basin.''.

SEC. 6003. YAKIMA RIVER BASIN WATER CONSERVATION PROGRAM.

Section 1203 of Public Law 103–434 (108 Stat. 4551) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the second sentence, by striking ''title'' and inserting ''section''; and

(ii) in the third sentence, by striking ''within 5 years of the date of enactment of this Act''; and

(B) in paragraph (2), by striking ''irrigation'' and inserting ''the number of irrigated acres'';

(2) in subsection (c)—

(A) in paragraph (2)—

(i) in each of subparagraphs (A) through (D), by striking the comma at the end and inserting a semicolon;

(ii) in subparagraph (E), by striking the comma at the end and inserting ''; and'';

(iii) in subparagraph (F), by striking ''Department of Wildlife of the State of Washington, and'' and inserting ''Department of Fish and Wildlife of the State of Washington.''; and

(iv) by striking subparagraph (G);

(B) in paragraph (3)—

(i) in each of subparagraphs (A) through (C), by striking the comma at the end and inserting a semicolon;

(ii) in subparagraph (D), by striking '', and'' and inserting a semicolon;

(iii) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(F) provide recommendations to advance the purposes and programs of the Yakima Enhancement Project, including the Integrated Plan.''; and

(C) by striking paragraph (4) and inserting the following:

''(4) AUTHORITY OF DESIGNATED FEDERAL OFFICIAL.—The designated Federal official may—

''(A) arrange and provide logistical support for meetings of the Conservation Advisory Group;

''(B) use a facilitator to serve as a moderator for meetings of the Conservation Advisory Group or provide additional logistical support; and

''(C) grant any request for a facilitator by any member of the Conservation Advisory Group.'';

(3) in subsection (d), by adding at the end the following:

''(4) PAYMENT OF LOCAL SHARE BY STATE OR FEDERAL GOVERNMENT.—

''(A) IN GENERAL.—The State or the Federal Government may fund not more than the 17.5 percent local share of the costs of the Basin Conservation Program in exchange for the long-term use of conserved water, subject to the requirement that the funding by the Federal Government of the local share of the costs shall provide a quantifiable public benefit in meeting Federal responsibilities in the Basin and the purposes of this title.

''(B) USE OF CONSERVED WATER.—The Yakima Project Manager may use water resulting from conservation measures taken under this title, in addition to water that the Bureau of Reclamation may acquire from any willing seller through purchase, donation, or lease, for water management uses pursuant to this title.'';

(4) in subsection (e), by striking the first sentence and inserting the following: ''To

participate in the Basin Conservation Program, as described in subsection (b), an entity shall submit to the Secretary a proposed water conservation plan.'';

(5) in subsection (i)(3)—

(A) by striking ''purchase or lease'' each place it appears and inserting ''purchase, lease, or management''; and

(B) in the third sentence, by striking ''made immediately upon availability'' and all that follows through ''Committee'' and inserting ''continued as needed to provide water to be used by the Yakima Project Manager as recommended by the System Operations Advisory Committee and the Conservation Advisory Group''; and

(6) in subsection (j)(4), in the first sentence, by striking ''initial acquisition'' and all that follows through ''flushing flows'' and inserting ''acquisition of water from willing sellers or lessors specifically to provide improved instream flows for anadromous and resident fish and other aquatic life, including pulse flows to facilitate outward migration of anadromous fish''.

SEC. 6004. YAKIMA BASIN WATER PROJECTS, OPERATIONS, AND AUTHORIZATIONS.

(a) YAKAMA NATION PROJECTS.—Section 1204 of Public Law 103–434 (108 Stat. 4555) is amended—

(1) in subsection (a)(2), in the first sentence, by striking ''not more than $23,000,000'' and inserting ''not more than $100,000,000''; and

(2) in subsection (g)—

(A) by striking the subsection heading and inserting ''REDESIGNATION OF YAKAMA INDIAN NATION TO YAKAMA NATION.—'';

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

''(1) REDESIGNATION.—The Confederated Tribes and Bands of the Yakama Indian Nation shall be known and designated as the 'Confederated Tribes and Bands of the Yakama Nation'.''; and

(C) in paragraph (2), by striking ''deemed to be a reference to the 'Confederated Tribes and Bands of the Yakama Indian Nation'.'' and inserting ''deemed to be a reference to the 'Confederated Tribes and Bands of the Yakama Nation'.''.

(b) OPERATION OF YAKIMA BASIN PROJECTS.—Section 1205 of Public Law 103–434 (108 Stat. 4557) is amended—

(1) in subsection (a)—

(A) in paragraph (4)—

(i) in subparagraph (A)—

(I) in clause (i)—

(aa) by inserting ''additional'' after ''secure'';

(bb) by striking ''flushing'' and inserting ''pulse''; and

(cc) by striking ''uses'' and inserting ''uses, in addition to the quantity of water provided under the treaty between the Yakama Nation and the United States'';

(II) by striking clause (ii);

(III) by redesignating clause (iii) as clause (ii); and

(IV) in clause (ii) (as so redesignated) by inserting ''and water rights mandated'' after ''goals''; and

(ii) in subparagraph (B)(i), in the first sentence, by inserting ''in proportion to the funding received'' after ''Program'';

(2) in subsection (b) (as amended by section 6002(a)(2)), in the second sentence, by striking ''instream flows for use by the Yakima Project Manager as flushing flows or as otherwise'' and inserting ''fishery purposes, as''; and

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

''(1) IN GENERAL.—Additional purposes of the Yakima Project shall be any of the following:

''(A) To recover and maintain self-sustaining harvestable populations of native fish, both anadromous and resident species, throughout their historic distribution range in the Yakima Basin.

''(B) To protect, mitigate, and enhance aquatic life and wildlife.

''(C) Recreation.

''(D) Municipal, industrial, and domestic use.''.

(c) LAKE CLE ELUM AUTHORIZATION OF APPROPRIATIONS.—Section 1206(a)(1) of Public Law 103–434 (108 Stat. 4560), is amended, in the matter preceding subparagraph (A), by striking ''at September'' and all that follows through ''to—'' and inserting ''not more than $12,000,000 to—''.

(d) ENHANCEMENT OF WATER SUPPLIES FOR YAKIMA BASIN TRIBUTARIES.—Section 1207 of Public Law 103–434 (108 Stat. 4560) is amended—

(1) in the heading, by striking ''**SUPPLIES**'' and inserting ''**MANAGEMENT**'';

(2) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''supplies'' and inserting ''management'';

(B) in paragraph (1), by inserting ''and water supply entities'' after ''owners''; and

(C) in paragraph (2)—

(i) in subparagraph (A), by inserting ''that choose not to participate or opt out of tributary enhancement projects pursuant to this section'' after ''water right owners''; and

(ii) in subparagraph (B), by inserting ''nonparticipating'' before ''tributary water users'';

(3) in subsection (b)—

(A) in paragraph (1)—

(i) by striking the paragraph designation and all that follows through ''(but not limited to)—'' and inserting the following:

''(1) IN GENERAL.—The Secretary, following consultation with the State of Washington, tributary water right owners, and the Yakama Nation, and on agreement of appropriate water right owners, is authorized to conduct studies to evaluate measures to further Yakima Project purposes on tributaries to the Yakima River. Enhancement programs that use measures authorized by this subsection may be investigated and implemented by the Secretary in tributaries to the Yakima River, including Taneum Creek, other areas, or tributary basins that currently or could potentially be provided supplemental or transfer water by entities, such as the Kittitas Reclamation District or the Yakima-Tieton Irrigation District, subject to the condition that activities may commence on completion of applicable and required feasibility studies, environmental reviews, and cost-benefit analyses that include favorable recommendations for further project development, as appropriate. Measures to evaluate include—'';

(ii) by indenting subparagraphs (A) through (F) appropriately;

(iii) in subparagraph (A), by inserting before the semicolon at the end the following: '', including irrigation efficiency improvements (in coordination with programs of the Department of Agriculture), consolidation of diversions or administration, and diversion scheduling or coordination'';

(iv) by redesignating subparagraphs (C) through (F) as subparagraphs (E) through (H), respectively;

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

''(C) improvements in irrigation system management or delivery facilities within the Yakima River basin when those improvements allow for increased irrigation system conveyance and corresponding reduction in diversion from tributaries or flow enhancements to tributaries through direct flow supplementation or groundwater recharge;

''(D) improvements of irrigation system management or delivery facilities to reduce or eliminate excessively high flows caused by the use of natural streams for conveyance or irrigation water or return water;'';

(vi) in subparagraph (E) (as redesignated by clause (iv)), by striking ''ground water'' and inserting ''groundwater recharge and'';

(vii) in subparagraph (G) (as redesignated by clause (iv)), by inserting ''or transfer'' after ''purchase''; and

(viii) in subparagraph (H) (as redesignated by clause (iv)), by inserting ''stream processes and'' before ''stream habitats'';

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking ''the Taneum Creek study'' and inserting ''studies under this subsection'';

(ii) in subparagraph (B)—

(I) by striking ''and economic'' and inserting '', infrastructure, economic, and land use''; and

(II) by striking ''and'' at the end;

(iii) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(D) any related studies already underway or undertaken.''; and

(C) in paragraph (3), in the first sentence, by inserting ''of each tributary or group of tributaries'' after ''study'';

(4) in subsection (c)—

(A) in the heading, by inserting ''**AND NONSURFACE STORAGE**'' after ''**NONSTORAGE**''; and

(B) in the matter preceding paragraph (1), by inserting ''and nonsurface storage'' after ''nonstorage'';

(5) by striking subsection (d);

(6) by redesignating subsection (e) as subsection (d); and

(7) in paragraph (2) of subsection (d) (as so redesignated)—

(A) in the first sentence—

(i) by inserting ''and implementation'' after ''investigation'';

(ii) by striking ''other'' before ''Yakima River''; and

(iii) by inserting ''and other water supply entities'' after ''owners''; and

(B) by striking the second sentence.

(e) CHANDLER PUMPING PLANT AND POWERPLANT-OPERATIONS AT PROSSER DIVERSION DAM.—Section 1208(d) of Public Law 103–434 (108 Stat. 4562; 114 Stat. 1425) is amended by inserting ''negatively'' before ''affected''.

(f) INTERIM COMPREHENSIVE BASIN OPERATING PLAN.—Section 1210(c) of Public Law 103–434 (108 Stat. 4564) is amended by striking ''$100,000'' and inserting ''$200,000''.

(g) ENVIRONMENTAL COMPLIANCE.—Section 1211 of Public Law 103–434 (108 Stat. 4564) is amended by striking ''$2,000,000'' and inserting ''$5,000,000''.

SEC. 6005. AUTHORIZATION OF PHASE III OF YAKIMA RIVER BASIN WATER ENHANCEMENT PROJECT.

Title XII of Public Law 103–434 (108 Stat. 4550) is amended by adding at the end the following:

''SEC. 1213. AUTHORIZATION OF THE INTEGRATED PLAN AS PHASE III OF YAKIMA RIVER BASIN WATER ENHANCEMENT PROJECT.

''(a) INTEGRATED PLAN.—

''(1) IN GENERAL.—The Secretary shall implement the Integrated Plan as Phase III of the Yakima River Basin Water Enhancement Project in accordance with this section and applicable laws.

''(2) INITIAL DEVELOPMENT PHASE OF THE INTEGRATED PLAN.—

''(A) IN GENERAL.—The Secretary, in coordination with the State of Washington and Yakama Nation and subject to feasibility studies, environmental reviews, and the availability of appropriations, shall implement an initial development phase of the Integrated Plan, to—

''(i) complete the planning, design, and construction or development of upstream

and downstream fish passage facilities, as previously authorized by the Hoover Power Plant Act of 1984 (43 U.S.C. 619 et seq.) at Cle Elum Reservoir and another Yakima Project reservoir identified by the Secretary as consistent with the Integrated Plan, subject to the condition that, if the Yakima Project reservoir identified by the Secretary contains a hydropower project licensed by the Federal Energy Regulatory Commission, the Secretary shall cooperate with the Federal Energy Regulatory Commission in a timely manner to ensure that actions taken by the Secretary are consistent with the applicable hydropower project license;

''(ii) negotiate long-term agreements with participating proratable irrigation entities in the Yakima Basin and, acting through the Bureau of Reclamation, coordinate between Bureaus of the Department of the Interior and with the heads of other Federal agencies to negotiate agreements concerning leases, easements, and rights-of-way on Federal land, and other terms and conditions determined to be necessary to allow for the non-Federal financing, construction, operation, and maintenance of—

''(I) new facilities needed to access and deliver inactive storage in Lake Kachess for the purpose of providing drought relief for irrigation (known as the 'Kachess Drought Relief Pumping Plant'); and

''(II) a conveyance system to allow transfer of water between Keechelus Reservoir to Kachess Reservoir for purposes of improving operational flexibility for the benefit of both fish and irrigation (known as the 'K to K Pipeline');

''(iii) participate in, provide funding for, and accept non-Federal financing for—

''(I) water conservation projects, not subject to the provisions of the Basin Conservation Program described in section 1203, that are intended to partially implement the Integrated Plan by providing 85,000 acre-feet of conserved water to improve tributary and mainstem stream flow; and

''(II) aquifer storage and recovery projects;

''(iv) study, evaluate, and conduct feasibility analyses and environmental reviews of fish passage, water supply (including groundwater and surface water storage), conservation, habitat restoration projects, and other alternatives identified as consistent with the purposes of this Act, for the initial and future phases of the Integrated Plan;

''(v) coordinate with and assist the State of Washington in implementing a robust water market to enhance water management in the Yakima River basin, including—

''(I) assisting in identifying ways to encourage and increase the use of, and reduce the barriers to, water transfers, leasing, markets, and other voluntary transactions among public and private entities in the Yakima River basin;

''(II) providing technical assistance, including scientific data and market information; and

''(III) negotiating agreements that would facilitate voluntary water transfers between entities, including as appropriate, the use of federally managed infrastructure; and

''(vi) enter into cooperative agreements with, or, subject to a minimum non-Federal cost-sharing requirement of 50 percent, make grants to, the Yakama Nation, the State of Washington, Yakima River basin irrigation districts, water districts, conservation districts, other local governmental entities, nonprofit organizations, and land owners to carry out this title under such terms and conditions as the Secretary may require, including the following purposes:

''(I) Land and water transfers, leases, and acquisitions from willing participants, so long as the acquiring entity shall hold title and be responsible for any and all required operations, maintenance, and management of that land and water.

''(II) To combine or relocate diversion points, remove fish barriers, or for other activities that increase flows or improve habitat in the Yakima River and its tributaries in furtherance of this title.

''(III) To implement, in partnership with Federal and non-Federal entities, projects to enhance the health and resilience of the watershed.

''(B) COMMENCEMENT DATE.—The Secretary shall commence implementation of the activities included under the initial development phase pursuant to this paragraph—

''(i) on the date of enactment of this section; and

''(ii) on completion of applicable feasibility studies, environmental reviews, and cost-benefit analyses that include favorable recommendations for further project development.

''(3) INTERMEDIATE AND FINAL PHASES.—

''(A) IN GENERAL.—The Secretary, in coordination with the State of Washington and in consultation with the Yakama Nation, shall develop plans for intermediate and final development phases of the Integrated Plan to achieve the purposes of this Act, including conducting applicable feasibility studies, environmental reviews, and other relevant studies needed to develop the plans.

''(B) INTERMEDIATE PHASE.—The Secretary shall develop an intermediate development phase to implement the Integrated Plan that, subject to authorization and appropriation, would commence not later than 10 years after the date of enactment of this section.

''(C) FINAL PHASE.—The Secretary shall develop a final development phase to implement the Integrated Plan that, subject to authorization and appropriation, would commence not later than 20 years after the date of enactment of this section.

''(4) CONTINGENCIES.—The implementation by the Secretary of projects and activities identified for implementation under the Integrated Plan shall be—

''(A) subject to authorization and appropriation;

''(B) contingent on the completion of applicable feasibility studies, environmental reviews, and cost-benefit analyses that include favorable recommendations for further project development;

''(C) implemented on public review and a determination by the Secretary that design, construction, and operation of a proposed project or activity is in the best interest of the public; and

''(D) in compliance with all applicable laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq).

''(5) PROGRESS REPORT.—

''(A) IN GENERAL.—Not later than 5 years after the date of enactment of this section, the Secretary, in conjunction with the State of Washington and in consultation with the Yakama Nation, 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 progress report on the development and implementation of the Integrated Plan.

''(B) REQUIREMENTS.—The progress report under this paragraph shall—

''(i) provide a review and reassessment, if needed, of the objectives of the Integrated Plan, as applied to all elements of the Integrated Plan;

''(ii) assess, through performance metrics developed at the initiation of, and measured throughout the implementation of, the Integrated Plan, the degree to which the implementation of the initial development phase addresses the objectives and all elements of the Integrated Plan;

''(iii) identify the amount of Federal funding and non-Federal contributions received and expended during the period covered by the report;

''(iv) describe the pace of project development during the period covered by the report;

''(v) identify additional projects and activities proposed for inclusion in any future phase of the Integrated Plan to address the objectives of the Integrated Plan, as applied to all elements of the Integrated Plan; and

''(vi) for water supply projects—

''(I) provide a preliminary discussion of the means by which—

''(aa) water and costs associated with each recommended project would be allocated among authorized uses; and

''(bb) those allocations would be consistent with the objectives of the Integrated Plan; and

''(II) establish a plan for soliciting and formalizing subscriptions among individuals and entities for participation in any of the recommended water supply projects that will establish the terms for participation, including fiscal obligations associated with subscription.

''(b) FINANCING, CONSTRUCTION, OPERATION, AND MAINTENANCE OF KACHESS DROUGHT RELIEF PUMPING PLANT AND K TO K PIPELINE.—

''(1) AGREEMENTS.—Long-term agreements negotiated between the Secretary and participating proratable irrigation entities in the Yakima Basin for the non-Federal financing, construction, operation, and maintenance of the Drought Relief Pumping Plant and K to K Pipeline shall include provisions regarding—

''(A) responsibilities of the participating proratable irrigation entities for the planning, design, and construction of infrastructure in consultation and coordination with the Secretary;

''(B) property titles and responsibilities of the participating proratable irrigation entities for the maintenance of and liability for all infrastructure constructed under this title;

''(C) operation and integration of the projects by the Secretary in the operation of the Yakima Project;

''(D) costs associated with the design, financing, construction, operation, maintenance, and mitigation of projects, with the costs of Federal oversight and review to be nonreimbursable to the participating proratable irrigation entities and the Yakima Project; and

''(E) responsibilities for the pumping and operational costs necessary to provide the total water supply available made inaccessible due to drought pumping during the preceding 1 or more calendar years, in the event that the Kachess Reservoir fails to refill as a result of pumping drought storage water during the preceding 1 or more calendar years, which shall remain the responsibility of the participating proratable irrigation entities.

''(2) USE OF KACHESS RESERVOIR STORED WATER.—

''(A) IN GENERAL.—The additional stored water made available by the construction of facilities to access and deliver inactive storage in Kachess Reservoir under subsection (a)(2)(A)(ii)(I) shall—

''(i) be considered to be Yakima Project water;

''(ii) not be part of the total water supply available, as that term is defined in various court rulings; and

''(iii) be used exclusively by the Secretary—

''(I) to enhance the water supply in years when the total water supply available is not sufficient to provide 70 percent of proratable

entitlements in order to make that additional water available up to 70 percent of proratable entitlements to the Kittitas Reclamation District, the Roza Irrigation District, or other proratable irrigation entities participating in the construction, operation, and maintenance costs of the facilities under this title under such terms and conditions to which the districts may agree, subject to the conditions that—

''(aa) the Bureau of Indian Affairs, the Wapato Irrigation Project, and the Yakama Nation, on an election to participate, may also obtain water from Kachess Reservoir inactive storage to enhance applicable existing irrigation water supply in accordance with such terms and conditions to which the Bureau of Indian Affairs and the Yakama Nation may agree; and

''(bb) the additional supply made available under this clause shall be available to participating individuals and entities in proportion to the proratable entitlements of the participating individuals and entities, or in such other proportion as the participating entities may agree; and

''(II) to facilitate reservoir operations in the reach of the Yakima River between Keechelus Dam and Easton Dam for the propagation of anadromous fish.

''(B) EFFECT OF PARAGRAPH.—Nothing in this paragraph affects (as in existence on the date of enactment of this section) any contract, law (including regulations) relating to repayment costs, water right, or Yakama Nation treaty right.

''(3) COMMENCEMENT.—The Secretary shall not commence entering into agreements pursuant to subsection (a)(2)(A)(ii) or subsection (b)(1) or implementing any activities pursuant to the agreements before the date on which—

''(A) all applicable and required feasibility studies, environmental reviews, and cost-benefit analyses have been completed and include favorable recommendations for further project development, including an analysis of—

''(i) the impacts of the agreements and activities conducted pursuant to subsection (a)(2)(A)(ii) on adjacent communities, including potential fire hazards, water access for fire districts, community and homeowner wells, future water levels based on projected usage, recreational values, and property values; and

''(ii) specific options and measures for mitigating the impacts, as appropriate;

''(B) the Secretary has made the agreements and any applicable project designs, operations plans, and other documents available for public review and comment in the Federal Register for a period of not less than 60 days; and

''(C) the Secretary has made a determination, consistent with applicable law, that the agreements and activities to which the agreements relate—

''(i) are in the public interest; and

''(ii) could be implemented without significant adverse impacts to the environment.

''(4) ELECTRICAL POWER ASSOCIATED WITH KACHESS DROUGHT RELIEF PUMPING PLANT.—

''(A) IN GENERAL.—The Administrator of the Bonneville Power Administration, pursuant to the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839 et seq.), shall provide to the Secretary project power to operate the Kachess Pumping Plant constructed under this title if inactive storage in Kachess Reservoir is needed to provide drought relief for irrigation, subject to the requirements of subparagraphs (B) and (C).

''(B) DETERMINATION.—Power may be provided under subparagraph (A) only if—

''(i) there is in effect a drought declaration issued by the State of Washington;

''(ii) there are conditions that have led to 70 percent or less water delivery to proratable irrigation districts, as determined by the Secretary; and

''(iii) the Secretary determines that it is appropriate to provide power under that subparagraph.

''(C) PERIOD OF AVAILABILITY.—Power under subparagraph (A) shall be provided until the date on which the Secretary determines that power should no longer be provided under that subparagraph, but for not more than a 1-year period or the period during which the Secretary determines that drought mitigation measures are necessary in the Yakima River basin.

''(D) RATE.—The Administrator of the Bonneville Power Administration shall provide power under subparagraph (A) at the then-applicable lowest Bonneville Power Administration rate for public body, cooperative, and Federal agency customers firm obligations, which as of the date of enactment of this section is the priority firm Tier 1 rate, and shall not include any irrigation discount.

''(E) LOCAL PROVIDER.—During any period in which power is not being provided under subparagraph (A), the power needed to operate the Kachess Pumping Plant shall be obtained by the Secretary from a local provider.

''(F) COSTS.—The cost of power for such pumping, station service power, and all costs of transmitting power from the Federal Columbia River Power System to the Yakima Enhancement Project pumping facilities shall be borne by irrigation districts receiving the benefits of that water.

''(G) DUTIES OF COMMISSIONER.—The Commissioner of Reclamation shall be responsible for arranging transmission for deliveries of Federal power over the Bonneville system through applicable tariff and business practice processes of the Bonneville system and for arranging transmission for deliveries of power obtained from a local provider.

''(c) DESIGN AND USE OF GROUNDWATER RECHARGE PROJECTS.—

''(1) IN GENERAL.—Any water supply that results from an aquifer storage and recovery project shall not be considered to be a part of the total water supply available if—

''(A) the water for the aquifer storage and recovery project would not be available for use, but instead for the development of the project;

''(B) the aquifer storage and recovery project will not otherwise impair any water supply available for any individual or entity entitled to use the total water supply available; and

''(C) the development of the aquifer storage and recovery project will not impair fish or other aquatic life in any localized stream reach.

''(2) PROJECT TYPES.—The Secretary may provide technical assistance for, and participate in, any of the following 3 types of groundwater recharge projects (including the incorporation of groundwater recharge projects into Yakima Project operations, as appropriate):

''(A) Aquifer recharge projects designed to redistribute Yakima Project water within a water year for the purposes of supplementing stream flow during the irrigation season, particularly during storage control, subject to the condition that if such a project is designed to supplement a mainstem reach, the water supply that results from the project shall be credited to instream flow targets, in lieu of using the total water supply available to meet those targets.

''(B) Aquifer storage and recovery projects that are designed, within a given water year or over multiple water years—

''(i) to supplement or mitigate for municipal uses;

''(ii) to supplement municipal supply in a subsurface aquifer; or

''(iii) to mitigate the effect of groundwater use on instream flow or senior water rights.

''(C) Aquifer storage and recovery projects designed to supplement existing irrigation water supply, or to store water in subsurface aquifers, for use by the Kittitas Reclamation District, the Roza Irrigation District, or any other proratable irrigation entity participating in the repayment of the construction, operation, and maintenance costs of the facilities under this section during years in which the total water supply available is insufficient to provide to those proratable irrigation entities all water to which the entities are entitled, subject to the conditions that—

''(i) the Bureau of Indian Affairs, the Wapato Irrigation Project, and the Yakama Nation, on an election to participate, may also obtain water from aquifer storage to enhance applicable existing irrigation water supply in accordance with such terms and conditions to which the Bureau of Indian Affairs and the Yakama Nation may agree; and

''(ii) nothing in this subparagraph affects (as in existence on the date of enactment of this section) any contract, law (including regulations) relating to repayment costs, water right, or Yakama Nation treaty right.

''(d) FEDERAL COST-SHARE.—

''(1) IN GENERAL.—The Federal cost-share of a project carried out under this section shall be determined in accordance with the applicable laws (including regulations) and policies of the Bureau of Reclamation.

''(2) INITIAL PHASE.—The Federal cost-share for the initial development phase of the Integrated Plan shall not exceed 50 percent of the total cost of the initial development phase.

''(3) STATE AND OTHER CONTRIBUTIONS.—The Secretary may accept as part of the non-Federal cost-share of a project carried out under this section, and expend as if appropriated, any contribution (including in-kind services) by the State of Washington or any other individual or entity that the Secretary determines will enhance the conduct and completion of the project.

''(4) LIMITATION ON USE OF OTHER FEDERAL FUNDS.—Except as otherwise provided in this title, other Federal funds may not be used to provide the non-Federal cost-share of a project carried out under this section.

''(e) SAVINGS AND CONTINGENCIES.—Nothing in this section shall—

''(1) be a new or supplemental benefit for purposes of the Reclamation Reform Act of 1982 (43 U.S.C. 390aa et seq.);

''(2) affect any contract in existence on the date of enactment of the Yakima River Basin Water Enhancement Project Phase III Act of 2016 that was executed pursuant to the reclamation laws;

''(3) affect any contract or agreement between the Bureau of Indian Affairs and the Bureau of Reclamation;

''(4) affect, waive, abrogate, diminish, define, or interpret the treaty between the Yakama Nation and the United States; or

''(5) constrain the continued authority of the Secretary to provide fish passage in the Yakima Basin in accordance with the Hoover Power Plant Act of 1984 (43 U.S.C. 619 et seq.).

''SEC. 1214. OPERATIONAL CONTROL OF WATER SUPPLIES.

''The Secretary shall retain authority and discretion over the management of project supplies to optimize operational use and flexibility to ensure compliance with all applicable Federal and State laws, treaty rights of the Yakama Nation, and legal obligations, including those contained in this

Act. That authority and discretion includes the ability of the United States to store, deliver, conserve, and reuse water supplies deriving from projects authorized under this title.''.

SA 3191. Mr. MERKLEY (for himself, Mr. SCHATZ, and Mr. MARKEY) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. SENSE OF THE SENATE REGARDING CLIMATE CHANGE.

It is the sense of the Senate that—

(1) a global temperature increase of 3.6 degrees Fahrenheit or greater will lead to significant disruption to the natural systems of the earth, including—

(A) increased droughts;

(B) more intense wildfires;

(C) rising seas;

(D) increased desertification; and

(E) acidifying oceans;

(2) the impacts referred to in paragraph (1) will result in economic disruption, including significant impacts on the farming, fishing, forestry, recreation, and other sectors of the United States economy;

(3) the international community, representing more than 195 countries, agreed to take steps to avert 3.6 degrees Fahrenheit of global temperature rise;

(4) in order to tackle climate change and achieve the goal of averting 3.6 degrees Fahrenheit of global temperature rise, all countries must meet and build on their pledged efforts and do their fair share to address climate change by transitioning to clean sources of energy;

(5) the final rule of the Administrator of the Environmental Protection Agency entitled ''Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units'' (80 Fed. Reg. 64662 (October 23, 2015)) (referred to in this section as the ''Clean Power Plan''), has put the United States on a path to cut carbon emissions from the electricity sector by 32 percent from 2005 levels by 2030 and transition to a clean energy economy;

(6) to adequately address the threat of climate change to the United States economy, the President who takes office in January 2017, will need to fully implement the Clean Power Plan and other elements of the Climate Action Plan of President Obama and develop additional measures to continue progress toward greater reduction in greenhouse gas emissions and a faster transition to clean energy; and

(7) the President who takes office in January 2017, should work with Congress to develop a comprehensive plan by June 1, 2017, that—

(A) builds on the Climate Action Plan of President Obama; and

(B) continues—

(i) carbon emission reductions by the United States; and

(ii) global leadership of the United States in addressing climate change.

SA 3192. Mr. CASSIDY (for himself, Ms. MURKOWSKI, Mr. KAINE, Mr. SCOTT, Mr. VITTER, Mr. TILLIS, and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 3105. OIL AND GAS.

(a) DISPOSITION OF OUTER CONTINENTAL SHELF REVENUES TO GULF PRODUCING STATES.—Section 105(f) of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432) is amended by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—Subject to paragraph (2), the total amount of qualified outer Continental Shelf revenues described in section 102(9)(A)(ii) that are made available under subsection (a)(2) shall not exceed—

''(A) for each of fiscal years 2017 through 2026, $500,000,000;

''(B) for each of fiscal years 2027 through 2031, $999,000,000; and

''(C) for each of fiscal years 2032 through 2055, $500,000,000.''.

(b) DISTRIBUTION OF REVENUE TO ALASKA.—Section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338) is amended—

(1) by striking ''All rentals,'' and inserting the following:

''(a) IN GENERAL.—Except as provided in subsections (b) and (c), all rentals,''; and

(2) by adding at the end the following:

''(b) DISTRIBUTION OF REVENUE TO ALASKA.—

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

''(A) COASTAL POLITICAL SUBDIVISION.—The term 'coastal political subdivision' means a county-equivalent or municipal subdivision of the State—

''(i) all or part of which lies within the coastal zone of the State (as defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453)); and

''(ii)(I) the closest coastal point of which is not more than 200 nautical miles from the geographical center of any leased tract in the Alaska outer Continental Shelf region; or

''(II)(aa) the closest point of which is more than 200 nautical miles from the geographical center of a leased tract in the Alaska outer Continental Shelf region; and

''(bb) that is determined by the State to be a significant staging area for oil and gas servicing, supply vessels, operations, suppliers, or workers.

''(B) QUALIFIED REVENUES.—

''(i) IN GENERAL.—The term 'qualified revenues' means all revenues derived from all rentals, royalties, bonus bids, and other sums due and payable to the United States from energy development in the Alaska outer Continental Shelf region.

''(ii) EXCLUSIONS.—The term 'qualified revenues' does not include revenues generated from leases subject to section 8(g).

