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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.

Eternal Spirit, the splendor of Your presence delights us. You have been our help in ages past. You are our hope for the years to come. Thank You for leading us beside the still waters of Your wisdom and through the green pastures of Your peace.

Empower our Senators for the tasks of this day. May they put right before expediency, others before self, principle before partisanship, and You before all else. Lord, keep our lawmakers under the canopy of Your care, sustaining them with Your grace amid all sunshine and shadow.

Lord, thank You that America still stands with lamp held aloft as a beacon of freedom for our world.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

RECOGNITION OF THE MAJORITY LEADER

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

FAA REAUTHORIZATION BILL

Mr. MCCONNELL. Mr. President, later this morning the Senate will have an opportunity to pass the FAA reauthorization and security bill, which aims to secure our airports and look out for American travelers.

This legislation received bipartisan support from the start, and it shows what is possible with a Senate that is back to work. Under the guidance of Senator THUNE, the Commerce Committee chairman, and Senator AYOTTE, the Aviation chair, this FAA reauthorization and security bill incorporated ideas from both sides as it moved through the legislative process. I also appreciate the work of Ranking Member NELSON and Ranking Member CANTWELL in working with them to advance it.

After 7 hearings and nearly 60 amendments accepted, the bill passed the Commerce Committee by a voice vote. On the floor, the bill managers continued listening and working with Senators from both sides to process more amendments that Members thought would make this good bill even stronger. For instance, they worked to include a number of additional security measures in an amendment that earned bipartisan support. That amendment aims to enhance inspections and vetting of airport workers to improve security for international flights arriving at U.S. airports and to help ensure perimeter security is reviewed.

In addition to these important security provisions, we accepted an amendment from Senator HEINRICH to shore up security in prescreening zones, which could be particularly vulnerable to attacks. We also adopted an amendment from Senators TOOMEY and CASEY that addresses the security of cockpit doors. I appreciate these and other Senators who put forth ideas to make the final product something both sides can support.

The FAA reauthorization and security bill will make important strides for our national security and for travelers. It does so without increasing fees or taxes on passengers. It does so without imposing heavyhanded regulations that can stifle consumers' choices. I look forward to supporting this legislation later this morning.

ENERGY POLICY MODERNIZATION BILL

Mr. MCCONNELL. Mr. President, moving forward, the Republican-led Senate will have another opportunity to pass bipartisan legislation—legislation aimed at modernizing America's energy policies. The Energy Policy Modernization Act is the result of more than a year's worth of work by our Energy and Natural Resources Committee chair Senator MURKOWSKI, and ranking member Senator CANTWELL. These Senators know it has been nearly a decade since the Senate considered major energy legislation, so they worked to do something about it. They also know that good policy results from good process, as this bill certainly demonstrates. It has meant working through countless listening sessions and oversight hearings; it has meant working through numerous amendment votes and debate hours; it has meant working to move this bipartisan Energy bill to final passage.

The Energy Policy Modernization Act aims to bring our energy policies in line with the demands of today and to position us to benefit from the energy opportunities of tomorrow. Here is how it can help achieve that goal: It expands domestic supply and improves efficiency. It addresses aging infrastructure and enhances safeguards. It promotes accountability and cuts through needless redtape. This broad, bipartisan bill does all these things. It builds on technological progress in order to strengthen and sustain America's energy advances. It protects our environment at the same time. It does all of this without raising taxes or adding a dime to the deficit.

Here is what that means for our country: It will help Americans save energy. It will help Americans produce more energy. It will help Americans pay less for energy. And, like the airport security legislation I mentioned earlier, the Energy Policy Modernization Act will help keep Americans safe.

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

It includes provisions to bolster our national security by strengthening our cyber security defense mechanisms.

This legislation will make significant strides for American energy policies, and it wouldn't have been possible without the bill managers' leadership and dedication. So I want to thank them again for their diligence in advancing this critical legislation closer to passage.

TRIBUTE TO POLICE CHIEF RICK McCUBBIN

Mr. McCONNELL. Mr. President, I would like to say a few words about my good friend Police Chief Rick McCubbin of the Bardstown Police Department. We learned yesterday that he will be retiring from service after 5 years as chief and nearly 30 years in law enforcement.

Chief McCubbin led his officers through some of the most troubling times in the police department's history. He did so with rigor and resolve, with grit and with grace.

Nearly 3 years ago, the Bardstown Police Department took a blow to its very core with the tragic assassination of Officer Jason Ellis, who was killed in an ambush while driving home in uniform and in a marked vehicle. Authorities have strong reason to believe the killing was retaliation from drug traffickers against a police department that was making significant progress in rooting out trafficking and making drug arrests.

Chief McCubbin was the leader of that effort to stamp out drug crime. He spoke eloquently on behalf of the whole department about the loss of their brother Jason, who will never be forgotten. I know that while the case remains unsolved today, he has led the effort to see Officer Ellis's killers brought to justice.

Chief McCubbin continued the fight against drug trafficking by seeing to it that Bardstown's surrounding Nelson County earned inclusion in the Appalachia High Intensity Drug Trafficking Area program, which we call HIDTA, back in 2014. HIDTA is not just another government acronym but a model that works. It couples Federal law enforcement with State and local task forces and the supplies, training, and technology they need. By getting Nelson County included in the HIDTA program, Chief McCubbin brought a powerful force multiplier to his department's own efforts to fight drug trafficking and keep the citizens of Bardstown safe.

It has been an honor to work with Chief Rick McCubbin over the years. He received the honor of Kentucky's Police Chief of the Year in 2015, and I know the people of Bardstown and Nelson County certainly appreciate his diligence and determination to fight crime and to keep them safe. I thank him for his service to Bardstown, to Kentucky, and to the Nation.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

ENERGY BILL

Mr. REID. Mr. President, I appreciate the Republican leader talking positively about the Energy bill, which we called the energy efficiency bill in the last two Congresses, when we tried so hard under the direction of Senator SHAHEEN from New Hampshire to get this done. We tried so very hard. We had many runs at it. There were promises from the Republicans; I don't need to mention names, but they know who they are: Let's get back on this bill. We will get it done. We have only three amendments. We have only two amendments. We did that time after time over 4 years. Every time, the obstruction would not go away, and we could not do the bill.

I am grateful that we have a bill now dealing with energy efficiency. The name has been changed, but it is the same bill. I hope that Senator SHAHEEN from New Hampshire has some degree of pride over what she started a long time ago. Her name is not on the legislation anymore, and I appreciate the junior Senator from Washington and the senior Senator from Alaska working hard to bring it to the floor today. We brought it to the point where we are today as a result of a very long struggle.

The Republican leader talks about the many years since we have had an Energy bill. The reason we didn't have one 4 years sooner is that they wouldn't let us. Gridlock, obstruction—the Republicans blocked Energy bills any chance they got. They insisted on offering amendments that weren't germane or relevant.

We are not acting the way they did. We want to get it done also. It is important for our country, and it is a positive step forward. I want to make sure there is a full understanding of the history behind this.

OKLAHOMA CITY BOMBING ANNIVERSARY AND NOMINATION OF MERRICK GARLAND

Mr. REID. Mr. President, 21 years ago today, in Oklahoma City at 9:02 a.m. Oklahoma City time, Timothy McVeigh detonated a bomb at the Federal building in Oklahoma City, killing 168 innocent people, and 19 of them were children who were there with their parents on business the family had. This was a work day, and Timothy McVeigh detonated that huge explosion. People could see the smoke from miles and miles away. It was the deadliest terrorist attack on American soil before 9/11.

I think we can all see—I know I can see in my mind's eye the images that were on television and the huge Federal building destroyed. It had been ripped in half. I recall, as I am sure people within the sound of my voice recall, the images of chaos: bloody, disoriented victims trying to determine if they were alive, if they had their arms, if they had their legs, if they had their mind, if they had their eyes. As soon as they got that straightened out, they started desperately trying to find and assist the injured.

This was a heart-wrenching day for our Nation. People watched the aftermath and wanted to help in any way they could.

One of those eager to help was a lawyer from the Department of Justice named Merrick Garland. His boss at the time was a well-known political figure, Deputy Attorney General Jamie Gorelick. She explained Garland's desire to go to Oklahoma City and help with the investigation. She said:

> Both of us had kids about the ages of the kids in the day care center [in Washington]. We were just sick to our stomachs. And Merrick said, ''I need to go.''

Merrick Garland went home that evening knowing that he would be gone for a while. He kissed his wife and his children, and he arrived in Oklahoma City less than 48 hours later.

At this time, Garland was a seasoned Federal prosecutor, having served as U.S. Attorney for the District of Columbia prior to taking a senior role in the Department of Justice. Those who knew him recall how competent he was. Having done some criminal defense work in my past, I know how difficult it is for somebody trying to defend somebody when you come up against a prosecutor with the reputation of Garland. They have a way about them to make the case simple in the minds of a judge and jury, even though there could be a very complicated set of facts. Those who worked with him recall him as unwavering in his commitment to the law. He followed the law. He followed procedure. He was guided by an acute sense of fairness. The New York Times reported:

> Former colleagues also recalled that Mr. Garland insisted on doing the investigation by the book, like obtaining subpoenas even when phone and truck rental companies volunteered to simply hand over the evidence, to avoid any future trial problems. He also made sure there was a prosecutor responsible for keeping relatives and victims informed about the case as it developed.

In speech after speech, the senior Senator from Iowa has insisted that a nominee to the Supreme Court should be ''supreme,'' should be someone who—and I quote him—''adheres to the Constitution and the rule of law and decides cases based on wherever the text takes him or her.''

Merrick Garland is the person the senior Senator from Iowa described. With an entire nation wanting justice served immediately to those responsible for the bombing, Garland and his team refused to take shortcuts. They did it the right way. They did it the Garland way. They adhered to the law every step of the way.

So impressive was Mr. Garland throughout the investigation and prosecution, that Steven Jones, the attorney for Timothy McVeigh—listen to this. Here is what the attorney for McVeigh said about Merrick Garland.

Personally he's above reproach. He has integrity. He has the skills.

Merrick Garland was also devoted to the victims and their families. Claudia Denny was the mother of children in the building's daycare center. Her children were critically injured, but they survived. They are alive. This is what she said of Merrick Garland:

Early on we got invited to the U.S. attorney's office. They wanted all of our concerns, and I think Judge Garland set that up where we all got our voice heard.

The Oklahoma City prosecution ended with convictions and guilty pleas for all who were involved. To this day, Oklahomans still revere Merrick Garland for his good work. Frank Keating, the Governor of Oklahoma at the time of the attack, has been outspoken in his praise of Judge Garland. He told NPR recently:

People don't understand when they're eating a good dinner on Friday night, there is a chef in the kitchen that did it. And in the case of what we saw after April 19, there was a chef in the kitchen that did it, and it was Merrick Garland.

The junior Senator from Oklahoma recently praised Judge Garland saying, ''I do plan to meet with Merrick Garland in my office in the weeks ahead to say thank you for what he did for Oklahoma during the bombing trial.

But that is as far as Senator LANKFORD has said he will go. He has made it clear that he will do nothing to help Garland get a hearing or a vote.

Following his work in the Oklahoma City case, Merrick Garland continued to work on other notable criminal cases. He oversaw the prosecution of the Unabomber, Ted Kaczynski, this evil man who is now in prison. Garland ran the investigation on the Atlanta Olympics bombing. He then went on to serve with distinction on the DC Circuit Court of Appeals, where he now serves as the chief judge.

Supreme Court Justice John Roberts once said of Garland's judicial expertise: ''Anytime Judge Garland disagrees, you know you are in a difficult area.'' It is time for Republicans to allow the American people to see Merrick Garland themselves, not have me talking about him but see him for themselves. This is a super star. This is somebody who should be on the Court. Republicans should allow the American people to see this man for what the people of Oklahoma and litigants in the courtrooms have known for many years: This is a special man.

Last year, as part of the 20th anniversary of the Oklahoma City attack, Judge Garland and some of his fellow prosecutors were awarded the Reflections of Hope Award by the Oklahoma City National Memorial. The honor is awarded to those who exemplify the belief that ''hope can survive and blossom amidst the tragedy and chaos.''

That is the hope Merrick Garland brought to Oklahoma in the aftermath of that vicious day. We are reminded of Judge Garland's contributions in securing justice in Oklahoma City and wherever he has gone. He is a brilliant man. He is academically brilliant. He is a man who was not given anything on a silver platter. In my meeting with him, I asked him how he handled the situation at Harvard. It is an expensive place. He said: Well, among other things, I sold my comic book collection.

Now, that does not sound like much to most people. But those coins, for example, that my little brother—we are separated by 22 months—has been collecting since he was a little boy mean a lot to him. Most of them are not worth too much. Some of them are.

Merrick Garland collected comic books. One of my best friend's sons collects comic books. It is something they do. It meant a lot to him. He had to get rid of them to get through college. He has inspired those around him through his hard work and commitment and fairness always. That is why it is so disappointing that Republicans are denying this man the common decency of a hearing so the American people can see him.

Why not let Merrick Garland speak for himself at a hearing? Why not let him make his own case to the American people and their elected Senators? There is no excuse to delay his nomination any longer. Senate Republicans should give Merrick Garland the hearings and the vote he deserves. Republicans need to simply do their job.

BOKO HARAM

Mr. REID. Mr. President, I want to say just a brief word on another subject. Last week marked another horrible anniversary, the 2-year anniversary since the terrorist group Boko Haram invaded a school in Nigeria and took away 300 little girls. They were girls. They were not young women. They were little girls.

The world watched as parents of the girls pleaded for help. People all over the world, including First Lady Michelle Obama, rallied behind the campaign ''Bring Back Our Girls.'' Despite the global outcry, most of these girls—the vast majority of these girls—are still missing 2 years later. But here is the horrible part about this—the shocking fate of some of these girls.

It has been a couple of years. They are older—teenagers. Boko Haram is weaponizing them, turning these little girls—they are now not so little—into suicide bombers. According to the United Nations Children's Emergency Fund, or UNICEF, in the 4 countries where Boko Haram operates, the number of children used in bombing attacks has sharply increased from 4 in 2014 to 44 last year. That record will be broken this year.

Nearly one out of every five bombers where Boko Haram is active is a child. Seventy-five percent of the child bombers are girls. As a father and grandfather of 19 children, I am sickened by what has happened to those schoolgirls. Although 2 years has passed since the abduction, the world must not forget the evil of this organization. We must be as resolved as ever to fight terrorism wherever it rears its ugly head. Whether it is ISIS or Boko Haram, we cannot stop. We must be vigilant.

Mr. President, the Chair announce the business that we are going to proceed with today.

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 for 1 hour, with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Vermont.

OKLAHOMA CITY BOMBING ANNIVERSARY AND NOMINATION OF MERRICK GARLAND

Mr. LEAHY. Mr. President, today we are going to remember the victims and families whose lives were forever changed by the bombing in Oklahoma City 21 years ago. This homegrown terrorist attack—this bombing shook our Nation to its core. In fact, it remains the worst act of homegrown terrorism our Nation has endured.

The destruction and the loss of life were overwhelming. This photograph I have never forgotten. The firefighter is carrying the limp and bloodied body of a toddler from the wreckage. Those of us who are parents and grandparents know the joy we have had in caring for children this age. You can only imagine the sadness of that firefighter. It symbolized the horror of the attack: 168 innocent lives perished that day; 19 of them were children.

The impact, of course, and the loss in the Oklahoma City community was enormous. Nearly everyone knew someone who had lost a friend or family member. The city's emergency services and their victims support resources were quickly overwhelmed. As the days went by and the needs mounted, it became clear that the existing State and Federal resources were simply insufficient to respond to such a massive attack.

So to respond to the victims' needs, I proposed, and Congress passed, the Victims of Terrorism Act of 1995. Among important matters, the legislation I wrote created an emergency reserve as part of the Crime Victims Fund to serve as an emergency resource in the wake of an act of terrorism or mass violence. Even though every one of us, Republicans and Democrats alike,

prayed there would never be such another act, we had, in my legislation, an emergency reserve, because without such a fund, State victim compensation and assistance programs are quickly overwhelmed. This new fund was critical to ensuring that additional resources got to the field quickly.

Over the last two decades, this fund has been instrumental in allowing the Federal government to immediately respond to the victims of other unspeakable acts of mass violence, including the 9/11 terrorist attack and more recently, the domestic terror attack in the Emanuel African Methodist Episcopal Church in Charleston, South Carolina.

Last month I met with the former Federal prosecutor who managed the investigation and the prosecutions of the Oklahoma City bombers. We talked about the prosecution. That former prosecutor was Chief Judge Merrick Garland. He was nominated to the Supreme Court last month. But before he was a judge and a nominee to serve on the highest Court in the land, he was a prosecutor and a senior official at the Justice Department. Those of us who have had the privilege of being prosecutors, none of us could ever think of facing what he did.

Immediately after hearing the news of the devastation in Oklahoma City, Merrick Garland turned to the Deputy Attorney General. He said, very simply: ''You need to send me there.'' The next day, Merrick Garland became the highest ranking Department of Justice official on the ground in Oklahoma City after the bombing. He helped to oversee every aspect of the criminal investigation and response. Years later, he still considers his work in Oklahoma City the most important in his life.

Chief Judge Garland's commitment to fairness during that difficult period and his work with the citizens of Oklahoma City were formative for him. I know from talking with him that it left a lasting impression on him, but it left especially a lasting impression on the people he served.

Last year, the Oklahoma City National Memorial & Museum honored Merrick Garland with a Reflections of Hope Award for his work on behalf of victims. After his nomination to the Supreme Court last month, the Oklahoma museum's Executive Director said: ''We are so proud that Judge Garland, who kept the family members and survivors front and center during his work in Oklahoma City, has been nominated.''

We have also heard from a team of former prosecutors, law enforcement agents, and victims' advocates who worked directly with Chief Judge Garland in the aftermath of the Oklahoma City bombing. They have written to the leadership of the Senate and the Judiciary Committee to highlight Chief Judge Garland's work on this terrorism case. They strongly support his nomination to the Supreme Court. The law enforcement team writes of Chief Judge Garland:

Twenty years ago, the nation could not find a better lawyer to manage the investigation and prosecution of what was then the worse crime ever committed on American soil. Today, our nation could not find a better judge, nor a more honorable man, to join its highest court.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter highlighting Chief Judge Garland's work on the Oklahoma City bombing.

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

APRIL 19, 2016.

Hon. MITCH MCCONNELL,
Majority Leader, U.S. Senate, Washington, DC.
Hon. HARRY REID,
Minority Leader, U.S. Senate, Washington, DC.
Hon. CHARLES E. GRASSLEY,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.
Hon. PATRICK J. LEAHY,
Ranking Member, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR MAJORITY LEADER MCCONNELL, MINORITY LEADER REID, CHAIRMAN GRASSLEY, AND RANKING MEMBER LEAHY: As former prosecutors, law enforcement agents and victim advocates who worked as a team with Merrick Garland, as well as state and local authorities, to secure justice for the thousands of victims of the Oklahoma City bombing, we write to offer our enthusiastic support for Chief Judge Garland to serve on the Supreme Court of the United States.

We are a diverse group: we live in different parts of the country and work in a variety of fields, we have no common political affiliation, and indeed some of us are occasionally adversaries in court. But despite those differences we are united today, as we were united two decades ago, in our respect and admiration for the integrity, brilliance, leadership, and judgment of Merrick Garland. Twenty years ago, the nation could not find a better lawyer to manage the investigation and prosecution of what was then the worst crime ever committed on American soil. Today, our nation could not find a better judge, nor a more honorable man, to join its highest court.

On April 19, 1995, while first responders were still searching for the injured and the dead in the ruins of the Alfred J. Murrah Federal Building, Merrick Garland worked with the folks on the ground to provide the best federal resources, personnel and counsel to assist with the investigation and prosecutions. He knew that the best thing he could do was to leave Washington and travel to Oklahoma City to ensure that the investigators, the prosecutors, the victims and the survivors had the full support of the Justice Department. He arrived to find the largest and most complex crime scene anyone in American law enforcement had ever encountered. He helped to ensure that the many different local, state, and federal law enforcement agencies worked together as a team, despite their sometimes differing ideas about how best to build a case. At the same time, he made sure the victims, the survivors and their families had the critical resources they needed to deal with the unspeakable losses they had suffered.

Once the two men responsible for the bombing had been identified and arrested, Judge Garland was careful to ensure that each was treated fairly and with dignity to ensure that no one could reasonably accuse the government of a rush to judgment. He meticulously oversaw every step of the prosecution's initial proceedings, building an overwhelming case and ensuring that no legal error would allow the bombers to escape responsibility for their atrocity. And with the victims' families and the nation desperate for information and justice, Judge Garland ensured that they would have both.

After the case was on a sound footing, Judge Garland returned to his critical responsibilities at the Justice Department, but maintained close contact with the rest of us who continued to work on the case. With his towering intellect, exceptionally sound judgment, and extraordinary decency, he provided the leadership and wise counsel that helped us face both novel legal issues in the courtroom and unprecedented challenges in supporting a community of victims that numbered in the thousands.

On a personal level, we all benefitted from having Judge Garland in our corner. For some of us, the bombing had ripped through our home town and killed and wounded neighbors and colleagues; for the rest of us who came to the task force from across the country, the case required many months away from friends and family. For all of us, working to secure justice for the victims and to reassure the nation that our judicial system could respond fairly but forcefully to such an act of domestic terrorism, the pressure to get it right was unyielding—and Judge Garland's support was critical. He was not just a supervisor; he was a mentor, a counselor, and a friend.

From the day of the Oklahoma City bombing until his judicial appointment at the start of the first of the trials, Merrick Garland provided our team with leadership, confidence, determination, and hope. If confirmed, he will bring to the Supreme Court the same humanity, talent, and judgment that we have seen in him for two decades. We unconditionally support his nomination and urge you to support his confirmation as an Associate Justice of the Supreme Court.

Very truly yours,

Donna Bucella; Vicki Zemp Behenna; Sean Connelly; David Chipman; Aitan Goelman; Jamie Gorelick; Joseph Hartzler; Carolyn Hightower; Arlene Johnson; Wan Kim; Larry Mackey; Scott Mendeloff; James Orenstein; Patrick Ryan; Beth Wilkinson.

Mr. LEAHY. The American people need to know that it is this dedicated public servant who is now being denied a public hearing by Senate Republicans. No nominee to the Supreme Court has ever been treated the way Senate Republicans are treating Chief Judge Garland. Since public confirmation hearings began in 1916, the Senate has never denied a Supreme Court nominee a hearing and a vote. I say to my friends the Republicans, you have no good reason for your obstruction of Merrick Garland.

Americans by a 2-to-1 margin want Chief Judge Garland to have a public hearing in the Judiciary Committee. Based on more than four decades of that precedent, that hearing should take place in the Judiciary Committee next week. Instead, Senate Republicans continue to ignore the American people.

Neil Siegel, a law professor at Duke University, said: ''It does not matter constitutionally, nor as a matter of tradition, whether a nomination is made in an election year. Numerous

nominations have succeeded during election years. Without exaggeration, Senate Republicans have made up a distinction without a relevant constitutional difference.'' Even school children know that Presidents are elected to 4-year terms and they have to carry out their constitutional duties each and every year right up until noon of January 20 of their last year. It is no different for Senators. We can't just sit this year out because an election will be held in November. As Professor Siegel concludes, Senate Republicans ''are harming the court without a justification that passes the laugh test.''

Today, as we remember the victims, their families, and the entire Oklahoma City community, let's also remember the good the Senate has done when we have put aside destructive partisanship and come together to act for the good of the country. This body has done that time and again, under both Democratic and Republican leadership, as it has carried out its constitutional duty to consider nominees to the Supreme Court. I hope the Senate will carry out that duty for a public servant named Merrick Garland who has served this country so well.

INVESTING IN INTERNATIONAL DEVELOPMENT

Mr. LEAHY. Mr. President, on April 12, 2016, the Appropriations Subcommittee on State and Foreign Operations held a hearing on violent extremism and the role of U.S. foreign assistance. We heard testimony from four distinguished witnesses, including my good friend and partner in humanitarian work, Bono, the lead singer of U2 and cofounder of ONE. As I said at the hearing, there are millions of people who may never know Bono by name or have the privilege of listening to his music, but their lives are better because of the profound impact his advocacy has had on the world's efforts to combat poverty.

At the hearing, Bono testified about what he called the three extremes: extreme ideology, extreme poverty, and extreme climate. His testimony was powerful. It complemented the opinion piece he wrote that was published in the New York Times on the morning of the hearing in which he highlighted the importance of investing in international development in a way that empowers local populations, including refugees and other displaced persons.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of Bono's article entitled ''Time to Think Bigger About the Refugee Crisis.''

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

[From the New York Times, April 12, 2016]

BONO: TIME TO THINK BIGGER ABOUT THE REFUGEE CRISIS

(By Bono)

I've recently returned from the Middle East and East Africa, where I visited a number of refugee camps—car parks of humanity. I went as an activist and as a European. Because Europeans have come to realize—quite painfully in the past year or two—that the mass exodus from collapsed countries like Syria is not just a Middle Eastern or African problem, it's a European problem. It's an American one, too. It affects us all.

My countryman Peter Sutherland, a senior United Nations official for international migration, has made clear that we're living through the worst crisis of forced displacement since World War II. In 2010, some 10,000 people worldwide fled their homes every day, on average. Which sounds like a lot—until you consider that four years later, that number had quadrupled. And when people are driven out of their homes by violence, poverty and instability, they take themselves and their despair elsewhere. And ''elsewhere'' can be anywhere.

But with their despair some of them also have hope. It seems insane or naïve to speak of hope in this context, and I may be both of these things. But in most of the places where refugees live, hope has not left the building: hope to go home someday, hope to find work and a better life. I left Kenya, Jordan and Turkey feeling a little hopeful myself. For as hard as it is to truly imagine what life as a refugee is like, we have a chance to reimagine that reality—and reinvent our relationship with the people and countries consumed now by conflict, or hosting those who have fled it.

That needs to start, as it has for me, by parting with a couple of wrong ideas about the refugee crisis. One is that the Syrian refugees are concentrated in camps. They aren't. These arid encampments are so huge that it's hard to fathom that only a small percentage of those refugees actually live in one; in many places, a majority live in the communities of their host countries. In Jordan and Lebanon, for example, most refugees are in urban centers rather than in camps. This is a problem that knows no perimeter.

Another fallacy is that the crisis is temporary. I guess it depends on your definition of ''temporary,'' but I didn't meet many refugees, some of whom have been displaced for decades, who felt that they were just passing through. Some families have spent two generations—and some young people their entire lives—as refugees. They have been exiled by their home countries only to face a second exile in the countries that have accepted their presence but not their right to move or to work. You hear the term ''permanent temporary solution'' thrown around by officials, but not with the irony you'd think it deserves.