''(C) STATE.—The term 'State' means the State of Alaska.

''(2) FISCAL YEARS 2027–2031.—For each of fiscal years 2027 through 2031, the Secretary shall deposit—

''(A) 62.5 percent of qualified revenues in the general fund of the Treasury, of which 12.5 percent shall be allocated to the Tribal Resilience Fund established by section 3105(e) of the Energy Policy Modernization Act of 2016;

''(B) 28 percent of qualified revenues in a special account in the Treasury, to be distributed by the Secretary to the State;

''(C) 7.5 percent of qualified revenues in a special account in the Treasury, to be distributed by the Secretary to coastal political subdivisions; and

''(D) 2 percent of qualified revenues in the general account of the Denali Commission.

''(3) ALLOCATION AMONG COASTAL POLITICAL SUBDIVISIONS.—Of the amount paid by the Secretary to coastal political subdivisions under paragraph (2)(C)—

''(A) 90 percent shall be allocated in amounts (based on a formula established by the Secretary by regulation) that are inversely proportional to the respective distances between the point in each coastal political subdivision that is closest to the geographic center of the applicable leased tract and not more than 200 miles from the geographic center of the leased tract; and

''(B) 10 percent shall be divided equally among each coastal political subdivision that—

''(i) is more than 200 nautical miles from the geographic center of a leased tract; and

''(ii) the State of Alaska determines to be a significant staging area for oil and gas servicing, supply vessels, operations, suppliers, or workers.

''(4) TIMING.—The amounts required to be deposited under paragraph (2) for the applicable fiscal year shall be made available in accordance with that paragraph during the fiscal year immediately following the applicable fiscal year.

''(5) ADMINISTRATION.—Amounts made available under paragraph (2) shall—

''(A) be made available, without further appropriation, in accordance with this subsection;

''(B) remain available until expended; and

''(C) be in addition to any amounts appropriated under any other provision of law.''.

(c) DISPOSITION OF REVENUES TO ATLANTIC STATES.—Section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338) (as amended by subsection (b)) is amended by adding at the end the following:

''(c) DISTRIBUTION OF REVENUE TO ATLANTIC STATES.—

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

''(A) ATLANTIC STATE.—The term 'Atlantic State' means any of the following States, which are adjacent to the South Atlantic planning area:

''(i) Georgia.

''(ii) North Carolina.

''(iii) South Carolina.

''(iv) Virginia.

''(B) QUALIFIED REVENUES.—

''(i) IN GENERAL.—The term 'qualified revenues' means all revenues derived from all rentals, royalties, bonus bids, and other sums due and payable to the United States from energy development in the Atlantic planning region.

''(ii) EXCLUSIONS.—The term 'qualified revenues' does not include revenues generated from leases subject to section 8(g).

''(C) SOUTH ATLANTIC PLANNING AREA.—The term 'South Atlantic planning area' means the area of the outer Continental Shelf (as defined in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331)) that is located between the northern lateral seaward administrative boundary of the Commonwealth of Virginia and the southernmost lateral seaward administrative boundary of the State of Georgia.

''(2) DEPOSIT.—For each of fiscal years 2027 through 2031, the Secretary shall deposit—

''(A) 62.5 percent of any qualified revenues in the general fund of the Treasury, of which 12.5 percent shall be split equally among, and allocated to, or deposited in, as applicable—

''(i) programs for energy efficiency, renewable energy, and nuclear at the Department of Energy;

''(ii) the National Park Service Critical Maintenance and Revitalization Conservation Fund established by section 104908 of title 54, United States Code, for use in accordance with subsection (d) of that section; and

''(iii) the Secretary of Transportation to administer and award TIGER discretionary grants; and

''(B) 37.5 percent of any qualified revenues in a special account in the Treasury from which the Secretary shall disburse amounts to the Atlantic States in accordance with paragraph (3).

''(3) ALLOCATION TO STATES.—

''(A) IN GENERAL.—Subject to subparagraphs (B) and (C), effective for fiscal year 2017 and each fiscal year thereafter, the Secretary of the Treasury shall allocate the qualified revenues described in paragraph (2)(B) to each Atlantic State in amounts (based on a formula established by the Secretary, by regulation) that are inversely proportional to the respective distances between—

''(i) the point on the coastline of each Atlantic State that is closest to the geographical center of the applicable leased tract; and

''(ii) the geographical center of that leased tract.

''(B) MINIMUM ALLOCATION.—The amount allocated to an Atlantic State for each fiscal year under subparagraph (A) shall be not less than 10 percent of the amounts available under paragraph (2)(B).

''(C) STATE ALLOCATION.—Of the amounts received by a State under subparagraph (A), the Atlantic State may use, at the discretion of the Governor of the State—

''(i) 10 percent—

''(I) to enhance State land and water conservation efforts;

''(II) to improve State public transportation projects;

''(III) to establish alternative, renewable, and clean energy production and generation within each State; and

''(IV) to enhance beach nourishment and costal dredging; and

''(ii) 2.5 percent to enhance geological and geophysical education for the energy future of the United States.

''(4) TIMING.—The amounts required to be deposited under paragraph (2) for the applicable fiscal year shall be made available in accordance with that paragraph during the fiscal year immediately following the applicable fiscal year.''.

(d) TRIBAL RESILIENCE PROGRAM.—

(1) DEFINITION OF INDIAN TRIBE.—In this subsection, the term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(2) ESTABLISHMENT.—The Secretary shall establish a program—

(A) to improve the resilience of Indian tribes to the effects of a changing climate;

(B) to support Native American leaders in building strong, resilient communities; and

(C) to ensure the development of modern, cost-effective infrastructure.

(3) GRANTS.—Subject to the availability of appropriations and amounts in the Tribal Resilience Fund established by subsection (e)(1), in carrying out the program described in paragraph (2), the Secretary shall make adaptation grants, in amounts not to exceed $200,000,000 total per fiscal year, to Indian tribes for eligible activities described in paragraph (4).

(4) ELIGIBLE ACTIVITIES.—An Indian tribe receiving a grant under paragraph (3) may only use grant funds for 1 or more of the following eligible activities:

(A) Development and delivery of adaptation training.

(B) Adaptation planning, vulnerability assessments, emergency preparedness planning, and monitoring.

(C) Capacity building through travel support for training, technical sessions, and cooperative management forums.

(D) Travel support for participation in ocean and coastal planning.

(E) Development of science-based information and tools to enable adaptive resource management and the ability to plan for resilience.

(F) Relocation of villages or other communities experiencing or susceptible to coastal or river erosion.

(G) Construction of infrastructure to support emergency evacuations.

(H) Restoration or repair of infrastructure damaged by melting permafrost or coastal or river erosion.

(I) Installation and management of energy systems that reduce energy costs and greenhouse gas emissions compared to the energy systems in use before that installation and management.

(J) Construction and maintenance of social or cultural infrastructure that the Secretary determines supports resilience.

(5) APPLICATIONS.—An Indian tribe desiring an adaptation grant under paragraph (3) shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a description of the eligible activities to be undertaken using the grant.

(6) CAPITAL PROJECTS.—Of amounts made available to carry out this program, not less than 90 percent shall be used for the engineering, design, and construction or implementation of capital projects.

(7) INTERAGENCY COOPERATION.—The Secretary and the Administrator of the Environmental Protection Agency shall establish under the White House Council on Native American Affairs an interagency subgroup on tribal resilience—

(A) to work with Indian tribes to collect and share data and information, including traditional ecological knowledge, about how the effects of a changing climate are relevant to Indian tribes and Alaska Natives; and

(B) to identify opportunities for the Federal Government to improve collaboration and assist with adaptation and mitigation efforts that promote resilience.

(8) TRIBAL RESILIENCE LIAISON.—The Secretary shall establish a tribal resilience liaison—

(A) to coordinate with Indian tribes and relevant Federal agencies; and

(B) to help ensure tribal engagement in climate conversations at the Federal level.

(e) TRIBAL RESILIENCE FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury a fund, to be known as the ''Tribal Resilience Fund'' (referred to in this subsection as the ''Fund'').

(2) DEPOSITS.—The Fund shall consist of the following:

(A) Amounts made available through an appropriation Act for deposit in the Fund.

(B) Amounts deposited into the Fund under subsection (b)(2)(A) of section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338) (as added by subsection (b)(2)).

(3) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—In addition to the amounts estimated by the Secretary to be deposited in the Fund under paragraph (2), there are authorized to be appropriated annually to the Fund out of any money in the Treasury not otherwise appropriated such amounts as are necessary to make the income of the Fund not more than $200,000,000 for fiscal year 2027 and each fiscal year thereafter.

(B) AVAILABILITY OF DEPOSITS.—

(i) IN GENERAL.—Amounts deposited in the Fund under this paragraph shall remain available until expended, without fiscal year limitation.

(ii) USE.—Amounts deposited in the Fund under this paragraph and made available for obligation or expenditure from the Fund may be obligated or expended only to carry out the Tribal Resilience Program under subsection (d).

SA 3193. Mr. BOOKER submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 46___. COMMUNITY AND SHARED SOLAR PROJECTS PRIZE.

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

''(h) COMMUNITY AND SHARED SOLAR PROJECTS PRIZE COMPETITION.—

''(1) DEFINITIONS.—

''(A) COMMUNITY SOLAR.—In this subsection:

''(i) IN GENERAL.—The term 'community solar' means a jointly owned or third-party owned shared solar photovoltaic system that allocates electricity to multiple businesses or households.

''(ii) EXCLUSIONS.—The term 'community solar' does not include—

''(I) a financing mechanism in which a security holder has only an economic interest and does not use the energy; or

''(II) a collective purchasing program in which community members buy separate photovoltaic systems collectively.

''(B) ELIGIBLE APPLICANT.—The term 'eligible applicant' means—

''(i) a utility;

''(ii) a private business;

''(iii) a nonprofit organization; or

''(iv) a municipality.

''(2) AUTHORITY.—Not later than 1 year after the date of enactment of this subsection, as part of the program carried out under this section, the Secretary shall establish and award to eligible applicants competitive technology financial awards or relevant cash prizes for community solar project designs.

''(3) REQUIREMENTS.—

''(A) IN GENERAL.—In awarding prizes under paragraph (2), the Secretary shall select innovative community solar project designs that—

''(i) increase access to solar energy;

''(ii) reduce upfront costs for participants;

''(iii) provide the greatest return on investment;

''(iv) can be replicated in other communities;

''(v) improve economies of scale;

''(vi) create local jobs; and

''(vii) provide local benefits through energy diversification.

''(B) CONSIDERATION.—In awarding prizes under paragraph (2), the Secretary shall select innovative community solar project designs that consider low- and moderate-income populations in the requirements described in subparagraph (A).

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

SA 3194. Mrs. BOXER (for herself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms.

MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. _____. ALISO CANYON NATURAL GAS LEAK TASK FORCE.

(a) FINDINGS.—Congress finds that—

(1) on October 23, 2015, a natural gas leak was discovered at a well within the Aliso Canyon Natural Gas Storage Facility in Los Angeles County in the State of California, and as of January 27, 2016, attempts by the Southern California Gas Company (referred to in this section as the ''Company'') to stop the leak have not been successful;

(2) the leak appears to be caused by damage to the well casing at approximately 500 feet underground;

(3) the Company has attempted several times to plug the well, but as of January 28, 2016, those efforts have been unsuccessful;

(4) many residents in the nearby community have reported adverse physical symptoms including dizziness, nausea, and nosebleeds as a result of the natural gas leak, and the continuing emissions from the leak have resulted in the relocation of thousands of people away from their homes and livelihoods;

(5) local schools have temporarily closed, many businesses have been negatively impacted, and regular public services such as mail delivery have also been disrupted;

(6) more than 86,500,000 kilograms of methane, a powerful greenhouse gas, have been emitted into the atmosphere, which is—

(A) the equivalent of 2,200,000 metric tons of carbon dioxide; or

(B) more greenhouse gas than 468,000 cars emit in 1 year;

(7) agencies of the State of California issued an emergency order on December 10, 2015, prohibiting injection of natural gas into the Aliso Canyon Storage Facility until further authorization; and

(8) on January 6, 2016, the Governor of the State of California declared a state of emergency for Los Angeles County due to the Aliso Canyon natural gas leak.

(b) ESTABLISHMENT OF TASK FORCE.—Not later than 15 days after the date of enactment of this Act, the Secretary shall lead and establish an Aliso Canyon Task Force (referred to in this section as the ''task force'').

(c) MEMBERSHIP OF TASK FORCE.—In addition to the Secretary, the task force shall be composed of—

(1) 1 representative from the Pipeline and Hazardous Materials Safety Administration;

(2) 1 representative from the Department of Health and Human Services;

(3) 1 representative from the Environmental Protection Agency;

(4) 1 representative from the Department of the Interior;

(5) 1 representative from the Department of Commerce; and

(6) 1 representative from the Federal Energy Regulatory Commission.

(d) REPORT.—

(1) FINAL REPORT.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the task force shall submit a final report that contains the information described in subparagraph (B) to—

(i) the Committee on Energy and Natural Resources of the Senate;

(ii) the Committee on Natural Resources of the House of Representatives;

(iii) the Committee on Environment and Public Works of the Senate;

(iv) the Committee on Transportation and Infrastructure of the House of Representatives;

(v) the Committee on Commerce, Science, and Transportation of the Senate;

(vi) the Committee on Energy and Commerce of the House of Representatives;

(vii) the Committee on Health, Education, Labor, and Pensions of the Senate;

(viii) the Committee on Education and the Workforce of the House of Representatives;

(ix) the President; and

(x) relevant Federal and State agencies.

(B) INFORMATION INCLUDED.—The report submitted under subparagraph (A) shall include, at a minimum—

(i) an analysis and conclusion of the cause of the Aliso Canyon natural gas leak;

(ii) an analysis of measures taken to stop the natural gas leak, with an immediate focus on other, more effective measures that could be taken;

(iii) an assessment of the impact of the natural gas leak on health, safety, the environment, and the economy of the residents and property surrounding Aliso Canyon;

(iv) an analysis of how Federal and State agencies responded to the natural gas leak;

(v) in order to lessen the negative impacts of natural gas leaks, recommendations on how to improve—

(I) the response to a future leak; and

(II) coordination between all appropriate Federal, State, and local agencies in the response to the Aliso Canyon natural gas leak and future natural gas leaks;

(vi) an analysis of the potential for a similar natural gas leak to occur at other underground natural gas storage facilities in the United States;

(vii) recommendations on how to prevent any future natural gas leaks;

(viii) recommendations on whether to continue operations at Aliso Canyon and other facilities in close proximity to residential populations based on an assessment of the risk of a future natural gas leak;

(ix) a recommendation on information that is not currently collected but that would be in the public interest to collect and distribute to agencies and institutions for the continued study and monitoring of natural gas infrastructure in the United States;

(x) an analysis of the impact of the Aliso Canyon natural gas leak on wholesale and retail electricity prices; and

(xi) an analysis of the impact of the Aliso Canyon natural gas leak on the reliability of the bulk-power system.

(2) PUBLICATION.—The final report under paragraph (1) shall be made available to the public in an electronically accessible format.

(3) If, before the final report is submitted under paragraph (1) the task force finds methods to solve the natural gas leak at Aliso Canyon; better protect the affected communities; or finds methods to help prevent other leaks, they must immediately issue such findings to the same entities that are to receive the final report.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary.

SA 3195. 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.—The Secretary may carry out any activities, including entering into an agreement or contract or otherwise making financial assistance available—

''(1) 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;

''(2) to plan and implement activities and projects that—

''(A) avoid or mitigate environmental effects of irrigation activities; or

''(B) restore habitats in the Klamath Basin watershed, including restoring tribal fishery resources held in trust; and

''(3) to limit the net delivered cost of power for covered power uses.

''(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, 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 the recommendations described in the report, 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.—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)).

''(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 resolving other natural resource conflicts, particularly through collaboratively developed agreements.

''(f) PUMPING PLANT D.—The Secretary may enter into 1 or more agreements with the Tulelake Irrigation District to reimburse the Tulelake Irrigation District for not more than 69 percent of the cost incurred by the Tulelake Irrigation District for the operation and maintenance of Pumping Plant D.''.

(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, as authorized under the Act of June 17, 1902 (32 Stat. 388, chapter 1093).

(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.)).

SA 3196. Mr. KIRK submitted an amendment intended to be proposed by him to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. FEDERAL DISASTER FUNDING FOR RECOVERY FROM LARGE-SCALE CYBER INCIDENTS.

Section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) is amended—

(1) in paragraph (2), by striking ''or explosion'' and inserting ''explosion, or cyber incident''; and

(2) by adding at the end the following:

''(13) CRITICAL INFRASTRUCTURE.—The term 'critical infrastructure' has the meaning given the term in section 1016(e) of Public Law 107–56 (42 U.S.C. 5195c(e)).

''(14) CYBER INCIDENT.—The term 'cyber incident' means actions taken against critical infrastructure through the use of computer networks that result in a significant adverse effect on the provision of essential services (as described in section 427(a)(1)), which—

''(A) lasts for a period of more than 24-hours; and

''(B) affects the provision of essential services in more than 1 State.''.

SA 3197. Ms. COLLINS (for herself, Ms. MIKULSKI, and Ms. HIRONO) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 157, strike line 24 and insert the following:

tion.

''SEC. 225. CRITICAL ELECTRIC INFRASTRUCTURE AT GREATEST RISK.

''(a) DEFINITIONS.—In this section:

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

''(A) the Select Committee on Intelligence of the Senate;

''(B) the Permanent Select Committee on Intelligence of the House of Representatives;

''(C) the Committee on Energy and Natural Resources of the Senate; and

''(D) the Committee on Energy and Commerce of the House of Representatives.

''(2) CRITICAL ELECTRIC INFRASTRUCTURE.—The term 'critical electric infrastructure' means a system or asset of the bulk-power system, whether physical or virtual, the incapacity or destruction of which would negatively affect national security, economic security, public health or safety, or any combination of those matters.

''(3) COVERED ENTITY.—The term 'covered entity' means an entity identified pursuant to section 9(a) of Executive Order 13636 of February 12, 2013 (78 Fed. Reg. 11742), relating to identification of critical infrastructure where a cybersecurity incident could reasonably result in catastrophic regional or national effects on public health or safety, economic security, or national security, that owns or operates critical electric infrastructure.

''(4) SECRETARY.—The term 'Secretary' means the Secretary of Energy.

''(b) MITIGATION STRATEGY REQUIRED FOR CRITICAL ELECTRIC INFRASTRUCTURE AT GREATEST RISK.—Not later than 1 year after the date of enactment of this Act, the Commission, in consultation with the Secretary and each covered entity, shall identify and propose prioritized, risk-based actions to mitigate cyber risk for each covered entity such that, to the greatest extent practicable, a cyber security incident affecting that covered entity would be less likely to result in catastrophic regional or national effects on public health or safety, economic security, or national security, given current and projected cyber risks.

''(c) REPORT REQUIRED.—Not later than 60 days after the date on which the Commission has taken the actions required under subsection (b), the Commission shall submit to the appropriate congressional committees a report describing—

''(1) the current and projected cyber risks considered by the Commission; and

''(2) a summary of the type of actions proposed by the Commission.''.

SA 3198. Mr. BROWN (for himself and Mr. KIRK) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title I, add the following:

SEC. 10___. INCREASING WATER EFFICIENCY IN FEDERAL BUILDINGS.

(a) DEFINITIONS.—In this section:

(1) ANSI-ACCREDITED PLUMBING CODE.—The term ''ANSI-accredited plumbing code'' means a construction code for a plumbing system of a building that meets applicable codes established by the American National Standards Institute.

(2) ANSI-AUDITED DESIGNATOR.—The term ''ANSI-audited designator'' means an accredited developer that is recognized by the American National Standards Institute.

(3) GREEN PLUMBERS USA TRAINING PROGRAM.—The term ''Green Plumbers USA training program'' means the training and certification program teaching sustainability and water-savings practices that is established by the Green Plumbers organization.

(4) HELMETS TO HARDHATS PROGRAM.—The term ''Helmets to Hardhats program'' means

the national, nonprofit program that connects National Guard, Reserve, retired, and transitioning active-duty military service members with skilled training and quality career opportunities in the construction industry.

(5) PLUMBING EFFICIENCY RESEARCH COALITION.—The term ''Plumbing Efficiency Research Coalition'' means the industry coalition comprised of plumbing manufacturers, code developers, plumbing engineers, and water efficiency experts established to advance plumbing research initiatives that support the development of water efficiency and sustainable plumbing products, systems, and practices.

(b) WATER EFFICIENCY STANDARDS.—The Secretary shall work with ANSI-audited designators to promote the implementation and use in the construction of Federal building of plumbing products, systems, and practices that meet standards and codes that achieve the highest level of water efficiency and conservation practicable consistent with construction budgets and the goals of Executive Order 13514 (42 U.S.C. 4321 note; relating to Federal leadership in environmental, energy, and economic performance), including—

(1) the most recent version of the ANSI-accredited plumbing code; and

(2) if no ANSI-accredited plumbing code exists, alternative plumbing standards and codes established by the Secretary.

(c) TRAINING PROGRAMS.—The Secretary shall work with nationally recognized plumbing training programs that meet applicable plumbing licensing requirements to provide competency training for individuals who install and repair plumbing systems in Federal and other buildings, including—

(1) the Helmets to Hardhats training program; and

(2) the Green Plumbers USA training program.

(d) WATER EFFICIENCY RESEARCH.—The Secretary shall promote plumbing research that increases water efficiency and conservation in plumbing products, systems, and practices used in Federal and other buildings and reduces the unintended consequences of reduced flows in the building drains and water supply systems of the United States, which may include working with the Andrew W. Breidenbach Environmental Research Center and the Plumbing Efficiency Research Coalition—

(1) to provide and exchange experts to conduct water efficiency and conservation plumbing-related studies;

(2) to assist in creating public awareness of reports of the Plumbing Efficiency Research Coalition; and

(3) to provide financial assistance if applicable and available.

SA 3199. Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title I, add the following:

SEC. 10___.

(a) USE OF FUNDS.—Section 544 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17154) is amended—

(1) in the matter preceding paragraph (1), by striking ''An eligible entity'' and inserting the following:

''(a) IN GENERAL.—An eligible entity''; and

(2) by adding at the end the following:

''(b) PRIORITY.—An eligible entity receiving a grant under this subtitle shall prioritize projects that use LED lighting, solar electricity generating, or energy efficiency building technologies at buildings and facilities within the jurisdiction of the eligible entity.''.

(b) REVIEW AND EVALUATION.—Section 547 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17157) is amended by adding at the end the following:

''(c) PROCUREMENT IMPROVEMENT.—Not later than 1 year after the date of enactment of this subsection, the Secretary, in consultation with eligible entities, shall revise the grant and procurement practices of the Department of Energy to ensure the most effective allocation and use of the funds made available under section 548.''.

(c) FUNDING.—Section 548(a) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17158(a)) is amended—

(1) in paragraph (1), by striking ''2008 through 2012'' and inserting ''2018 through 2020''; and

(2) in paragraph (2), by striking subparagraphs (A) through (C) and inserting the following:

''(A) $20,000,000 for fiscal year 2017; and

''(B) $25,000,000 for each of fiscal years 2018 through 2020.''.

SA 3200. Mr. WHITEHOUSE (for himself, Mr. MARKEY, Mr. SCHATZ, and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. SENSE OF THE SENATE REGARDING ACTIVITIES OF CERTAIN COMPANIES.

(a) SENSE OF THE SENATE REGARDING TOBACCO COMPANIES.—It is the sense of the Senate that—

(1) according to peer-reviewed scientific research and Federal courts, tobacco companies have long known about the harmful health effects of their products; and

(2) contrary to the scientific findings of the tobacco companies and of others about the danger tobacco poses to human health, tobacco companies—

(A) used a sophisticated and deceitful campaign that included funding think tanks to deny, counter, and obstruct peer-reviewed science; and

(B) used that misinformation campaign to mislead the public and cast doubt in order to protect their financial interest.

(b) SENSE OF THE SENATE REGARDING LEAD-RELATED MANUFACTURERS.—It is the sense of the Senate that—

(1) according to peer-reviewed scientific research and State courts, the harmful effects of lead in paint and other products were known to the paint industry, gasoline manufacturers, and lead producers throughout the 20th century; and

(2) contrary to the scientific findings of those companies and of others about the danger lead poses to human health, those companies—

(A) used a sophisticated and deceitful campaign that included funding think tanks to deny, counter, and obstruct peer-reviewed research; and

(B) used that misinformation campaign to mislead the public and cast doubt in order to protect their financial interest.

(c) SENSE OF THE SENATE REGARDING FOSSIL FUEL COMPANIES.—It is the sense of the Senate that—

(1) according to peer-reviewed scientific research and investigative reporting, fossil fuel companies have long known about the harmful climate effects of their products; and

(2) contrary to the scientific findings of the fossil fuel companies and of others about the danger fossil fuels pose to the climate, fossil fuel companies—

(A) used a sophisticated and deceitful campaign that included funding think tanks to deny, counter, and obstruct peer-reviewed research; and

(B) used that misinformation campaign to mislead the public and cast doubt in order to protect their financial interest?.

(d) SENSE OF THE SENATE REGARDING CERTAIN CORPORATIONS.—It is the sense of the Senate that the Senate—

(1) disapproves of activities by certain corporations and organizations funded by those corporations to deliberately undermine peer-reviewed scientific research about the dangers of their products and cast doubt on science in order to protect their financial interests; and

(2) urges fossil fuel companies to cooperate with active or future investigations into their climate-change related activities and what the companies knew and when they knew it.

SA 3201. Mr. WARNER (for himself and Mr. KAINE) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VI—MISCELLANEOUS

SEC. 6001. INTERAGENCY TRANSFER OF LAND ALONG GEORGE WASHINGTON MEMORIAL PARKWAY.

(a) DEFINITION.—In this section:

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

(2) RESEARCH CENTER.—The term ''Research Center'' means the Federal Highway Administration's Turner-Fairbank Highway Research Center.

(3) MAP.—The term ''Map'' means the map titled ''George Washington Memorial Parkway—Claude Moore Farm Proposed Boundary Adjustment'', numbered 850__130815, and dated December 2015.

(b) ADMINISTRATIVE JURISDICTION TRANSFER.—

(1) TRANSFER OF JURISDICTION.—The Secretary and the Secretary of Transportation, as appropriate, are authorized to exchange administrative jurisdiction of—

(A) approximately 0.342 acres of Federal land under the jurisdiction of the Department of the Interior within the boundary of the George Washington Memorial Parkway, generally depicted as ''B'' on the Map; and

(B) the approximately 0.479 acres of Federal land within the boundary of the Research Center land under the jurisdiction of the Department of Transportation adjacent to the boundary of the George Washington Memorial Parkway, generally depicted as ''A'' on the Map.

(2) USE RESTRICTION.—The Secretary shall restrict the use of 0.139 acres of Federal land within the boundary of the George Washington Memorial Parkway immediately adjacent to part of the north perimeter fence of the Research Center, generally depicted as ''C'' on the Map, by prohibiting the storage, construction, or installation of any item that may obstruct the view from the Research Center into the George Washington Memorial Parkway.

(3) REIMBURSEMENT OR CONSIDERATION.—The transfers of administrative jurisdiction under this section shall occur without reimbursement or consideration.

(4) COMPLIANCE WITH AGREEMENT.—

(A) AGREEMENT.—The National Park Service and the Federal Highway Administration shall comply with all terms and conditions of the Agreement entered into by the parties on September 11, 2002, regarding the transfer of administrative jurisdiction, management, and maintenance of the lands discussed in that Agreement.

(B) ACCESS TO RESTRICTED LAND.—

(i) IN GENERAL.—Subject to clauses (ii) and (iii), the Secretary shall allow the Research Center to access the land described in paragraph (1)(B) for purposes of maintenance in accordance with National Park Service standards, including grass mowing, weed control, tree maintenance, fence maintenance, and maintenance of the visual appearance of the land.

(ii) PRUNING AND REMOVAL OF TRESS.—No tree on the land described in paragraph (1)(B) that is 6 inches or more in diameter shall be pruned or removed without the advance written permission of the Secretary.

(iii) PESTICIDES.—The use of pesticides on the land described in paragraph (1)(B) shall be approved in writing by the Secretary prior to application of the pesticides.

(c) MANAGEMENT OF TRANSFERRED LANDS.—

(1) INTERIOR LAND.—The Federal land transferred to the Secretary under this section shall be included in the boundaries of the George Washington Memorial Parkway and shall be administered by the National Park Service as part of the parkway subject to applicable laws and regulations.

(2) TRANSPORTATION LAND.—The Federal land transferred to the Secretary of Transportation under this section shall be included in the boundary of the Research Center and shall be removed from the boundary of parkway.

(3) RESTRICTED-USE LAND.—The Federal land the Secretary has designated for restricted use under subsection (b)(2) shall be maintained by the Research Center.

(d) MAP ON FILE.—The Map shall be available for public inspection in the appropriate offices of the National Park Service, Department of Interior.

SA 3202. Mr. ISAKSON (for himself, Mr. BENNET, Mr. PORTMAN, Mrs. SHAHEEN, and Mr. COONS) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

Subtitle F—Housing

SEC. 1501. DEFINITIONS.

In this subtitle, the following definitions shall apply:

(1) COVERED LOAN.—The term ''covered loan'' means a loan secured by a home that is insured by the Federal Housing Administration under title II of the National Housing Act (12 U.S.C. 1707 et seq.).

(2) HOMEOWNER.—The term ''homeowner'' means the mortgagor under a covered loan.

(3) MORTGAGEE.—The term ''mortgagee'' means an original lender under a covered loan or the holder of a covered loan at the time at which that mortgage transaction is consummated.

SEC. 1502. ENHANCED ENERGY EFFICIENCY UNDERWRITING CRITERIA.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Housing and Urban Development shall, in consultation with the advisory group established in section 1505(c), develop and issue guidelines for the Federal Housing Administration to implement enhanced loan eligibility requirements, for use when testing the ability of a loan applicant to repay a covered loan, that account for the expected energy cost savings for a loan applicant at a subject property, in the manner set forth in subsections (b) and (c).

(b) REQUIREMENTS TO ACCOUNT FOR ENERGY COST SAVINGS.—

(1) IN GENERAL.—The enhanced loan eligibility requirements under subsection (a) shall require that, for all covered loans for which an energy efficiency report is voluntarily provided to the mortgagee by the homeowner, the Federal Housing Administration and the mortgagee shall take into consideration the estimated energy cost savings expected for the owner of the subject property in determining whether the loan applicant has sufficient income to service the mortgage debt plus other regular expenses.

(2) USE AS OFFSET.—To the extent that the Federal Housing Administration uses a test such as a debt-to-income test that includes certain regular expenses, such as hazard insurance and property taxes—

(A) the expected energy cost savings shall be included as an offset to these expenses; and

(B) the Federal Housing Administration may not use the offset described in subparagraph (A) to qualify a loan applicant for insurance under title II of the National Housing Act (12 U.S.C. 1707 et seq.) with respect to a loan that would not otherwise meet the requirements for such insurance.

(3) TYPES OF ENERGY COSTS.—Energy costs to be assessed under this subsection shall include the cost of electricity, natural gas, oil, and any other fuel regularly used to supply energy to the subject property.