Those understandings should shape our response. The United States and other developed nations have a chance to act smarter, think bigger and move faster in addressing this crisis and preventing the next one. Having talked with refugees, and having talked to countless officials and representatives of civil society along the way, I see three areas where the world should act.

First, the refugees, and the countries where they're living, need more humanitarian support. You see this most vividly in a place like the Dadaab complex in Kenya, near the border of Somalia, a place patched together (or not) with sticks and plastic sheets. The Office of the United Nations High Commissioner for Refugees is doing noble and exceedingly hard work. But it can't do everything it needs to do when it is chronically underfunded by the very governments that expect it to handle this global problem.

Second, we can help host countries see refugees not just as a burden, but as a benefit. The international community could be doing much more, through development assistance and trade deals, to encourage businesses and states hosting refugees to see the upside of people's hands being occupied and not idle (the World Bank and the Scriptures agree on this) The refugees want to work. They were shopkeepers, teachers and musicians at home, and want to be these things again, or maybe become new things—if they can get education, training and access to the labor market.

In other words, they need development. Development that invests in them and empowers them—that treats them not as passive recipients but as leaders and partners. The world tends to give humanitarian efforts and development efforts their own separate bureaucracies and unlisted phone numbers, as if they're wholly separate concerns. But to be effective they need to be better coordinated; we have to link the two and fund them both. Refugees living in camps need food and shelter right away, but they also need the long-term benefits of education, training, jobs and financial security.

Third, the world needs to shore up the development assistance it gives to those countries that have not collapsed but are racked by conflict, corruption and weak governance. These countries may yet spiral into anarchy. Lately some Western governments have been cutting overseas aid to spend money instead on asylum-seekers within their borders. But it is less expensive to invest in stability than to confront instability. Transparency, respect for rule of law, and a free and independent media are also crucial to the survival of countries on the periphery of chaos. Because chaos, as we know all too well, is contagious.

What we don't want and can't afford is to have important countries in the Sahel, the band of countries just south of the Sahara, going the same way as Syria. If Nigeria, a country many times larger than Syria, were to fracture as a result of groups like Boko Haram, we are going to wish we had been thinking bigger before the storm.

Actually, some people are thinking bigger. I keep hearing calls from a real gathering of forces—Africans and Europeans, army generals and World Bank and International Monetary Fund officials—to emulate that most genius of American ideas, the Marshall Plan. That plan delivered trade and development in service of security—in places where institutions were broken and hope had been lost. Well, hope is not lost in the Middle East and North Africa, not yet, not even where it's held together by string. But hope is getting impatient. We should be, too.

Mr. LEAHY. Mr. President, I see my distinguished colleague on the floor.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

MILITARY READINESS

Mr. TILLIS. Mr. President, I have the honor to represent the tip of America's spear—Fort Bragg, NC. Fort Bragg is the largest military installation in the United States, and it is the home to the most decorated combat forces of the military, the All-American Division, the 82nd Airborne.

The 82nd is a subordinate command of the XVIII Airborne Corps, America's Global Response Force. Whenever a threat occurs, units of the XVIII Airborne can be wheels up and on top of any target in the world in just 48 hours.

In the 15 months that I have had the privilege to represent North Carolina

in the Senate, I have made the readiness of the XVIII Airborne one of my top priorities. In fact, you would think it would be everybody's top priority, but I have watched budget cutters in the Air Force slowly chip away at the ability of the commanders at Fort Bragg to adequately train their paratroopers at Pope Army Airfield.

This year, the Air Force began dismantling the one Air Force tactical unit at Pope—the 440th Airlift Wing—capable of providing daily and ad hoc support for Fort Bragg soldiers. I said at the time that the removal of the 440th created unreasonable risks to the readiness of critical airborne units. They must be prepared to respond to a range of contingencies in very short timeframes. I have pointed out repeatedly that the deactivation of the 440th comes at a time when the Nation is facing growing uncertainty and increasing threats abroad that could require a military response, and it is a response that only forces at Fort Bragg can fulfill.

Over the last 7 years, the 440th has provided the Army with unparalleled support, tailored training opportunities without the tyranny of distance that comes through logistical, bureaucratic, and operational delays by having aircraft stationed somewhere other than Pope Army Airfield.

The Air Force leadership stated that after any deactivation of the 440th, out-of-State aircraft would support all airlift requirements for Fort Bragg units at Pope. The Air Force asked me to suspend disbelief. They told me to accept that it is more cost-effective for units to fly from Little Rock, AK, or McChord Air Force Base in Washington State and support Fort Bragg in North Carolina rather than having planes stationed at Fort Bragg.

I did my best to ensure that the Air Force understood the Army's requirements, and I promised them that if they removed the 440th, I would be monitoring their progress and their ability to satisfy the Army's requirements for as long as I am in the Senate.

The first warning signs that the Air Force was in trouble came in December at the annual Operation Toy Drop. Operation Toy Drop is the world's largest combined airborne operation at Fort Bragg. The drop is actually a daytime, nontactical, airborne operation supervised by foreign military jumpmasters. They view it as a rare treat to participate so that they can get jump wings from a foreign country.

This year's operation was purposefully designed by the Air Force to prove to Congress—to prove to me—that they could support the training mission at Fort Bragg. To prove the point, the Air Force Reserve went so far as to reduce the 440th's role in the operation. However, when the Air Force planes could not get to Pope because of weather, mechanical, or other delays, the 440th had to step in and make up the deficit, as they have done so many times before.

This is the real world in action. Bad weather and mechanical problems happen. The Air Force knows this exercise happens every year. They know it is highly visible. They knew they were under a microscope. Still they couldn't meet the requirement. In fact, during Operation Toy Drop, the 440th provided for about 40 percent of the chutes and 43 percent of the lift for the entire operation.

Fort Bragg leadership has been clear to the Air Force in terms of their combat requirements, their training requirements at Fort Bragg. They have told the Air Force that they have to drop 10,000 paratroopers a month. Eight thousand drops a month is considered the bare minimum for the XVIII Airborne Corps. Sadly, the Air Force is not meeting those requirements. Only 6,100 paratroopers exited from Air Force planes in March. That is 1,300 fewer paratroopers dropped than in February, which is 77 percent of the 8,000 sustainable threshold and 61 percent of the Army's overall requirement. Where I went to high school, 61 percent was a D-minus, bordering on an F. They are failing.

The Air Force has missed the Army's minimum jump requirements every month this year. These numbers are illuminating and concerning because in the Southeast, this is the best flying weather. January, February, and March have the best flying weather in the Southeast. What is going to happen when the Southeast thunderstorms and tornado season kicks in? If the Air Force can't meet Fort Bragg's need when the skies are clear, how is it going to do when the storm clouds gather?

I hope the Air Force knows I have their back as a member of the Senate Armed Services Committee. But in this case, this is about fulfilling the Army's requirement. This is about me having the Army's back. This is about making sure the men and women who will be asked at a moment's notice to assemble on the Green Ramp at the Pope Army Airfield and go wherever they must go to defend freedom and save lives are at their highest state of readiness. But the performance to this point suggests that the Air Force is failing its customer service to the Army. No business in America would be able to dictate to the customer how and when they are going to get their product, but that is exactly what is happening with the Air Force's relationship with the Army—and they are failing.

I will ask Senator MCCAIN to inquire as to whether the Air Force expects to meet the needs of the Global Response Force. They haven't in this first quarter, and this is the first quarter that they were trying to transition to a Pope Army Airfield without the 440th. If they can't answer the question, then it is time for us to consider other options.

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

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

ENERGY AND WATER APPROPRIATIONS BILL

Mr. THUNE. Mr. President, when Republicans took the majority in the Senate last January, we were determined to get the Senate working again.

By 2014, the Democratic-controlled Senate had largely ground to a halt. Serious legislation had been replaced by political messaging, and the Democratic leadership refused to allow votes on amendments. In short, despite Democratic control of the Senate, Democrats and Republicans alike were shut out of the legislative process. Republicans were determined to change that.

Since we took control of the Senate in 2015, we have focused on taking up substantial legislation that addresses the challenges facing the country. We have made sure individual appropriations bills get written in committees with input from Senators of both parties, and we have opened the Senate floor to debate and amendment.

Why is that important? Because an open legislative process in the Senate means all Americans get represented. When legislation is written in the open using the committee process and Senators have a chance to highlight their constituents' concerns, the final bill is a lot more likely to reflect the American people's priorities.

One of our most basic responsibilities as Members of Congress is to pass appropriations bills. Appropriations bills give Senators and Congressmen a chance to take a look at where taxpayer dollars are being spent and how we can spend this money more efficiently and effectively. Unfortunately, too often Congress ends up skipping the appropriations process and rolling a number of the appropriations bills into one giant spending bill. That means we lose the opportunity to closely examine our spending priorities and make sure we are spending money wisely.

Since we took control of the Senate, Republicans have been determined to make sure Congress takes the appropriations process seriously. We have made sure individual appropriations bills are developed in committee, where Senators of both parties have the opportunity to help develop the bill and make sure their constituents' concerns are heard.

This week Congress is taking up the Energy and Water appropriations bill. This legislation funds a number of priorities: rural water projects, critical infrastructure projects, nuclear deterrence efforts, energy research, flood control, and environmental cleanup, to name a few. I am particularly pleased

that this bill funds important projects—like the Lewis & Clark Regional Water System—that will help provide communities with access to steady, reliable water sources.

I am also pleased that this bill invests in next-generation, high-energy physics research, including the Deep Underground Neutrino Experiment, which could revolutionize our understanding of some of the most fundamental elements of our universe. This funding demonstrates continued U.S. commitment to a project that will help train the next generation of scientists and engineers, retain and attract the best scientific minds to the United States, and garner additional investment from global partners. I am proud that South Dakota's Sanford Underground Research Facility will continue to play a leading role in this major international scientific effort.

The Energy and Water appropriations bill passed the Senate Appropriations Committee with the unanimous—unanimous—support of Democrats and Republicans with a 30-to-0 vote. I am hoping it will receive the same strong bipartisan support on the Senate floor. This bill will boost our Nation's energy security, making our economy more competitive, and promote energy innovation. It will help us produce more and pay less for energy.

This legislation is an important first step in our commitment to restore order to the appropriations process, and I look forward to consideration of additional appropriations bills on the Senate floor in the coming weeks.

RECOGNIZING THE RAPID CITY POLICE DEPARTMENT AND THE PENNINGTON COUNTY SHERIFF'S OFFICE

Mr. THUNE. Mr. President, I wish to take a few minutes to talk about the two ride-alongs I was privileged to take with Rapid City, SD, law enforcement officers at the end of March.

We live in a climate where police officers are often made to sound like criminals and criminals are often portrayed as victims. The result is, we forget about the real victims—the people who have suffered crimes or are forced to live in crime-ridden neighborhoods—and we forget about the work police officers do in making our communities places we can live.

Three weeks ago, I got to meet with law enforcement officers from the Rapid City Police Department and the Pennington County Sheriff's Office. After our meeting, I got to take a ride through Rapid Valley with Sheriff's Deputy Brandon Akley and a ride through Rapid City with Rapid City Police Officer Jim Hansen.

Not very long ago, some neighborhoods in Rapid City had their share of challenges. Law enforcement officers frequently responded to drug and alcohol calls, abuse calls, domestic violence, break-ins, and other violent crimes. Imagine what it is like to live in a neighborhood like that. Coming home after dark is dangerous. It may not be safe for your children to play in the yard. It is certainly not safe to send them to the playground. Your children constantly see things no child should see and hear things no child should have to hear. Your property isn't secure. Your car and your home are at risk all the time. There are no economic opportunities in your area because businesses don't want to locate in areas where it is not safe to do business. That is what life is like in some of these neighborhoods. In one instance in Rapid City, law enforcement officers responded to over 600 calls to one building over a period of a single year.

By partnering with residents in impacted neighborhoods, Rapid City law enforcement stepped in and conducted an aggressive, years-long campaign to rid this area of crime. Today, residents can let their children play outside without fear, and new economic opportunities are opening for residents as businesses move in. It is no exaggeration to say that what these police officers did changed the lives of countless Rapid City residents.

Every day, in every community in the United States, the men and women who make up our Nation's police forces and sheriff's departments put their lives on the line for the rest of us. They are first on the scene when someone is in danger, the first to come running when you call for help, and when evil threatens they step in.

I am grateful to the men and women of the Rapid City Police Department, the Pennington County Sheriff's Office, and to all the law enforcement officers keeping the peace in South Dakota and around the Nation. Because of their service, we can live in safety.

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.

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

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

OKLAHOMA CITY BOMBING ANNIVERSARY AND NOMINATION OF MERRICK GARLAND

Mrs. MURRAY. Madam President, I come to the Senate floor to once again urge my Republican colleagues to do what they are elected to do: listen to their constituents and give Judge Garland the fair consideration he deserves.

As some of my colleagues have already noted, today marks 21 years since the Oklahoma City bombing, an attack that shocked the world and took 168 innocent lives. I had the honor of meeting with an individual last week who was not only involved in the immediate aftermath of this terrible attack but who went above and beyond to make sure justice was served on behalf of those who lost their lives.

Judge Merrick Garland, the President's nominee for the Supreme Court, was at the scene of the bombing within 2 days. With debris from the Alfred P. Murrah Federal Building still smoldering in the streets, Judge Garland was helping first responders and working with local law enforcement.