(c) DETERMINATION OF ESTIMATED ENERGY COST SAVINGS.—

(1) IN GENERAL.—The guidelines to be issued under subsection (a) shall include instructions for the Federal Housing Administration to calculate estimated energy cost savings using—

(A) the energy efficiency report;

(B) an estimate of baseline average energy costs; and

(C) additional sources of information as determined by the Secretary of Housing and Urban Development.

(2) REPORT REQUIREMENTS.—For the purposes of paragraph (1), an energy efficiency report shall—

(A) estimate the expected energy cost savings specific to the subject property, based on specific information about the property;

(B) be prepared in accordance with the guidelines to be issued under subsection (a); and

(C) be prepared—

(i) in accordance with the Residential Energy Service Network's Home Energy Rating System (commonly known as ''HERS'') by an individual certified by the Residential Energy Service Network, unless the Secretary of Housing and Urban Development finds that the use of HERS does not further the purposes of this subtitle;

(ii) in accordance with the Alaska Housing Finance Corporation energy rating system by an individual certified by the Alaska Housing Finance Corporation as an authorized Energy Rater; or

(iii) by other methods approved by the Secretary of Housing and Urban Development, in consultation with the Secretary and the advisory group established in section 1505(c), for use under this subtitle, which shall include a third-party quality assurance procedure.

(3) USE BY APPRAISER.—If an energy efficiency report is used under subsection (b), the energy efficiency report shall be provided to the appraiser to estimate the energy efficiency of the subject property and for potential adjustments for energy efficiency.

(d) PRICING OF LOANS.—

(1) IN GENERAL.—The Federal Housing Administration may price covered loans originated under the enhanced loan eligibility requirements required under this section in accordance with the estimated risk of the loans.

(2) IMPOSITION OF CERTAIN MATERIAL COSTS, IMPEDIMENTS, OR PENALTIES.—In the absence of a publicly disclosed analysis that demonstrates significant additional default risk or prepayment risk associated with the loans, the Federal Housing Administration shall not impose material costs, impediments, or penalties on covered loans merely because the loan uses an energy efficiency report or the enhanced loan eligibility requirements required under this section.

(e) LIMITATIONS.—

(1) IN GENERAL.—The Federal Housing Administration may price covered loans originated under the enhanced loan eligibility requirements required under this section in accordance with the estimated risk of those loans.

(2) PROHIBITED ACTIONS.—The Federal Housing Administration shall not—

(A) modify existing underwriting criteria or adopt new underwriting criteria that intentionally negate or reduce the impact of the requirements or resulting benefits that are set forth or otherwise derived from the enhanced loan eligibility requirements required under this section; or

(B) impose greater buy back requirements, credit overlays, or insurance requirements, including private mortgage insurance, on covered loans merely because the loan uses an energy efficiency report or the enhanced loan eligibility requirements required under this section.

(f) APPLICABILITY AND IMPLEMENTATION DATE.—Not later than 3 years after the date of enactment of this Act, and before December 31, 2019, the enhanced loan eligibility requirements required under this section shall be implemented by the Federal Housing Administration to—

(1) apply to any covered loan for the sale, or refinancing of any loan for the sale, of any home;

(2) be available on any residential real property (including individual units of condominiums and cooperatives) that qualifies for a covered loan; and

(3) provide prospective mortgagees with sufficient guidance and applicable tools to implement the required underwriting methods.

SEC. 1503. ENHANCED ENERGY EFFICIENCY UNDERWRITING VALUATION GUIDELINES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Housing and Urban Development shall—

(1) in consultation with the Federal Financial Institutions Examination Council and the advisory group established in section 1505(c), develop and issue guidelines for the Federal Housing Administration to determine the maximum permitted loan amount based on the value of the property for all covered loans made on properties with an energy efficiency report that meets the requirements of section 1502(c)(2); and

(2) in consultation with the Secretary, issue guidelines for the Federal Housing Administration to determine the estimated energy savings under subsection (c) for properties with an energy efficiency report.

(b) REQUIREMENTS.—The enhanced energy efficiency underwriting valuation guidelines required under subsection (a) shall include—

(1) a requirement that if an energy efficiency report that meets the requirements of section 1502(c)(2) is voluntarily provided to the mortgagee, such report shall be used by the mortgagee or the Federal Housing Administration to determine the estimated energy savings of the subject property; and

(2) a requirement that the estimated energy savings of the subject property be added to the appraised value of the subject property by a mortgagee or the Federal Housing Administration for the purpose of determining the loan-to-value ratio of the subject property, unless the appraisal includes the value of the overall energy efficiency of the subject property, using methods to be established under the guidelines issued under subsection (a).

(c) DETERMINATION OF ESTIMATED ENERGY SAVINGS.—

(1) AMOUNT OF ENERGY SAVINGS.—The amount of estimated energy savings shall be determined by calculating the difference between the estimated energy costs for the average comparable houses, as determined in guidelines to be issued under subsection (a), and the estimated energy costs for the subject property based upon the energy efficiency report.

(2) DURATION OF ENERGY SAVINGS.—The duration of the estimated energy savings shall be based upon the estimated life of the applicable equipment, consistent with the rating system used to produce the energy efficiency report.

(3) PRESENT VALUE OF ENERGY SAVINGS.—The present value of the future savings shall be discounted using the average interest rate on conventional 30-year mortgages, in the manner directed by guidelines issued under subsection (a).

(d) ENSURING CONSIDERATION OF ENERGY EFFICIENT FEATURES.—Section 1110 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3339) is amended—

(1) in paragraph (2), by striking ''; and'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(3) by inserting after paragraph (3) the following:

''(4) that State certified and licensed appraisers have timely access, whenever practicable, to information from the property owner and the lender that may be relevant in developing an opinion of value regarding the energy-saving improvements or features of a property, such as—

''(A) labels or ratings of buildings;

''(B) installed appliances, measures, systems or technologies;

''(C) blueprints;

''(D) construction costs;

''(E) financial or other incentives regarding energy-efficient components and systems installed in a property;

''(F) utility bills;

''(G) energy consumption and benchmarking data; and

''(H) third-party verifications or representations of energy and water efficiency performance of a property, observing all financial privacy requirements adhered to by certified and licensed appraisers, including section 501 of the Gramm-Leach-Bliley Act (15 U.S.C. 6801).

Unless a property owner consents to a lender, an appraiser, in carrying out the requirements of paragraph (4), shall not have access to the commercial or financial information of the owner that is privileged or confidential.''.

(e) TRANSACTIONS REQUIRING STATE CERTIFIED APPRAISERS.—Section 1113 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3342) is amended—

(1) in paragraph (1), by inserting before the semicolon the following: '', or any real property on which the appraiser makes adjustments using an energy efficiency report''; and

(2) in paragraph (2), by inserting after before the period at the end the following: '', or an appraisal on which the appraiser makes adjustments using an energy efficiency report''.

(f) PROTECTIONS.—

(1) AUTHORITY TO IMPOSE LIMITATIONS.—The guidelines to be issued under subsection (a) shall include such limitations and conditions as determined by the Secretary of Housing and Urban Development to be necessary to protect against meaningful under or over valuation of energy cost savings or duplicative counting of energy efficiency features or energy cost savings in the valuation of any subject property that is used to determine a loan amount.

(2) ADDITIONAL AUTHORITY.—At the end of the 7-year period following the implementation of enhanced eligibility and underwriting valuation requirements under this subtitle, the Secretary of Housing and Urban Development may modify or apply additional exceptions to the approach described in subsection (b), where the Secretary of Housing and Urban Development finds that the unadjusted appraisal will reflect an accurate market value of the efficiency of the subject property or that a modified approach will better reflect an accurate market value.

(g) APPLICABILITY AND IMPLEMENTATION DATE.—Not later than 3 years after the date of enactment of this Act, and before December 31, 2019, the Federal Housing Administration shall implement the guidelines required under this section, which shall—

(1) apply to any covered loan for the sale, or refinancing of any loan for the sale, of any home; and

(2) be available on any residential real property, including individual units of condominiums and cooperatives, that qualifies for a covered loan.

SEC. 1504. MONITORING.

Not later than 1 year after the date on which the enhanced eligibility and underwriting valuation requirements are implemented under this subtitle, and every year thereafter, the Federal Housing Administration shall issue and make available to the public a report that—

(1) enumerates the number of covered loans of the Federal Housing Administration for which there was an energy efficiency report, and that used energy efficiency appraisal guidelines and enhanced loan eligibility requirements;

(2) includes the default rates and rates of foreclosures for each category of loans; and

(3) describes the risk premium, if any, that the Federal Housing Administration has priced into covered loans for which there was an energy efficiency report.

SEC. 1505. RULEMAKING.

(a) IN GENERAL.—The Secretary of Housing and Urban Development shall prescribe regulations to carry out this subtitle, in consultation with the Secretary and the advisory group established in subsection (c), which may contain such classifications, differentiations, or other provisions, and may provide for such proper implementation and appropriate treatment of different types of transactions, as the Secretary of Housing and Urban Development determines are necessary or proper to effectuate the purposes of this subtitle, to prevent circumvention or evasion thereof, or to facilitate compliance therewith.

(b) RULE OF CONSTRUCTION.—Nothing in this subtitle shall be construed to authorize the Secretary of Housing and Urban Development to require any homeowner or other party to provide energy efficiency reports, energy efficiency labels, or other disclosures to the Federal Housing Administration or to a mortgagee.

(c) ADVISORY GROUP.—To assist in carrying out this subtitle, the Secretary of Housing and Urban Development shall establish an advisory group, consisting of individuals representing the interests of—

(1) mortgage lenders;

(2) appraisers;

(3) energy raters and residential energy consumption experts;

(4) energy efficiency organizations;

(5) real estate agents;

(6) home builders and remodelers;

(7) consumer advocates;

(8) State energy officials; and

(9) others as determined by the Secretary of Housing and Urban Development.

SEC. 1506. ADDITIONAL STUDY.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary of Housing and Urban Development shall reconvene the advisory group established in section 1505(c), in addition to water and locational efficiency experts, to advise the Secretary of Housing and Urban Development on the implementation of the enhanced energy efficiency underwriting criteria established in sections 1502 and 1503.

(b) RECOMMENDATIONS.—The advisory group established in section 1505(c) shall provide recommendations to the Secretary of Housing and Urban Development on any revisions or additions to the enhanced energy efficiency underwriting criteria deemed necessary by the group, which may include alternate methods to better account for home energy costs and additional factors to account for substantial and regular costs of homeownership such as location-based transportation costs and water costs. The Secretary of Housing and Urban Development shall forward any legislative recommendations from the advisory group to Congress for its consideration.

SA 3203. Mr. COONS 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___. STUDY OF WAIVERS OF CERTAIN COST-SHARING REQUIREMENTS.

Not later than 180 days after the date of enactment of this Act, the Secretary shall—

(1) complete a study on the ability of, and any actions before the date of enactment of this Act by, the Secretary to waive the cost-sharing requirement under section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352); and

(2) based on the results of the study under paragraph (1), make recommendations to Congress for the issuance of, and factors that should be considered with respect to, waivers of the cost-sharing requirement by the Secretary.

SA 3204. 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:

TITLE ____—PREVENTING RADIOLOGICAL TERRORISM ACT

SEC. __001. SHORT TITLE.

This title may be cited as the ''Preventing Radiological Terrorism Act of 2016''.

SEC. __002. STRATEGY FOR SECURING HIGH ACTIVITY RADIOLOGICAL SOURCES.

(a) IN GENERAL.—The Administrator for Nuclear Security shall—

(1) in coordination with the Chairman of the Nuclear Regulatory Commission and the Secretary of Homeland Security, develop a strategy to enhance the security of all risk-significant radiological materials as soon as possible; and

(2) not later than 120 days after the date of the enactment of this Act, submit to the appropriate congressional committees a report describing the strategy required by paragraph (1).

(b) ELEMENTS.—The report required by subsection (a)(2) shall include the following:

(1) A description of activities of the National Nuclear Security Administration, ongoing as of the date of the enactment of this Act—

(A) to secure risk-significant radiological materials; and

(B) to secure radiological materials and prevent the illicit trafficking of such materials as part of the Global Nuclear Detection Architecture.

(2) A list of any gaps in the legal authority of United States Government agencies needed to secure all risk-significant radiological materials.

(3) An estimate of the cost of securing all risk-significant radiological materials.

(4) A list, in the classified annex authorized by subsection (c), of all locations where risk-significant radiological material is kept under conditions that fail to meet the enhanced physical security standards promulgated by the Office of Global Material Security of the National Nuclear Security Administration.

(c) FORM OF REPORT.—The report required by subsection (a) shall be submitted in unclassified form and shall include a classified annex.

(d) DEFINITIONS.—In this section:

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

(A) the Committee on Armed Services, the Committee on Energy and Natural Resources, the Committee on Environment and Public Works, and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Armed Services, the Committee on Energy and Commerce, and the Committee on Homeland Security of the House of Representatives.

(2) RISK-SIGNIFICANT RADIOLOGICAL MATERIAL.—The term ''risk-significant radiological material'' means category 1 and category 2 radioactive materials, as determined by the Nuclear Regulatory Commission, located within the United States.

(3) SECURE.—The terms ''secure'' and ''security'', with respect to risk-significant radiological materials, refer to all activities to prevent terrorists from acquiring such sources, including enhanced physical security and tracking measures, removal and disposal of such sources that are not used, replacement of such sources with nonradiological technologies where feasible, and detection of illicit trafficking of such sources.

SEC. __003. PREVENTING TERRORIST ACCESS TO DOMESTIC RADIOLOGICAL SOURCES.

(a) COMMERCIAL LICENSES.—Section 103 of the Atomic Energy Act of 1954 (42 U.S.C. 2133) is amended—

(1) in subsection d., in the third sentence, by inserting ''under a circumstance described in subsection g., or'' after ''within the United States''; and

(2) by adding at the end the following:

''g. In addition to the limitations described in subsection d. and the limitations provided at the discretion of the Commission, the Commission shall not grant a license to any individual who is—

''(1) listed in the terrorist screening database maintained by the Federal Government Terrorist Screening Center of the Federal Bureau of Investigation; or

''(2) convicted of any offense under any Federal, State, or local law or ordinance, an element of which is—

''(A) engaging in conduct constituting, in preparation of, in aid of, or related to terrorism;

''(B) providing material support or resources for terrorism; or

''(C) the making of a terrorist threat or terroristic threat.

''h. The Commission shall suspend immediately any license granted under this section if the Commission discovers that the licensee is providing unescorted access to any employee who is—

''(1) listed in the terrorist screening database maintained by the Federal Government Terrorist Screening Center of the Federal Bureau of Investigation; or

''(2) convicted of any offense under any Federal, State, or local law or ordinance, an element of which is—

''(A) engaging in conduct constituting, in preparation of, in aid of, or related to terrorism;

''(B) providing material support or resources for terrorism; or

''(C) the making of a terrorist threat or terroristic threat.

''i. The Commission may lift the suspension of a license made pursuant to subsection h. if—

''(1) the licensee has revoked unescorted access privileges to the employee;

''(2) the licensee has alerted the appropriate Federal, State, and local law enforcement offices of the provision and revocation of unescorted access to the employee; and

''(3) the Commission has conducted a review of the security of the licensee and determined that reinstatement of the licensee would not be inimical to the national security interests of the United States.''.

(b) MEDICAL THERAPY AND RESEARCH AND DEVELOPMENT.—Section 104 of the Atomic Energy Act of 1954 (42 U.S.C. 2134) is amended—

(1) in subsection d., in the third sentence, by inserting ''under a circumstance described in subsection e., or'' after ''within the United States''; and

(2) by adding at the end the following:

''e. In addition to the limitations described in subsection d. and the limitations provided at the discretion of the Commission, the Commission shall not grant a license to any individual who is—

''(1) listed in the terrorist screening database maintained by the Federal Government Terrorist Screening Center of the Federal Bureau of Investigation; or

''(2) convicted of any offense under any Federal, State, or local law or ordinance, an element of which is—

''(A) engaging in conduct constituting, in preparation of, in aid of, or related to terrorism;

''(B) providing material support or resources for terrorism; or

''(C) the making of a terrorist threat or terroristic threat.

''f. The Commission shall suspend immediately any license granted under this section if the Commission discovers that the licensee is providing unescorted access to any employee who is—

''(1) listed in the terrorist screening database maintained by the Federal Government Terrorist Screening Center of the Federal Bureau of Investigation; or

''(2) convicted of any offense under any Federal, State, or local law or ordinance, an element of which is—

''(A) engaging in conduct constituting, in preparation of, in aid of, or related to terrorism;

''(B) providing material support or resources for terrorism; or

''(C) the making of a terrorist threat or terroristic threat.

''g. The Commission may lift the suspension of a license made pursuant to subsection f. if—

''(1) the licensee has revoked unescorted access privileges to the employee;

''(2) the licensee has alerted the appropriate Federal, State, and local law enforcement offices of the provision and revocation of unescorted access to the employee; and

''(3) the Commission has conducted a review of the security of the licensee and determined that reinstatement of the licensee would not be inimical to the national security interests of the United States.''.

(c) COOPERATION WITH STATES.—Section 274 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2021(b)) is amended—

(1) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively, and indenting appropriately;

(2) in the matter preceding subparagraph (A) (as so redesignated), by striking ''b. Except as'' and inserting the following:

''b. AUTHORIZATION TO ENTER INTO AGREEMENTS.—

''(1) IN GENERAL.—Subject to paragraph (2), except as''; and

(3) by adding at the end the following:

''(2) REQUIREMENT.—

''(A) IN GENERAL.—The Commission shall not enter into an agreement with the Governor of a State under paragraph (1) unless the Governor agrees that the State—

''(i) shall not grant a license to any individual who is—

''(I) listed in the terrorist screening database maintained by the Federal Government Terrorist Screening Center of the Federal Bureau of Investigation; or

''(II) convicted of any offense under any Federal, State, or local law or ordinance, an element of which is—

''(aa) engaging in conduct constituting, in preparation of, in aid of, or related to terrorism;

''(bb) providing material support or resources for terrorism; or

''(cc) the making of a terrorist threat or terroristic threat; and

''(ii) shall suspend the license of a licensee if the Commission or the State discovers that the licensee is providing unescorted access to any employee who is—

''(I) listed in the terrorist screening database maintained by the Federal Government Terrorist Screening Center of the Federal Bureau of Investigation; or

''(II) convicted of any offense under any Federal, State, or local law or ordinance, an element of which is—

''(aa) engaging in conduct constituting, in preparation of, in aid of, or related to terrorism;

''(bb) providing material support or resources for terrorism; or

''(cc) the making of a terrorist threat or terroristic threat.

''(B) EXISTING AGREEMENTS.—With respect to a State with an agreement in effect as of the date of enactment of this paragraph, the Commission shall terminate the agreement pursuant to subsection j. unless the Governor of the State agrees that the State shall not grant a license to any individual who is—

''(i) listed in the terrorist screening database maintained by the Federal Government Terrorist Screening Center of the Federal Bureau of Investigation; or

''(ii) convicted of any offense under any Federal, State, or local law or ordinance, an element of which is—

''(I) engaging in conduct constituting, in preparation of, in aid of, or related to terrorism;

''(II) providing material support or resources for terrorism; or

''(III) the making of a terrorist threat or terroristic threat.

''(C) SUSPENSION OF EXISTING AGREEMENTS.—With respect to a State with an agreement in effect as of the date of enactment of this paragraph, the Governor of the State shall suspend immediately any license granted by the State if the Commission or the State discovers that the licensee is providing unescorted access to any employee who is—

''(i) listed in the terrorist screening database maintained by the Federal Government Terrorist Screening Center of the Federal Bureau of Investigation; or

''(ii) convicted of any offense under any Federal, State, or local law or ordinance, an element of which is—

''(I) engaging in conduct constituting, in preparation of, in aid of, or related to terrorism;

''(II) providing material support or resources for terrorism; or

''(III) the making of a terrorist threat or terroristic threat.

''(D) LIFTING OF SUSPENSION.—The Governor of the State may lift the suspension of a license made pursuant to subparagraph (A)(ii) or subparagraph (C) if—

''(i) the licensee has revoked unescorted access privileges to the employee;

''(ii) the licensee has alerted the appropriate Federal, State, and local law enforcement offices of the provision and revocation of unescorted access to the employee; and

''(iii) the Commission has conducted a review of the security of the licensee and determined that reinstatement of the licensee would not be inimical to the national security interests of the United States.

''(E) TERMINATION.—If the Governor of a State does not suspend a license under subparagraph (A)(ii) or subparagraph (C), the Commission shall suspend the agreement with the Governor of the State until the Governor of the State suspends the license.''.

SEC. __004. OUTREACH TO STATE AND LOCAL LAW ENFORCEMENT AGENCIES ON RADIOLOGICAL THREATS.

Section 201(d) of the Homeland Security Act of 2002 (6 U.S.C. 121(d)) is amended by adding at the end the following:

''(26)(A) Not later than every 2 years, the Secretary shall submit a written certification to Congress that field staff of the Department have briefed State and local law enforcement representatives about radiological security threats.

''(B) A briefing conducted under subparagraph (A) shall include information on—

''(i) the presence and current security status of all risk-significant radiological materials housed within the jurisdiction of the law enforcement agency being briefed;

''(ii) the threat that risk-significant radiological materials could pose to their communities and to the national security of the United States if these sources were lost, stolen or subject to sabotage by criminal or terrorist actors; and

''(iii) guidelines and best pest practices for mitigating the impact of emergencies involving risk-significant radiological materials.

''(C) The National Nuclear Security Administration, the Nuclear Regulatory Commission, and Federal law enforcement agencies shall provide information to the Department in order for the Department to submit the written certification described in subparagraph (A).

''(D) A written certification described in subparagraph (A) shall include a report on the activity of the field staff of the Department to brief State and local law enforcement representatives, including, as provided to field staff of the Department by State and local law enforcement agencies—

''(i) an aggregation of incidents regarding radiological material; and

''(ii) information on current activities undertaken to address the vulnerabilities of these risk-significant radiological materials.

''(E) In this paragraph, the term 'risk-significant radiological material' means category 1 and category 2 radioactive materials, as determined by the Nuclear Regulatory Commission, located within the United States.''.

SA 3205. Mr. INHOFE (for himself and Mr. KING) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; as follows:

On page 196, between lines 7 and 8, insert the following:

(d) GEOMATIC DATA.—If a Federal or State department or agency considering an aspect of an application for Federal authorization requires the applicant to submit environmental data, the department or agency shall consider any such data gathered by geomatic techniques, including tools and techniques used in land surveying, remote sensing, cartography, geographic information systems, global navigation satellite systems, photogrammetry, geophysics, geography, or other remote means.

SA 3206. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 44_____. AUTHORITY TO MAKE ENTIRE ACTIVE CAPACITY OF FONTENELLE RESERVOIR AVAILABLE FOR USE.

(a) IN GENERAL.—The Secretary of the Interior, in cooperation with the State of Wyoming, may amend the Definite Plan Report for the Seedskadee Project authorized under the first section of the Act of April 11, 1956 (commonly known as the ''Colorado River Storage Project Act'') (43 U.S.C. 620), to provide for the study, design, planning, and construction activities that will enable the use of all active storage capacity (as may be defined or limited by legal, hydrologic, structural, engineering, economic, and environmental considerations) of Fontenelle Dam and Reservoir, including the placement of sufficient riprap on the upstream face of Fontenelle Dam to allow the active storage capacity of Fontenelle Reservoir to be used for those purposes for which the Seedskadee Project was authorized.

(b) COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—The Secretary of the Interior may enter into any contract, grant, cooperative agreement, or other agreement that is necessary to carry out subsection (a).

(2) STATE OF WYOMING.—

(A) IN GENERAL.—The Secretary of the Interior shall enter into a cooperative agreement with the State of Wyoming to work in cooperation and collaboratively with the State of Wyoming for planning, design, related preconstruction activities, and construction of any modification of the Fontenelle Dam under subsection (a).

(B) REQUIREMENTS.—The cooperative agreement under subparagraph (A) shall, at a minimum, specify the responsibilities of the Secretary of the Interior and the State of Wyoming with respect to—

(i) completing the planning and final design of the modification of the Fontenelle Dam under subsection (a);

(ii) any environmental and cultural resource compliance activities required for the modification of the Fontenelle Dam under subsection (a) including compliance with—

(I) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(II) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(III) subdivision 2 of division A of subtitle III of title 54, United States Code; and

(iii) the construction of the modification of the Fontenelle Dam under subsection (a).

(c) FUNDING BY STATE OF WYOMING.—Pursuant to the Act of March 4, 1921 (41 Stat. 1404, chapter 161; 43 U.S.C. 395), and as a condition of providing any additional storage under subsection (a), the State of Wyoming shall provide to the Secretary of the Interior funds for any work carried out under subsection (a).

(d) OTHER CONTRACTING AUTHORITY.—

(1) IN GENERAL.—The Secretary of the Interior may enter into contracts with the State of Wyoming, on such terms and conditions as the Secretary of the Interior and the State of Wyoming may agree, for division of any additional active capacity made available under subsection (a).

(2) TERMS AND CONDITIONS.—Unless otherwise agreed to by the Secretary of the Interior and the State of Wyoming, a contract entered into under paragraph (1) shall be subject to the terms and conditions of Bureau of Reclamation Contract No. 14–06–400–2474 and Bureau of Reclamation Contract No. 14–06–400–6193.

(e) SAVINGS PROVISIONS.—Unless expressly provided in this section, nothing in this section modifies, conflicts with, preempts, or otherwise affects—

(1) the Act of December 31, 1928 (43 U.S.C. 617 et seq.) (commonly known as the ''Boulder Canyon Project Act'');

(2) the Colorado River Compact of 1922, as approved by the Presidential Proclamation of June 25, 1929 (46 Stat. 3000);

(3) the Act of July 19, 1940 (43 U.S.C. 618 et seq.) (commonly known as the ''Boulder Canyon Project Adjustment Act'');

(4) the Treaty between the United States of America and Mexico relating to the utilization of waters of the Colorado and Tijuana Rivers and of the Rio Grande, and supplementary protocol signed November 14, 1944, signed at Washington February 3, 1944 (59 Stat. 1219);

(5) the Upper Colorado River Basin Compact as consented to by the Act of April 6, 1949 (63 Stat. 31);

(6) the Act of April 11, 1956 (commonly known as the ''Colorado River Storage Project Act'') (43 U.S.C. 620 et seq.);

(7) the Colorado River Basin Project Act (Public Law 90–537; 82 Stat. 885); or

(8) any State of Wyoming or other State water law.

SA 3207. Mr. THUNE 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. ___. GROUND-LEVEL OZONE STANDARDS.

Notwithstanding any other provision of law (including regulations), in implementing the final rule entitled ''National Ambient Air Quality Standards for Ozone'' (80 Fed. Reg. 65292 (October 26, 2015)), the Administrator of the Environmental Protection Agency—

(1) shall not implement or enforce a national primary or secondary ambient air quality standard for ozone that is lower than the standard established under section 50.15 of title 40, Code of Federal Regulations (as in effect on January 1, 2015), until at least 85 percent of the counties that were nonattainment areas under that standard as of January 30, 2015, achieve full compliance with that standard; and

(2) shall only consider all or part of a county to be a nonattainment area under the standard on the basis of direct air quality monitoring.

SA 3208. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. INDEPENDENT RELIABILITY ANALYSIS.

(a) DEFINITIONS.—In this section:

(1) ELECTRIC RELIABILITY ORGANIZATION.—The term ''Electric Reliability Organization'' has the meaning given the term in section 215(a) of the Federal Power Act (16 U.S.C. 824o(a)).

(2) FINAL RULE.—The term ''final rule'' means the final rule of the Administrator entitled ''Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units'' (80 Fed. Reg. 64662 (October 23, 2015)).

(b) RELIABILITY ANALYSIS REQUIRED.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the final rule shall not go into effect until the date on which the Federal Energy Regulatory Commission and the Electric Reliability Organization jointly conduct an independent reliability analysis of the final rule to evaluate anticipated effects of implementation and enforcement of the final rule on—

(A) electric reliability and resource adequacy;

(B) the electricity generation portfolio of the United States;

(C) the operation of wholesale electricity markets; and

(D) energy delivery and infrastructure, including electric transmission facilities and natural gas pipelines.

(2) ANALYSES FROM OTHER ENTITIES.—The Electric Reliability Organization, regional entities, regional transmission organizations, independent system operators, and other reliability coordinators and planning authorities shall timely conduct analyses and provide such information as may be reasonably requested by the Commission.

(3) AVAILABILITY.—Not later than 120 days after the date of enactment of this Act, the Federal Energy Regulatory Commission shall submit to Congress and make publicly available—

(A) the reliability analysis described in paragraph (1); and

(B) any relevant special assessment or seasonal or long-term reliability assessment completed by the Electric Reliability Organization.

SA 3209. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REPEAL OF CREDIT FOR ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE RESOURCES.

(a) REPEAL OF CREDIT.—

(1) REPEAL OF CERTAIN QUALIFIED ENERGY RESOURCES.—

(A) IN GENERAL.—Section 45 of the Internal Revenue Code of 1986 is amended—

(i) in subsection (c)—

(I) in paragraph (1), by striking subparagraphs (B) through (I), and

(II) by striking paragraphs (2) through (10), and

(ii) in subsection (d), by striking paragraphs (2) through (11).

(B) EFFECTIVE DATE.—The amendments made by this paragraph shall apply to electricity, and refined coal, produced and sold after December 31, 2026.

(2) REPEAL OF CREDIT FOR WIND FACILITIES AND ELIMINATION OF SECTION 45 OF THE INTERNAL REVENUE CODE OF 1986.—

(A) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by striking section 45 (and by striking the item relating to such section in the table of sections for such subpart).

(B) CONFORMING AMENDMENTS.—

(i) Section 38 of such Code is amended—

(I) in subsection (b), by striking paragraph (8), and

(II) in subsection (c)(4)(B), by striking clause (iii).

(ii) Section 45J of such Code is amended by adding at the end the following new subsection:

''(f) REFERENCES TO SECTION 45.—Any reference in this section to any provision of section 45 shall be treated as a reference to such provision as in effect immediately before its repeal.''.

(iii) Section 45K(g)(2) of such Code is amended by striking subparagraph (E).

(iv) Section 48 of such Code is amended by adding at the end the following new subsection:

''(e) REFERENCES TO SECTION 45.—Any reference in this section to any provision of section 45 shall be treated as a reference to such provision as in effect immediately before its repeal.''.

(v) Section 54(d)(2)(A) of such Code is amended by inserting ''(as in effect immediately before its repeal)'' after ''section 45(d)''.

(vi) Section 54C(d)(1) of such Code is amended by inserting ''(as in effect immediately before its repeal)'' after ''section 45(d)''.

(vii) Section 54D(f)(1)(A)(iv) of such Code is amended by inserting ''(as in effect immediately before its repeal)'' after ''section 45(d)''.

(viii) Section 55(c)(1) of such Code is amended by striking ''45(e)(11)(C),''.

(C) EFFECTIVE DATE.—The amendments made by this paragraph shall take effect on January 1, 2032.

(b) SENSE OF CONGRESS REGARDING FURTHER EXTENSION.—It is the sense of the Congress that the credit under section 45 of the Internal Revenue Code of 1986 should be allowed to expire and should not be extended beyond the expiration dates specified in such section as of the date of the enactment of this Act.

SA 3210. Mr. LANKFORD 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 426, after line 23, add the following:

(e) CERTAIN LAND ACQUISITION REQUIREMENTS.—Section 200306 of title 54, United States Code (as amended by subsection (d)), is amended by adding at the end the following:

''(e) NON-ROAD DEFERRED MAINTENANCE BACKLOG.—If the non-road deferred maintenance backlog on Federal land is greater than $1,000,000,000, acquisitions of land under this section may not exceed the level of deferred maintenance backlog funding.