As a top official in the Justice Department, he led a massive investigation of the bombing and supervised the prosecution of Timothy McVeigh. He did all of that, even if it meant more work and more time away from his family, with incredible delicacy and thoroughness. He called his work for the Justice Department following the Oklahoma City bombing the most important thing he has ever done in his life.

As we remember those who were lost on that day in 1995, and in light of last week being National Crime Victims' Rights Week, we remember how Judge Garland honored those victims with his dedicated service. Judge Garland not only did his job with a great deal of heart, working with families who had lost loved ones, but with the vigor to demand that justice be served. His fairness and diligence earned him praise from Members of both parties, from victims' families and law enforcement officers, and even from the lead lawyer defending McVeigh.

A person like that, driven by the desire to help people and serve the public, is someone who deserves fair consideration by all of us in the U.S. Senate. Unfortunately, that is not what is happening right now. We are 66 days into the Supreme Court vacancy, and so far Republican leaders are still refusing to do their jobs. They will not say they are opposed to Judge Garland. They are refusing to even live up to their constitutional responsibility and consider him. That kind of pure obstruction and partisanship is absolutely wrong. People across the country are not going to stand for that.

Last week I met with Judge Garland and talked through his background, his experiences, his philosophy, his judicial philosophy. What I found out—and it would be difficult for any right-minded person not to come to this conclusion after meeting with him—is that Judge Garland is highly passionate, he is highly respected, and highly qualified to serve on the U.S. Supreme Court.

I am very glad some Republicans have started meeting with him. That is a great first step, but it cannot be the last step. Families across this country deserve to hear from Judge Garland in a Judiciary Committee hearing, under oath, and in public, and then he should get a vote where every Senator will have the opportunity to do their job and weigh in.

If any Member doesn't think Judge Garland should serve on the highest Court in the land, they should feel free to vote against him, but give him a

hearing, give him a vote, and stop this partisanship and obstruction. Evaluating and confirming Supreme Court Justices is one of the most important roles we have in the United States, and it is this issue that actually pushed me to run for the Senate in the first place.

In 1991 I was a State Senator, a former school board member, and a mom. Similar to so many people across the country back then, I watched the Clarence Thomas confirmation hearings in frustration over how the nominee wasn't pushed on the issues that I and so many others thought were so important to the future of our country. I saw how a woman who came to talk about her experiences, Anita Hill, was treated by this Senate. I decided then and there to run for the U.S. Senate, to give Washington State families like mine a voice in this process.

I have had the opportunity to use that voice in the Senate and to make sure Washington State families had a seat at the table in Supreme Court nominations and confirmations over the years. I voted to support some of the candidates, including the Chief Justice nominated by a Republican President. I voted to oppose others, but I always thought it was important that a nominee got the consideration he or she deserved, and I always worked to make sure the people I represented got their questions answered as best as I could and that they could have a view into the process that should be above partisanship and politics.

If Republicans continue to play election-year politics and continue to refuse to do their jobs, my families in Washington State will not have a voice. Families across America will not have a voice. The tea party gridlock and dysfunction that has dominated too much of our work in Congress will have claimed another victory. That is unacceptable.

Once again, I am on the floor to call on my Republican colleagues to do your job; meet with Judge Garland, hold a hearing, and give him a vote. We owe that to our constituents. It is our constitutional responsibility, and we should get it done.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. 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. DURBIN. Madam President, today, the 19th, marks the anniversary of one of the worst terrorist attacks ever to hit the United States. On April 19, 1995, at 9:02 a.m., a rented truck filled with fertilizer and diesel fuel exploded in front of the Alfred P. Murrah Federal Building in Oklahoma City. The impact of the blast was devastating. One-third of the Federal Building was destroyed, and 168 men, women, and children lost their lives, with several hundred seriously wounded. At that time, it was the deadliest terror attack ever to take place on American soil.

The Oklahoma City bombing shocked America. In the days after April 19, Americans mourned the lives which were lost and called for those who committed this evil act to be brought swiftly to justice.

It was in this context that the U.S. Department of Justice sent one man to head this investigation and prosecution. His name is Merrick Garland. Merrick Garland was the Principal Associate Deputy Attorney General. He had volunteered to lead this investigation, telling his boss, Deputy Attorney General Jamie Gorelick, he had to do it.

Garland would stay in Oklahoma City for a long period of time. By all accounts, he worked around the clock, coordinating the efforts by law enforcement to gather evidence, building the case against Timothy McVeigh and Terry Nichols. Every step along the way, Merrick Garland was meticulous. He made sure no corners were cut in the investigation or the prosecution. There was so much at stake.

One of the roles Merrick Garland took most seriously was to be in touch with the survivors and the victims' families, keeping them informed, keeping them in the loop. He carried with him at all times a list of the names of the victims so he would never forget the historic importance of his assignment.

Merrick Garland would later call his work in Oklahoma City ''the most important thing I have ever done in my life.'' His work helped bring the perpetrators of this terrorist attack to justice and earned him the respect and gratitude of those he worked with and served. That is the definition of public service.

The record is clear that Merrick Garland has always done his job diligently and conscientiously. Throughout his decades in public service at the Justice Department and later on the Federal bench, Judge Garland has earned a reputation as a workhorse who leaves no task unfinished.

It is instructive to hear what his former law clerks say about him. Several dozen of them recently sent a letter to the Senate. Here is what they said about Judge Garland: ''Unrelenting work ethic.'' They said Judge Garland ''treated every matter before him with the same care and attention to detail, whether it affected the national interest or a single ordinary life.''

Judge Garland's devotion to his work is admired by many. This is a man who has received extraordinary praise because he did his job and did it well. It should come as no surprise, when President Barack Obama announced that Merrick Garland was his choice to be the nominee to fill the vacancy on the Supreme Court, he dwelled on this experience in Oklahoma City.

Unfortunately, Merrick Garland faces a historic blockade in the Senate. The Senate has never in its history denied a hearing to a Presidential nominee to fill a vacancy on the Supreme Court. It has never ever happened before.

The death of Antonin Scalia, about 2 months ago, led to an almost immediate announcement by the Republican Senate leader, Senator MCCONNELL, that there would be no consideration, no hearing, and no vote for any nominee sent by President Barack Obama to this U.S. Senate. Senator MCCONNELL went further to say that he would not even meet with the nominee.

It has been more than a month since Judge Garland was nominated to the Supreme Court. It has been over 2 months now since Supreme Court Justice Antonin Scalia has passed. Why has the Republican majority leader decided to ignore the precedent of history? Why is he turning his back on our Constitution? That Constitution says explicitly, article II, section 2: The President of the United States shall appoint a nominee to fill a vacancy on the Supreme Court.

Our Founding Fathers understood that you can play politics with vacancies, and they didn't want that to happen. So the President met his constitutional obligation but, sadly, this U.S. Senate has refused to meet its constitutional responsibility to advise and consent on that nominee. It is not automatic. There is no guarantee that any nominee sent by the President would be approved by the Senate, but it is our responsibility to ask the questions of that nominee.

People across the United States have a right to hear this nominee, Merrick Garland, under oath answer important questions about whether he is prepared to serve on the Supreme Court and, if he serves, whether he would bring integrity to that appointment.

We have extended that courtesy to every Presidential nominee to fill a vacancy on the Supreme Court until this moment. The argument that is made on the other side of the aisle is that we have to go through an election—we have an election coming up—and let the American people decide, not the Senate. Let the American people decide, whether it will be a Democratic President or a Republican President.

What my friends on the other side of the aisle ignore is that when President Barack Obama was reelected, he was not elected to a 3-year term, he was elected to a 4-year term. He is the President of the United States this year. He has the power of that office this year not because I willed it—although I certainly did—but because by a plurality of 5 million votes the American people made that decision. Five million votes were cast for Barack Obama over Mitt Romney. The decision of the American people was that this President shall govern not for 3 years, not for 3 years and 2 months, but for 4 years.

A lot of people say: As a Democrat in the Senate, it is easy for you to say that Republicans should treat this Democratic President a little better. What if the shoe were on the other foot?

Well, we have a chance to take a look back and see exactly what happened when the roles were reversed. In 1988, during the last year of Republican President Ronald Reagan's term, we had a vacancy on the Supreme Court. He sent his nominee to the Senate, which was then controlled by the Democrats. Did we have an announcement from the Senate Democratic leadership that we will not consider any nominee sent by a Republican President in the last year of his term? Did we have an announcement by the Democratic leaders in the Senate that we won't even meet with the nominee? Exactly the opposite occurred. Anthony Kenney was given the opportunity to have a hearing, where he answered questions under oath, and had a vote which confirmed him on the Supreme Court. A Republican President, during the last year of his Presidency, filled a vacancy on the Supreme Court with the cooperation of a Democratic majority in the Senate.

The tables are turned now. We have a Democratic President with a Republican-controlled Senate, and they are ignoring the history and precedent of the Senate and they plan on ignoring this nominee. There is no basis in the Constitution for the position taken by the Senate Republicans. This is an unprecedented obstruction of a nomination to fill a key Supreme Court vacancy.

Yesterday I was across the street. It was the second time I have been honored to be included in a very small audience of about 250 people to listen to the oral arguments in a case before the Supreme Court on a critical decision that will affect the lives of millions of people in the United States. I looked up to the chairs on the Supreme Court, and obviously one was vacant. There are only eight Justices. If this Court on this case—or others—cannot resolve it with a majority and has a vote of 4 to 4 on a case, it invites confusion and chaos in one of the most critical branches of our government. It is confusion and chaos that can be avoided if the Senate Republicans simply do their constitutional duty: advise and consent.

Give Merrick Garland a hearing under oath so the American people can draw their own conclusions about whether this man is the right person for the Supreme Court, and then let's have a vote on the floor. In the past, even when the Senate Judiciary Committee rejected a Presidential nominee for the Supreme Court, the committee sent that nomination to the floor anyway for a vote so that the whole Senate could speak to the worthiness of that nominee. Merrick Garland deserves nothing less.

The Senate Republicans refusal to do their job under the Constitution has real-world consequences. Recently the solicitor general of Illinois, Carolyn Shapiro, came to the Capitol to talk to the Senators about how the vacancy on the Supreme Court is actually hurting States by leaving important legal questions unresolved.

Madam President, I ask unanimous consent that her speech be printed in the RECORD.

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

STATEMENT ON THE IMPORTANCE OF A NINE-MEMBER SUPREME COURT FOR STATE AND LOCAL GOVERNMENT

[Before the Senate Democratic Steering and Outreach Committee, April 6, 2016, Carolyn E. Shapiro, Solicitor General of Illinois, Office of the Illinois Attorney General]

Good morning. Thank you very much for the opportunity to talk with you about the importance of a fully functional Supreme Court to state and local governments.

My name is Carolyn Shapiro, and I am the Illinois Solicitor General. I am also a tenured faculty member at IIT Chicago-Kent College of Law where I founded the Institute on the Supreme Court of the United States and where my research and scholarship focuses largely on the Supreme Court as an institution.

State and local governments regularly rely on the Supreme Court to provide clarity and certainty in numerous areas of law, many of which do not involve the headline-grabbing, hot-button issues we hear about on the news.

But in some of these areas, the risk of an equally divided court is real, and a Supreme Court unable to provide clarity and certainty would have very real and harmful effects.

I could talk about a variety of different areas of law, but my focus here will be on the Fourth Amendment. The Fourth Amendment of course regulates what law enforcement can and cannot do in investigating crime and it protects the privacy interests of the citizenry. It is crucial for law enforcement to know what the rules are and it is crucial for the citizenry to have confidence that law enforcement is following the rules and doing so uniformly.

These things cannot happen without the Supreme Court being able to resolve some of the difficult and contested issues in this area of law.

In the past three years, the Supreme Court has decided at least eight Fourth Amendment cases by close votes, and in several of those cases, Justice Scalia was in a five-member majority. In other words, without nine justices, the court might well have been unable to resolve the issues presented in those cases, leading to ongoing uncertainty. And some of those cases, as often happens in the Fourth Amendment area, have created new areas of uncertainty that must be resolved—but that may require a nine-member court to do so.

I will briefly mention two such areas. In 2013, the Supreme Court decided Florida v. Jardines, in which Justice Scalia wrote the opinion on behalf of five justice majority. Jardines held that when police bring a drug dog onto the front porch of a single family home, that constitutes a search for purposes of the Fourth Amendment.

This holding has led to new questions. Earlier this year, the Illinois Supreme Court held that Jardines extends to a drug sniff outside an apartment door in the common area of a building. But in similar cases around the country, other courts have reached different conclusions. Not only can this lead to inconsistent law from state to state, but even within a jurisdiction. A search held constitutional in state court might be held unconstitutional in federal court in the same state. This kind of uncertainty is untenable.

A second issue involves the implications of the 2013 case of Missouri v. McNeely in which Justice Scalia joined a five-member majority to hold that the natural dissipation of alcohol in the blood does not in and of itself create exigent circumstances allowing the police to obtain a blood test without a warrant. This term the court is poised to hear a case, Birchfield v. North Dakota, about the implications of some of McNeely's reasoning for state statutes that criminalize the refusal to submit to a blood or breath test when pulled over for a DWI. Illinois does not have such a statute, but we do have a statute making refusal to submit to such a test grounds for the suspension of a license. And a case challenging that statute is apparently being held by the Supreme Court pending the result in Birchfield. So if the court is unable to resolve Birchfield because it is equally divided, or is unable to resolve our case, should the Court later decide to hear it, those statutes will remain under a constitutional cloud and neither law enforcement nor state legislatures will know the scope of their authority in this area.

There are of course other areas of law I could discuss, but the point I want to leave you with is that state and local governments, and the citizenry, depend on a functional court to provide clarity and certainty in areas of law that affect government officials and citizens on a daily basis.

Thank you.

Mr. DURBIN. As an example, Solicitor General Shapiro pointed out how right at this moment numerous States and Federal circuits are governed by different standards on important Fourth Amendment search and seizure issues. These cases are working their way through the courts, but only the Supreme Court can finally resolve the issues. But the Court may be unable to do that. A 4-to-4 Court with a tie will not resolve an issue. Unless the Senate Republicans do their job, the Supreme Court will be stuck with eight members for more than a year.

I have a trivia question. When was the last time the Senate left a vacancy on the Supreme Court for a year or more? During the Civil War. It took a war between the States for us to leave a vacancy that long in the Court—a vacancy which the Senate Republicans are continuing by this obstruction.

As we reflect on the anniversary of the Oklahoma City bombing, I hope my friends on the other side of the aisle will take a step back from politics. I hope they will acknowledge that Merrick Garland stepped up for this Nation, did the right thing, and proved he could do his job. Senate Republicans have no less responsibility. It is time for the Senate Republican majority to do its job.

I yield the floor.

The PRESIDING OFFICER. The majority whip.

HOUSTON FLOODING

Mr. CORNYN. Madam President, over this last weekend and through yesterday, large parts of central and southeast Texas experienced torrential

downpours. The Houston region in particular experienced so much rain, it led to widespread flooding. I know many people have seen that on TV, in news reports, or online.

Many will recall that last year over Memorial Day weekend, Harris County, which is where Houston is located, suffered from similar flooding. This year's rain seems to be even more widespread, with some areas receiving as much as 20 inches of rain in a relatively short period of time. Whole subdivisions were submerged, interstate highways were impassable, and power was knocked out, which affected more than 100,000 people at one point. Tragically, several people have died as a result of these floods.

Amidst this tragedy, Texans have been quick to help one another. Crews had performed more than 1,000 rescues as of yesterday afternoon, and even one TV reporter on location covering the story rushed to rescue an elderly man from a flooded underpass. The rescue is on YouTube. I recommend anybody who is interested to watch it. It is really quite a rescue.

This morning I spoke to County Judge Ed Emmett of Harris County, and I will continue to stay in close contact with him, as well as the chief of the Texas Department of Emergency Management, in the coming days.

The one thing I do know is that Texans are resilient. In particular, the people in the Houston region, where I happen to have been born, are used to storms that cause that kind of flooding. But the rebuilding effort will be long and one that will require support from officials at all levels.

Going forward, I will do everything I can to help mobilize Federal resources for the Houston area should the Governor determine a Federal disaster declaration is necessary. In the meantime, our thoughts and prayers are with the people of Houston and other affected areas in Texas, and we hope and pray for their safety and their fast recovery.

JUSTICE AGAINST SPONSORS OF TERRORISM ACT

Mr. CORNYN. Madam President, I will spend a few minutes talking about a piece of legislation that is bipartisan and deserves this Chamber's consideration.

Last year, around the anniversary of the 9/11 attacks, I reintroduced the Justice Against Sponsors of Terrorism Act, or JASTA. This bill makes minor adjustments to our laws to help Americans who are attacked on U.S. soil get justice from those who sponsored and facilitated that terrorist attack on U.S. soil.

When the Judiciary Committee considered this bill earlier this year, it was reported out without objection. I think the reasons for that are pretty clear. We should use every means available to prevent the funding of terrorism, and the victims of terrorism in our country should be able to seek justice from people who do fund that terrorist attack. We have to maintain our diligence to hold those who sponsor terrorism accountable, particularly on our own soil, and we must leverage all of our resources—or as many as possible—to shut off the funding sources for terrorists. Using civil liability to do so has been Federal policy for decades, and JASTA would strengthen that.

It is my hope that this legislation will serve as a defective deterrent and will make foreign governments think twice before sending money to terrorist groups who target our homeland. Our country confronts new and expanding terror networks that are focused on targeting our citizens, and we need to do everything we can to stop it, including passing this legislation.

JASTA is also important because it would help the victims of the 9/11 attacks achieve closure from that horrific tragedy.

I mentioned that this is a bipartisan bill, and I am glad to introduce it with my colleague CHUCK SCHUMER of New York. But unfortunately the President doesn't seem to share these bipartisan concerns about helping the victims of terrorism or deterring others from funding and facilitating it in the future. Unfortunately, the administration has worked to undercut progress of this legislation at every turn.

Yesterday the White House insisted that the President does not oppose JASTA on behalf of the Kingdom of Saudi Arabia even though the administration has made that argument in private. In light of his upcoming trip there this week, it appears that the Obama administration is pulling out all the stops to keep this bill from moving forward before the President's visit to Riydah. I wish the President and his aides would spend as much time and energy working with us in a bipartisan manner as they have working against us trying to prevent victims of terrorism from receiving the justice they deserve.

I was glad to see the President abandon an argument that I always found strange, especially coming from him. He didn't seem to care that much about our relationship with Saudi Arabia when he ran through his misguided nuclear deal with Iran, running roughshod over serious concerns raised by the Kingdom. He didn't seem to care much about our relationship with Saudi Arabia when he contended that they should learn to ''share the neighborhood with its mortal enemy Iran.'' In a very real way, the President's opposition to this bill looked like it was asking the victims of 9/11 and their families to pay some of the political price for the President's mishandling of our relationship with Saudi Arabia.

Well, yesterday the White House claimed it opposed the bill because it undermined the principle of sovereign immunity. In the past, the President said U.S. citizens could sue foreign governments and the United States would get sued abroad. Now, sovereign immunity is an important principle to be sure, but the fact is, the White House is misrepresenting the law. We have had statutory exemptions to this immunity for years for business conduct, torts, and many things, including terrorism. We already had these exceptions in the law, and that has been the law for decades. The only real change is allowing victims of terrorist attacks on the homeland to sue even if the defendant is not designated by the State Department as a state sponsor of terrorism. That is right. All this would do would be to allow victims of terrorist attacks on our homeland to sue even if the sponsor of the terrorist activity was not a State Department designated state sponsor of terrorism. This is a narrow piece of legislation, and it would not upend traditional principles of sovereignty.

Yesterday a White House spokesman claimed that JASTA would lead to liability for U.S. humanitarian aid work. That is just false. I am confident that Senator SCHUMER and I can make that abundantly clear to anybody who shares that misconception.

The President's attempt so far to derail this legislation that would help the victims of 9/11 pursue justice under the law is completely unacceptable. Unfortunately, this shouldn't be a surprise. The President has steadfastly refused to declassify and release 28 pages of the ''9/11 Commission Report'' that pertain to allegations of Saudi Arabia's support for the 9/11 terrorists. According to some news reports, President Obama has vowed several times to release this information, but he hasn't followed through on that promise yet. His actions to shield the Saudi Government instead of advocating on behalf of his own citizens rings much louder than his words. That doesn't sound to me like the most transparent administration in American history, which is what the President promised the Nation at his inauguration.

The good news is that there is bipartisan support in this Chamber for those who will stand up for these victims of the 9/11 terrorist attacks and hold the people responsible accountable. I look forward to continuing to work with our colleagues to get this critical legislation passed.

The President has his prerogatives under the Constitution. If he wants to veto legislation passed by the Congress on a strong bipartisan vote, he can do that, but 67 Senators and two-thirds of the House can override a Presidential veto. That is in the Constitution too. So the President needs to step up, instead of trying to kill this legislation by private conversations in the Senate. The Senate needs to do its work: Pass this bipartisan legislation, help the victims of the 9/11 terrorist attacks, and hold those who fund and facilitate terrorist attacks responsible. If the President wants to get in the way, he can veto the legislation, and we can override that veto. That is the way the Constitution works.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

CHILD NICOTINE ADDICTION

Mr. MERKLEY. Madam President, I rise today to call attention to a dangerous complacency that threatens the health and the lives of our children, and I rise today to urge our administration to take long overdue action to protect our children.

Two years ago this month, the Food and Drug Administration, or the FDA, released a proposed tobacco deeming rule, which is a blueprint for a regulatory framework for e-cigarettes and other tobacco products. Administration officials believed and conveyed that the final rule would be out by the end of the summer 2015. Well, the summer of 2015 is now history, and soon it will be the summer of 2016, and we wait. We have been waiting a very long time.

In total, it has been 7 years since the Family Smoking Prevention and Tobacco Control Act was passed by the Senate and the House and signed by President Obama. This legislation gave the Food and Drug Administration the authority to regulate tobacco products.

This legislation was sponsored by Senator Ted Kennedy. It was passed in the final months of his life. It was a tribute to his long advocacy for the regulatory control of tobacco—a dangerous, destructive drug widespread throughout America. The passage was part of his legacy. But now we are failing that legacy, and we are failing millions of our children.

When the Family Smoking Prevention and Tobacco Control Act was passed into law, it was heralded as a major victory, giving the FDA real power to crack down on the marketing of tobacco products to our children. After a year, there is no action—2 years, no action. That took us to 2011—3 years, no action; 4 years, no action; 5 years, no action; 6 years, no action; 7 years, no action. Over the course of those 7 years, a lot more Americans have become addicted to nicotine products.

In 7 years, the industry has had time to develop new innovative products to entrap our youth, and they have utilized that time well. How much longer will this inaction continue while our children are addicted to products newly invented and aimed directly at them? Each passing month, thousands of children become addicted to these new products. Each passing month, the nicotine addiction industry becomes more deeply entrenched and determined to prevent the regulation that we authorized back in 2009. It has been said that while Nero fiddled, Rome burned. In this situation, while the administration has failed to act, millions of children have become addicted to nicotine, with profound consequences for their health.

Once this rule is final, the FDA will be able to regulate new tobacco products in important ways, including imposing minimum age standards, limits on advertising, health warnings on the products, child-proof packaging, and requiring the registration of tobacco product manufacturers by the FDA and FDA approval of some novel products.

It is time to get this done because lives are at stake. We all are familiar with the cycle: Tobacco use leads to tobacco addiction. Tobacco addiction leads to disease. Disease leads to suffering and often to death. In fact, tobacco use is the leading cause of preventable death in the United States—the leading cause. It imposes a terrible toll on health and lives and dollars. It affects families and businesses and government.

So the best way to improve the health of Americans 10, 20, 30 years into the future or 40 years down the line is to stop the process by which this industry is targeting our youth. Here is what they know. They know that after the age of 21, very few people become addicted to nicotine. It is a product that people try in their youth, and with repeated use they become addicted to it and then continue, normally for years and years. That makes for a very good customer of the tobacco industry, a very good customer of the nicotine industry, and very bad consequences for the health of our children, who become our young adults, who become our middle-aged adults—very bad costs for health at each stage.

According to a Surgeon General's report released in March 2012, tobacco use among youth is a ''pediatric epidemic.'' But the thing is that our children just aren't starting to smoke because of happenstance. No, they are aggressively targeted by the tobacco industry. Big Tobacco is working day and night to design products to appeal to kids, to get them hooked on this deadly habit so that they will be reliable consumers or reliable customers.

In fact, the industry calls them ''replacement smokers.'' The products we supplied before have resulted in a whole lot of our customers dying. So we need replacement smokers; we need replacement consumers.

This clearly is a product with great harm associated with it. There are cigars, cigarillos, tobacco candy, snus, and e-cigarettes, and the list goes on and on. Products cost often as little as 99 cents and are sold in colorful or cool packaging, and nowhere is that more true than in the burgeoning e-cigarette industry.

This chart shows very readily the strategy of using candy flavors and fruit flavors targeted at kids. They have everything from cherry and watermelon, and the list continues with all kinds of—check this out—gummy bear flavors. When you advertise e-cigarette flavors like gummy bears, you are not targeting people over 21. You are targeting our children. You are targeting them with bubble gum flavor and wild cherry flavor and candy apple flavor. These flavors are not for adults. They mask the taste of the product and make it more tempting, more exciting for our young people.

Madam President, I ask unanimous consent to use a prop.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MERKLEY. I thank the Chair.

This is an actual container, like these containers that are shown on the poster. This is called JJuice. They call it juice. They put juice in the title, as if to imply it is healthy. This is liquid nicotine targeted at our children with all of these kinds of flavors.

This particular container was a response to the advocacy of myself and others to say that this targeting of our children is not OK. So the industry decided to create a ''Senator's Choice'' flavor, and they call this flavor ''the greatest blend to date'' using ''the purist, highest quality liquid essence of guava, combin[ing] it with all-natural, American-made raw ingredients.'' It is almost like a review of a fine wine, this ''Senator's Choice.'' Again, they created this specifically to protest the fact that Senators were standing up and saying that this targeting of children is not OK. It is immoral, and it is wrong. We have a law in place to end it, but the administration must act or that law has no impact.

What is actually in this? Well, the ingredients list does not have essence of guava on the ingredient list. It has glycerin and propylene glycol, nicotine, and artificial flavorings, which somehow doesn't sound nearly as nice as the description on their Web site.

Let's see the impact of this targeting of our youth because, unfortunately, Big Tobacco's—the nicotine addiction industry—strategies work. That is why they are continuing to employ them. High school e-cigarette use tripled in just 1 year, from 2013 at 4.5 percent to 2014 at 13.4 percent. When we have the numbers for 2015, I am sure we will find that it is substantially higher because of this aggressive marketing campaign aimed at our junior high and high school students.