''(f) MAINTENANCE NEEDS.—In making an acquisition of land under this section, funds appropriated for the acquisition shall include any funds necessary to address maintenance needs at the time of acquisition on the acquired land.

''(g) CONGRESSIONAL APPROVAL OF CERTAIN LAND ACQUISITIONS.—For any acquisition of land under this section for which the cost of the land is greater than $50,000 per acre—

''(1) before acquiring the land, the Secretary shall submit to Congress a report that describes the land proposed to be acquired; and

''(2) no acquisition may be made unless the proposed acquisition is—

''(A) reported to Congress in accordance with paragraph (1); and

''(B) approved by the enactment of a bill or joint resolution.''.

SA 3211. Mr. MCCAIN 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. ___. WAIVER OF JONES ACT REQUIREMENTS FOR OIL AND GASOLINE TANKERS.

(a) IN GENERAL.—Section 12112 of title 46, United States Code, is amended—

(1) in subsection (a), by striking ''A coastwise'' and inserting ''Except as provided in subsection (b), a coastwise'';

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following:

''(b) WAIVER FOR OIL, GASOLINE, AND LIQUEFIED NATURAL GAS TANKERS.—The requirements of subsection (a) shall not apply to an oil, gasoline, or liquefied natural gas tanker vessel or barge and a coastwise endorsement may be issued for any such tanker vessel or barge that otherwise qualifies under the laws

of the United States to engage in the coastwise trade.''.

(b) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Commandant of the United States Coast Guard shall issue regulations to implement the amendments made by subsection (a). Such regulations shall require that an oil, gasoline, or liquefied natural gas tanker vessel or barge permitted to engaged in the coastwise trade pursuant to subsection (b) of section 12112 of title 46, United States Code, as amended by subsection (a), meets all appropriate safety and security requirements.

SA 3212. Mr. HELLER (for himself, Mr. HEINRICH, Mr. GARDNER, Mr. TESTER, Mr. BENNET, and Mr. RISCH) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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.

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 3213. Mr. WARNER (for himself and Mr. PETERS) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title II, insert the following:

SEC. 23___. REPORT ON USING SMART TECHNOLOGIES TO ADVANCE ENERGY EFFICIENCY AND GRID MODERNIZATION.

Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committees on Energy and Natural Resource and Finance of the Senate and the Committees on Natural Resources and Financial Services of the House of Representatives a report that includes recommendations of the Secretary regarding measures (including measures to be enacted by Congress) that could be carried out throughout the United States to use smart technologies to advance energy efficiency and grid modernization in the 21st century energy economy, unless a similar report and recommendations are included in a separate analysis prepared and submitted to Congress by not later than 1 year after that date of enactment, such as the Quadrennial Energy Review under section 801 of the Department of Energy Organization Act (42 U.S.C. 7321) (as amended by section 4402(a)).

SA 3214. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 44____. ENERGY EMERGENCY RESPONSE EFFORTS OF THE DEPARTMENT.

(a) CONGRESSIONAL DECLARATION OF PURPOSE.—Section 102 of the Department of Energy Organization Act (42 U.S.C. 7112) is amended by adding at the end the following:

''(20) To facilitate the development and implementation of a strategy for responding to energy infrastructure and supply emergencies through—

''(A) continuously monitoring and publishing information on the energy delivery and supply infrastructure of the United States, including electricity, liquid fuels, natural gas, and coal;

''(B) managing Federal strategic energy reserves;

''(C) advising national leadership during emergencies on ways to respond to and minimize energy disruptions; and

''(D) working with Federal agencies and State and local governments—

''(i) to enhance energy emergency preparedness; and

''(ii) to respond to and mitigate energy emergencies.''.

(b) UNDER SECRETARY FOR SCIENCE AND ENERGY.—Section 202(b)(4) of the Department of Energy Organization Act (42 U.S.C. 7132(b)(4)) (as amended by section 4404(a)(3)) is amended, in subparagraph (B), by inserting ''and applied energy'' before ''programs of the''.

(c) RESPONSIBILITIES OF ASSISTANT SECRETARIES.—Section 203(a) of the Department of Energy Organization Act (42 U.S.C. 7133(a)) is amended by adding at the end the following:

''(12) Emergency response functions, including assistance in the prevention of, or in the response to, an emergency disruption of energy supply, transmission, and distribution.''.

SA 3215. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 44___. EXEMPTION FROM COST-SHARING REQUIREMENTS FOR CERTAIN RESEARCH AND DEVELOPMENT PROGRAMS.

Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) is amended by adding at the end the following:

''(g) EXEMPTION.—The Secretary may exempt from the requirements of subsection (b) a small business concern (as defined in section 3 of the Small Business Act (15 U.S.C. 632)) that is eligible to receive an award under the SBIR program (as defined in section 9(e) of that Act (15 U.S.C. 638(e))) of the Department.''.

SA 3216. Mr. KAINE (for himself, Mr. VITTER, and Ms. BALDWIN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3602 and insert the following:

SEC. 3602. ENERGY WORKFORCE PILOT GRANT PROGRAM.

(a) GRANTS FOR JOB TRAINING AND EDUCATION PROGRAMS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Labor, the Secretary of Education, and the Secretary of Transportation, shall establish a pilot program to award grants on a competitive basis to eligible entities for job training and education programs that lead to an industry-recognized credential.

(2) IMPLEMENTATION GRANTS.—The Secretary may award grants, to nonprofit organizations with a track record of at least 10 years of expertise in working with community colleges on developing workforce development programs, to provide assistance to the Secretary in implementing the requirements of this section, including developing the grant program described in paragraph (1).

(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a)(1), an entity shall be a public organization or a consortium of public organizations that—

(1) includes an advisory board with proportional participation, as determined by the Secretary, of relevant organizations, including representatives from—

(A) relevant energy industry organizations, including public and private employers;

(B) labor organizations;

(C) postsecondary education organizations; and

(D) workforce development boards;

(2) demonstrates experience in implementing and operating job training and education programs;

(3) demonstrates the ability to recruit individuals who plan to work in the energy industries, and support those individuals in the successful completion of relevant job training and education programs; and

(4) provides students who complete the proposed job training and education program with an industry-recognized credential.

(c) APPLICATIONS.—An eligible entity desiring a grant under subsection (1)(1) shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a description of the proposed program leading to the industry-recognized credential.

(d) PRIORITY.—In selecting eligible entities to receive grants under subsection (a)(1), the Secretary shall prioritize an applicant that—

(1) provides the job training and education program through—

(A) a community college or institution of higher education that includes basic science and math education in the curriculum of the community college or institution of higher education; or

(B) an apprenticeship program registered with the Department of Labor or a State;

(2) works with the Secretary of Defense or a veterans organization to transition members of the Armed Forces and veterans to careers in the energy sector;

(3) works with an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b));

(4) applies as a State or regional consortium, providing the job training and education program through a community college or institution of higher education described in paragraph (1), to leverage best practices already available in the State or region in which the community college or institution of higher education is located;

(5) is a consortium that includes a State-supported entity;

(6) includes an apprenticeship program registered with the Department of Labor or a State as part of the job training and education program;

(7) provides support services and career coaching;

(8) provides introductory energy workforce development activities;

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

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

(11) establishes a community college or 2-year technical college-based ''Center of Excellence'' for an energy and maritime workforce technical training program, such as a program of a community college located in a coastal area;

(12) is located in close proximity to marine or port facilities in the Gulf of Mexico, Atlantic Ocean, Pacific Ocean, or Great Lakes; or

(13) has established associations with—

(A) port authorities or other established seaport or inland port facilities; and

(B) appropriate Federal agencies.

(e) ADDITIONAL CONSIDERATION.—In making grants under subsection (a)(1), the Secretary shall consider regional diversity.

(f) LIMITATION ON APPLICATIONS.—An eligible entity may not submit, either individually or as part of a joint application, more than 1 application for a grant under subsection (a)(1) during any 1 fiscal year.

(g) LIMITATIONS ON AMOUNT OF GRANT.—The amount of an individual grant under subsection (a)(1) for any 1 year shall not exceed $1,000,000.

(h) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of a job training and education program carried out using a grant under subsection (a)(1) shall be not greater than 65 percent.

(2) NON-FEDERAL SHARE.—

(A) IN GENERAL.—Not less than 50 percent of the non-Federal share of the cost of a job training and education program carried out using a grant under subsection (a)(1) shall be provided in cash.

(B) LIMITATION.—Not more than 50 percent of the non-Federal contribution of the cost of a job training and education program carried out using a grant under subsection (a)(1) shall be in kind, fairly evaluated, including plant, equipment, or services.

(i) REDUCTION OF DUPLICATION.—Prior to submitting an application for a grant under subsection (a)(1), each applicant shall consult with the appropriate Federal agencies and coordinate the proposed activities of the applicant with existing State and local programs.

(j) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance and capacity building to national and State energy partnerships, including the entities described in subsection (b)(1), to leverage the existing (as of the date of the provision) job training and education programs of the Department.

(k) REPORT.—The Secretary shall submit to Congress and make publicly available on the website of the Department an annual report on the program established under this section, including a description of—

(1) the entities receiving grants under subsection (a)(1);

(2) the activities carried out using the grants;

(3) best practices used to leverage the investment of the Federal Government;

(4) the rate of employment for participants after completing a job training and education program carried out using such a grant; and

(5) an assessment of the results achieved by the program established under this section.

(l) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2017 through 2020.

SA 3217. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SMALL BUSINESS ENERGY EFFICIENCY.

Section 501(d)(3) of the Small Business Investment Act of 1958 (15 U.S.C. 695(d)(3)) is amended—

(1) in subparagraph (K), by striking ''producers, or'' and inserting ''producers,'';

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

(3) by inserting after subparagraph (L) the following:

''(M) enhanced ability for small business concerns to achieve savings through energy efficiency.''.

SA 3218. Ms. STABENOW (for herself, Mr. BOOZMAN, Ms. BALDWIN, Mr. CARPER, and Mr. ISAKSON) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3703 and insert the following:

SEC. 3703. ELIGIBLE PROJECTS.

Section 1703(b)(1) of the Energy Policy Act of 2005 (42 U.S.C. 16513(b)(1)) is amended by inserting ''(excluding the burning, to generate electricity, of commonly recycled paper that has been segregated from solid waste to generate electricity or commonly recycled paper that is collected as part of a collection system that commingles the paper with other solid waste at any point from collection through the materials recovery process)'' after ''systems''.

SA 3219. Mr. CASEY submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 370, strike lines 14 and 15 and insert the following:

proper voltage and frequency;

(vii) ensure the availability of a financial day-ahead transmission market that will be aligned with the existing financial monthly transmission market; and

(viii) provide an enhanced opportunity

SA 3220. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 325, strike line 9 and all that follows through page 327, line 5 and insert the following:

(1) DEFINITION OF RECYCLED CARBON FIBER.—In this subsection, the term ''recycled carbon fiber'' includes—

(A) carbon fiber composite recycling; and

(B) carbon fiber recovery or reuse of carbon fiber composites and the components of carbon fiber composites.

(2) STUDY.—The Secretary shall conduct a study on—

(A) the technology of recycled carbon fiber, carbon fiber recovery, and production waste carbon fiber; and

(B) the potential lifecycle energy savings and economic impact of recycled carbon fiber and carbon fiber recovery.

(3) FACTORS FOR CONSIDERATION.—In conducting the study under paragraph (2), the Secretary shall consider—

(A) the quantity of recycled carbon fiber, recovered carbon fiber, or production waste carbon fiber that would make the use of recycled carbon fiber, carbon fiber recovery, or production waste carbon fiber economically viable;

(B) any existing or potential barriers to carbon fiber recovery, recycling carbon fiber, or using recovered or recycled carbon fiber;

(C) any financial incentives that may be necessary for the development of carbon fiber recovery, recycled carbon fiber, or production waste carbon fiber;

(D) the potential lifecycle savings in energy from carbon fiber recovery or producing recycled carbon fiber, as compared to producing new carbon fiber;

(E) the best and highest uses for recovered carbon fiber and recycled carbon fiber;

(F) the potential reduction in carbon dioxide emissions from carbon fiber recovery and producing recycled carbon fiber, as compared to producing new carbon fiber;

(G) any economic benefits gained from using recovered carbon fiber and recycled carbon fiber or production waste carbon fiber;

(H) workforce training and skills needed to address labor demands in the development of recovered carbon fiber and recycled carbon fiber or production waste carbon fiber; and

(I) how the Department can leverage existing efforts in the industry on the use of production waste carbon fiber.

(4) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study conducted under paragraph (2).

(b) RECYCLED CARBON FIBER DEMONSTRATION PROJECT.—On completion of the study required under subsection (a)(2), the Secretary shall consult with the

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SA 3221. Mr. UDALL (for himself, Mr. PORTMAN, Mrs. BOXER, Mr. ALEXANDER, Mr. WYDEN, and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. WATERSENSE.

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

''SEC. 324B. WATERSENSE.

''(a) ESTABLISHMENT OF WATERSENSE PROGRAM.—

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

''(A) reduce water use;

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

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

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

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

''(A) irrigation technologies and services;

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

''(C) plumbing products;

''(D) reuse and recycling technologies;

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

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

''(G) whole house humidifiers; and

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

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

''(1) establish—

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

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

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

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

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

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

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

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

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

''(5) in revising a WaterSense specification—

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

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

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

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

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

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

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

''(e) NO WARRANTY.—A WaterSense label shall not create an express or implied warranty.''.

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

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

SA 3222. Mr. WYDEN (for himself and Mr. MANCHIN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 220__. MARKET-DRIVEN REINSTATEMENT OF OIL EXPORT BAN.

(a) DEFINITIONS.—In this section:

(1) AVERAGE NATIONAL PRICE OF GASOLINE.—The term ''average national price of gasoline'' means the average of retail regular gasoline prices in the United States, as calculated (on a weekday basis) by, and published on the Internet website of, the Energy Information Administration.

(2) GASOLINE INDEX PRICE.—The term ''gasoline index price'' means the average of retail regular gasoline prices in the United States, as calculated (on a monthly basis) by, and published on the Internet website of, the Energy Information Administration, during the 60-month period preceding the date of the calculation.

(b) REINSTATEMENT OF OIL EXPORT BAN.—

(1) IN GENERAL.—Effective on the date on which the event described in paragraph (2) occurs, subsections (a), (b), (c), and (d) of section 101 of division O of the Consolidated Appropriations Act, 2016 (Public Law 114–113), are repealed, and the provisions of law amended or repealed by those subsections are restored or revived as if those subsections had not been enacted.

(2) EVENT DESCRIBED.—The event referred to in paragraph (1) is the date on which the average national price of gasoline has been 50 percent greater than the gasoline index price for 30 consecutive days.

(c) PRESIDENTIAL AUTHORITY.—Notwithstanding subsection (b), the President may affirmatively allow the export of crude oil from the United States to continue for a period of not more than 1 year after the date of the reinstatement described in subsection (b), if the President—

(1) declares a national emergency and formally notices the declaration of a national emergency in the Federal Register; or

(2) finds and reports to Congress that a ban on the export of crude oil pursuant to this section has caused undue economic hardship.

(d) EFFECTIVE DATE.—This section takes effect on the date that is 5 years after the date of enactment of the Consolidated Appropriations Act, 2016 (Public Law 114–113).

SA 3223. Mrs. FEINSTEIN 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. _____. GREENHOUSE GAS EMISSIONS REPORT.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Energy Information Administration shall prepare and publish a report on the influence of the provisions of this Act on greenhouse gas emissions.

SA 3224. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 42___. CLEAN ENERGY TECHNOLOGY INNOVATION REGIONAL PARTNERSHIPS.

(a) PURPOSE.—The purpose of this section is to accelerate the pace of innovation in clean energy technologies through the formation of regional clean energy innovation partnerships that are responsive to the energy resources, customer needs, and innovation capabilities of various regions of the country.

(b) DEFINITION OF CLEAN ENERGY TECHNOLOGY.—In this section, the term ''clean energy technology'' means any process or product, or system of products and processes, that—

(1) can be applied at any stage of the energy cycle, from production to consumption, the application of which will result in the reduction of net greenhouse gas emissions; and

(2) can result in the reduction of 1 or more of—

(A) demand for water resources;

(B) waste;

(C) emissions of air pollutants other than greenhouse gas emissions; or

(D) concentrations of contaminants in wastewater discharges.

(c) RESEARCH AND DEVELOPMENT PROGRAM.—

(1) IN GENERAL.—The Secretary shall carry out a program of research, development, demonstration, and commercial application of clean energy technologies through regional clean energy innovation partnerships established under subsection (e).

(2) DELEGATION AUTHORIZED.—The Secretary may delegate the responsibilities of the Secretary under this subsection, on the condition that—

(A) sufficient high-level management oversight is maintained; and

(B) the partnerships are implemented as a cross-cutting initiative not subject to any single technology program.

(d) CLEAN ENERGY INNOVATION REGIONS.—

(1) ESTABLISHMENT.—The Secretary shall by rulemaking establish up to 10 clean energy regions in the United States based on the analysis and application of the criteria described in paragraph (2).

(2) CRITERIA.—The criteria referred to in paragraph (1) include—

(A)(i) geographic continuity; or

(ii) in the case of Alaska, Hawaii, and the territories and possessions of the United States, geographic similarities; and

(B) the presence of major energy innovation resources, including research universities, National Laboratories (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801)), and other research institutions.

(3) STATES.—The Secretary shall place a State in only 1 region under this subsection.

(e) CLEAN ENERGY INNOVATION REGIONAL PARTNERSHIPS.—

(1) ESTABLISHMENT.—The Secretary may, through an open, competitive process, select for designation as a clean energy innovation regional partnership not more than 1 eligible partnership, consisting of 2 or more eligible entities, for each region established under subsection (d).

(2) ELIGIBILITY.—Entities eligible to be part of a partnership include—

(A) institutions of higher education;

(B) National Laboratories;
(C) other research institutions;
(D) units of State or local government;
(E) tribal governments;
(F) regional organizations;
(G) economic development organizations; and
(H) non-governmental entities and corporations.

(3) REQUIREMENT FOR PARTNERSHIPS.—To be eligible to be selected as a clean energy innovation regional partnership under paragraph (1), a partnership shall be an organization described in section 501(c) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of that Code.

(4) APPLICATION PROCESS.—An eligible partnership desiring selection as a clean energy innovation regional partnership under paragraph (1) shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including, at a minimum—

(A) a description of all entities comprising the proposed partnership;

(B) identification of appropriate information on the qualifications of the key management personnel of the proposed partnership;

(C) a full description of the governance structure and management processes of the partnership, including conflict of interest policy;

(D) a description of the policies and procedures for managing new intellectual property created by the partnership;

(E) a description of how the applicant would carry out the activities of the clean energy innovation regional partnership, as described in this subsection; and

(F) a recommendation for the clean energy innovation regional partnership program of the scope of work for initial year activities and future program focus.

(5) SELECTION CRITERIA.—The Secretary shall establish criteria for the selection of clean energy innovation regional partnerships, including—

(A) strength of the governance structure, including representation of the regional energy economy;

(B) expertise and experience of key research management personnel;

(C) demonstrated knowledge of regional energy markets and technologies;

(D) capability for regional energy analysis and planning;

(E) capability to conduct assessments of innovative clean energy technologies;

(F) commitments of co-funding from non-Federal sources;

(G) capability for attracting matching funds from both non-Federal and non-governmental sources for follow-on investment in widespread application of successful projects; and

(H) capability and experience in managing technology transfer programs.

(6) FUNCTIONS.—A clean energy innovation regional partnership selected under this subsection shall be responsible for—

(A) developing an annual clean energy regional innovation plan;

(B) establishing open, transparent processes for soliciting project applications consistent with the plan;

(C) selecting projects for financial assistance;

(D) awarding financial assistance, including grants, cost-sharing, prizes, revolving funds and loans, or other forms of credit enhancement;

(E) incentivizing collaborative research, development, demonstration, and deployment programs within the designated region of the partnership;

(F) facilitating the use of National Laboratory resources and other Federal research facilities;

(G) collaborating with other funding entities to provide financial assistance for regional clean energy innovation projects consistent with the annual plan developed under subparagraph (A);

(H) arranging for sharing of prototyping and production facilities for clean energy technologies;

(I) promoting training opportunities in clean energy technologies;

(J) providing information sharing and conducting technology transfer activities, including assistance to clean energy technology start-up ventures;

(K) coordinating with other regional clean energy innovation partnerships on projects relevant to more than 1 region; and

(L) performing such other duties and providing such reports as the Secretary may require.

(7) LIMITATIONS.—A clean energy innovation regional partnership selected under this subsection shall not—

(A) perform in-house research, development, demonstration, or deployment activities; or

(B) use Federal funding for the construction or rehabilitation of buildings or facilities.

(8) CONFLICT OF INTEREST.—

(A) PROCEDURES.—The Secretary shall establish procedures—

(i) to ensure that each board member, officer, or employee of the clean energy innovation regional partnership selected under this subsection who is in a decision making capacity to exercise any of the functions described in paragraph (6) shall disclose to the Secretary any financial interests in, or financial relationships with, applicants for, or recipients of, awards under this section, including any financial interests in, or financial relationships with, applicants for, or recipients of, awards under this section of the spouse or minor child of the board member, officer, or employee; and

(ii) to require any board member, officer, or employee with a financial relationship or interest disclosed under clause (i) to recuse himself or herself from any oversight functions under paragraph (6) with respect to that applicant or recipient.

(B) FAILURE TO COMPLY.—The Secretary may disqualify an application or revoke an award under this section if a board member, officer, or employee has failed to comply with procedures required under subparagraph (A).

(f) FUNDING AGREEMENT.—

(1) MULTIYEAR AGREEMENT.—The Secretary may enter into a funding agreement for up to 5 years, with options for renewal, with each clean energy innovation regional partnership selected under this subsection.

(2) FUNDING INSTRUMENT.—The Secretary may fund agreements under paragraph (1) through grants, cooperative agreements, or other transactions under section 646 of the Department of Energy Organization Act (42 U.S.C. 7256), as determined appropriate by the Secretary.

(3) FUNDING LIMITATIONS.—

(A) IN GENERAL.—Each funding agreement entered into under paragraph (1) shall be subject to the funding levels and allocations established by the Secretary under subsection (j).

(B) ADDITIONAL LIMITATION.—No funds shall be provided under an agreement entered into under paragraph (1) for the cost of—

(i) facilities occupied by the clean energy innovation regional partnership; or

(ii) any in-house research project activities as described in subsection (e)(7)(A).

(g) ANNUAL PLAN.—

(1) IN GENERAL.—Each clean energy innovation regional partnership shall carry out a program pursuant to an annual plan prepared by the partnership and approved by the Secretary.

(2) PLAN CONTENT.—The annual plan shall—

(A) describe the ongoing and prospective activities of the partnership; and

(B) meet the requirements established by the Secretary under paragraph (3).

(3) REQUIREMENTS.—The Secretary shall establish requirements for the content of each annual plan, which shall include—

(A) a proposed portfolio of clean energy programs and projects, including both individual technologies and system approaches, reflecting regional characteristics and priorities, with priority given to clean energy technologies that meet the most characteristics described in subsection (e)(5);

(B) a description of the process, including a list of any solicitations, for making awards to carry out research development, demonstration, or commercial application activities, including—

(i) the topics of those activities;

(ii) a description of who would be eligible to apply;

(iii) selection criteria to be used; and

(iv) the duration of awards;

(C) a description of the status of ongoing projects, including the progress in meeting project milestones;

(D) a description of the policies and procedures for managing the dissemination of new intellectual property developed under the annual plan;

(E) a description of technology transfer and commercialization activities that may follow from successful projects; and

(F) a description of all other activities planned to carry out the functions described subsection (e)(6).

(4) PLAN DEVELOPMENT.—

(A) SOLICITATION RECOMMENDATIONS.—Before drafting an annual plan under this subsection, each clean energy innovation regional partnership shall establish a process to solicit specific written recommendations from stakeholders within the region.

(B) CONSULTATION.—Each clean energy innovation regional partnership shall consult regularly with the Secretary in the preparation of the annual plan.

(5) PUBLICATION.—The Secretary shall publish in the Federal Register, and provide opportunity for comment for, each annual plan submitted under this subsection.

(6) PLAN APPROVAL.—

(A) IN GENERAL.—The Secretary shall review and approve or disapprove, in whole or in part, each annual plan submitted under this subsection.

(B) AUTOMATIC APPROVAL.—If the Secretary does not approve or disapprove an annual plan by the date that is 60 days after the date of submission of the annual plan, the annual shall be deemed approved.

(7) PLAN IMPLEMENTATION.—

(A) AWARDS.—On approval of the annual plan by the Secretary, each clean energy innovation regional partnership shall make awards to research performers to carry out research, development, demonstration, and commercial application activities under the program under this section.

(B) CONFLICT OF INTEREST.—An entity that is a member of the clean energy innovation regional partnership may receive an award under subparagraph (A) on the condition that the conflict of interest procedures described in subsection (e)(8)(A) are followed.

(C) OVERSIGHT.—The clean energy innovation regional partnership shall oversee the implementation of awards under this subsection, consistent with the annual plan of the clean energy innovation regional partnership, including through—

(i) disbursing funds; and

(ii) monitoring activities carried by the recipient of an award for compliance with the terms and conditions of the award.

(h) ADMINISTRATIVE COSTS.—

(1) AUTHORIZATION.—The Secretary may allow each clean energy innovation regional partnership to allocate a portion, not to exceed 10 percent in any 1 fiscal year, of the funding received under subsection (f), to be used to implement the annual plan of the clean energy innovation regional partnership.

(2) ADVANCE.—The Secretary may advance funds to a clean energy innovation regional partnership on or after the date of selection of the clean energy innovation regional partnership under subsection (e)(1), which shall be deducted from amounts to be provided in the funding agreement entered into under subsection (f).

(i) AUDIT.—The Secretary shall audit each clean energy innovation regional partnership on a periodic basis, as appropriate, to determine the extent to which funds provided to each clean energy innovation regional partnership, and funds provided under awards made under subsection (g)(7)(A) have been expended in a manner consistent with the purposes and requirements of this section.

(j) FUNDING.—

(1) FUND ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund to be known as the ''Clean Energy Innovation Regional Partnership Fund'' (referred to in this subsection as the ''Fund'').

(2) AUTHORIZATION.—The Secretary of the Treasury may transfer to the Fund, from the General Fund of the Treasury—

(A) for fiscal 2017, $110,000,000;

(B) for fiscal 2018, $500,000,000;

(C) for fiscal 2019, $800,000,000;

(D) for fiscal 2020, $1,350,000,000; and

(E) for fiscal 2021, $1,750,000,000.

(3) AVAILABILITY.—

(A) PERIOD.—Amounts transferred to the Fund under paragraph (2) shall remain available until expended.

(B) OBLIGATION AUTHORITY.—Amounts in the Fund shall be available to the Secretary for obligation under this section only in amounts provided in annual appropriations Acts.

(4) ALLOCATION.—The Secretary shall allocate the funding available for obligation under paragraph (3) for each fiscal year among approved annual plans for clean energy innovation regional partnerships based on a formula that takes into account certain criteria that include—

(A) regional energy consumption expenditures;

(B) regional energy production levels;

(C) regional Population; and

(D) such other region-specific factors that the Secretary may specify.

(5) STUDY; REPORT.—

(A) STUDY.—The Secretary shall conduct a study of the feasibility of establishing 1 or more funding sources that can provide a dedicated, stable source of financing for clean energy innovation regional partnership.

(B) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress a report that contains findings and recommendations based on the study conducted under subparagraph (A).

SA 3225. Mr. GARDNER submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. VOLUNTARY VEGETATION MANAGEMENT OUTSIDE RIGHTS-OF-WAY.

(a) AUTHORIZATION.—The Secretary of the Interior or the Secretary of Agriculture may authorize an owner or operator of an electric transmission or distribution facility to manage vegetation selectively within 150 feet of the exterior boundary of the right-of-way near structures for selective thinning and fuel reduction.

(b) REQUIREMENTS.—Management of vegetation under this section shall—

(1) be limited to wildfire prevention, such as hazardous fuel buildup near structures and hazard trees;

(2) be at the expense of the right-of-way holder; and

(3) not include commercial timber harvesting, logging, prescribed burning, or clear cutting.

(c) STATUS OF REMOVED VEGETATION.—Any vegetation removed pursuant to this section shall be the property of the United States and not available for sale by the owner or operator.

(d) LIMITATION ON LIABILITY.—An owner or operator of an electric transmission or distribution facility shall not be held liable for wildfire, damage, loss, or injury, including the cost of fire suppression, resulting from activities carried out pursuant to subsection (a), except in the case of harm resulting from the gross negligence or criminal misconduct of the owner or operator.

SA 3226. Mr. THUNE 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___. BLACK HILLS NATIONAL CEMETERY BOUNDARY MODIFICATION.

(a) DEFINITIONS.—In this section:

(1) CEMETERY.—The term ''Cemetery'' means the Black Hills National Cemetery in Sturgis, South Dakota.

(2) FEDERAL LAND.—The term ''Federal land'' means the approximately 200 acres of Bureau of Land Management land adjacent to the Cemetery, generally depicted as ''Proposed National Cemetery Expansion'' on the map entitled ''Proposed Expansion of Black Hills National Cemetery-South Dakota'' and dated September 28, 2015.

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

(b) TRANSFER AND WITHDRAWAL OF BUREAU OF LAND MANAGEMENT LAND FOR CEMETERY USE.—

(1) TRANSFER OF ADMINISTRATIVE JURISDICTION.—

(A) IN GENERAL.—Subject to valid existing rights, administrative jurisdiction over the Federal land is transferred from the Secretary to the Secretary of Veterans Affairs for use as a national cemetery in accordance with chapter 24 of title 38, United States Code.

(B) LEGAL DESCRIPTIONS.—

(i) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall publish in the Federal Register a notice containing a legal description of the Federal land.

(ii) EFFECT.—A legal description published under clause (i) shall have the same force and effect as if included in this section, except that the Secretary may correct any clerical and typographical errors in the legal description.

(iii) AVAILABILITY.—Copies of the legal description published under clause (i) shall be available for public inspection in the appropriate offices of—

(I) the Bureau of Land Management; and

(II) the National Cemetery Administration.

(iv) COSTS.—The Secretary of Veterans Affairs shall reimburse the Secretary for the costs incurred by the Secretary in carrying out this subparagraph, including the costs of any surveys and other reasonable costs.

(2) WITHDRAWAL.—Subject to valid existing rights, for any period during which the Federal land is under the administrative jurisdiction of the Secretary of Veterans Affairs, the Federal land—

(A) is withdrawn from all forms of appropriation under the public land laws, including the mining laws, the mineral leasing laws, and the geothermal leasing laws; and

(B) shall be treated as property as defined under section 102(9) of title 40, United States Code.

(3) BOUNDARY MODIFICATION.—The boundary of the Cemetery is modified to include the Federal land.

(4) MODIFICATION OF PUBLIC LAND ORDER.—Public Land Order 2112, dated June 6, 1960 (25 Fed. Reg. 5243), is modified to exclude the Federal land.

(c) SUBSEQUENT TRANSFER OF ADMINISTRATIVE JURISDICTION.—

(1) NOTICE.—On a determination by the Secretary of Veterans Affairs that all or a portion of the Federal land is not being used for purposes of the Cemetery, the Secretary of Veterans Affairs shall notify the Secretary of the determination.