Nearly one in seven high school students have used an e-cigarette in the last 30 days. That represents 2 million of our children—2 million of our teenagers nationwide.

An updated CDC study released recently confirmed that youth tobacco use is continuing to grow. Our children are not using e-cigarettes to quit smoking; they are using e-cigarettes to start smoking. So when the industry claims that all of these e-cigarettes are improving the health of those who currently use cigarettes, it is another tobacco industry big lie. Big Tobacco brings us another big lie. Children are using these products to start smoking, not to stop smoking. Every day that we don't act, more of our children are at risk for a lifetime of tobacco and nicotine addiction.

The choice is simple. Let's end this irresponsible inaction. Let's stop enriching the multibillion-dollar tobacco

industry by continuing to delay the regulations authorized back in 2009. Let's do the right thing for America's children. Let's assist our children in living longer, healthier, happier lives by ending the targeting by Big Tobacco.

Thank you, Madam President.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON. Madam President, I would like to find out how long the Senator from North Carolina wants to speak because I need to wrap up a matter on the FAA bill, which we are voting on in 15 minutes.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. TILLIS. Madam President, through the Chair, I will take about 5 minutes, not more.

Mr. NELSON. Very fine.

Thank you, Madam President.

The PRESIDING OFFICER. The Senator from North Carolina.

COROLLA WILD HORSES

Mr. SULLIVAN. Madam President, I come to the floor to talk about something that is very important to many of us in North Carolina and to the people who come to the North Carolina coast to enjoy our beautiful beaches and a group of wild horses at Corolla.

They are called the Corolla wild horses. They are a piece of American heritage. They have been there since ships have been wrecked in what we call the graveyard of the Atlantic. These horses of Spanish origin ended up finding their way to shore, and they set up a habitat on the East Coast that is actually an attraction to tourists and something that brings a smile to your face when you are out on the water and you see them coming to the shore. They have been there for almost 400 years, and they are roaming over about 7,500 acres of land right now.

The problem we have, though, is that with development over time their habitat has shrunk. As a result of that, we only have about 80 horses out in Corolla now. To have a healthy population, we have to figure out a way to provide them with genetic diversity or they are going to become extinct in a very brief period of time. The entire herd is in grave danger as a result.

The solution to the problem is to try to figure out a way to produce genetic diversity, which is why the senior Senator from North Carolina, Mr. BURR, has offered an amendment that I hope we can get support for.

The horses roam mostly on private land, but there are some public lands they roam freely on that are managed by the U.S. Fish & Wildlife. The county and private philanthropic organizations are managing the horses. No taxpayer dollars are being used to manage these horse populations, but they do need some help and relief from the amendment Senator BURR has put forward.

To give an idea of what we are dealing with, I want to tell a story of a typical example of what is happening in Corolla. This is a heartbreaking story. It was shared with me by Karen McCalpin, the executive director of the Corolla Wild Horse Fund, who manages the horses now with no taxpayer dollars:

> When Cordero was first seen, the tides were too high to bring a trailer up the beach so we had to wait until the next day at low tide to bring panels and a trailer. We looked for him every day for 4 days after that. We went through wooded areas and marsh with no success. We finally found his harem on July 20, 2013. It was a difficult capture and the poor thing was trying to run to keep up with his mother. We had to capture her as well. Due to his young age and poor condition, he needed his mother's milk as well as her company to help relieve some of the stress of captivity. Unfortunately, that became an exercise in futility.

Cordero, because of his health problems, had to be euthanized.

We want a solution to this problem. It is a great solution that only requires a minimum amount of influence from us to get this done—largely done by private and local entities. What we need to do is put an amendment forward that requires the U.S. Fish & Wildlife Service, the State of North Carolina, and Currituck County—the State of North Carolina and Currituck County want to do this—working with the Corolla Wild Horse Fund to establish a management plan that would allow for the transfer of horses from a related herd located at Shackleford Banks. This would allow the herd size to grow and will provide more genetic diversity to prevent situations that poor Cordero experienced.

Our amendment asks for no money. The amendment is supported by the Humane Society, the American Society for the Prevention of Cruelty to Animals, the Animal Welfare Institute, the Corolla Wild Horse Fund, and other key animal welfare organizations.

Contrary to what some people have said who may oppose this amendment, it doesn't change the mission of U.S. Fish & Wildlife Services. It doesn't require any taxpayer dollars. All it simply does is allow local government to solve this problem.

I hope that later today or tomorrow, when we can get on these amendments, we can convince our Members that this is a very important asset not only for North Carolina but for the Nation, and a simple gesture on our part can solve a very difficult problem on the part of the Corolla wild horses.

Thank you, Madam President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

FAA REAUTHORIZATION BILL

Mr. NELSON. Madam President, we are close to the vote on the FAA bill. I want to underscore the importance for the Senate because it contains some of the most significant passenger-friendly reforms and airport security enhancements that we have seen in years.

To get to this point has been no small task, especially in this era in which it is so difficult to find consensus and a bipartisan way to pass something. We have been able to do it with the able leadership of the chairman, Senator JOHN THUNE. The two of us have felt like we needed to focus on areas where we agree, and as a result the entire Commerce Committee came together to get this done. Now we are about to pass this and get it on to the House.

In a complicated bill like this, it doesn't contain everything that everybody wants, but we hope our counterparts in the House are going to take up and pass this bill without delay. We have given them a good bipartisan blueprint to follow and one they ought to pass easily.

If they add controversial or partisan measures such as privatizing our air traffic control system, this bill will fail. The U.S. Department of Defense is unalterably opposed to private controllers controlling our military aircraft. If that path is taken in the House, it is going to be a big loss for consumers and for the safety of the flying public.

When thinking about some of the irritations of passengers, such as the growing list of airline fees and charges, consumers feel they are nickel-anddimed to death. This bill is going to require greater transparency and relief. Building on a minority Commerce Committee report that was released last summer, it requires fee refunds for delayed baggage. It requires refunds for ancillary services, such as seating fees that are paid for by a customer and then not delivered by the airline. It requires new standardized disclosure of fees for consumers and increased protections for disabled passengers.

There are important safety reforms. Last night's national news was led by an international news report from London about an inbound British Airways flight into Heathrow that was struck by a drone. Computer analysis has been done. What would happen if the drone is sucked into a jet engine? It can certainly cause it to be inoperable and might start an explosion.

Remember what happened when two seagulls were sucked into the engine of a flight called the Hudson River miracle, when captain Sully Sullenberger was able to belly it in because he had no power. That was caused by a seagull with feathers, webbed feet, and a beak. Imagine what the metal and plastic of a drone being sucked into a jet engine could do. Do we need any more reminders?

This bill has a pilot program to test and develop technologies to intercept or shut down drones when they are near airports.

Remember the tragedy in Brussels. Remember the downing of a Russian airliner in Egypt because somebody was on the inside and snuck a bomb onto the airplane. There are parts in this bill that will help reduce the insider threat that terrorists have previously exploited, including the soft

targets in the queues at the TSA lines and at the ticket counters.

This bill will improve the background checks and security screenings for airport workers and prevent hackers from potentially gaining control of an airplane. This bill also requires that the FAA develop standards on how aircraft manufacturers can keep flight control systems separate from inflight passenger entertainment systems. Remember what was shown on ''60 Minutes'' about the takeover and control of a car by someone going on the Internet and hacking into the car's entertainment system.

The bottom line is, this is a good bill. It is the result of a hard-earned collaborative effort. I thank Senator THUNE and his staff for their good work and their good will in our negotiations. I also thank the Members of our staff who worked endlessly to get us to this point. After the vote, I am going to read a list of their names because I want them to be recognized.

To our colleagues in the Senate, I thank you for working with Senator THUNE and me on the creation and development of the bill up to this point and now the passage of the bill. I suspect the Senate will respond overwhelmingly and I certainly urge that result.

Madam President, we have just a couple minutes until the vote.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Mr. NELSON. Madam President, I ask unanimous consent that I be permitted to speak for up to 5 minutes.

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

Mr. NELSON. Madam President, we are trying to get clearance for a package of 26 noncontroversial amendments that Senator THUNE and I put together in a package. They are noncontroversial. They are amendments sponsored by a multiplicity of Senators, a whole array of different things that are needed.

We have one Senator objecting to proceeding with the package of 26 amendments. We are trying to get that objection removed; otherwise, we are going to be in a position of going to the bill, which we will have the votes to pass, but without these 26 amendments. These are amendments by Senators HATCH, MCCAIN, THUNE, MORAN, BROWN, MURPHY, KAINE, FEINSTEIN, JOHNSON, LEAHY, INHOFE, CORNYN, MARKEY, KIRK, CORNYN, DURBIN, MORAN, WARNER, SULLIVAN, HIRONO, HOEVEN, HEITKAMP, ISAKSON, MURRAY, and TESTER.

All are noncontroversial. But we have one objection with regard to this package, which is noncontroversial.

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.

Mr. THUNE. Madam President, we have pending before us final passage on the FAA reauthorization. We have been waiting to see if there were not another 26 amendments that have been cleared on both sides that we can get added to the bill. Despite our best efforts, we have an objection to that. We have been trying all morning to get that cleared, but that has not been possible.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

AMERICA'S SMALL BUSINESS TAX RELIEF ACT OF 2015

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 636, which the clerk will report.

The senior assistant legislative clerk read as follows:

A bill (H.R. 636) to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. THUNE. Madam 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 Senator is necessarily absent: the Senator from Texas (Mr. CRUZ).

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

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

The result was announced—yeas 95, nays 3, as follows:

[Rollcall Vote No. 47 Leg.]

YEAS—95

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

NAYS—3

Boxer	Lee	Rubio

NOT VOTING—2

Cruz	Sanders

The bill (H.R. 636), as amended, was passed.

The PRESIDING OFFICER. The Senator from South Dakota.

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

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

Mr. THUNE. Mr. President, I rise today to express my appreciation to my colleagues for the passage of the Federal Aviation Administration Reauthorization Act of 2016. By passing this legislation, which I offered with the Commerce Committee's ranking member, Senator NELSON, and our Aviation Subcommittee leaders, Senator AYOTTE and Senator CANTWELL, the Senate is seeking to end a string of short extensions with a comprehensive reform proposal now on its way to the House of Representatives. Bipartisan efforts at both the Commerce Committee and on the Senate floor made an already strong bill even better.

Only weeks ago, horrific attacks by ISIS created new concern for air travelers. Recognizing the need to enhance security, Senators from both sides of the aisle offered amendments to strengthen safety and security protections for passengers in this aviation bill. To guard against the threat of airport insiders helping terrorists, we added provisions that I authored along with Senator NELSON to improve the scrutiny of individuals applying to work in secure airport areas.

For the first time, we put requirements in place so applicants needing access to secure areas of airports can be denied security credential if they have been convicted of embezzlement, racketeering, robbery, sabotage, immigration law violations, or assault with a deadly weapon.

While very few criminals are terrorists, it is not at all uncommon for terrorists to get their start as criminals. The Brussels attackers, for example, were known to the police as criminals long before they carried out terrorist

attacks. Ensuring that dangerous criminals don't work behind the scenes at airports is one important thing we can do to reduce the threats facing airport passengers. Tightening the vetting process for airport employees is especially critical, as many experts believe the recent bombing of a Russian passenger jet leaving Egypt had help from an aviation insider.

Our bill also includes security provisions to better safeguard public areas outside the security checkpoints at airports and to help reduce passenger backups. These reforms could help prevent a future attack, like the one in the Brussels terminal last month, which targeted a crowd of passengers in an area where the attackers didn't even need tickets.

While many of our security enhancements addressed problems highlighted by recent attacks, none of these proposals were cobbled together in a rush to do something. All of the security proposals added to this bill have existed for months and were developed as a result of congressional oversight, independent evaluations of agencies, and the study of existing problems. What recent attacks by ISIS did create is new urgency to enact these security safeguards as the threat of terrorism remains a menace.

As I have mentioned more than once, this legislation has been praised for the many ways it helps airline passengers. Under this bill, airlines will be required to return fees if they lose or significantly delay delivery of passengers' luggage. We also require airlines to automatically return fees for services purchased but not delivered so travelers don't have to go through the hassle of trying to reclaim their money from an airline.

Because many customers are frustrated by lengthy legal jargon that can make it difficult to understand add-on costs, our bill creates a new and easy-to-read uniform standard for disclosing baggage, ticket change, seat selection, and other fees. We even help families with children find flights where they can sit together without additional costs by requiring airlines to tell purchasers about available seat locations at the time of booking.

A Washington Post consumer columnist called our bill ''one of the most passenger-friendly Federal Aviation Administration reauthorization bills in a generation.''

I am proud that the FAA bill before the Senate today is the product of a bipartisan process. Over at the Commerce Committee, we approved 57 amendments before this bill came to the floor, and 60 percent of those amendments came from Members of the minority. Here on the Senate floor, we approved an additional 19 amendments.

In addition to helping passengers and enhancing security, this legislation addresses a number of other priorities, including the cyber security of aircraft, the aircraft design approval process, undue regulatory burdens on noncommercial pilots, airport infrastructure, rural air service, lithium battery safety, mental health screening for pilots, communicable disease preparedness, drone safety, and many other important areas. Without going through them in detail, the bill's provisions for unmanned aerial systems are groundbreaking.

Twenty years from now, when drones play significant roles in our economy and making the public safer, Congress will look back at this bill as landmark legislation. Provisions in this bill will give the FAA authority to address safety issues unique to drones and advance the development of drone technology.