(2) TRANSFER OF ADMINISTRATIVE JURISDICTION.—Subject to paragraphs (3) and (4), the Secretary of Veterans Affairs shall transfer to the Secretary administrative jurisdiction over the Federal land subject to a notice under paragraph (1).

(3) DECONTAMINATON.—The Secretary of Veterans Affairs shall be responsible for the costs of any decontamination of the Federal land subject to a notice under paragraph (1) that the Secretary determines to be necessary for the Federal land to be restored to public land status.

(4) RESTORATION TO PUBLIC LAND STATUS.—The Federal land subject to a notice under paragraph (1) shall only be restored to public land status on—

(A) acceptance by the Secretary of the Federal land subject to the notice; and

(B) a determination by the Secretary that the Federal land subject to the notice is suitable for—

(i) restoration to public land status; and

(ii) the operation of 1 or more of the public land laws with respect to the Federal land.

(5) ORDER.—If the Secretary accepts the Federal land under paragraph (4)(A) and makes a determination of suitability under paragraph (4)(B), the Secretary may—

(A) open the accepted Federal land to operation of 1 or more of the public land laws; and

(B) issue an order to carry out the opening authorized under subparagraph (A).

SA 3227. Mr. TILLIS submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 44___. WILD HORSES IN AND AROUND THE CURRITUCK NATIONAL WILDLIFE REFUGE.

(a) AGREEMENT REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior (referred to in this section as the ''Secretary'') shall enter into an agreement with the Corolla Wild Horse Fund (a nonprofit corporation established under the laws of the State of North Carolina), the County of Currituck, North Carolina, and the State of North Carolina to provide for management of free-roaming wild horses in and around the Currituck National Wildlife Refuge.

(2) TERMS.—The agreement shall—

(A) allow a herd of not fewer than 110 and not more than 130 free-roaming wild horses in and around the refuge, with a target population of between 120 and 130 free-roaming wild horses;

(B) provide for cost-effective management of the horses while ensuring that natural resources within the refuge are not adversely impacted;

(C) provide for introduction of a small number of free-roaming wild horses from the herd at Cape Lookout National Seashore as is necessary to maintain the genetic viability of the herd in and around the Currituck National Wildlife Refuge; and

(D) specify that the Corolla Wild Horse Fund shall pay the costs associated with—

(i) coordinating a periodic census and inspecting the health of the horses;

(ii) maintaining records of the horses living in the wild and in confinement;

(iii) coordinating the removal and placement of horses and monitoring of any horses removed from the Currituck County Outer Banks; and

(iv) administering a viable population control plan for the horses, including auctions, adoptions, contraceptive fertility methods, and other viable options.

(b) CONDITIONS FOR EXCLUDING WILD HORSES FROM REFUGE.—The Secretary shall not exclude free-roaming wild horses from any portion of the Currituck National Wildlife Refuge unless—

(1) the Secretary finds that the presence of free-roaming wild horses on a portion of that refuge threatens the survival of an endangered species for which that land is designated as critical habitat under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(2) the finding is based on a credible peer-reviewed scientific assessment; and

(3) the Secretary provides a period of public notice and comment on that finding.

(c) REQUIREMENTS FOR INTRODUCTION OF HORSES FROM CAPE LOOKOUT NATIONAL SEASHORE.—During the effective period of the memorandum of understanding between the National Park Service and the Foundation for Shackleford Horses, Inc. (a non-profit corporation organized under the laws of and doing business in the State of North Carolina) signed in 2007, no horse may be removed from Cape Lookout National Seashore for introduction at Currituck National Wildlife Refuge except—

(1) with the approval of the Foundation; and

(2) consistent with the terms of the memorandum (or any successor agreement) and the Management Plan for the Shackleford Banks Horse Herd signed in January 2006 (or any successor management plan).

(d) NO LIABILITY CREATED.—Nothing in this section creates liability for the United States for any damage caused by the free-roaming wild horses to any person or property located inside or outside the boundaries of the Currituck National Wildlife Refuge.

SA 3228. Ms. MURKOWSKI (for herself and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At end, add the following:

TITLE VI—NATURAL RESOURCES

Subtitle A—Land Conveyances and Related Matters

SEC. 6001. ARAPAHO NATIONAL FOREST BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—The boundary of the Arapaho National Forest in the State of Colorado is adjusted to incorporate the approximately 92.95 acres of land generally depicted as ''The Wedge'' on the map entitled ''Arapaho National Forest Boundary Adjustment'' and dated November 6, 2013, and described as lots three, four, eight, and nine of section 13, Township 4 North, Range 76 West, Sixth Principal Meridian, Colorado. A lot described in this subsection may be included in the boundary adjustment only after the Secretary of Agriculture obtains written permission for such action from the lot owner or owners.

(b) BOWEN GULCH PROTECTION AREA.—The Secretary of Agriculture shall include all Federal land within the boundary described in subsection (a) in the Bowen Gulch Protection Area established under section 6 of the Colorado Wilderness Act of 1993 (16 U.S.C. 539j).

(c) LAND AND WATER CONSERVATION FUND.—For purposes of section 200306(a)(2)(B)(i) of title 54, United States Code, the boundaries of the Arapaho National Forest, as modified under subsection (a), shall be considered to be the boundaries of the Arapaho National Forest as in existence on January 1, 1965.

(d) PUBLIC MOTORIZED USE.—Nothing in this section opens privately owned lands within the boundary described in subsection (a) to public motorized use.

(e) ACCESS TO NON-FEDERAL LANDS.—Notwithstanding the provisions of section 6(f) of the Colorado Wilderness Act of 1993 (16 U.S.C. 539j(f)) regarding motorized travel, the owners of any non-Federal lands within the boundary described in subsection (a) who historically have accessed their lands through lands now or hereafter owned by the United States within the boundary described in subsection (a) shall have the continued right of motorized access to their lands across the existing roadway.

SEC. 6002. LAND CONVEYANCE, ELKHORN RANCH AND WHITE RIVER NATIONAL FOREST, COLORADO.

(a) LAND CONVEYANCE REQUIRED.—Consistent with the purpose of the Act of March 3, 1909 (43 U.S.C. 772), all right, title, and interest of the United States (subject to subsection (b)) in and to a parcel of land consisting of approximately 148 acres as generally depicted on the map entitled ''Elkhorn Ranch Land Parcel–White River National Forest'' and dated March 2015 shall be conveyed by patent to the Gordman-Leverich Partnership, a Colorado Limited Liability Partnership (in this section referred to as ''GLP'').

(b) EXISTING RIGHTS.—The conveyance under subsection (a)—

(1) is subject to the valid existing rights of the lessee of Federal oil and gas lease COC–75070 and any other valid existing rights; and

(2) shall reserve to the United States the right to collect rent and royalty payments on the lease referred to in paragraph (1) for the duration of the lease.

(c) EXISTING BOUNDARIES.—The conveyance under subsection (a) does not modify the exterior boundary of the White River National Forest or the boundaries of Sections 18 and 19 of Township 7 South, Range 93 West, Sixth Principal Meridian, Colorado, as such boundaries are in effect on the date of the enactment of this Act.

(d) TIME FOR CONVEYANCE; PAYMENT OF COSTS.—The conveyance directed under subsection (a) shall be completed not later than 180 days after the date of the enactment of this Act. The conveyance shall be without consideration, except that all costs incurred by the Secretary of the Interior relating to any survey, platting, legal description, or other activities carried out to prepare and issue the patent shall be paid by GLP to the Secretary prior to the land conveyance.

SEC. 6003. LAND EXCHANGE IN CRAGS, COLORADO.

(a) PURPOSES.—The purposes of this section are—

(1) to authorize, direct, expedite, and facilitate the land exchange set forth herein; and

(2) to promote enhanced public outdoor recreational and natural resource conservation opportunities in the Pike National Forest near Pikes Peak, Colorado, via acquisition of the non-Federal land and trail easement.

(b) DEFINITIONS.—In this section:

(1) BHI.—The term ''BHI'' means Broadmoor Hotel, Inc., a Colorado corporation.

(2) FEDERAL LAND.—The term ''Federal land'' means all right, title, and interest of the United States in and to approximately 83 acres of land within the Pike National Forest, El Paso County, Colorado, together with a non-exclusive perpetual access easement to BHI to and from such land on Forest Service Road 371, as generally depicted on the map entitled ''Proposed Crags Land Exchange–Federal Parcel–Emerald Valley Ranch'', dated March 2015.

(3) NON-FEDERAL LAND.—The term ''non-Federal land'' means the land and trail easement to be conveyed to the Secretary by BHI in the exchange and is—

(A) approximately 320 acres of land within the Pike National Forest, Teller County, Colorado, as generally depicted on the map entitled ''Proposed Crags Land Exchange–Non-Federal Parcel–Crags Property'', dated March 2015; and

(B) a permanent trail easement for the Barr Trail in El Paso County, Colorado, as generally depicted on the map entitled ''Proposed Crags Land Exchange–Barr Trail Easement to United States'', dated March 2015, and which shall be considered as a voluntary donation to the United States by BHI for all purposes of law.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture, unless otherwise specified.

(c) LAND EXCHANGE.—

(1) IN GENERAL.—If BHI offers to convey to the Secretary all right, title, and interest of BHI in and to the non-Federal land, the Secretary shall accept the offer and simultaneously convey to BHI the Federal land.

(2) LAND TITLE.—Title to the non-Federal land conveyed and donated to the Secretary under this section shall be acceptable to the Secretary and shall conform to the title approval standards of the Attorney General of the United States applicable to land acquisitions by the Federal Government.

(3) PERPETUAL ACCESS EASEMENT TO BHI.—The nonexclusive perpetual access easement to be granted to BHI as shown on the map referred to in subsection (b)(2) shall allow—

(A) BHI to fully maintain, at BHI's expense, and use Forest Service Road 371 from its junction with Forest Service Road 368 in accordance with historic use and maintenance patterns by BHI; and

(B) full and continued public and administrative access and use of FSR 371 in accordance with the existing Forest Service travel management plan, or as such plan may be revised by the Secretary.

(4) ROUTE AND CONDITION OF ROAD.—BHI and the Secretary may mutually agree to improve, relocate, reconstruct, or otherwise alter the route and condition of all or portions of such road as the Secretary, in close consultation with BHI, may determine advisable.

(5) EXCHANGE COSTS.—BHI shall pay for all land survey, appraisal, and other costs to the Secretary as may be necessary to process and consummate the exchange directed by this section, including reimbursement to the Secretary, if the Secretary so requests, for staff time spent in such processing and consummation.

(d) EQUAL VALUE EXCHANGE AND APPRAISALS.—

(1) APPRAISALS.—The values of the lands to be exchanged under this section shall be determined by the Secretary through appraisals performed in accordance with—

(A) the Uniform Appraisal Standards for Federal Land Acquisitions;

(B) the Uniform Standards of Professional Appraisal Practice;

(C) appraisal instructions issued by the Secretary; and

(D) shall be performed by an appraiser mutually agreed to by the Secretary and BHI.

(2) EQUAL VALUE EXCHANGE.—The values of the Federal and non-Federal land parcels exchanged shall be equal, or if they are not equal, shall be equalized as follows:

(A) SURPLUS OF FEDERAL LAND VALUE.—If the final appraised value of the Federal land exceeds the final appraised value of the non-Federal land parcel identified in subsection (b)(3)(A), BHI shall make a cash equalization payment to the United States as necessary to achieve equal value, including, if necessary, an amount in excess of that authorized pursuant to section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)).

(B) USE OF FUNDS.—Any cash equalization moneys received by the Secretary under subparagraph (A) shall be—

(i) deposited in the fund established under Public Law 90–171 (commonly known as the ''Sisk Act''; 16 U.S.C. 484a); and

(ii) made available to the Secretary for the acquisition of land or interests in land in Region 2 of the Forest Service.

(C) SURPLUS OF NON-FEDERAL LAND VALUE.—If the final appraised value of the non-Federal land parcel identified in subsection (b)(3)(A) exceeds the final appraised value of the Federal land, the United States shall not make a cash equalization payment to BHI, and surplus value of the non-Federal land shall be considered a donation by BHI to the United States for all purposes of law.

(3) APPRAISAL EXCLUSIONS.—

(A) SPECIAL USE PERMIT.—The appraised value of the Federal land parcel shall not reflect any increase or diminution in value due to the special use permit existing on the date of the enactment of this Act to BHI on the parcel and improvements thereunder.

(B) BARR TRAIL EASEMENT.—The Barr Trail easement donation identified in subsection (b)(3)(B) shall not be appraised for purposes of this section.

(e) MISCELLANEOUS PROVISIONS.—

(1) WITHDRAWAL PROVISIONS.—

(A) WITHDRAWAL.—Lands acquired by the Secretary under this section shall, without further action by the Secretary, be permanently withdrawn from all forms of appropriation and disposal under the public land laws (including the mining and mineral leasing laws) and the Geothermal Steam Act of 1930 (30 U.S.C. 1001 et seq.).

(B) WITHDRAWAL REVOCATION.—Any public land order that withdraws the Federal land from appropriation or disposal under a public land law shall be revoked to the extent necessary to permit disposal of the Federal land parcel to BHI.

(C) WITHDRAWAL OF FEDERAL LAND.—All Federal land authorized to be exchanged under this section, if not already withdrawn or segregated from appropriation or disposal under the public lands laws upon enactment of this Act, is hereby so withdrawn, subject to valid existing rights, until the date of conveyance of the Federal land to BHI.

(2) POSTEXCHANGE LAND MANAGEMENT.—Land acquired by the Secretary under this section shall become part of the Pike-San Isabel National Forest and be managed in accordance with the laws, rules, and regulations applicable to the National Forest System.

(3) EXCHANGE TIMETABLE.—It is the intent of Congress that the land exchange directed by this section be consummated no later than 1 year after the date of the enactment of this Act.

(4) MAPS, ESTIMATES, AND DESCRIPTIONS.—

(A) MINOR ERRORS.—The Secretary and BHI may by mutual agreement make minor boundary adjustments to the Federal and non-Federal lands involved in the exchange, and may correct any minor errors in any map, acreage estimate, or description of any land to be exchanged.

(B) CONFLICT.—If there is a conflict between a map, an acreage estimate, or a description of land under this section, the map shall control unless the Secretary and BHI mutually agree otherwise.

(C) AVAILABILITY.—Upon enactment of this Act, the Secretary shall file and make available for public inspection in the headquarters of the Pike-San Isabel National Forest a copy of all maps referred to in this section.

SEC. 6004. CERRO DEL YUTA AND RÍO SAN ANTONIO WILDERNESS AREAS.

(a) DEFINITIONS.—In this section:

(1) MAP.—The term ''map'' means the map entitled ''Río Grande del Norte National Monument Proposed Wilderness Areas'' and dated July 28, 2015.

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

(3) WILDERNESS AREA.—The term ''wilderness area'' means a wilderness area designated by subsection (b)(1).

(b) DESIGNATION OF CERRO DEL YUTA AND RÍO SAN ANTONIO WILDERNESS AREAS.—

(1) IN GENERAL.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the Río Grande del Norte National Monument are designated as wilderness and as components of the National Wilderness Preservation System:

(A) CERRO DEL YUTA WILDERNESS.—Certain land administered by the Bureau of Land Management in Taos County, New Mexico, comprising approximately 13,420 acres as generally depicted on the map, which shall be known as the ''Cerro del Yuta Wilderness''.

(B) RÍO SAN ANTONIO WILDERNESS.—Certain land administered by the Bureau of Land Management in Río Arriba County, New Mexico, comprising approximately 8,120 acres, as generally depicted on the map, which shall be known as the ''Río San Antonio Wilderness''.

(2) MANAGEMENT OF WILDERNESS AREAS.—Subject to valid existing rights, the wilderness areas shall be administered in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this section, except that with respect to the wilderness areas designated by this subsection—

(A) any reference to the effective date of the Wilderness Act shall be considered to be a reference to the date of enactment of this Act; and

(B) any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary.

(3) INCORPORATION OF ACQUIRED LAND AND INTERESTS IN LAND.—Any land or interest in land within the boundary of the wilderness areas that is acquired by the United States shall—

(A) become part of the wilderness area in which the land is located; and

(B) be managed in accordance with—

(i) the Wilderness Act (16 U.S.C. 1131 et seq.);

(ii) this section; and

(iii) any other applicable laws.

(4) GRAZING.—Grazing of livestock in the wilderness areas, where established before the date of enactment of this Act, shall be administered in accordance with—

(A) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(B) the guidelines set forth in appendix A of the Report of the Committee on Interior and Insular Affairs to accompany H.R. 2570 of the 101st Congress (H. Rept. 101–405).

(5) BUFFER ZONES.—

(A) IN GENERAL.—Nothing in this section creates a protective perimeter or buffer zone around the wilderness areas.

(B) ACTIVITIES OUTSIDE WILDERNESS AREAS.—The fact that an activity or use on land outside a wilderness area can be seen or heard within the wilderness area shall not preclude the activity or use outside the boundary of the wilderness area.

(6) RELEASE OF WILDERNESS STUDY AREAS.—Congress finds that, for purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the public land within the San Antonio Wilderness Study Area not designated as wilderness by this subsection—

(A) has been adequately studied for wilderness designation;

(B) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(C) shall be managed in accordance with this section.

(7) MAPS AND LEGAL DESCRIPTIONS.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file the map and legal descriptions of the wilderness areas with—

(i) the Committee on Energy and Natural Resources of the Senate; and

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

(B) FORCE OF LAW.—The map and legal descriptions filed under subparagraph (A) shall have the same force and effect as if included in this section, except that the Secretary may correct errors in the legal description and map.

(C) PUBLIC AVAILABILITY.—The map and legal descriptions filed under subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(8) NATIONAL LANDSCAPE CONSERVATION SYSTEM.—The wilderness areas shall be administered as components of the National Landscape Conservation System.

(9) FISH AND WILDLIFE.—Nothing in this section affects the jurisdiction of the State of New Mexico with respect to fish and wildlife located on public land in the State.

(10) WITHDRAWALS.—Subject to valid existing rights, any Federal land within the wilderness areas designated by paragraph (1), including any land or interest in land that is acquired by the United States after the date of enactment of this Act, is withdrawn from—

(A) entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(11) TREATY RIGHTS.—Nothing in this section enlarges, diminishes, or otherwise modifies any treaty rights.

SEC. 6005. CLARIFICATION RELATING TO A CERTAIN LAND DESCRIPTION UNDER THE NORTHERN ARIZONA LAND EXCHANGE AND VERDE RIVER BASIN PARTNERSHIP ACT OF 2005.

Section 104(a)(5) of the Northern Arizona Land Exchange and Verde River Basin Partnership Act of 2005 (Public Law 109–110; 119 Stat. 2356) is amended by inserting before the period at the end '', which, notwithstanding section 102(a)(4)(B), includes the N½, NE¼, SW¼, SW¼, the N½, N½, SE¼, SW¼, and the N½, N½, SW¼, SE¼, sec. 34, T. 22 N., R. 2 E., Gila and Salt River Meridian, Coconino County, comprising approximately 25 acres''.

SEC. 6006. COOPER SPUR LAND EXCHANGE CLARIFICATION AMENDMENTS.

Section 1206(a) of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1018) is amended—

(1) in paragraph (1)—

(A) in subparagraph (C), by striking ''120 acres'' and inserting ''107 acres''; and

(B) in subparagraph (E)(ii), by inserting ''improvements,'' after ''buildings,''; and

(2) in paragraph (2)—

(A) in subparagraph (D)—

(i) in clause (i), by striking ''As soon as practicable after the date of enactment of this Act, the Secretary and Mt. Hood Meadows shall select'' and inserting ''Not later than 120 days after the date of the enactment of the Energy Policy Modernization Act of 2016, the Secretary and Mt. Hood Meadows shall jointly select'';

(ii) in clause (ii), in the matter preceding subclause (I), by striking ''An appraisal under clause (i) shall'' and inserting ''Except as provided under clause (iii), an appraisal under clause (i) shall assign a separate value to each tax lot to allow for the equalization of values and''; and

(iii) by adding at the end the following:

''(iii) FINAL APPRAISED VALUE.—

''(I) IN GENERAL.—Subject to subclause (II), after the final appraised value of the Federal land and the non-Federal land are determined and approved by the Secretary, the Secretary shall not be required to reappraise or update the final appraised value for a period of up to 3 years, beginning on the date of the approval by the Secretary of the final appraised value.

''(II) EXCEPTION.—Subclause (I) shall not apply if the condition of either the Federal land or the non-Federal land referred to in subclause (I) is significantly and substantially altered by fire, windstorm, or other events.

''(iv) PUBLIC REVIEW.—Before completing the land exchange under this Act, the Secretary shall make available for public review the complete appraisals of the land to be exchanged.'';

(B) in subparagraph (F), by striking ''16 months after the date of enactment of this Act'' and inserting ''1 year after the date of the enactment of the Energy Policy Modernization Act of 2016''; and

(C) by striking subparagraph (G) and inserting the following:

''(G) REQUIRED CONVEYANCE CONDITIONS.—Prior to the exchange of the Federal and non-Federal land—

''(i) the Secretary and Mt. Hood Meadows may mutually agree for the Secretary to reserve a conservation easement to protect the identified wetland in accordance with applicable law, subject to the requirements that—

''(I) the conservation easement shall be consistent with the terms of the September 30, 2015, mediation between the Secretary and Mt. Hood Meadows; and

''(II) in order to take effect, the conservation easement shall be finalized not later than 120 days after the date of enactment of the Energy Policy Modernization Act of 2016; and

''(ii) the Secretary shall reserve a 24-foot-wide nonexclusive trail easement at the existing trail locations on the Federal land that retains for the United States existing rights to construct, reconstruct, maintain, and permit nonmotorized use by the public of existing trails subject to the right of the owner of the Federal land—

''(I) to cross the trails with roads, utilities, and infrastructure facilities; and

''(II) to improve or relocate the trails to accommodate development of the Federal land.

''(H) EQUALIZATION OF VALUES.—

''(i) IN GENERAL.—Notwithstanding subparagraph (A), in addition to or in lieu of monetary compensation, a lesser area of Federal land or non-Federal land may be conveyed if necessary to equalize appraised values of the exchange properties, without limitation, consistent with the requirements of this Act and subject to the approval of the Secretary and Mt. Hood Meadows.

''(ii) TREATMENT OF CERTAIN COMPENSATION OR CONVEYANCES AS DONATION.—If, after payment of compensation or adjustment of land area subject to exchange under this Act, the amount by which the appraised value of the land and other property conveyed by Mt. Hood Meadows under subparagraph (A) exceeds the appraised value of the land conveyed by the Secretary under subparagraph (A) shall be considered a donation by Mt. Hood Meadows to the United States.''.

SEC. 6007. EXPEDITED ACCESS TO CERTAIN FEDERAL LAND.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE.—The term ''eligible'', with respect to an organization or individual, means that the organization or individual, respectively, is—

(A) acting in a not-for-profit capacity; and

(B) composed entirely of members who, at the time of the good Samaritan search-and-recovery mission, have attained the age of majority under the law of the State where the mission takes place.

(2) GOOD SAMARITAN SEARCH-AND-RECOVERY MISSION.—The term ''good Samaritan search-and-recovery mission'' means a search conducted by an eligible organization or individual for 1 or more missing individuals believed to be deceased at the time that the search is initiated.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior or the Secretary of Agriculture, as applicable.

(b) PROCESS.—

(1) IN GENERAL.—Each Secretary shall develop and implement a process to expedite access to Federal land under the administrative jurisdiction of the Secretary for eligible organizations and individuals to request access to Federal land to conduct good Samaritan search-and-recovery missions.

(2) INCLUSIONS.—The process developed and implemented under this subsection shall include provisions to clarify that—

(A) an eligible organization or individual granted access under this section—

(i) shall be acting for private purposes; and

(ii) shall not be considered to be a Federal volunteer;

(B) an eligible organization or individual conducting a good Samaritan search-and-recovery mission under this section shall not be considered to be a volunteer under section 102301(c) of title 54, United States Code;

(C) chapter 171 of title 28, United States Code (commonly known as the ''Federal Tort Claims Act''), shall not apply to an eligible organization or individual carrying out a privately requested good Samaritan search-and-recovery mission under this section; and

(D) chapter 81 of title 5, United States Code (commonly known as the ''Federal Employees Compensation Act''), shall not apply to an eligible organization or individual conducting a good Samaritan search-and-recovery mission under this section, and the conduct of the good Samaritan search-and-recovery mission shall not constitute civilian employment.

(c) RELEASE OF FEDERAL GOVERNMENT FROM LIABILITY.—The Secretary shall not require an eligible organization or individual to have liability insurance as a condition of accessing Federal land under this section, if the eligible organization or individual—

(1) acknowledges and consents, in writing, to the provisions described in subparagraphs (A) through (D) of subsection (b)(2); and

(2) signs a waiver releasing the Federal Government from all liability relating to the access granted under this section and agrees to indemnify and hold harmless the United States from any claims or lawsuits arising from any conduct by the eligible organization or individual on Federal land.

(d) APPROVAL AND DENIAL OF REQUESTS.—

(1) IN GENERAL.—The Secretary shall notify an eligible organization or individual of the approval or denial of a request by the eligible organization or individual to carry out a good Samaritan search-and-recovery mission under this section by not later than 48 hours after the request is made.

(2) DENIALS.—If the Secretary denies a request from an eligible organization or individual to carry out a good Samaritan search-and-recovery mission under this section, the Secretary shall notify the eligible organization or individual of—

(A) the reason for the denial of the request; and

(B) any actions that the eligible organization or individual can take to meet the requirements for the request to be approved.

(e) PARTNERSHIPS.—Each Secretary shall develop search-and-recovery-focused partnerships with search-and-recovery organizations—

(1) to coordinate good Samaritan search-and-recovery missions on Federal land under the administrative jurisdiction of the Secretary; and

(2) to expedite and accelerate good Samaritan search-and-recovery mission efforts for missing individuals on Federal land under the administrative jurisdiction of the Secretary.

(f) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretaries shall submit to Congress a joint report describing—

(1) plans to develop partnerships described in subsection (e)(1); and

(2) efforts carried out to expedite and accelerate good Samaritan search-and-recovery mission efforts for missing individuals on Federal land under the administrative jurisdiction of each Secretary pursuant to subsection (e)(2).

SEC. 6008. BLACK HILLS NATIONAL CEMETERY BOUNDARY EXPANSION.

(a) DEFINITIONS.—In this section:

(1) BLM LAND.—The term ''BLM land'' means the approximately 191.24 acres of Bureau of Land Management land within Meade County, South Dakota, which is more particularly described as follows:

(A) In sec. 23, T. 5 N, R. 5 E., Black Hills Meridian—

(i) the land in the SW¼SW¼ located south of the tread of the Centennial Trail;

(ii) the land in the SE¼SW¼ located south of the tread of the Centennial Trail and southwest of the southwesterly railroad

right-of-way boundary described and authorized under MTM–14260; and

(iii) the land in the SW¼SE¼ located southwest of the southwesterly railroad right-of-way boundary.

(B) In sec. 26, T. 5 N, R. 5 E., Black Hills Meridian—

(i) lots 5, 11, and 12; and

(ii) in lot 10, the land located southwest of the southwesterly railroad right-of-way boundary described and authorized under MTM–14260 and NW¼NW¼.

(2) CEMETERY.—The term ''Cemetery'' means the Black Hills National Cemetery in Sturgis, South Dakota.

(b) TRANSFER OF ADMINISTRATIVE JURISDICTION.—

(1) IN GENERAL.—Administrative jurisdiction over the BLM land is transferred from the Secretary of the Interior to the Secretary of Veterans Affairs for inclusion in the Cemetery.

(2) BOUNDARY MODIFICATION.—On the transfer of the BLM land under paragraph (1), the boundary of the Cemetery is modified to include the BLM land.

(3) MODIFICATION OF PUBLIC LAND ORDER.—On the transfer of the BLM land under paragraph (1), Public Land Order 2112, dated June 6, 1960 (25 Fed. Reg. 5243), is modified to exclude the BLM land.

Subtitle B—National Park Management, Studies, and Related Matters

SEC. 6101. REFUND OF FUNDS USED BY STATES TO OPERATE NATIONAL PARKS DURING SHUTDOWN.

(a) IN GENERAL.—The Director of the National Park Service shall refund to each State all funds of the State that were used to reopen and temporarily operate a unit of the National Park System during the period in October 2013 in which there was a lapse in appropriations for the unit.

(b) FUNDING.—Funds of the National Park Service that are appropriated after the date of enactment of this Act shall be used to carry out this section.

SEC. 6102. LOWER FARMINGTON AND SALMON BROOK RECREATIONAL RIVERS.

(a) DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following new paragraph:

''(213) LOWER FARMINGTON RIVER AND SALMON BROOK, CONNECTICUT.—Segments of the main stem and its tributary, Salmon Brook, totaling approximately 62 miles, to be administered by the Secretary of the Interior as follows:

''(A) The approximately 27.2-mile segment of the Farmington River beginning 0.2 miles below the tailrace of the Lower Collinsville Dam and extending to the site of the Spoonville Dam in Bloomfield and East Granby as a recreational river.

''(B) The approximately 8.1-mile segment of the Farmington River extending from 0.5 miles below the Rainbow Dam to the confluence with the Connecticut River in Windsor as a recreational river.

''(C) The approximately 2.4-mile segment of the main stem of Salmon Brook extending from the confluence of the East and West Branches to the confluence with the Farmington River as a recreational river.

''(D) The approximately 12.6-mile segment of the West Branch of Salmon Brook extending from its headwaters in Hartland, Connecticut to its confluence with the East Branch of Salmon Brook as a recreational river.

''(E) The approximately 11.4-mile segment of the East Branch of Salmon Brook extending from the Massachusetts-Connecticut State line to the confluence with the West Branch of Salmon Brook as a recreational river.''.

(b) MANAGEMENT.—

(1) IN GENERAL.—The river segments designated by subsection (a) shall be managed in accordance with the management plan and such amendments to the management plan as the Secretary determines are consistent with this section. The management plan shall be deemed to satisfy the requirements for a comprehensive management plan pursuant to section 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).

(2) COMMITTEE.—The Secretary shall coordinate the management responsibilities of the Secretary under this section with the Lower Farmington River and Salmon Brook Wild and Scenic Committee, as specified in the management plan.

(3) COOPERATIVE AGREEMENTS.—

(A) IN GENERAL.—In order to provide for the long-term protection, preservation, and enhancement of the river segment designated by subsection (a), the Secretary is authorized to enter into cooperative agreements pursuant to sections 10(e) and 11(b)(1) of the Wild and Scenic Rivers Act with—

(i) the State of Connecticut;

(ii) the towns of Avon, Bloomfield, Burlington, East Granby, Farmington, Granby, Hartland, Simsbury, and Windsor in Connecticut; and

(iii) appropriate local planning and environmental organizations.

(B) CONSISTENCY.—All cooperative agreements provided for under this section shall be consistent with the management plan and may include provisions for financial or other assistance from the United States.

(4) LAND MANAGEMENT.—

(A) ZONING ORDINANCES.—For the purposes of the segments designated in subsection (a), the zoning ordinances adopted by the towns in Avon, Bloomfield, Burlington, East Granby, Farmington, Granby, Hartland, Simsbury, and Windsor in Connecticut, including provisions for conservation of floodplains, wetlands and watercourses associated with the segments, shall be deemed to satisfy the standards and requirements of section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)).

(B) ACQUISITION OF LAND.—The provisions of section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)) that prohibit Federal acquisition of lands by condemnation shall apply to the segments designated in subsection (a). The authority of the Secretary to acquire lands for the purposes of the segments designated in subsection (a) shall be limited to acquisition by donation or acquisition with the consent of the owner of the lands, and shall be subject to the additional criteria set forth in the management plan.

(5) RAINBOW DAM.—The designation made by subsection (a) shall not be construed to—

(A) prohibit, pre-empt, or abridge the potential future licensing of the Rainbow Dam and Reservoir (including any and all aspects of its facilities, operations and transmission lines) by the Federal Energy Regulatory Commission as a federally licensed hydroelectric generation project under the Federal Power Act, provided that the Commission may, in the discretion of the Commission and consistent with this section, establish such reasonable terms and conditions in a hydropower license for Rainbow Dam as are necessary to reduce impacts identified by the Secretary as invading or unreasonably diminishing the scenic, recreational, and fish and wildlife values of the segments designated by subsection (a); or

(B) affect the operation of, or impose any flow or release requirements on, the unlicensed hydroelectric facility at Rainbow Dam and Reservoir.

(6) RELATION TO NATIONAL PARK SYSTEM.—Notwithstanding section 10(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(c)), the Lower Farmington River shall not be administered as part of the National Park System or be subject to regulations which govern the National Park System.

(c) FARMINGTON RIVER, CONNECTICUT, DESIGNATION REVISION.—Section 3(a)(156) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended in the first sentence—

(1) by striking ''14-mile'' and inserting ''15.1-mile''; and

(2) by striking ''to the downstream end of the New Hartford-Canton, Connecticut town line'' and inserting ''to the confluence with the Nepaug River''.

(d) DEFINITIONS.—For the purposes of this section:

(1) MANAGEMENT PLAN.—The term ''management plan'' means the management plan prepared by the Salmon Brook Wild and Scenic Study Committee entitled the ''Lower Farmington River and Salmon Brook Management Plan'' and dated June 2011.

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

SEC. 6103. SPECIAL RESOURCE STUDY OF PRESIDENT STREET STATION.

(a) DEFINITIONS.—In this section:

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

(2) STUDY AREA.—The term ''study area'' means the President Street Station, a railroad terminal in Baltimore, Maryland, the history of which is tied to the growth of the railroad industry in the 19th century, the Civil War, the Underground Railroad, and the immigrant influx of the early 20th century.

(b) SPECIAL RESOURCE STUDY.—

(1) STUDY.—The Secretary shall conduct a special resource study of the study area.

(2) CONTENTS.—In conducting the study under paragraph (1), the Secretary shall—

(A) evaluate the national significance of the study area;

(B) determine the suitability and feasibility of designating the study area as a unit of the National Park System;

(C) consider other alternatives for preservation, protection, and interpretation of the study area by the Federal Government, State or local government entities, or private and nonprofit organizations;

(D) consult with interested Federal agencies, State or local governmental entities, private and nonprofit organizations, or any other interested individuals; and

(E) identify cost estimates for any Federal acquisition, development, interpretation, operation, and maintenance associated with the alternatives.

(3) APPLICABLE LAW.—The study required under paragraph (1) shall be conducted in accordance with section 100507 of title 54, United States Code.

(4) REPORT.—Not later than 3 years after the date on which funds are first made available for the study under paragraph (1), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(A) the results of the study; and

(B) any conclusions and recommendations of the Secretary.

SEC. 6104. SPECIAL RESOURCE STUDY OF THURGOOD MARSHALL'S ELEMENTARY SCHOOL.

(a) DEFINITIONS.—In this section:

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

(2) STUDY AREA.—The term ''study area'' means—

(A) P.S. 103, the public school located in West Baltimore, Maryland, which Thurgood Marshall attended as a youth; and

(B) any other resources in the neighborhood surrounding P.S. 103 that relate to the early life of Thurgood Marshall.

(b) SPECIAL RESOURCE STUDY.—

(1) STUDY.—The Secretary shall conduct a special resource study of the study area.

(2) CONTENTS.—In conducting the study under paragraph (1), the Secretary shall—

(A) evaluate the national significance of the study area;

(B) determine the suitability and feasibility of designating the study area as a unit of the National Park System;

(C) consider other alternatives for preservation, protection, and interpretation of the study area by the Federal Government, State or local government entities, or private and nonprofit organizations;

(D) consult with interested Federal agencies, State or local governmental entities, private and nonprofit organizations, or any other interested individuals; and

(E) identify cost estimates for any Federal acquisition, development, interpretation, operation, and maintenance associated with the alternatives.

(3) APPLICABLE LAW.—The study required under paragraph (1) shall be conducted in accordance with section 100507 of title 54, United States Code.

(4) REPORT.—Not later than 3 years after the date on which funds are first made available to carry out the study under paragraph (1), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(A) the results of the study; and

(B) any conclusions and recommendations of the Secretary.

SEC. 6105. SPECIAL RESOURCE STUDY OF JAMES K. POLK PRESIDENTIAL HOME.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this section as the ''Secretary'') shall conduct a special resource study of the site of the James K. Polk Home in Columbia, Tennessee, and adjacent property (referred to in this section as the ''site'').

(b) CRITERIA.—The Secretary shall conduct the study under subsection (a) in accordance with section 100507 of title 54, United States Code.

(c) CONTENTS.—In conducting the study under subsection (a), the Secretary shall—

(1) evaluate the national significance of the site;

(2) determine the suitability and feasibility of designating the site as a unit of the National Park System;

(3) include cost estimates for any necessary acquisition, development, operation, and maintenance of the site;

(4) consult with interested Federal, State, or local governmental entities, private and nonprofit organizations, or other interested individuals; and

(5) identify alternatives for the management, administration, and protection of the site.

(d) REPORT.—Not later than 3 years after the date on which funds are made available to carry out the study under subsection (a), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the findings and conclusions of the study; and

(2) any recommendations of the Secretary.

SEC. 6106. NORTH COUNTRY NATIONAL SCENIC TRAIL ROUTE ADJUSTMENT.

(a) ROUTE ADJUSTMENT.—Section 5(a)(8) of the National Trails System Act (16 U.S.C. 1244(a)(8)) is amended in the first sentence—

(1) by striking ''thirty two hundred miles, extending from eastern New York State'' and inserting ''4,600 miles, extending from the Appalachian Trail in Vermont''; and

(2) by striking ''Proposed North Country Trail'' and all that follows through ''June 1975.'' and inserting '' 'North Country National Scenic Trail, Authorized Route' dated February 2014, and numbered 649/116870.''.

(b) NO CONDEMNATION.—Section 5(a)(8) of the National Trails System Act (16 U.S.C. 1244(a)(8)) is amended by adding at the end the following: ''No land or interest in land outside of the exterior boundary of any Federally administered area may be acquired by the Federal Government for the trail by condemnation.''.

SEC. 6107. DESIGNATION OF JAY S. HAMMOND WILDERNESS AREA.

(a) DESIGNATION.—The approximately 2,600,000 acres of National Wilderness Preservation System land located within the Lake Clark National Park and Preserve designated by section 201(e)(7)(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 410hh(e)(7)(a)) shall be known and designated as the ''Jay S. Hammond Wilderness Area''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the wilderness area referred to in subsection (a) shall be deemed to be a reference to the ''Jay S. Hammond Wilderness Area''.

SEC. 6108. ADVISORY COUNCIL ON HISTORIC PRESERVATION.

Section 304101(a) of title 54, United States Code, is amended—

(1) by redesignating paragraphs (8), (9), (10), and (11) as paragraphs (9), (10), (11), and (12), respectively; and

(2) by inserting after paragraph (7) the following:

''(8) The General Chairman of the National Association of Tribal Historic Preservation Officers.''.

SEC. 6109. ESTABLISHMENT OF A VISITOR SERVICES FACILITY ON THE ARLINGTON RIDGE TRACT.

(a) DEFINITION OF ARLINGTON RIDGE TRACT.—In this section, the term ''Arlington Ridge tract'' means the parcel of Federal land located in Arlington County, Virginia, known as the ''Nevius Tract'' and transferred to the Department of the Interior in 1953, that is bounded generally by—

(1) Arlington Boulevard (United States Route 50) to the north;

(2) Jefferson Davis Highway (Virginia Route 110) to the east;

(3) Marshall Drive to the south; and

(4) North Meade Street to the west.

(b) ESTABLISHMENT OF VISITOR SERVICES FACILITY.—Notwithstanding section 2863(g) of the Military Construction Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1332), the Secretary of the Interior may construct a structure for visitor services to include a public restroom facility on the Arlington Ridge tract in the area of the United States Marine Corps War Memorial.

Subtitle C—Sportsmen's Access and Land Management Issues

PART I—NATIONAL POLICY

SEC. 6201. CONGRESSIONAL DECLARATION OF NATIONAL POLICY.

(a) IN GENERAL.—Congress declares that it is the policy of the United States that Federal departments and agencies, in accordance with the missions of the departments and agencies, Executive Orders 12962 and 13443 (60 Fed. Reg. 30769 (June 7, 1995); 72 Fed. Reg. 46537 (August 16, 2007)), and applicable law, shall—

(1) facilitate the expansion and enhancement of hunting, fishing, and recreational shooting opportunities on Federal land, in consultation with the Wildlife and Hunting Heritage Conservation Council, the Sport Fishing and Boating Partnership Council, State and tribal fish and wildlife agencies, and the public;

(2) conserve and enhance aquatic systems and the management of game species and the habitat of those species on Federal land, including through hunting and fishing, in a manner that respects—

(A) State management authority over wildlife resources; and

(B) private property rights; and

(3) consider hunting, fishing, and recreational shooting opportunities as part of all Federal plans for land, resource, and travel management.

(b) EXCLUSION.—In this subtitle, the term ''fishing'' does not include commercial fishing in which fish are harvested, either in whole or in part, that are intended to enter commerce through sale.

PART II—SPORTSMEN'S ACCESS TO FEDERAL LAND

SEC. 6211. DEFINITIONS.

In this part:

(1) FEDERAL LAND.—The term ''Federal land'' means—

(A) any land in the National Forest System (as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a))) that is administered by the Secretary of Agriculture, acting through the Chief of the Forest Service; and

(B) public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)), the surface of which is administered by the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(2) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) the Secretary of Agriculture, with respect to land described in paragraph (1)(A); and

(B) the Secretary of the Interior, with respect to land described in paragraph (1)(B).

SEC. 6212. FEDERAL LAND OPEN TO HUNTING, FISHING, AND RECREATIONAL SHOOTING.

(a) IN GENERAL.—Subject to subsection (b), Federal land shall be open to hunting, fishing, and recreational shooting, in accordance with applicable law, unless the Secretary concerned closes an area in accordance with section 6213.

(b) EFFECT OF PART.—Nothing in this part opens to hunting, fishing, or recreational shooting any land that is not open to those activities as of the date of enactment of this Act.

SEC. 6213. CLOSURE OF FEDERAL LAND TO HUNTING, FISHING, AND RECREATIONAL SHOOTING.

(a) AUTHORIZATION.—

(1) IN GENERAL.—Subject to paragraph (2) and in accordance with section 302(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732(b)), the Secretary concerned may designate any area on Federal land in which, and establish any period during which, for reasons of public safety, administration, or compliance with applicable laws, no hunting, fishing, or recreational shooting shall be permitted.

(2) REQUIREMENT.—In making a designation under paragraph (1), the Secretary concerned shall designate the smallest area for the least amount of time that is required for public safety, administration, or compliance with applicable laws.

(b) CLOSURE PROCEDURES.—

(1) IN GENERAL.—Except in an emergency, before permanently or temporarily closing any Federal land to hunting, fishing, or recreational shooting, the Secretary concerned shall—

(A) consult with State fish and wildlife agencies; and

(B) provide public notice and opportunity for comment under paragraph (2).

(2) PUBLIC NOTICE AND COMMENT.—

(A) IN GENERAL.—Public notice and comment shall include—

(i) a notice of intent—

(I) published in advance of the public comment period for the closure—

(aa) in the Federal Register;

(bb) on the website of the applicable Federal agency;

(cc) on the website of the Federal land unit, if available; and

(dd) in at least 1 local newspaper;

(II) made available in advance of the public comment period to local offices, chapters, and affiliate organizations in the vicinity of the closure that are signatories to the memorandum of understanding entitled ''Federal Lands Hunting, Fishing, and Shooting Sports Roundtable Memorandum of Understanding''; and

(III) that describes—

(aa) the proposed closure; and

(bb) the justification for the proposed closure, including an explanation of the reasons and necessity for the decision to close the area to hunting, fishing, or recreational shooting; and

(ii) an opportunity for public comment for a period of—

(I) not less than 60 days for a permanent closure; or

(II) not less than 30 days for a temporary closure.

(B) FINAL DECISION.—In a final decision to permanently or temporarily close an area to hunting, fishing, or recreation shooting, the Secretary concerned shall—

(i) respond in a reasoned manner to the comments received;

(ii) explain how the Secretary concerned resolved any significant issues raised by the comments; and

(iii) show how the resolution led to the closure.

(c) TEMPORARY CLOSURES.—

(1) IN GENERAL.—A temporary closure under this section may not exceed a period of 180 days.

(2) RENEWAL.—Except in an emergency, a temporary closure for the same area of land closed to the same activities—

(A) may not be renewed more than 3 times after the first temporary closure; and

(B) must be subject to a separate notice and comment procedure in accordance with subsection (b)(2).

(3) EFFECT OF TEMPORARY CLOSURE.—Any Federal land that is temporarily closed to hunting, fishing, or recreational shooting under this section shall not become permanently closed to that activity without a separate public notice and opportunity to comment in accordance with subsection (b)(2).

(d) REPORTING.—On an annual basis, the Secretaries concerned shall—

(1) publish on a public website a list of all areas of Federal land temporarily or permanently subject to a closure under this section; and

(2) submit to the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Natural Resources and the Committee on Agriculture of the House of Representatives a report that identifies—

(A) a list of each area of Federal land temporarily or permanently subject to a closure;

(B) the acreage of each closure; and

(C) a survey of—

(i) the aggregate areas and acreage closed under this section in each State; and

(ii) the percentage of Federal land in each State closed under this section with respect to hunting, fishing, and recreational shooting.

(e) APPLICATION.—This section shall not apply if the closure is—

(1) less than 14 days in duration; and

(2) covered by a special use permit.

SEC. 6214. SHOOTING RANGES.

(a) IN GENERAL.—Except as provided in subsection (b), the Secretary concerned may, in accordance with this section and other applicable law, lease or permit the use of Federal land for a shooting range.

(b) EXCEPTION.—The Secretary concerned shall not lease or permit the use of Federal land for a shooting range, within—

(1) a component of the National Landscape Conservation System;

(2) a component of the National Wilderness Preservation System;

(3) any area that is—

(A) designated as a wilderness study area;

(B) administratively classified as—

(i) wilderness-eligible; or

(ii) wilderness-suitable; or

(C) a primitive or semiprimitive area;

(4) a national monument, national volcanic monument, or national scenic area; or

(5) a component of the National Wild and Scenic Rivers System (including areas designated for study for potential addition to the National Wild and Scenic Rivers System).

SEC. 6215. FEDERAL ACTION TRANSPARENCY.

(a) MODIFICATION OF EQUAL ACCESS TO JUSTICE PROVISIONS.—

(1) AGENCY PROCEEDINGS.—Section 504 of title 5, United States Code, is amended—

(A) in subsection (c)(1), by striking '', United States Code'';

(B) by redesignating subsection (f) as subsection (i); and

(C) by striking subsection (e) and inserting the following:

''(e)(1) Not later than March 31 of the first fiscal year beginning after the date of enactment of the Energy Policy Modernization Act of 2016, and every fiscal year thereafter, the Chairman of the Administrative Conference of the United States, after consultation with the Chief Counsel for Advocacy of the Small Business Administration, shall submit to Congress and make publicly available online a report on the amount of fees and other expenses awarded during the preceding fiscal year under this section.

''(2) Each report under paragraph (1) shall describe the number, nature, and amount of the awards, the claims involved in the controversy, and any other relevant information that may aid Congress in evaluating the scope and impact of such awards.

''(3)(A) Each report under paragraph (1) shall account for all payments of fees and other expenses awarded under this section that are made pursuant to a settlement agreement, regardless of whether the settlement agreement is sealed or otherwise subject to a nondisclosure provision.

''(B) The disclosure of fees and other expenses required under subparagraph (A) shall not affect any other information that is subject to a nondisclosure provision in a settlement agreement.

''(f) As soon as practicable, and in any event not later than the date on which the first report under subsection (e)(1) is required to be submitted, the Chairman of the Administrative Conference of the United States shall create and maintain online a searchable database containing, with respect to each award of fees and other expenses under this section made on or after the date of enactment of the Energy Policy Modernization Act of 2016, the following information:

''(1) The case name and number of the adversary adjudication, if available, hyperlinked to the case, if available.

''(2) The name of the agency involved in the adversary adjudication.

''(3) A description of the claims in the adversary adjudication.

''(4) The name of each party to whom the award was made as such party is identified in the order or other court document making the award.

''(5) The amount of the award.

''(6) The basis for the finding that the position of the agency concerned was not substantially justified.

''(g) The online searchable database described in subsection (f) may not reveal any information the disclosure of which is prohibited by law or a court order.

''(h) The head of each agency shall provide to the Chairman of the Administrative Conference of the United States in a timely manner all information requested by the Chairman to comply with the requirements of subsections (e), (f), and (g).''.

(2) COURT CASES.—Section 2412(d) of title 28, United States Code, is amended by adding at the end the following:

''(5)(A) Not later than March 31 of the first fiscal year beginning after the date of enactment of the Energy Policy Modernization Act of 2016, and every fiscal year thereafter, the Chairman of the Administrative Conference of the United States shall submit to Congress and make publicly available online a report on the amount of fees and other expenses awarded during the preceding fiscal year pursuant to this subsection.

''(B) Each report under subparagraph (A) shall describe the number, nature, and amount of the awards, the claims involved in the controversy, and any other relevant information that may aid Congress in evaluating the scope and impact of such awards.

''(C)(i) Each report under subparagraph (A) shall account for all payments of fees and other expenses awarded under this subsection that are made pursuant to a settlement agreement, regardless of whether the settlement agreement is sealed or otherwise subject to a nondisclosure provision.

''(ii) The disclosure of fees and other expenses required under clause (i) shall not affect any other information that is subject to a nondisclosure provision in a settlement agreement.

''(D) The Chairman of the Administrative Conference of the United States shall include and clearly identify in each annual report under subparagraph (A), for each case in which an award of fees and other expenses is included in the report—

''(i) any amounts paid under section 1304 of title 31 for a judgment in the case;

''(ii) the amount of the award of fees and other expenses; and

''(iii) the statute under which the plaintiff filed suit.

''(6) As soon as practicable, and in any event not later than the date on which the first report under paragraph (5)(A) is required to be submitted, the Chairman of the Administrative Conference of the United States shall create and maintain online a searchable database containing, with respect to each award of fees and other expenses under this subsection made on or after the date of enactment of the Energy Policy Modernization Act of 2016, the following information:

''(A) The case name and number, hyperlinked to the case, if available.

''(B) The name of the agency involved in the case.

''(C) The name of each party to whom the award was made as such party is identified in the order or other court document making the award.

''(D) A description of the claims in the case.

''(E) The amount of the award.

''(F) The basis for the finding that the position of the agency concerned was not substantially justified.

''(7) The online searchable database described in paragraph (6) may not reveal any information the disclosure of which is prohibited by law or a court order.

''(8) The head of each agency (including the Attorney General of the United States) shall provide to the Chairman of the Administrative Conference of the United States in a timely manner all information requested by the Chairman to comply with the requirements of paragraphs (5), (6), and (7).''.

(3) TECHNICAL AND CONFORMING AMENDMENTS.—Section 2412 of title 28, United States Code, is amended—

(A) in subsection (d)(3), by striking ''United States Code,''; and

(B) in subsection (e)—

(i) by striking ''of section 2412 of title 28, United States Code,'' and inserting ''of this section''; and

(ii) by striking ''of such title'' and inserting ''of this title''.

(b) JUDGMENT FUND TRANSPARENCY.—Section 1304 of title 31, United States Code, is amended by adding at the end the following:

''(d) Beginning not later than the date that is 60 days after the date of enactment of the Energy Policy Modernization Act of 2016, and unless the disclosure of such information is otherwise prohibited by law or a court order, the Secretary of the Treasury shall make available to the public on a website, as soon as practicable, but not later than 30 days after the date on which a payment under this section is tendered, the following information with regard to that payment:

''(1) The name of the specific agency or entity whose actions gave rise to the claim or judgment.

''(2) The name of the plaintiff or claimant.

''(3) The name of counsel for the plaintiff or claimant.

''(4) The amount paid representing principal liability, and any amounts paid representing any ancillary liability, including attorney fees, costs, and interest.

''(5) A brief description of the facts that gave rise to the claim.

''(6) The name of the agency that submitted the claim.''.

PART III—FILMING ON FEDERAL LAND MANAGEMENT AGENCY LAND

SEC. 6221. COMMERCIAL FILMING.

(a) IN GENERAL.—Section 1 of Public Law 106–206 (16 U.S.C. 460l–6d) is amended—

(1) by redesignating subsections (a) through (f) as subsections (b) through (g), respectively;

(2) by inserting before subsection (b) (as so redesignated) the following:

''(a) DEFINITION OF SECRETARY.—The term 'Secretary' means the Secretary of the Interior or the Secretary of Agriculture, as applicable, with respect to land under the respective jurisdiction of the Secretary.'';

(3) in subsection (b) (as so redesignated)—

(A) in paragraph (1)—

(i) in the first sentence, by striking ''of the Interior or the Secretary of Agriculture (hereafter individually referred to as the 'Secretary' with respect to land (except land in a System unit as defined in section 100102 of title 54, United States Code) under their respective jurisdictions)''; and

(ii) in subparagraph (B), by inserting '', except in the case of film crews of 3 or fewer individuals'' before the period at the end; and

(B) by adding at the end the following:

''(3) FEE SCHEDULE.—Not later than 180 days after the date of enactment of the Energy Policy Modernization Act of 2016, to enhance consistency in the management of Federal land, the Secretaries shall publish a single joint land use fee schedule for commercial filming and still photography.'';

(4) in subsection (c) (as so redesignated), in the second sentence, by striking ''subsection (a)'' and inserting ''subsection (b)'';

(5) in subsection (d) (as so redesignated), in the heading, by inserting ''Commercial'' before ''Still'';

(6) in paragraph (1) of subsection (f) (as so redesignated), by inserting ''in accordance with the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801 et seq.),'' after ''without further appropriation,'';

(7) in subsection (g) (as so redesignated)—

(A) by striking ''The Secretary shall'' and inserting the following:

''(1) IN GENERAL.—The Secretary shall''; and

(B) by adding at the end the following:

''(2) CONSIDERATIONS.—The Secretary shall not consider subject matter or content as a criterion for issuing or denying a permit under this Act.''; and

(8) by adding at the end the following:

''(h) EXEMPTION FROM COMMERCIAL FILMING OR STILL PHOTOGRAPHY PERMITS AND FEES.—The Secretary shall not require persons holding commercial use authorizations or special recreation permits to obtain an additional permit or pay a fee for commercial filming or still photography under this Act if the filming or photography conducted is—

''(1) incidental to the permitted activity that is the subject of the commercial use authorization or special recreation permit; and

''(2) the holder of the commercial use authorization or special recreation permit is an individual or small business concern (within the meaning of section 3 of the Small Business Act (15 U.S.C. 632)).

''(i) EXCEPTION FROM CERTAIN FEES.—Commercial filming or commercial still photography shall be exempt from fees under this Act, but not from recovery of costs under subsection (c), if the activity—

''(1) is conducted by an entity that is a small business concern (within the meaning of section 3 of the Small Business Act (15 U.S.C. 632));

''(2) is conducted by a crew of not more than 3 individuals; and

''(3) uses only a camera and tripod.

''(j) APPLICABILITY TO NEWS GATHERING ACTIVITIES.—

''(1) IN GENERAL.—News gathering shall not be considered a commercial activity.

''(2) INCLUDED ACTIVITIES.—In this subsection, the term 'news gathering' includes, at a minimum, the gathering, recording, and filming of news and information related to news in any medium.''.

(b) CONFORMING AMENDMENTS.—Chapter 1009 of title 54, United States Code, is amended—

(1) by striking section 100905; and

(2) in the table of sections for chapter 1009 of title 54, United States Code, by striking the item relating to section 100905.

PART IV—BOWS, WILDLIFE MANAGEMENT, AND ACCESS OPPORTUNITIES FOR RECREATION, HUNTING, AND FISHING

SEC. 6231. BOWS IN PARKS.

(a) IN GENERAL.—Chapter 1049 of title 54, United States Code (as amended by section 5001(a)), is amended by adding at the end the following:

''§ 104909. Bows in parks

''(a) DEFINITION OF NOT READY FOR IMMEDIATE USE.—The term 'not ready for immediate use' means—

''(1) a bow or crossbow, the arrows of which are secured or stowed in a quiver or other arrow transport case; and

''(2) with respect to a crossbow, uncocked.

''(b) VEHICULAR TRANSPORTATION AUTHORIZED.—The Director shall not promulgate or enforce any regulation that prohibits an individual from transporting bows and crossbows that are not ready for immediate use across any System unit in the vehicle of the individual if—

''(1) the individual is not otherwise prohibited by law from possessing the bows and crossbows;

''(2) the bows or crossbows that are not ready for immediate use remain inside the vehicle of the individual throughout the period during which the bows or crossbows are transported across System land; and

''(3) the possession of the bows and crossbows is in compliance with the law of the State in which the System unit is located.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 1049 of title 54, United States Code (as amended by section 5001(b)), is amended by inserting after the item relating to section 104908 the following:

''104909. Bows in parks.''.

SEC. 6232. WILDLIFE MANAGEMENT IN PARKS.

(a) IN GENERAL.—Chapter 1049 of title 54, United States Code (as amended by section 6231(a)), is amended by adding at the end the following:

''SEC. 104910. WILDLIFE MANAGEMENT IN PARKS.

''(a) USE OF QUALIFIED VOLUNTEERS.—If the Secretary determines it is necessary to reduce the size of a wildlife population on System land in accordance with applicable law (including regulations), the Secretary may use qualified volunteers to assist in carrying out wildlife management on System land.

''(b) REQUIREMENTS FOR QUALIFIED VOLUNTEERS.—Qualified volunteers providing assistance under subsection (a) shall be subject to—

''(1) any training requirements or qualifications established by the Secretary; and

''(2) any other terms and conditions that the Secretary may require.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 1049 of title 54 (as amended by section 6231(b)), United States Code, is amended by inserting after the item relating to section 104909 the following:

''104910. Wildlife management in parks.''.

SEC. 6233. IDENTIFYING OPPORTUNITIES FOR RECREATION, HUNTING, AND FISHING ON FEDERAL LAND.

(a) DEFINITIONS.—In this section:

(1) SECRETARY.—The term ''Secretary'' means—

(A) the Secretary of the Interior, with respect to land administered by—

(i) the Director of the National Park Service;

(ii) the Director of the United States Fish and Wildlife Service; and

(iii) the Director of the Bureau of Land Management; and

(B) the Secretary of Agriculture, with respect to land administered by the Chief of the Forest Service.

(2) STATE OR REGIONAL OFFICE.—The term ''State or regional office'' means—

(A) a State office of the Bureau of Land Management; or

(B) a regional office of—

(i) the National Park Service;

(ii) the United States Fish and Wildlife Service; or

(iii) the Forest Service.

(3) TRAVEL MANAGEMENT PLAN.—The term ''travel management plan'' means a plan for the management of travel—

(A) with respect to land under the jurisdiction of the National Park Service, on park roads and designated routes under section 4.10 of title 36, Code of Federal Regulations (or successor regulations);

(B) with respect to land under the jurisdiction of the United States Fish and Wildlife Service, on the land under a comprehensive conservation plan prepared under section 4(e) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(e));

(C) with respect to land under the jurisdiction of the Forest Service, on National Forest System land under part 212 of title 36, Code of Federal Regulations (or successor regulations); and

(D) with respect to land under the jurisdiction of the Bureau of Land Management, under a resource management plan developed under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(b) PRIORITY LISTS REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, annually during the 10-year period beginning on the date on which the first priority list is completed, and every 5 years after the end of the 10-year period, the Secretary shall prepare a priority list, to be made publicly available on the website of the applicable Federal agency referred to in subsection (a)(1), which shall identify the location and acreage of land within the jurisdiction of each State or regional office on which the public is allowed, under Federal or State law, to hunt, fish, or use the land for other recreational purposes but—

(A) to which there is no public access or egress; or

(B) to which public access or egress to the legal boundaries of the land is significantly restricted (as determined by the Secretary).

(2) MINIMUM SIZE.—Any land identified under paragraph (1) shall consist of contiguous acreage of at least 640 acres.

(3) CONSIDERATIONS.—In preparing the priority list required under paragraph (1), the Secretary shall consider with respect to the land—

(A) whether access is absent or merely restricted, including the extent of the restriction;

(B) the likelihood of resolving the absence of or restriction to public access;

(C) the potential for recreational use;

(D) any information received from the public or other stakeholders during the nomination process described in paragraph (5); and

(E) any other factor as determined by the Secretary.

(4) ADJACENT LAND STATUS.—For each parcel of land on the priority list, the Secretary shall include in the priority list whether resolving the issue of public access or egress to the land would require acquisition of an easement, right-of-way, or fee title from—

(A) another Federal agency;

(B) a State, local, or tribal government; or

(C) a private landowner.

(5) NOMINATION PROCESS.—In preparing a priority list under this section, the Secretary shall provide an opportunity for members of the public to nominate parcels for inclusion on the priority list.

(c) ACCESS OPTIONS.—With respect to land included on a priority list described in subsection (b), the Secretary shall develop and submit to the Committees on Appropriations and Energy and Natural Resources of the Senate and the Committees on Appropriations and Natural Resources of the House of Representatives a report on options for providing access that—

(1) identifies how public access and egress could reasonably be provided to the legal boundaries of the land in a manner that minimizes the impact on wildlife habitat and water quality;

(2) specifies the steps recommended to secure the access and egress, including acquiring an easement, right-of-way, or fee title from a willing owner of any land that abuts the land or the need to coordinate with State land management agencies or other Federal, State, or tribal governments to allow for such access and egress; and

(3) is consistent with the travel management plan in effect on the land.

(d) PROTECTION OF PERSONALLY IDENTIFYING INFORMATION.—In making the priority list and report prepared under subsections (b) and (c) available, the Secretary shall ensure that no personally identifying information is included, such as names or addresses of individuals or entities.

(e) WILLING OWNERS.—For purposes of providing any permits to, or entering into agreements with, a State, local, or tribal government or private landowner with respect to the use of land under the jurisdiction of the government or landowner, the Secretary shall not take into account whether the State, local, or tribal government or private landowner has granted or denied public access or egress to the land.

(f) MEANS OF PUBLIC ACCESS AND EGRESS INCLUDED.—In considering public access and egress under subsections (b) and (c), the Secretary shall consider public access and egress to the legal boundaries of the land described in those subsections, including access and egress—

(1) by motorized or non-motorized vehicles; and

(2) on foot or horseback.

(g) EFFECT.—

(1) IN GENERAL.—This section shall have no effect on whether a particular recreational use shall be allowed on the land included in a priority list under this section.