Thanks to this legislation, the FAA will be able to consider and grant permission for new and safe drone usage, stop dangerous practices, and deploy new tools to put sensitive parts of our national airspace under restricted access for drones.

Finally, as I have noted, Ranking Member NELSON, Senator AYOTTE, and Senator CANTWELL deserve high praise for their collaboration on this legislation. Senator NELSON, in particular, has been a real partner in the effort, and I want to express my sincere thanks to him and to his talented staff.

I also want to acknowledge the important contributions of Finance Committee Chairman HATCH, Ranking Member WYDEN, and their staffs. Without the Finance Committee provisions they provided for revenue and expenditure authority, we would not have an FAA bill.

I also want to thank Leader MCCONNELL, his lead liaison to the Commerce Committee, Scott Rabb, and Leader REID for helping us get this bill passed.

I also appreciate the Senators and their staff members who worked with us so that we could include so many amendments here on the floor.

Finally, it goes without saying that I want to thank my own staff for their great work on this bill, especially Nick Rossi, Adrian Arnakis, Bailey Edwards, Michael Reynolds, Jessica McBride, Missye Brickell, Suzanne Gillen, Jaclyn Keshian, Christopher Loring, Rebecca Seidel, Cheri Pascoe, Peter Feldman, Andrew Timm, Frederick Hill, and Lauren Hammond. Long hours and even a few all-nighters have been put into this bill over the course of many months. I am the first to say that nothing consequential or substantial gets done around this place without the important, hard work of the very talented and skilled staff. I am blessed on the Commerce Committee to be surrounded with people who care passionately about these issues, who work very diligently to get the best possible outcomes and results. I am grateful for the contributions of our staff and those of Senator NELSON's staff and of the many Members who were involved in shaping this bill. It is another accomplishment that we can all be proud of.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON. Mr. President, the feeling is mutual. I made my comments earlier, so I won't go into the substance of the bill. Senator THUNE has certainly been a delight to work with, as was his committee staff.

I wish to personally thank our staff: Tom Chapman, Jenny Solomon, Chris Day, Mohsin Syed, Melissa Alvarado, Laura Ponto, Dan Hurd, Renae Black, Maria Stratienko, Nick Russell, Christian Fjeld, Brian No, Peder Magee, Meeran Ahn, Brad Torppey, and our staff director Kim Lipsky. I also wish to thank the Democratic staff here on the floor—they make this place run day in and day out—Gary Myrick, Tim Mitchell, Trisha Engle, Dan Tinsley, and all the cloakroom staff.

I thank the Senate for responding so affirmatively to this FAA bill. Now let's get the House to understand the importance of this bill so we can get it into law.

The PRESIDING OFFICER. The Senator from South Dakota.

AMENDMENT NO. 3799

Mr. THUNE. Mr. President, I ask unanimous consent that the title amendment at the desk be agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 3799) was agreed to, as follows:

(Purpose: To amend the title)

Amend the title so as to read: ''An Act to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2016 through 2017, and for other purposes.''.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Mr. President, I ask unanimous consent to make some remarks on the Burr-Tillis amendment No. 3175 to the Energy bill.

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

COROLLA WILD HORSES PROTECTION AMENDMENT

Mr. BURR. Mr. President and colleagues, I am embarrassed that I am having to come to the floor to talk about an amendment that makes so much sense, that embraces everything that I think the legislative branch and, more importantly, the American people support: the protection of a species.

I rise today to ask my colleagues to support the Corolla Wild Horses Protection Act. The amendment mirrors legislation Senator TILLIS and I introduced, S. 1204. This bill passed the House twice, in 2012 and 2013.

Let me be specific. This bill directs the Secretary of the Interior to enter into an agreement with the Corolla Wild Horses Fund to provide for the management of free-roaming wild horses in and around Currituck National Wildlife Refuge.

As I have learned, North Carolina is mostly inhabited by people from Virginia and Maryland—up and down the east coast—in the summer. As a matter

of fact, as to the homes in the northern portion of the Outer Banks where the wild horses are found, where there isn't a road, 60 percent of the homes are owned by Virginians, not North Carolinians. These horses have existed there for hundreds of years. As a matter of fact, these horses have been such an important part of North Carolina's history that in 2010 it was made North Carolina's State horse.

People have seen these horses on the beach and between cottages. They have co-existed with the habitat for over 200 years. The turtles, ducks, and wildlife have thrived. The species of that habitat have survived because there is no better protector of the species than these animals. They eat what they need without removing the roots, which is what helps them to repopulate and stay alive.

Here is the problem: This herd has been mandated to be held at 60 horses, and every scientific study on genetics shows you have to have more than 100 or 120 to have genetic sustainability.

What are we proposing? This act proposes that we bring 20 horses from the Shackleford reserve and integrate them with the horses on the Outer Banks, which is a mere 2 hours away. This herd is similar from the standpoint of its creation. By doing this, we will begin to inject genetics into this so we don't have the genetic deformities that are beginning to be experienced with the Corolla horses. If we don't act now, we could lose these horses, and it is all due to genetic inbreeding.

The reason I am embarrassed to be here is that this is something that ought to be done by unanimous consent. Every person in this body should embrace this legislation. Yet the Fish and Wildlife Service is opposed to this. And there is nothing that says that Fish and Wildlife can't build a fence around the wildlife reserve. It existed for hundreds of years in the wildlife reserve before and after it was designated as a wildlife reserve. As a matter of fact, 70 percent of the land on which these horses roam is private. The land for the wildlife refuge is only 30 percent, but 70 percent of the land is privately owned, and the private landowners are all for making this herd genetically sustainable.

If we don't do this legislatively, let me assure you that the Fish and Wildlife Service is going to hold the number at 60. If they hold the herd at 60, the herd will genetically burn out. I don't know what Fish and Wildlife is going to do. The herd is at 80 today. The herd needs new genetics entered into it to change the trend, but Fish and Wildlife could go out tomorrow and shoot 20 horses. I am sure they would probably tell us that they would take 20 horses and put them somewhere else. Where are they going to put them? Inject them into another genetic herd and increase their sustainability? Maybe so. But if you do it somewhere else, why wouldn't you do the same thing here?

No landowners are clamoring to let this herd die out. As a matter of fact, there are a million and a half people in this country who have expressed support for the sustainability of this herd. But this is where science dictates. Science says that it is not sustainable if you leave this herd without a genetic injection from somewhere else.

This is not a new proposal. It passed in the House twice. It is not a new proposal. Fish and Wildlife has done this in other places. For some reason, they don't want to do it in North Carolina.

The last test for any Member of Congress and anybody in this country should be: What will it cost us to do this? What am I asking you to pay to do this? The answer is zero. There is no Federal cost to this legislation. We can sustain the herd for the future, and it will not cost taxpayers anything. We have a private entity that will take responsibility for the management of the fund.

We don't in any way, shape, or form limit Fish and Wildlife from the standpoint of their ability to fence off whatever they believe is environmentally sensitive. And we have horses that have lived with ducks, geese, and sea turtles for over 200 years and have never seen a problem with it.

The Presiding Officer has been patient. I say to my colleagues: Don't make a mistake. Support this legislation. It is the right thing to do. It doesn't cost the taxpayers money, and it embraces everything that I think America stands for, and that is the preservation of the history of this country. Believe it or not, these horses represent over 200 years of history in North Carolina, and that is why we made it our State horse.

I thank the Presiding Officer, and I yield back my time.

RECESS

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

Thereupon, the Senate, at 12:54 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

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

The senior assistant legislative clerk read as follows:

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

Pending:

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

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

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

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENTS NOS. 3276; 3302, AS MODIFIED; 3055; 3050; 3237; 3308; 3286, AS MODIFIED; 3075; 3168; 3292, AS MODIFIED; 3155; 3270; 3313, AS MODIFIED; 3214; 3266; 3310; 3317; 3265, AS MODIFIED; 3012; 3290; 3004; 3233, AS MODIFIED; 3239; 3221; 3203; 3309, AS MODIFIED; 3229; 3251; AND 2963 TO AMENDMENT NO. 2953

Ms. MURKOWSKI. Mr. President, I call up the following amendments en bloc and ask that they be reported by number and be considered en bloc, along with amendment No. 2963, offered by Senator MURKOWSKI: Cantwell amendment No. 3276; Klobuchar amendment No. 3302, as modified; Flake amendment No. 3055; Flake amendment No. 3050; Hatch amendment No. 3237; Murkowski amendment No. 3308; Heller amendment No. 3286, as modified; Vitter amendment No. 3075; Portman amendment No. 3168; Shaheen amendment No. 3292, as modified; Heinrich amendment No. 3155; Manchin amendment No. 3270; Cantwell amendment No. 3313, as modified; Cantwell amendment No. 3214; Vitter amendment No. 3266; Sullivan amendment No. 3310; Heinrich amendment No. 3317; Vitter amendment No. 3265, as modified; Kaine amendment No. 3012; Alexander amendment No. 3290; Gillibrand amendment No. 3004; Warner amendment No. 3233, as modified; Thune amendment No. 3239; Udall amendment No. 3221; Coons amendment No. 3203; Portman amendment No. 3309, as modified; Flake amendment No. 3229; and Inhofe amendment No. 3251.

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

The senior assistant legislative clerk read as follows:

The Senator from Alaska [Ms. MURKOWSKI], for herself and others, proposes amendments numbered 3276; 3302, as modified; 3055; 3050; 3237; 3308; 3286, as modified; 3075; 3168; 3292, as modified; 3155; 3270; 3313, as modified; 3214; 3266; 3310; 3317; 3265, as modified; 3012; 3290; 3004; 3233, as modified; 3239; 3221; 3203; 3309, as modified; 3229; and 3251 en bloc to amendment No. 2953.

The amendments are as follows:

AMENDMENT NO. 3276

(Purpose: To strike certain provisions relating to technology demonstration on the distribution system, large-scale geothermal energy, and bio-power initiatives)

Strike section 2303.
Strike section 3009.
Strike section 3017.

AMENDMENT NO. 3302, AS MODIFIED

(Purpose: To modify provisions relating to the energy efficiency materials pilot program)

Beginning on page 37, strike line 16 and all that follows through page 41, line 14 and insert the following:

SEC. 1004. ENERGY EFFICIENCY MATERIALS PILOT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) APPLICANT.—The term ''applicant'' means a nonprofit organization that applies for a grant under this section.

(2) ENERGY-EFFICIENCY MATERIALS.—

(A) IN GENERAL.—The term ''energy-efficiency materials'' means a measure (including a product, equipment, or system) that results in a reduction in use by a nonprofit organization for energy or fuel supplied from outside the nonprofit building.

(B) INCLUSIONS.—The term ''energy-efficiency materials'' includes an item involving—

(i) a roof or lighting system, or component of a roof or lighting system;

(ii) a window;

(iii) a door, including a security door; or

(iv) a heating, ventilation, or air conditioning system or component of the system (including insulation and wiring and plumbing materials needed to serve a more efficient system); and

(v) a renewable energy generation or heating system, including a solar, photovoltaic, wind, geothermal, or biomass (including wood pellet) system or component of the system.

(3) NONPROFIT BUILDING.—

(A) IN GENERAL.—The term ''nonprofit building'' means a building operated and owned by a nonprofit organization.

(B) INCLUSIONS.—The term ''nonprofit building'' includes a building described in subparagraph (A) that is—

(i) a hospital;

(ii) a youth center;

(iii) a school;

(iv) a social-welfare program facility;

(v) a faith-based organization; and

(vi) any other nonresidential and noncommercial structure.

(b) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish a pilot program to award grants for the purpose of providing nonprofit buildings with energy-efficiency materials.

(c) GRANTS.—

(1) IN GENERAL.—The Secretary may award grants under the program established under subsection (b).

(2) APPLICATION.—The Secretary may award a grant under this section if an applicant submits to the Secretary an application at such time, in such form, and containing such information as the Secretary may prescribe.

(3) CRITERIA FOR GRANT.—In determining whether to award a grant under this section, the Secretary shall apply performance-based criteria, which shall give priority to applications based on—

(A) the energy savings achieved;

(B) the cost-effectiveness of the use of energy-efficiency materials;

(C) an effective plan for evaluation, measurement, and verification of energy savings; and

(D) the financial need of the applicant.

(4) LIMITATION ON INDIVIDUAL GRANT AMOUNT.—Each grant awarded under this section shall not exceed $200,000.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2016 through 2020, to remain available until expended.

AMENDMENT NO. 3055

(Purpose: To establish a pilot project relating to the Western Area Power Administration)

At the appropriate place, insert the following:

SEC. _____. WESTERN AREA POWER ADMINISTRATION PILOT PROJECT.

(a) IN GENERAL.—The Administrator of the Western Area Power Administration (referred to in this section as the ''Administrator'') shall establish a pilot project, as part of the continuous process improvement program and to provide increased transparency for customers, to publish on a publicly available website of the Western Area Power Administration, a searchable database of the following information, beginning with fiscal year 2008, relating to the Western Area Power Administration:

(1) By power system, rates charged to customers for power and transmission service.

(2) By power system, the amount of capacity or energy sold.

(3) By region, a detailed accounting of the allocation of budget authority, including—

(A) overhead costs;

(B) the number of contractors; and

(C) the number of full-time equivalents.

(4) For the corporate services office, a detailed accounting of the allocation of budget authority, including—

(A) overhead costs;

(B) the number of contractors;

(C) the number of full-time equivalents; and

(D) expenses charged to other Federal agencies or programs for the administration of programs not related to the marketing, transmission, or wheeling of Federal hydropower resources, including—

(i) overhead costs;

(ii) the number of contractors; and

(iii) the number of full-time equivalents.