(2) EFFECT OF ALLOWABLE USES ON AGENCY CONSIDERATION.—In preparing the priority list under subsection (b), the Secretary shall only consider recreational uses that are allowed on the land at the time that the priority list is prepared.

PART V—FEDERAL LAND TRANSACTION FACILITATION ACT

SEC. 6241. FEDERAL LAND TRANSACTION FACILITATION ACT.

(a) IN GENERAL.—The Federal Land Transaction Facilitation Act is amended—

(1) in section 203(2) (43 U.S.C. 2302(2)), by striking ''on the date of enactment of this Act was'' and inserting ''is'';

(2) in section 205 (43 U.S.C. 2304)—

(A) in subsection (a), by striking ''(as in effect on the date of enactment of this Act)''; and

(B) by striking subsection (d);

(3) in section 206 (43 U.S.C. 2305), by striking subsection (f); and

(4) in section 207(b) (43 U.S.C. 2306(b))—

(A) in paragraph (1)—

(i) by striking ''96–568'' and inserting ''96–586''; and

(ii) by striking ''; or'' and inserting a semicolon;

(B) in paragraph (2)—

(i) by inserting ''Public Law 105–263;'' before ''112 Stat.''; and

(ii) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(3) the White Pine County Conservation, Recreation, and Development Act of 2006 (Public Law 109–432; 120 Stat. 3028);

''(4) the Lincoln County Conservation, Recreation, and Development Act of 2004 (Public Law 108–424; 118 Stat. 2403);

''(5) subtitle F of title I of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 1132 note; Public Law 111–11);

''(6) subtitle O of title I of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 460www note, 1132 note; Public Law 111–11);

''(7) section 2601 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1108); or

''(8) section 2606 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1121).''.

(b) FUNDS TO TREASURY.—Of the amounts deposited in the Federal Land Disposal Account, there shall be transferred to the general fund of the Treasury $1,000,000 for each of fiscal years 2016 through 2025.

PART VI—MISCELLANEOUS

SEC. 6251. RESPECT FOR TREATIES AND RIGHTS.

Nothing in this subtitle or the amendments made by this subtitle—

(1) affects or modifies any treaty or other right of any federally recognized Indian tribe; or

(2) modifies any provision of Federal law relating to migratory birds or to endangered or threatened species.

SEC. 6252. NO PRIORITY.

Nothing in this subtitle or the amendments made by this subtitle provides a preference to hunting, fishing, or recreational shooting over any other use of Federal land or water.

Subtitle D—Water Infrastructure and Related Matters

PART I—FONTENELLE RESERVOIR

SEC. 6301. AUTHORITY TO MAKE ENTIRE ACTIVE CAPACITY OF FONTENELLE RESERVOIR AVAILABLE FOR USE.

(a) IN GENERAL.—The Secretary of the Interior, in cooperation with the State of Wyoming, may amend the Definite Plan Report for the Seedskadee Project authorized under the first section of the Act of April 11, 1956 (commonly known as the ''Colorado River Storage Project Act'') (43 U.S.C. 620), to provide for the study, design, planning, and construction activities that will enable the use of all active storage capacity (as may be defined or limited by legal, hydrologic, structural, engineering, economic, and environmental considerations) of Fontenelle Dam and Reservoir, including the placement of sufficient riprap on the upstream face of Fontenelle Dam to allow the active storage capacity of Fontenelle Reservoir to be used for those purposes for which the Seedskadee Project was authorized.

(b) COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—The Secretary of the Interior may enter into any contract, grant, cooperative agreement, or other agreement that is necessary to carry out subsection (a).

(2) STATE OF WYOMING.—

(A) IN GENERAL.—The Secretary of the Interior shall enter into a cooperative agreement with the State of Wyoming to work in cooperation and collaboratively with the State of Wyoming for planning, design, related preconstruction activities, and construction of any modification of the Fontenelle Dam under subsection (a).

(B) REQUIREMENTS.—The cooperative agreement under subparagraph (A) shall, at a minimum, specify the responsibilities of the Secretary of the Interior and the State of Wyoming with respect to—

(i) completing the planning and final design of the modification of the Fontenelle Dam under subsection (a);

(ii) any environmental and cultural resource compliance activities required for the modification of the Fontenelle Dam under subsection (a) including compliance with—

(I) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(II) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(III) subdivision 2 of division A of subtitle III of title 54, United States Code; and

(iii) the construction of the modification of the Fontenelle Dam under subsection (a).

(c) FUNDING BY STATE OF WYOMING.—Pursuant to the Act of March 4, 1921 (41 Stat. 1404, chapter 161; 43 U.S.C. 395), and as a condition of providing any additional storage under subsection (a), the State of Wyoming shall provide to the Secretary of the Interior funds for any work carried out under subsection (a).

(d) OTHER CONTRACTING AUTHORITY.—

(1) IN GENERAL.—The Secretary of the Interior may enter into contracts with the State of Wyoming, on such terms and conditions as the Secretary of the Interior and the State of Wyoming may agree, for division of any additional active capacity made available under subsection (a).

(2) TERMS AND CONDITIONS.—Unless otherwise agreed to by the Secretary of the Interior and the State of Wyoming, a contract entered into under paragraph (1) shall be subject to the terms and conditions of Bureau of Reclamation Contract No. 14–06–400–2474 and Bureau of Reclamation Contract No. 14–06–400–6193.

SEC. 6302. SAVINGS PROVISIONS.

Unless expressly provided in this part, nothing in this part modifies, conflicts with, preempts, or otherwise affects—

(1) the Act of December 31, 1928 (43 U.S.C. 617 et seq.) (commonly known as the ''Boulder Canyon Project Act'');

(2) the Colorado River Compact of 1922, as approved by the Presidential Proclamation of June 25, 1929 (46 Stat. 3000);

(3) the Act of July 19, 1940 (43 U.S.C. 618 et seq.) (commonly known as the ''Boulder Canyon Project Adjustment Act'');

(4) the Treaty between the United States of America and Mexico relating to the utilization of waters of the Colorado and Tijuana Rivers and of the Rio Grande, and supplementary protocol signed November 14, 1944, signed at Washington February 3, 1944 (59 Stat. 1219);

(5) the Upper Colorado River Basin Compact as consented to by the Act of April 6, 1949 (63 Stat. 31);

(6) the Act of April 11, 1956 (commonly known as the ''Colorado River Storage Project Act'') (43 U.S.C. 620 et seq.);

(7) the Colorado River Basin Project Act (Public Law 90–537; 82 Stat. 885); or

(8) any State of Wyoming or other State water law.

PART II—BUREAU OF RECLAMATION TRANSPARENCY

SEC. 6311. FINDINGS.

Congress finds that—

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

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

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

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

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

SEC. 6312. DEFINITIONS.

In this part:

(1) ASSET.—

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 6313. ASSET MANAGEMENT REPORT ENHANCEMENTS FOR RESERVED WORKS.

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

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

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

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

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

(b) INFRASTRUCTURE MAINTENANCE NEEDS ASSESSMENT.—

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

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

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

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

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

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

(3) RATING REQUIREMENTS.—

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

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

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

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

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

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

(c) UPDATES.—Not later than 2 years after the date on which the Asset Management Report is submitted under subsection (a) and biennially thereafter, the Secretary shall update the Asset Management Report, subject to the requirements of section 6314(b)(2).

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

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

(2) water and power contractors.

SEC. 6314. ASSET MANAGEMENT REPORT ENHANCEMENTS FOR TRANSFERRED WORKS.

(a) IN GENERAL.—The Secretary shall coordinate with the non-Federal entities responsible for the operation and maintenance of transferred works in developing reporting requirements for Asset Management Reports with respect to major repair and rehabilitation needs for transferred works that are similar to the reporting requirements described in section 6313(b).

(b) GUIDANCE.—

(1) IN GENERAL.—After considering input from water and power contractors of the Bureau of Reclamation, the Secretary shall develop and implement a rating system for transferred works that incorporates, to the maximum extent practicable, the rating system for major repair and rehabilitation needs for reserved works developed under section 6313(b)(3).

(2) UPDATES.—The ratings system developed under paragraph (1) shall be included in the updated Asset Management Reports under section 6313(c).

SEC. 6315. OFFSET.

Notwithstanding any other provision of law, in the case of the project authorized by section 1617 of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h–12c), the maximum amount of the Federal share of the cost of the project

under section 1631(d)(1) of that Act (43 U.S.C. 390h–13(d)(1)) otherwise available as of the date of enactment of this Act shall be reduced by $2,000,000.

PART III—YAKIMA RIVER BASIN WATER ENHANCEMENT

SEC. 6321. SHORT TITLE.

This part may be cited as the ''Yakima River Basin Water Enhancement Project Phase III Act of 2016''.

SEC. 6322. MODIFICATION OF TERMS, PURPOSES, AND DEFINITIONS.

(a) MODIFICATION OF TERMS.—Title XII of Public Law 103–434 (108 Stat. 4550) is amended—

(1) by striking ''Yakama Indian'' each place it appears (except section 1204(g)) and inserting ''Yakama''; and

(2) by striking ''Superintendent'' each place it appears and inserting ''Manager''.

(b) MODIFICATION OF PURPOSES.—Section 1201 of Public Law 103–434 (108 Stat. 4550) is amended—

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

''(1) to protect, mitigate, and enhance fish and wildlife and the recovery and maintenance of self-sustaining harvestable populations of fish and other aquatic life, both anadromous and resident species, throughout their historic distribution range in the Yakima Basin through—

''(A) improved water management and the constructions of fish passage at storage and diversion dams, as authorized under the Hoover Power Plant Act of 1984 (43 U.S.C. 619 et seq.);

''(B) improved instream flows and water supplies;

''(C) improved water quality, watershed, and ecosystem function;

''(D) protection, creation, and enhancement of wetlands; and

''(E) other appropriate means of habitat improvement;'';

(2) in paragraph (2), by inserting '', municipal, industrial, and domestic water supply and use purposes, especially during drought years, including reducing the frequency and severity of water supply shortages for proratable irrigation entities'' before the semicolon at the end;

(3) by striking paragraph (4);

(4) by redesignating paragraph (3) as paragraph (4);

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

''(3) to authorize the Secretary to make water available for purchase or lease for meeting municipal, industrial, and domestic water supply purposes;'';

(6) by redesignating paragraphs (5) and (6) as paragraphs (6) and (8), respectively;

(7) by inserting after paragraph (4) (as so redesignated) the following:

''(5) to realize sufficient water savings from implementing the Yakima River Basin Integrated Water Resource Management Plan, so that not less than 85,000 acre feet of water savings are achieved by implementing the first phase of the Integrated Plan pursuant to section 1213(a), in addition to the 165,000 acre feet of water savings targeted through the Basin Conservation Program, as authorized on October 31, 1994;'';

(8) in paragraph (6) (as so redesignated)—

(A) by inserting ''an increase in'' before ''voluntary''; and

(B) by striking ''and'' at the end;

(9) by inserting after paragraph (6) (as so redesignated) the following:

''(7) to encourage an increase in the use of, and reduce the barriers to, water transfers, leasing, markets, and other voluntary transactions among public and private entities to enhance water management in the Yakima River basin;'';

(10) in paragraph (8) (as redesignated by paragraph (6)), by striking the period at the end and inserting a semicolon; and

(11) by adding at the end the following:

''(9) to improve the resilience of the ecosystems, economies, and communities in the Basin as they face drought, hydrologic changes, and other related changes and variability in natural and human systems, for the benefit of both the people and the fish and wildlife of the region; and

''(10) to authorize and implement the Yakima River Basin Integrated Water Resource Management Plan as Phase III of the Yakima River Basin Water Enhancement Project, as a balanced and cost-effective approach to maximize benefits to the communities and environment in the Basin.''.

(c) MODIFICATION OF DEFINITIONS.—Section 1202 of Public Law 103–434 (108 Stat. 4550) is amended—

(1) by redesignating paragraphs (6), (7), (8), (9), (10), (11), (12), (13), and (14) as paragraphs (8), (10), (11), (13), (14), (15), (16), (18), and (19), respectively;

(2) by inserting after paragraph (5) the following:

''(6) DESIGNATED FEDERAL OFFICIAL.—The term 'designated Federal official' means the Commissioner of Reclamation (or a designee), acting pursuant to the charter of the Conservation Advisory Group.

''(7) INTEGRATED PLAN.—The terms 'Integrated Plan' and 'Yakima River Basin Integrated Water Resource Plan' mean the plan and activities authorized by the Yakima River Basin Water Enhancement Project Phase III Act of 2016 and the amendments made by that part, to be carried out in cooperation with and in addition to activities of the State of Washington and Yakama Nation.'';

(3) by inserting after paragraph (8) (as redesignated by paragraph (1)) the following:

''(9) MUNICIPAL, INDUSTRIAL, AND DOMESTIC WATER SUPPLY AND USE.—The term 'municipal, industrial, and domestic water supply and use' means the supply and use of water for—

''(A) domestic consumption (whether urban or rural);

''(B) maintenance and protection of public health and safety;

''(C) manufacture, fabrication, processing, assembly, or other production of a good or commodity;

''(D) production of energy;

''(E) fish hatcheries; or

''(F) water conservation activities relating to a use described in subparagraphs (A) through (E).'';

(4) by inserting after paragraph (11) (as redesignated by paragraph (1)) the following:

''(12) PRORATABLE IRRIGATION ENTITY.—The term 'proratable irrigation entity' means a district, project, or State-recognized authority, board of control, agency, or entity located in the Yakima River basin that—

''(A) manages and delivers irrigation water to farms in the basin; and

''(B) possesses, or the members of which possess, water rights that are proratable during periods of water shortage.''; and

(5) by inserting after paragraph (16) (as redesignated by paragraph (1)) the following:

''(17) YAKIMA ENHANCEMENT PROJECT; YAKIMA RIVER BASIN WATER ENHANCEMENT PROJECT.—The terms 'Yakima Enhancement Project' and 'Yakima River Basin Water Enhancement Project' mean the Yakima River basin water enhancement project authorized by Congress pursuant to this Act and other Acts (including Public Law 96–162 (93 Stat. 1241), section 109 of Public Law 98–381 (16 U.S.C. 839b note; 98 Stat. 1340), Public Law 105–62 (111 Stat. 1320), and Public Law 106–372 (114 Stat. 1425)) to promote water conservation, water supply, habitat, and stream enhancement improvements in the Yakima River basin.''.

SEC. 6323. YAKIMA RIVER BASIN WATER CONSERVATION PROGRAM.

Section 1203 of Public Law 103–434 (108 Stat. 4551) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the second sentence, by striking ''title'' and inserting ''section''; and

(ii) in the third sentence, by striking ''within 5 years of the date of enactment of this Act''; and

(B) in paragraph (2), by striking ''irrigation'' and inserting ''the number of irrigated acres'';

(2) in subsection (c)—

(A) in paragraph (2)—

(i) in each of subparagraphs (A) through (D), by striking the comma at the end and inserting a semicolon;

(ii) in subparagraph (E), by striking the comma at the end and inserting ''; and'';

(iii) in subparagraph (F), by striking ''Department of Wildlife of the State of Washington, and'' and inserting ''Department of Fish and Wildlife of the State of Washington.''; and

(iv) by striking subparagraph (G);

(B) in paragraph (3)—

(i) in each of subparagraphs (A) through (C), by striking the comma at the end and inserting a semicolon;

(ii) in subparagraph (D), by striking '', and'' and inserting a semicolon;

(iii) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(F) provide recommendations to advance the purposes and programs of the Yakima Enhancement Project, including the Integrated Plan.''; and

(C) by striking paragraph (4) and inserting the following:

''(4) AUTHORITY OF DESIGNATED FEDERAL OFFICIAL.—The designated Federal official may—

''(A) arrange and provide logistical support for meetings of the Conservation Advisory Group;

''(B) use a facilitator to serve as a moderator for meetings of the Conservation Advisory Group or provide additional logistical support; and

''(C) grant any request for a facilitator by any member of the Conservation Advisory Group.'';

(3) in subsection (d), by adding at the end the following:

''(4) PAYMENT OF LOCAL SHARE BY STATE OR FEDERAL GOVERNMENT.—

''(A) IN GENERAL.—The State or the Federal Government may fund not more than the 17.5 percent local share of the costs of the Basin Conservation Program in exchange for the long-term use of conserved water, subject to the requirement that the funding by the Federal Government of the local share of the costs shall provide a quantifiable public benefit in meeting Federal responsibilities in the Basin and the purposes of this title.

''(B) USE OF CONSERVED WATER.—The Yakima Project Manager may use water resulting from conservation measures taken under this title, in addition to water that the Bureau of Reclamation may acquire from any willing seller through purchase, donation, or lease, for water management uses pursuant to this title.'';

(4) in subsection (e), by striking the first sentence and inserting the following: ''To participate in the Basin Conservation Program, as described in subsection (b), an entity shall submit to the Secretary a proposed water conservation plan.'';

(5) in subsection (i)(3)—

(A) by striking ''purchase or lease'' each place it appears and inserting ''purchase, lease, or management''; and

(B) in the third sentence, by striking ''made immediately upon availability'' and all that follows through ''Committee'' and inserting ''continued as needed to provide water to be used by the Yakima Project Manager as recommended by the System Operations Advisory Committee and the Conservation Advisory Group''; and

(6) in subsection (j)(4), in the first sentence, by striking ''initial acquisition'' and all that follows through ''flushing flows'' and inserting ''acquisition of water from willing sellers or lessors specifically to provide improved instream flows for anadromous and resident fish and other aquatic life, including pulse flows to facilitate outward migration of anadromous fish''.

SEC. 6324. YAKIMA BASIN WATER PROJECTS, OPERATIONS, AND AUTHORIZATIONS.

(a) YAKAMA NATION PROJECTS.—Section 1204 of Public Law 103–434 (108 Stat. 4555) is amended—

(1) in subsection (a)(2), in the first sentence, by striking ''not more than $23,000,000'' and inserting ''not more than $100,000,000''; and

(2) in subsection (g)—

(A) by striking the subsection heading and inserting ''REDESIGNATION OF YAKAMA INDIAN NATION TO YAKAMA NATION.—'';

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

''(1) REDESIGNATION.—The Confederated Tribes and Bands of the Yakama Indian Nation shall be known and designated as the 'Confederated Tribes and Bands of the Yakama Nation'.''; and

(C) in paragraph (2), by striking ''deemed to be a reference to the 'Confederated Tribes and Bands of the Yakama Indian Nation'.'' and inserting ''deemed to be a reference to the 'Confederated Tribes and Bands of the Yakama Nation'.''.

(b) OPERATION OF YAKIMA BASIN PROJECTS.—Section 1205 of Public Law 103–434 (108 Stat. 4557) is amended—

(1) in subsection (a)—

(A) in paragraph (4)—

(i) in subparagraph (A)—

(I) in clause (i)—

(aa) by inserting ''additional'' after ''secure'';

(bb) by striking ''flushing'' and inserting ''pulse''; and

(cc) by striking ''uses'' and inserting ''uses, in addition to the quantity of water provided under the treaty between the Yakama Nation and the United States'';

(II) by striking clause (ii);

(III) by redesignating clause (iii) as clause (ii); and

(IV) in clause (ii) (as so redesignated) by inserting ''and water rights mandated'' after ''goals''; and

(ii) in subparagraph (B)(i), in the first sentence, by inserting ''in proportion to the funding received'' after ''Program'';

(2) in subsection (b) (as amended by section 6322(a)(2)), in the second sentence, by striking ''instream flows for use by the Yakima Project Manager as flushing flows or as otherwise'' and inserting ''fishery purposes, as''; and

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

''(1) IN GENERAL.—Additional purposes of the Yakima Project shall be any of the following:

''(A) To recover and maintain self-sustaining harvestable populations of native fish, both anadromous and resident species, throughout their historic distribution range in the Yakima Basin.

''(B) To protect, mitigate, and enhance aquatic life and wildlife.

''(C) Recreation.

''(D) Municipal, industrial, and domestic use.''.

(c) LAKE CLE ELUM AUTHORIZATION OF APPROPRIATIONS.—Section 1206(a)(1) of Public Law 103–434 (108 Stat. 4560), is amended, in the matter preceding subparagraph (A), by striking ''at September'' and all that follows through ''to—'' and inserting ''not more than $12,000,000 to—''.

(d) ENHANCEMENT OF WATER SUPPLIES FOR YAKIMA BASIN TRIBUTARIES.—Section 1207 of Public Law 103–434 (108 Stat. 4560) is amended—

(1) in the heading, by striking ''**SUPPLIES**'' and inserting ''**MANAGEMENT**'';

(2) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''supplies'' and inserting ''management'';

(B) in paragraph (1), by inserting ''and water supply entities'' after ''owners''; and

(C) in paragraph (2)—

(i) in subparagraph (A), by inserting ''that choose not to participate or opt out of tributary enhancement projects pursuant to this section'' after ''water right owners''; and

(ii) in subparagraph (B), by inserting ''nonparticipating'' before ''tributary water users'';

(3) in subsection (b)—

(A) in paragraph (1)—

(i) by striking the paragraph designation and all that follows through ''(but not limited to)—'' and inserting the following:

''(1) IN GENERAL.—The Secretary, following consultation with the State of Washington, tributary water right owners, and the Yakama Nation, and on agreement of appropriate water right owners, is authorized to conduct studies to evaluate measures to further Yakima Project purposes on tributaries to the Yakima River. Enhancement programs that use measures authorized by this subsection may be investigated and implemented by the Secretary in tributaries to the Yakima River, including Taneum Creek, other areas, or tributary basins that currently or could potentially be provided supplemental or transfer water by entities, such as the Kittitas Reclamation District or the Yakima-Tieton Irrigation District, subject to the condition that activities may commence on completion of applicable and required feasibility studies, environmental reviews, and cost-benefit analyses that include favorable recommendations for further project development, as appropriate. Measures to evaluate include—'';

(ii) by indenting subparagraphs (A) through (F) appropriately;

(iii) in subparagraph (A), by inserting before the semicolon at the end the following: '', including irrigation efficiency improvements (in coordination with programs of the Department of Agriculture), consolidation of diversions or administration, and diversion scheduling or coordination'';

(iv) by redesignating subparagraphs (C) through (F) as subparagraphs (E) through (H), respectively;

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

''(C) improvements in irrigation system management or delivery facilities within the Yakima River basin when those improvements allow for increased irrigation system conveyance and corresponding reduction in diversion from tributaries or flow enhancements to tributaries through direct flow supplementation or groundwater recharge;

''(D) improvements of irrigation system management or delivery facilities to reduce or eliminate excessively high flows caused by the use of natural streams for conveyance or irrigation water or return water;'';

(vi) in subparagraph (E) (as redesignated by clause (iv)), by striking ''ground water'' and inserting ''groundwater recharge and'';

(vii) in subparagraph (G) (as redesignated by clause (iv)), by inserting ''or transfer'' after ''purchase''; and

(viii) in subparagraph (H) (as redesignated by clause (iv)), by inserting ''stream processes and'' before ''stream habitats'';

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking ''the Taneum Creek study'' and inserting ''studies under this subsection'';

(ii) in subparagraph (B)—

(I) by striking ''and economic'' and inserting '', infrastructure, economic, and land use''; and

(II) by striking ''and'' at the end;

(iii) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(D) any related studies already underway or undertaken.''; and

(C) in paragraph (3), in the first sentence, by inserting ''of each tributary or group of tributaries'' after ''study'';

(4) in subsection (c)—

(A) in the heading, by inserting ''**AND NONSURFACE STORAGE**'' after ''**NONSTORAGE**''; and

(B) in the matter preceding paragraph (1), by inserting ''and nonsurface storage'' after ''nonstorage'';

(5) by striking subsection (d);

(6) by redesignating subsection (e) as subsection (d); and

(7) in paragraph (2) of subsection (d) (as so redesignated)—

(A) in the first sentence—

(i) by inserting ''and implementation'' after ''investigation'';

(ii) by striking ''other'' before ''Yakima River''; and

(iii) by inserting ''and other water supply entities'' after ''owners''; and

(B) by striking the second sentence.

(e) CHANDLER PUMPING PLANT AND POWERPLANT-OPERATIONS AT PROSSER DIVERSION DAM.—Section 1208(d) of Public Law 103–434 (108 Stat. 4562; 114 Stat. 1425) is amended by inserting ''negatively'' before ''affected''.

(f) INTERIM COMPREHENSIVE BASIN OPERATING PLAN.—Section 1210(c) of Public Law 103–434 (108 Stat. 4564) is amended by striking ''$100,000'' and inserting ''$200,000''.

(g) ENVIRONMENTAL COMPLIANCE.—Section 1211 of Public Law 103–434 (108 Stat. 4564) is amended by striking ''$2,000,000'' and inserting ''$5,000,000''.

SEC. 6325. AUTHORIZATION OF PHASE III OF YAKIMA RIVER BASIN WATER ENHANCEMENT PROJECT.

Title XII of Public Law 103–434 (108 Stat. 4550) is amended by adding at the end the following:

''SEC. 1213. AUTHORIZATION OF THE INTEGRATED PLAN AS PHASE III OF YAKIMA RIVER BASIN WATER ENHANCEMENT PROJECT.

''(a) INTEGRATED PLAN.—

''(1) IN GENERAL.—The Secretary shall implement the Integrated Plan as Phase III of the Yakima River Basin Water Enhancement Project in accordance with this section and applicable laws.

''(2) INITIAL DEVELOPMENT PHASE OF THE INTEGRATED PLAN.—

''(A) IN GENERAL.—The Secretary, in coordination with the State of Washington and Yakama Nation and subject to feasibility studies, environmental reviews, and the availability of appropriations, shall implement an initial development phase of the Integrated Plan, to—

''(i) complete the planning, design, and construction or development of upstream and downstream fish passage facilities, as previously authorized by the Hoover Power

Plant Act of 1984 (43 U.S.C. 619 et seq.) at Cle Elum Reservoir and another Yakima Project reservoir identified by the Secretary as consistent with the Integrated Plan, subject to the condition that, if the Yakima Project reservoir identified by the Secretary contains a hydropower project licensed by the Federal Energy Regulatory Commission, the Secretary shall cooperate with the Federal Energy Regulatory Commission in a timely manner to ensure that actions taken by the Secretary are consistent with the applicable hydropower project license;

''(ii) negotiate long-term agreements with participating proratable irrigation entities in the Yakima Basin and, acting through the Bureau of Reclamation, coordinate between Bureaus of the Department of the Interior and with the heads of other Federal agencies to negotiate agreements concerning leases, easements, and rights-of-way on Federal land, and other terms and conditions determined to be necessary to allow for the non-Federal financing, construction, operation, and maintenance of—

''(I) new facilities needed to access and deliver inactive storage in Lake Kachess for the purpose of providing drought relief for irrigation (known as the 'Kachess Drought Relief Pumping Plant'); and

''(II) a conveyance system to allow transfer of water between Keechelus Reservoir to Kachess Reservoir for purposes of improving operational flexibility for the benefit of both fish and irrigation (known as the 'K to K Pipeline');

''(iii) participate in, provide funding for, and accept non-Federal financing for—

''(I) water conservation projects, not subject to the provisions of the Basin Conservation Program described in section 1203, that are intended to partially implement the Integrated Plan by providing 85,000 acre-feet of conserved water to improve tributary and mainstem stream flow; and

''(II) aquifer storage and recovery projects;

''(iv) study, evaluate, and conduct feasibility analyses and environmental reviews of fish passage, water supply (including groundwater and surface water storage), conservation, habitat restoration projects, and other alternatives identified as consistent with the purposes of this Act, for the initial and future phases of the Integrated Plan;

''(v) coordinate with and assist the State of Washington in implementing a robust water market to enhance water management in the Yakima River basin, including—

''(I) assisting in identifying ways to encourage and increase the use of, and reduce the barriers to, water transfers, leasing, markets, and other voluntary transactions among public and private entities in the Yakima River basin;

''(II) providing technical assistance, including scientific data and market information; and

''(III) negotiating agreements that would facilitate voluntary water transfers between entities, including as appropriate, the use of federally managed infrastructure; and

''(vi) enter into cooperative agreements with, or, subject to a minimum non-Federal cost-sharing requirement of 50 percent, make grants to, the Yakama Nation, the State of Washington, Yakima River basin irrigation districts, water districts, conservation districts, other local governmental entities, nonprofit organizations, and land owners to carry out this title under such terms and conditions as the Secretary may require, including the following purposes:

''(I) Land and water transfers, leases, and acquisitions from willing participants, so long as the acquiring entity shall hold title and be responsible for any and all required operations, maintenance, and management of that land and water.

''(II) To combine or relocate diversion points, remove fish barriers, or for other activities that increase flows or improve habitat in the Yakima River and its tributaries in furtherance of this title.

''(III) To implement, in partnership with Federal and non-Federal entities, projects to enhance the health and resilience of the watershed.

''(B) COMMENCEMENT DATE.—The Secretary shall commence implementation of the activities included under the initial development phase pursuant to this paragraph—

''(i) on the date of enactment of this section; and

''(ii) on completion of applicable feasibility studies, environmental reviews, and cost-benefit analyses that include favorable recommendations for further project development.

''(3) INTERMEDIATE AND FINAL PHASES.—

''(A) IN GENERAL.—The Secretary, in coordination with the State of Washington and in consultation with the Yakama Nation, shall develop plans for intermediate and final development phases of the Integrated Plan to achieve the purposes of this Act, including conducting applicable feasibility studies, environmental reviews, and other relevant studies needed to develop the plans.

''(B) INTERMEDIATE PHASE.—The Secretary shall develop an intermediate development phase to implement the Integrated Plan that, subject to authorization and appropriation, would commence not later than 10 years after the date of enactment of this section.

''(C) FINAL PHASE.—The Secretary shall develop a final development phase to implement the Integrated Plan that, subject to authorization and appropriation, would commence not later than 20 years after the date of enactment of this section.

''(4) CONTINGENCIES.—The implementation by the Secretary of projects and activities identified for implementation under the Integrated Plan shall be—

''(A) subject to authorization and appropriation;

''(B) contingent on the completion of applicable feasibility studies, environmental reviews, and cost-benefit analyses that include favorable recommendations for further project development;

''(C) implemented on public review and a determination by the Secretary that design, construction, and operation of a proposed project or activity is in the best interest of the public; and

''(D) in compliance with all applicable laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq).

''(5) PROGRESS REPORT.—

''(A) IN GENERAL.—Not later than 5 years after the date of enactment of this section, the Secretary, in conjunction with the State of Washington and in consultation with the Yakama Nation, 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 progress report on the development and implementation of the Integrated Plan.

''(B) REQUIREMENTS.—The progress report under this paragraph shall—

''(i) provide a review and reassessment, if needed, of the objectives of the Integrated Plan, as applied to all elements of the Integrated Plan;

''(ii) assess, through performance metrics developed at the initiation of, and measured throughout the implementation of, the Integrated Plan, the degree to which the implementation of the initial development phase addresses the objectives and all elements of the Integrated Plan;

''(iii) identify the amount of Federal funding and non-Federal contributions received and expended during the period covered by the report;

''(iv) describe the pace of project development during the period covered by the report;

''(v) identify additional projects and activities proposed for inclusion in any future phase of the Integrated Plan to address the objectives of the Integrated Plan, as applied to all elements of the Integrated Plan; and

''(vi) for water supply projects—

''(I) provide a preliminary discussion of the means by which—

''(aa) water and costs associated with each recommended project would be allocated among authorized uses; and

''(bb) those allocations would be consistent with the objectives of the Integrated Plan; and

''(II) establish a plan for soliciting and formalizing subscriptions among individuals and entities for participation in any of the recommended water supply projects that will establish the terms for participation, including fiscal obligations associated with subscription.

''(b) FINANCING, CONSTRUCTION, OPERATION, AND MAINTENANCE OF KACHESS DROUGHT RELIEF PUMPING PLANT AND K TO K PIPELINE.—

''(1) AGREEMENTS.—Long-term agreements negotiated between the Secretary and participating proratable irrigation entities in the Yakima Basin for the non-Federal financing, construction, operation, and maintenance of the Drought Relief Pumping Plant and K to K Pipeline shall include provisions regarding—

''(A) responsibilities of the participating proratable irrigation entities for the planning, design, and construction of infrastructure in consultation and coordination with the Secretary;

''(B) property titles and responsibilities of the participating proratable irrigation entities for the maintenance of and liability for all infrastructure constructed under this title;

''(C) operation and integration of the projects by the Secretary in the operation of the Yakima Project;

''(D) costs associated with the design, financing, construction, operation, maintenance, and mitigation of projects, with the costs of Federal oversight and review to be nonreimbursable to the participating proratable irrigation entities and the Yakima Project; and

''(E) responsibilities for the pumping and operational costs necessary to provide the total water supply available made inaccessible due to drought pumping during the preceding 1 or more calendar years, in the event that the Kachess Reservoir fails to refill as a result of pumping drought storage water during the preceding 1 or more calendar years, which shall remain the responsibility of the participating proratable irrigation entities.

''(2) USE OF KACHESS RESERVOIR STORED WATER.—

''(A) IN GENERAL.—The additional stored water made available by the construction of facilities to access and deliver inactive storage in Kachess Reservoir under subsection (a)(2)(A)(ii)(I) shall—

''(i) be considered to be Yakima Project water;

''(ii) not be part of the total water supply available, as that term is defined in various court rulings; and

''(iii) be used exclusively by the Secretary—

''(I) to enhance the water supply in years when the total water supply available is not sufficient to provide 70 percent of proratable entitlements in order to make that additional water available up to 70 percent of

proratable entitlements to the Kittitas Reclamation District, the Roza Irrigation District, or other proratable irrigation entities participating in the construction, operation, and maintenance costs of the facilities under this title under such terms and conditions to which the districts may agree, subject to the conditions that—

''(aa) the Bureau of Indian Affairs, the Wapato Irrigation Project, and the Yakama Nation, on an election to participate, may also obtain water from Kachess Reservoir inactive storage to enhance applicable existing irrigation water supply in accordance with such terms and conditions to which the Bureau of Indian Affairs and the Yakama Nation may agree; and

''(bb) the additional supply made available under this clause shall be available to participating individuals and entities in proportion to the proratable entitlements of the participating individuals and entities, or in such other proportion as the participating entities may agree; and

''(II) to facilitate reservoir operations in the reach of the Yakima River between Keechelus Dam and Easton Dam for the propagation of anadromous fish.

''(B) EFFECT OF PARAGRAPH.—Nothing in this paragraph affects (as in existence on the date of enactment of this section) any contract, law (including regulations) relating to repayment costs, water right, or Yakama Nation treaty right.

''(3) COMMENCEMENT.—The Secretary shall not commence entering into agreements pursuant to subsection (a)(2)(A)(ii) or subsection (b)(1) or implementing any activities pursuant to the agreements before the date on which—

''(A) all applicable and required feasibility studies, environmental reviews, and cost-benefit analyses have been completed and include favorable recommendations for further project development, including an analysis of—

''(i) the impacts of the agreements and activities conducted pursuant to subsection (a)(2)(A)(ii) on adjacent communities, including potential fire hazards, water access for fire districts, community and homeowner wells, future water levels based on projected usage, recreational values, and property values; and

''(ii) specific options and measures for mitigating the impacts, as appropriate;

''(B) the Secretary has made the agreements and any applicable project designs, operations plans, and other documents available for public review and comment in the Federal Register for a period of not less than 60 days; and

''(C) the Secretary has made a determination, consistent with applicable law, that the agreements and activities to which the agreements relate—

''(i) are in the public interest; and

''(ii) could be implemented without significant adverse impacts to the environment.

''(4) ELECTRICAL POWER ASSOCIATED WITH KACHESS DROUGHT RELIEF PUMPING PLANT.—

''(A) IN GENERAL.—The Administrator of the Bonneville Power Administration, pursuant to the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839 et seq.), shall provide to the Secretary project power to operate the Kachess Pumping Plant constructed under this title if inactive storage in Kachess Reservoir is needed to provide drought relief for irrigation, subject to the requirements of subparagraphs (B) and (C).

''(B) DETERMINATION.—Power may be provided under subparagraph (A) only if—

''(i) there is in effect a drought declaration issued by the State of Washington;

''(ii) there are conditions that have led to 70 percent or less water delivery to proratable irrigation districts, as determined by the Secretary; and

''(iii) the Secretary determines that it is appropriate to provide power under that subparagraph.

''(C) PERIOD OF AVAILABILITY.—Power under subparagraph (A) shall be provided until the date on which the Secretary determines that power should no longer be provided under that subparagraph, but for not more than a 1-year period or the period during which the Secretary determines that drought mitigation measures are necessary in the Yakima River basin.

''(D) RATE.—The Administrator of the Bonneville Power Administration shall provide power under subparagraph (A) at the then-applicable lowest Bonneville Power Administration rate for public body, cooperative, and Federal agency customers firm obligations, which as of the date of enactment of this section is the priority firm Tier 1 rate, and shall not include any irrigation discount.

''(E) LOCAL PROVIDER.—During any period in which power is not being provided under subparagraph (A), the power needed to operate the Kachess Pumping Plant shall be obtained by the Secretary from a local provider.

''(F) COSTS.—The cost of power for such pumping, station service power, and all costs of transmitting power from the Federal Columbia River Power System to the Yakima Enhancement Project pumping facilities shall be borne by irrigation districts receiving the benefits of that water.

''(G) DUTIES OF COMMISSIONER.—The Commissioner of Reclamation shall be responsible for arranging transmission for deliveries of Federal power over the Bonneville system through applicable tariff and business practice processes of the Bonneville system and for arranging transmission for deliveries of power obtained from a local provider.

''(c) DESIGN AND USE OF GROUNDWATER RECHARGE PROJECTS.—

''(1) IN GENERAL.—Any water supply that results from an aquifer storage and recovery project shall not be considered to be a part of the total water supply available if—

''(A) the water for the aquifer storage and recovery project would not be available for use, but instead for the development of the project;

''(B) the aquifer storage and recovery project will not otherwise impair any water supply available for any individual or entity entitled to use the total water supply available; and

''(C) the development of the aquifer storage and recovery project will not impair fish or other aquatic life in any localized stream reach.

''(2) PROJECT TYPES.—The Secretary may provide technical assistance for, and participate in, any of the following 3 types of groundwater recharge projects (including the incorporation of groundwater recharge projects into Yakima Project operations, as appropriate):

''(A) Aquifer recharge projects designed to redistribute Yakima Project water within a water year for the purposes of supplementing stream flow during the irrigation season, particularly during storage control, subject to the condition that if such a project is designed to supplement a mainstem reach, the water supply that results from the project shall be credited to instream flow targets, in lieu of using the total water supply available to meet those targets.

''(B) Aquifer storage and recovery projects that are designed, within a given water year or over multiple water years—

''(i) to supplement or mitigate for municipal uses;

''(ii) to supplement municipal supply in a subsurface aquifer; or

''(iii) to mitigate the effect of groundwater use on instream flow or senior water rights.

''(C) Aquifer storage and recovery projects designed to supplement existing irrigation water supply, or to store water in subsurface aquifers, for use by the Kittitas Reclamation District, the Roza Irrigation District, or any other proratable irrigation entity participating in the repayment of the construction, operation, and maintenance costs of the facilities under this section during years in which the total water supply available is insufficient to provide to those proratable irrigation entities all water to which the entities are entitled, subject to the conditions that—

''(i) the Bureau of Indian Affairs, the Wapato Irrigation Project, and the Yakama Nation, on an election to participate, may also obtain water from aquifer storage to enhance applicable existing irrigation water supply in accordance with such terms and conditions to which the Bureau of Indian Affairs and the Yakama Nation may agree; and

''(ii) nothing in this subparagraph affects (as in existence on the date of enactment of this section) any contract, law (including regulations) relating to repayment costs, water right, or Yakama Nation treaty right.

''(d) FEDERAL COST-SHARE.—

''(1) IN GENERAL.—The Federal cost-share of a project carried out under this section shall be determined in accordance with the applicable laws (including regulations) and policies of the Bureau of Reclamation.

''(2) INITIAL PHASE.—The Federal cost-share for the initial development phase of the Integrated Plan shall not exceed 50 percent of the total cost of the initial development phase.

''(3) STATE AND OTHER CONTRIBUTIONS.—The Secretary may accept as part of the non-Federal cost-share of a project carried out under this section, and expend as if appropriated, any contribution (including in-kind services) by the State of Washington or any other individual or entity that the Secretary determines will enhance the conduct and completion of the project.

''(4) LIMITATION ON USE OF OTHER FEDERAL FUNDS.—Except as otherwise provided in this title, other Federal funds may not be used to provide the non-Federal cost-share of a project carried out under this section.

''(e) SAVINGS AND CONTINGENCIES.—Nothing in this section shall—

''(1) be a new or supplemental benefit for purposes of the Reclamation Reform Act of 1982 (43 U.S.C. 390aa et seq.);

''(2) affect any contract in existence on the date of enactment of the Yakima River Basin Water Enhancement Project Phase III Act of 2016 that was executed pursuant to the reclamation laws;

''(3) affect any contract or agreement between the Bureau of Indian Affairs and the Bureau of Reclamation;

''(4) affect, waive, abrogate, diminish, define, or interpret the treaty between the Yakama Nation and the United States; or

''(5) constrain the continued authority of the Secretary to provide fish passage in the Yakima Basin in accordance with the Hoover Power Plant Act of 1984 (43 U.S.C 619 et seq.).

''SEC. 1214. OPERATIONAL CONTROL OF WATER SUPPLIES.

''The Secretary shall retain authority and discretion over the management of project supplies to optimize operational use and flexibility to ensure compliance with all applicable Federal and State laws, treaty rights of the Yakama Nation, and legal obligations, including those contained in this Act. That authority and discretion includes

the ability of the United States to store, deliver, conserve, and reuse water supplies deriving from projects authorized under this title.''.

PART IV—RESERVOIR OPERATION IMPROVEMENT

SEC. 6331. RESERVOIR OPERATION IMPROVEMENT.

(a) DEFINITIONS.—In this section:

(1) RESERVED WORKS.—The term ''reserved works'' means any Bureau of Reclamation project facility at which the Secretary of the Interior carries out the operation and maintenance of the project facility.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Army.

(3) TRANSFERRED WORKS.—The term ''transferred works'' means a Bureau of Reclamation project facility, the operation and maintenance of which is carried out by a non-Federal entity, under the provisions of a formal operation and maintenance transfer contract.

(4) TRANSFERRED WORKS OPERATING ENTITY.—The term ''transferred works operating entity'' means the organization that is contractually responsible for operation and maintenance of transferred works.

(b) REPORT.—Not later than 360 days after the date of enactment of this Act, the Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Environment and Public Works of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives a report including, for any State in which a county designated by the Secretary of Agriculture as a drought disaster area during water year 2015 is located, a list of projects, including Corps of Engineers projects, and those non-Federal projects and transferred works that are operated for flood control in accordance with rules prescribed by the Secretary pursuant to section 7 of the Act of December 22, 1944 (commonly known as the ''Flood Control Act of 1944'') (58 Stat. 890, chapter 665), including, as applicable—

(1) the year the original water control manual was approved;

(2) the year for any subsequent revisions to the water control plan and manual of the project;

(3) a list of projects for which—

(A) operational deviations for drought contingency have been requested;

(B) the status of the request; and

(C) a description of how water conservation and water quality improvements were addressed; and

(4) a list of projects for which permanent or seasonal changes to storage allocations have been requested, and the status of the request.

(c) PROJECT IDENTIFICATION.—Not later than 60 days after the date of completion of the report under subsection (b), the Secretary shall identify any projects described in the report—

(1) for which the modification of the water operations manuals, including flood control rule curve, would be likely to enhance existing authorized project purposes, including for water supply benefits and flood control operations;

(2) for which the water control manual and hydrometeorological information establishing the flood control rule curves of the project have not been substantially revised during the 15-year period ending on the date of review by the Secretary; and

(3) for which the non-Federal sponsor or sponsors of a Corps of Engineers project, the owner of a non-Federal project, or the non-Federal transferred works operating entity, as applicable, has submitted to the Secretary a written request to revise water operations manuals, including flood control rule curves, based on the use of improved weather forecasting or run-off forecasting methods, new watershed data, changes to project operations, or structural improvements.

(d) PILOT PROJECTS.—

(1) IN GENERAL.—Not later than 1 year after the date of identification of projects under subsection (c), if any, the Secretary shall carry out not fewer than 15 pilot projects, which shall include not less than 6 non-Federal projects, to implement revisions of water operations manuals, including flood control rule curves, based on the best available science, which may include—

(A) forecast-informed operations;

(B) new watershed data; and

(C) if applicable, in the case of non-Federal projects, structural improvements.

(2) CONSULTATION.—In implementing a pilot project under this subsection, the Secretary shall consult with all affected interests, including—

(A) non-Federal entities responsible for operations and maintenance costs of a Federal facility;

(B) individuals and entities with storage entitlements; and

(C) local agencies with flood control responsibilities downstream of a facility.

(e) COORDINATION WITH NON-FEDERAL PROJECT ENTITIES.—If a project identified under subsection (c) is—

(1) a non-Federal project, the Secretary, prior to carrying out an activity under this section, shall—

(A) consult with the non-Federal project owner; and

(B) enter into a cooperative agreement, memorandum of understanding, or other agreement with the non-Federal project owner describing the scope and goals of the activity and the coordination among the parties; and

(2) a Federal project, the Secretary, prior to carrying out an activity under this section, shall—

(A) consult with each Federal and non-Federal entity (including a municipal water district, irrigation district, joint powers authority, transferred works operating entity, or other local governmental entity) that currently—

(i) manages (in whole or in part) a Federal dam or reservoir; or

(ii) is responsible for operations and maintenance costs; and

(B) enter into a cooperative agreement, memorandum of understanding, or other agreement with each such entity describing the scope and goals of the activity and the coordination among the parties.

(f) CONSIDERATION.—In designing and implementing a forecast-informed reservoir operations plan under subsection (d) or (g), the Secretary may consult with the appropriate agencies within the Department of the Interior and the Department of Commerce with expertise in atmospheric, meteorological, and hydrologic science to consider—

(1) the relationship between ocean and atmospheric conditions, including—

(A) the El Niño and La Niña cycles; and

(B) the potential for above-normal, normal, and below-normal rainfall for the coming water year, including consideration of atmospheric river forecasts;

(2) the precipitation and runoff index specific to the basin and watershed of the relevant dam or reservoir, including incorporating knowledge of hydrological and meteorological conditions that influence the timing and quantity of runoff;

(3) improved hydrologic forecasting for precipitation, snowpack, and soil moisture conditions;

(4) an adjustment of operational flood control rule curves to optimize water supply storage and reliability, hydropower production, environmental benefits for flows and temperature, and other authorized project benefits, without a reduction in flood safety; and

(5) proactive management in response to changes in forecasts.

(g) FUNDING.—The Secretary may accept and expend amounts from non-Federal entities and other Federal agencies to fund all or a portion of the cost of carrying out a review or revision of operational documents, including water control plans, water control manuals, water control diagrams, release schedules, rule curves, operational agreements with non-Federal entities, and any associated environmental documentation for—

(1) a Corps of Engineers project;

(2) a non-Federal project regulated for flood control by the Secretary; or

(3) a Bureau of Reclamation transferred works regulated for flood control by the Secretary.

(h) EFFECT.—

(1) MANUAL REVISIONS.—A revision of a manual shall not interfere with the authorized purposes of a Federal project or the existing purposes of a non-Federal project regulated for flood control by the Secretary.

(2) EFFECT OF SECTION.—

(A) Nothing in this section authorizes the Secretary to carry out, at a Federal dam or reservoir, any project or activity for a purpose not otherwise authorized as of the date of enactment of this Act.

(B) Nothing in this section affects or modifies any obligation of the Secretary under State law.

(3) BUREAU OF RECLAMATION RESERVED WORKS EXCLUDED.—This section—

(A) shall not apply to any dam or reservoir operated by the Bureau of Reclamation as a reserved work, unless all non-Federal project sponsors of a reserved work jointly provide to the Secretary a written request for application of this section to the project; and

(B) shall apply only to Bureau of Reclamation transferred works at the written request of the transferred works operating entity.

(i) MODIFICATIONS TO MANUALS AND CURVES.—Not later than 180 days after the date of completion of a modification to an operations manual or flood control rule curve, the Secretary shall submit to the Congress a report regarding the components of the forecast-based reservoir operations plan incorporated into the change.

PART V—HYDROELECTRIC PROJECTS

SEC. 6341. TERROR LAKE HYDROELECTRIC PROJECT UPPER HIDDEN BASIN DIVERSION AUTHORIZATION.

(a) DEFINITIONS.—In this section:

(1) TERROR LAKE HYDROELECTRIC PROJECT.—The term ''Terror Lake Hydroelectric Project'' means the project identified in section 1325 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3212), and which is Federal Energy Regulatory Commission project number 2743.

(2) UPPER HIDDEN BASIN DIVERSION EXPANSION.—The term ''Upper Hidden Basin Diversion Expansion'' means the expansion of the Terror Lake Hydroelectric Project as generally described in Exhibit E to the Upper Hidden Basin Grant Application dated July 2, 2014 and submitted to the Alaska Energy Authority Renewable Energy Fund Round VIII by Kodiak Electric Association, Inc.

(b) AUTHORIZATION.—The licensee for the Terror Lake Hydroelectric Project may occupy not more than 20 acres of Federal land to construct, operate, and maintain the Upper Hidden Basin Diversion Expansion without further authorization of the Secretary of the Interior or under the Alaska

National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.).

(c) SAVINGS CLAUSE.—The Upper Hidden Basin Diversion Expansion shall be subject to appropriate terms and conditions included in an amendment to a license issued by the Federal Energy Regulatory Commission pursuant to the Federal Power Act (16 U.S.C. 791a et seq.), including section 4(e) of that Act (16 U.S.C. 797(e)), following an environmental review by the Commission under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 6342. STAY AND REINSTATEMENT OF FERC LICENSE NO. 11393 FOR THE MAHONEY LAKE HYDROELECTRIC PROJECT.

(a) DEFINITIONS.—In this section:

(1) COMMISSION.—The term ''Commission'' means the Federal Energy Regulatory Commission.

(2) LICENSE.—The term ''license'' means the license for Commission project number 11393.

(3) LICENSEE.—The term ''licensee'' means the holder of the license.

(b) STAY OF LICENSE.—On the request of the licensee, the Commission shall issue an order continuing the stay of the license.

(c) LIFTING OF STAY.—On the request of the licensee, but not later than 10 years after the date of enactment of this Act, the Commission shall—

(1) issue an order lifting the stay of the license under subsection (b); and

(2) make the effective date of the license the date on which the stay is lifted under paragraph (1).

(d) EXTENSION OF LICENSE.—On the request of the licensee and notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) for commencement of construction of the project subject to the license, the Commission shall, after reasonable notice and in accordance with the good faith, due diligence, and public interest requirements of that section, extend the time period during which the licensee is required to commence the construction of the project for not more than 3 consecutive 2-year periods, notwithstanding any other provision of law.

(e) EFFECT.—Nothing in this section prioritizes, or creates any advantage or disadvantage to, Commission project number 11393 under Federal law, including the Federal Power Act (16 U.S.C. 791a et seq.) or the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.), as compared to—

(1) any electric generating facility in existence on the date of enactment of this Act; or

(2) any electric generating facility that may be examined, proposed, or developed during the period of any stay or extension of the license under this section.

SEC. 6343. EXTENSION OF DEADLINE FOR HYDROELECTRIC PROJECT.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission (referred to in this section as the ''Commission'') project numbered 12642, the Commission may, at the request of the licensee for the project, and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the procedures of the Commission under that section, extend the time period during which the licensee is required to commence the construction of the project for up to 3 consecutive 2-year periods from the date of the expiration of the extension originally issued by the Commission.

(b) REINSTATEMENT OF EXPIRED LICENSE.—If the period required for commencement of construction of the project described in subsection (a) has expired prior to the date of enactment of this Act—

(1) the Commission shall reinstate the license effective as of the date of the expiration of the license; and

(2) the first extension authorized under subsection (a) shall take effect on that expiration date.

SEC. 6344. EXTENSION OF DEADLINE FOR CERTAIN OTHER HYDROELECTRIC PROJECTS.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission (referred to in this section as the ''Commission'') projects numbered 12737 and 12740, the Commission may, at the request of the licensee for the applicable project, and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the procedures of the Commission under that section, extend the time period during which the licensee is required to commence the construction of the applicable project for up to 3 consecutive 2-year periods from the date of the expiration of the extension originally issued by the Commission.

(b) REINSTATEMENT OF EXPIRED LICENSE.—If the period required for commencement of construction of a project described in subsection (a) has expired prior to the date of enactment of this Act—

(1) the Commission may reinstate the license for the applicable project effective as of the date of the expiration of the license; and

(2) the first extension authorized under subsection (a) shall take effect on that expiration.

SEC. 6345. EQUUS BEDS DIVISION EXTENSION.

Section 10(h) of Public Law 86–787 (74 Stat. 1026; 120 Stat. 1474) is amended by striking ''10 years'' and inserting ''20 years''.

SEC. 6346. EXTENSION OF TIME FOR A FEDERAL ENERGY REGULATORY COMMISSION PROJECT INVOLVING CANNONSVILLE DAM.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 13287, the Federal Energy Regulatory Commission (referred to in this section as the ''Commission'') may, at the request of the licensee for the project, and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the procedures of the Commission under that section, extend the time period during which the licensee is required to commence construction of the project for up to 4 consecutive 2-year periods after the required date of the commencement of construction described in Article 301 of the license.

(b) REINSTATEMENT OF EXPIRED LICENSE.—

(1) IN GENERAL.—If the required date of the commencement of construction described in subsection (a) has expired prior to the date of enactment of this Act, the Commission may reinstate the license effective as of that date of expiration.

(2) EXTENSION.—If the Commission reinstates the license under paragraph (1), the first extension authorized under subsection (a) shall take effect on the date of that expiration.

PART VI—PUMPED STORAGE HYDROPOWER COMPENSATION

SEC. 6351. PUMPED STORAGE HYDROPOWER COMPENSATION.

Not later than 180 days after the date of enactment of this Act, the Federal Energy Regulatory Commission shall initiate a proceeding to identify and determine the market, procurement, and cost recovery mechanisms that would—

(1) encourage development of pumped storage hydropower assets; and

(2) properly compensate those assets for the full range of services provided to the power grid, including—

(A) balancing electricity supply and demand;

(B) ensuring grid reliability; and

(C) cost-effectively integrating intermittent power sources into the grid.

SA 3229. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 44___. PROGRAM TO REDUCE THE POTENTIAL IMPACTS OF SOLAR ENERGY FACILITIES ON CERTAIN SPECIES.

In carrying out a program of the Department relating to solar energy or the conduct of solar energy projects using funds provided by the Department, the Secretary shall establish a program to undertake research that—

(1) identifies baseline avian populations and mortality; and

(2) quantifies the impacts of solar energy projects on birds, as compared to other threats to birds.

SA 3230. Mr. FRANKEN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 23___. ESTABLISHMENT OF STRATEGIC TRANSFORMER RESERVE.

Section 61004 of the Fixing America's Surface Transportation Act (Public Law 114–94) is amended—

(1) in subsection (c)(2)—

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

(B) by redesignating subparagraph (P) as subparagraph (Q); and

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

''(P) ways in which to prioritize the use of domestically sourced materials in manufacturing the components of the Strategic Transformer Reserve; and'';

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following:

''(d) ESTABLISHMENT.—On or after the date that is 180 days after the date on which the Strategic Transformer Reserve plan is submitted to Congress under subsection (c)(1), the Secretary may establish a Strategic Transformer Reserve in accordance with the Strategic Transformer Reserve plan.''.

SA 3231. Mr. HELLER (for himself and Mr. REED) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and

for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 23___. CONSIDERATION OF ENERGY STORAGE SYSTEMS.

(a) IN GENERAL.—Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end the following:

''(20) CONSIDERATION OF ENERGY STORAGE SYSTEMS.—Each State shall consider requiring that, as part of a supply side resource planning process, an electric utility of the State demonstrate to the State that the electric utility considered an investment in energy storage systems based on appropriate factors, including—

''(A) total costs and normalized life-cycle costs;

''(B) cost-effectiveness;

''(C) improved reliability;

''(D) security; and

''(E) system performance and efficiency.''.

(b) TIME LIMITATIONS.—Section 112(b) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(b)) is amended by adding at the end the following:

''(7)(A) Not later than 1 year after enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which the State regulatory authority has ratemaking authority) and each nonregulated utility shall commence the consideration referred to in section 111, or set a hearing date for consideration, with respect to the standard established by paragraph (20) of section 111(d).

''(B) Not later than 2 years after the date of enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which the State regulatory authority has ratemaking authority), and each nonregulated electric utility, shall complete the consideration, and shall make the determination, referred to in section 111 with respect to the standard established by paragraph (20) of section 111(d).''.

(c) FAILURE TO COMPLY.—Section 112(c) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(c)) is amended by adding at the end the following: ''In the case of the standard established by paragraph (20) of section 111(d), the reference contained in this subsection to the date of enactment of this Act shall be deemed to be a reference to the date of enactment of that paragraph.''.

(d) PRIOR STATE ACTIONS.—Section 112(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(d)) is amended in the matter preceding paragraph (1) by striking ''(19)'' and inserting ''(20)''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on February 2, 2016, at 10 a.m.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on February 2, 2016, at 5 p.m., to conduct a classified briefing entitled ''Russia, the European Union, and American Foreign Policy.''

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. PORTMAN. 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 2, 2016, at 10:15 a.m., to conduct a hearing entitled ''Frontline Response to Terrorism in America.''

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

COMMITTEE ON THE JUDICIARY

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on February 2, 2016, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''The Failures and Future of the EB–5 Regional Center Program: Can it be Fixed.''

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 2, 2016, at 2:45 p.m.

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

SUBCOMMITTEE ON ANTITRUST, COMPETITION POLICY, AND CONSUMER RIGHTS

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Antitrust, Competition Policy, and Consumer Rights be authorized to meet during the session of the Senate on February 2, 2016, at 2 p.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''License to Compete: Occupational Licensing and the State Action Doctrine.''

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

PRIVILEGES OF THE FLOOR

Mr. HATCH. Mr. President, I ask unanimous consent that Dane Karvois, a member of my staff, be granted floor privileges through the end of the 114th Congress.

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

Mrs. CANTWELL. Mr. President, I ask unanimous consent that Senator FRANKEN's energy policy fellow, Michael Glotter, be granted floor privileges for the remainder of this Congress.

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

Mr. FLAKE. Mr. President, I ask unanimous consent that two legislative fellows in my office, Dr. Lauren Stump and Mr. Tom Zarzecki, be granted floor privileges throughout the remainder of the year.

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

REQUIRING THE SECRETARY OF THE ARMY TO UNDERTAKE REMEDIATION OVERSIGHT OF THE WEST LAKE LANDFILL

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be discharged from further consideration of S. 2306 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 2306) to require the Secretary of the Army, acting through the Chief of Engineers, to undertake remediation oversight of the West Lake Landfill located in Bridgeton, Missouri.

There being no objection, the Senate proceeded to consider the bill.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the bill be read a third time and passed, and the motion to reconsider be considered made and laid upon the table.

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

The bill (S. 2306) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2306

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

SECTION 1. TRANSFER OF OVERSIGHT AUTHORITY FROM EPA TO CORPS OF ENGINEERS.

(a) DEFINITIONS.—In this section:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Army, acting through the Chief of Engineers.

(2) SITE.—The term ''site'' means the West Lake Landfill located in Bridgeton, Missouri.

(b) TRANSFER.—Notwithstanding any other provision of law, as soon as practicable after the date of enactment of this Act, the Secretary shall—

(1) under the Formerly Utilized Sites Remedial Action Program, undertake the functions and activities described in section 611 of the Energy and Water Development Appropriations Act, 2000 (10 U.S.C. 2701 note; 113 Stat. 502) as the lead agency responding to radioactive contamination at the site; and

(2) carry out remediation activities at the site in accordance with that section.

(c) COST RECOVERY.—The Secretary, in coordination with the Administrator of the Environmental Protection Agency and the Attorney General, shall—

(1) seek to recover any response costs incurred by the Secretary in carrying out this section in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); and

(2) return any funds that are recovered under paragraph (1) to be used to carry out the Formerly Utilized Sites Remedial Action Program of the Corps of Engineers.

(d) FUNDING.—The Secretary shall use amounts made available to the Secretary to carry out the Formerly Utilized Sites Remedial Action Program to carry out this section.

(e) SAVINGS PROVISIONS.—

(1) NO LIABILITY.—Nothing in subsection (b) creates liability for—

(A) the Secretary for—

(i) contamination at the site; or

(ii) any actions or failures to act by any past, current, or future licensees, owners, operators, or users of the site; or

(B) any other party involved with the site.

(2) NO EFFECT ON LIABILITY UNDER OTHER LAW.—Nothing in subsection (b) alters the liability of any party relating to the site under any other provision of law.

(3) NO EFFECT ON SUPERFUND STATUS; NATIONAL PRIORITIES LIST DESIGNATION.—Nothing in this Act affects the designation of the site as a Superfund site under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) or the listing of the site on the national priorities list under section 105 of that Act (42 U.S.C. 9605).

RESOLUTIONS SUBMITTED TODAY

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate now proceed to the en bloc consideration of the following Senate resolutions, which were submitted earlier today: S. Res. 353, S. Res. 354, S. Res. 355, and S. Res. 356.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be laid upon the table en bloc.

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

The resolutions were agreed to.

The preambles were agreed to.

(The resolutions, with their preambles, are printed in today's RECORD under ''Submitted Resolutions.'')

MEASURE READ THE FIRST TIME—H.R. 4168

Ms. MURKOWSKI. Mr. President, I understand that there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The bill clerk read as follows:

A bill (H.R. 4168) to amend the Small Business Investment Incentive Act of 1980 to require an annual review by the Securities and Exchange Commission of the annual government-business forum on capital formation that is held pursuant to such Act.

Ms. MURKOWSKI. Mr. President, I now ask for a second reading and, in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive a second reading on the next legislative day.

ORDERS FOR WEDNESDAY, FEBRUARY 3, 2016

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, February 3; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following leader remarks, the Senate be in a period of morning business for 1 hour, with Senators permitted to speak therein; further, that the time be equally divided, with the Democrats controlling the first half and the majority controlling the final half; further, that following morning business, the Senate then resume consideration of S. 2012; finally, that the filing deadline for all first-degree amendments to the Murkowski substitute amendment No. 2953 and the underlying bill, S. 2012, be at 1 p.m. tomorrow.

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

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Ms. MURKOWSKI. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:38 p.m., adjourned until Wednesday, February 3, 2016, at 9:30 a.m.