(5) Capital expenditures, including—

(A) capital investments delineated by the year in which each investment is placed into service; and

(B) the sources of capital for each investment.

(b) REPORT.—Not less than once each year for the duration of the pilot project under this section, the Administrator shall submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a report that—

(1) describes the annual estimated avoided costs and the savings as a result of the pilot project under this section; and

(2) includes a certification from the Administrator that—

(A) the rates for each power system do not recover costs and expenses recovered by other power systems; and

(B) each expense allocated by the corporate services office to an individual power system is only recovered once.

(c) TERMINATION.—The pilot project under this section shall terminate on the date that is 10 years after the date of enactment of this Act.

AMENDMENT NO. 3050

(Purpose: To require the Secretary of Energy to make available certain information about research grants of the Department of Energy.)

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

SEC. 4405. RESEARCH GRANTS DATABASE.

(a) IN GENERAL.—The Secretary shall establish and maintain a public database, accessible on the website of the Department, that contains a searchable listing of every unclassified research and development project contract, grant, cooperative agreement, task order for federally funded research and development centers, or other transaction administered by the Department.

(b) CLASSIFIED PROJECTS.—Each year, the Secretary shall submit to the relevant committees of Congress a report that lists every classified project of the Department, including all relevant details of the projects.

(c) REQUIREMENTS.—Each listing described in subsections (a) and (b) shall include, at a minimum, for each listed project, the component carrying out the project, the project name, an abstract or summary of the project, funding levels, project duration, contractor or grantee name, and expected objectives and milestones.

(d) RELEVANT LITERATURE AND PATENTS.—To the maximum extent practicable, the Secretary shall provide information through the public database established under subsection (a) on relevant literature and patents that are associated with each research and development project contract, grant, or cooperative agreement, or other transaction, of the Department.

AMENDMENT NO. 3237

(Purpose: To require the Secretary of the Interior to submit recommendations to Congress on incorporating Internet-based lease sales for the sale of Federal oil and gas in certain circumstances)

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

SEC. 31___. REPORT ON INCORPORATING INTERNET-BASED LEASE SALES.

Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall submit to Congress a report containing recommendations for the incorporation of Internet-based lease sales at the Bureau of Land Management in accordance with section 17(b)(1)(C) of the Mineral Leasing Act (30 U.S.C. 226(b)(1)(C)) in the event of an emergency or other disruption causing a disruption to a sale.

AMENDMENT NO. 3308

(Purpose: To clarify certain provisions relating to the natural gas pipeline authorized in the Denali National Park and Preserve)

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

SEC. 31_____. DENALI NATIONAL PARK AND PRESERVE NATURAL GAS PIPELINE.

(a) PERMIT.—Section 3(b)(1) of the Denali National Park Improvement Act (Public Law 113–33; 127 Stat. 516) is amended by striking ''within, along, or near the approximately 7-mile segment of the George Parks Highway that runs through the Park''.

(b) TERMS AND CONDITIONS.—Section 3(c)(1) of the Denali National Park Improvement Act (Public Law 113–33; 127 Stat. 516) is amended—

(1) in subparagraph (A), by inserting ''and'' after the semicolon;

(2) by striking subparagraph (B); and

(3) by redesignating subparagraph (C) as subparagraph (B).

(c) APPLICABLE LAW.—Section 3 of the Denali National Park Improvement Act (Public Law 113–33; 127 Stat. 515) is amended by adding at the end the following:

''(d) APPLICABLE LAW.—A high pressure gas transmission pipeline (including appurtenances) in a nonwilderness area within the boundary of the Park, shall not be subject to title XI of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3161 et seq.).''.

AMENDMENT NO. 3286, AS MODIFIED

(Purpose: To promote the development of renewable energy on public land)

On page 244, between lines 13 and 14, insert the following:

Subpart B—Development of Geothermal, Solar, and Wind Energy on Public Land

SEC. 3011A. DEFINITIONS.

In this subpart:

(1) COVERED LAND.—The term ''covered land'' means land that is—

(A) public land administered by the Secretary; and

(B) not excluded from the development of geothermal, solar, or wind energy under—

(i) a land use plan established under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); or

(ii) other Federal law.

(2) EXCLUSION AREA.—The term ''exclusion area'' means covered land that is identified by the Bureau of Land Management as not suitable for development of renewable energy projects.

(3) PRIORITY AREA.—The term ''priority area'' means covered land identified by the land use planning process of the Bureau of Land Management as being a preferred location for a renewable energy project.

(4) PUBLIC LAND.—The term ''public land'' has the meaning given the term ''public lands'' in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702).

(5) RENEWABLE ENERGY PROJECT.—The term ''renewable energy project'' means a project carried out on covered land that uses wind, solar, or geothermal energy to generate energy.

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

(7) VARIANCE AREA.—The term ''variance area'' means covered land that is—

(A) not an exclusion area; and

(B) not a priority area.

SEC. 3011B. LAND USE PLANNING; SUPPLEMENTS TO PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENTS.

(a) PRIORITY AREAS.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Energy, shall establish priority areas on covered land for geothermal, solar, and wind energy projects.

(2) DEADLINE.—

(A) GEOTHERMAL ENERGY.—For geothermal energy, the Secretary shall establish priority areas as soon as practicable, but not later than 5 years, after the date of enactment of this Act.

(B) SOLAR ENERGY.—For solar energy, the solar energy zones established by the 2012 western solar plan of the Bureau of Land Management shall be considered to be priority areas for solar energy projects.

(C) WIND ENERGY.—For wind energy, the Secretary shall establish priority areas as soon as practicable, but not later than 3 years, after the date of enactment of this Act.

(b) VARIANCE AREAS.—To the maximum extent practicable, variance areas shall be considered for renewable energy project development, consistent with the principles of multiple use as defined in the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(c) REVIEW AND MODIFICATION.—Not less frequently than once every 10 years, the Secretary shall—

(1) review the adequacy of land allocations for geothermal, solar, and wind energy priority and variance areas for the purpose of encouraging new renewable energy development opportunities; and

(2) based on the review carried out under paragraph (1), add, modify, or eliminate priority, variance, and exclusion areas.

(d) COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT.—For purposes of this section, compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall be accomplished—

(1) for geothermal energy, by supplementing the October 2008 final programmatic environmental impact statement for geothermal leasing in the western United States;

(2) for solar energy, by supplementing the July 2012 final programmatic environmental impact statement for solar energy projects; and

(3) for wind energy, by supplementing the July 2005 final programmatic environmental impact statement for wind energy projects.

(e) NO EFFECT ON PROCESSING APPLICATIONS.—A requirement to prepare a supplement to a programmatic environmental impact statement under this section shall not result in any delay in processing an application for a renewable energy project.

(f) COORDINATION.—In developing a supplement required by this section, the Secretary shall coordinate, on an ongoing basis, with appropriate State, tribal, and local governments, transmission infrastructure owners and operators, developers, and other appropriate entities to ensure that priority areas identified by the Secretary are—

(1) economically viable (including having access to transmission);

(2) likely to avoid or minimize conflict with habitat for animals and plants, recreation, and other uses of covered land; and

(3) consistent with section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712), including subsection (c)(9) of that section.

(g) REMOVAL FROM CLASSIFICATION.—In carrying out subsections (a), (c), and (d), if the Secretary determines an area previously suited for development should be removed from priority or variance classification, not later than 90 days after the date of the determination, the Secretary shall submit to Congress a report on the determination.

SEC. 3011C. ENVIRONMENTAL REVIEW ON COVERED LAND.

(a) IN GENERAL.—If the Secretary determines that a proposed renewable energy project has been sufficiently analyzed by a programmatic environmental impact statement conducted under section 3011B(d), the Secretary shall not require any additional review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) ADDITIONAL ENVIRONMENTAL REVIEW.—If the Secretary determines that additional environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) is necessary for a proposed renewable energy project, the Secretary shall rely on the analysis in the programmatic environmental impact statement conducted under section 3011B(d), to the maximum extent practicable when analyzing the potential impacts of the project.

(c) RELATIONSHIP TO OTHER LAW.—Nothing in this section modifies or supersedes any requirement under applicable law, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 3011D. PROGRAM TO IMPROVE RENEWABLE ENERGY PROJECT PERMIT COORDINATION.

(a) ESTABLISHMENT.—The Secretary shall establish a program to improve Federal permit coordination with respect to renewable energy projects on covered land.

(b) MEMORANDUM OF UNDERSTANDING.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall enter into a memorandum of understanding for purposes of this section, including to specifically expedite the environmental analysis of applications for projects proposed in a variance area, with—

(A) the Secretary of Agriculture; and

(B) the Assistant Secretary of the Army for Civil Works.

(2) STATE PARTICIPATION.—The Secretary may request the Governor of any interested State to be a signatory to the memorandum of understanding under paragraph (1).

(c) DESIGNATION OF QUALIFIED STAFF.—

(1) IN GENERAL.—Not later than 90 days after the date on which the memorandum of understanding under subsection (b) is executed, all Federal signatories, as appropriate, shall identify for each of the Bureau of Land Management Renewable Energy Coordination Offices an employee who has expertise in the regulatory issues relating to the office in which the employee is employed, including, as applicable, particular expertise in—

(A) consultation regarding, and preparation of, biological opinions under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536);

(B) permits under section 404 of Federal Water Pollution Control Act (33 U.S.C. 1344);

(C) regulatory matters under the Clean Air Act (42 U.S.C. 7401 et seq.);

(D) planning under section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a);

(E) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(F) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.); and

(G) the preparation of analyses under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) DUTIES.—Each employee assigned under paragraph (1) shall—

(A) be responsible for addressing all issues relating to the jurisdiction of the home office or agency of the employee; and

(B) participate as part of the team of personnel working on proposed energy projects, planning, monitoring, inspection, enforcement, and environmental analyses.

(d) ADDITIONAL PERSONNEL.—The Secretary may assign additional personnel for the renewable energy coordination offices as are necessary to ensure the effective implementation of any programs administered by those offices, including inspection and enforcement relating to renewable energy project development on covered land, in accordance with the multiple use mandate of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(e) RENEWABLE ENERGY COORDINATION OFFICES.—In implementing the program established under this section, the Secretary may establish additional renewable energy coordination offices or temporarily assign the qualified staff described in subsection (c) to a State, district, or field office of the Bureau of Land Management to expedite the permitting of renewable energy projects, as the Secretary determines to be necessary.

(f) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than February 1 of the first fiscal year beginning after the date of enactment of this Act, and each February 1 thereafter, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report describing the progress made pursuant to the program under this subpart during the preceding year.

(2) INCLUSIONS.—Each report under this subsection shall include—

(A) projections for renewable energy production and capacity installations; and

(B) a description of any problems relating to leasing, permitting, siting, or production.

SEC. 3011E. SAVINGS CLAUSE.

Nothing in this subpart establishes—

(1) a priority or preference for the development of renewable energy projects on public land over other energy-related or mineral projects or other uses of public land; or

(2) an exception to the requirement that public land be managed consistent with the principle of multiple use (as defined in section of section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)).

On page 244, line 14, strike ''**Subpart B**'' and insert ''**Subpart C**''.

AMENDMENT NO. 3075

(Purpose: To require the Bureau of Safety and Environmental Enforcement to review the economic impact of a rule on small entities)

At the appropriate place, insert the following:

SEC. ___. REVIEW OF ECONOMIC IMPACT OF BSEE RULE ON SMALL ENTITIES.

(a) DEFINITIONS.—In this section—

(1) the term ''BSEE'' means the Bureau of Safety and Environmental Enforcement;

(2) the term ''Chief Counsel'' means the Chief Counsel for Advocacy of the Small Business Administration;

(3) the term ''covered proposed rule'' means the proposed rule of the BSEE entitled ''Oil and Gas and Sulphur Operations in the Outer Continental Shelf—Blowout Preventer Systems and Well Control'' (80 Fed. Reg. 21504 (April 17, 2015)); and

(4) the term ''small entity'' has the meaning given the term in section 601 of title 5, United States Code.

(b) REQUIREMENT TO CONDUCT REVIEW.—

(1) IN GENERAL.—If the BSEE issues a final rule for the covered proposed rule, then not later than 1 year after the effective date of the final rule the BSEE, in consultation with the Chief Counsel, shall complete a review of the final rule under section 610 of title 5, United States Code.

(2) ASSESSMENT OF ECONOMIC IMPACT.—In conducting the review required under paragraph (1), the BSEE, in consultation with the Chief Counsel, shall assess the economic impact of the final rule on small entities in the oil and gas supply chain.

(3) REPORT.—Not later than 180 days after the date on which the review is completed under this subsection, the BSEE, in consultation with the Chief Counsel, shall submit to Congress a report on the findings of the review.

AMENDMENT NO. 3168

(Purpose: To exclude power supply circuits, drivers, and devices designed to be connected to, and power, light-emitting diodes or organic light-emitting diodes providing illumination or ceiling fans using direct current motors from energy conservation standards for external power supplies)

At the appropriate place, insert the following:

SEC. _____. APPLICATION OF ENERGY CONSERVATION STANDARDS TO CERTAIN EXTERNAL POWER SUPPLIES.

(a) DEFINITION OF EXTERNAL POWER SUPPLY.—Section 321(36)(A) of the Energy Policy and Conservation Act (42 U.S.C. 6291(36)(A)) is amended—

(1) by striking the subparagraph designation and all that follows through ''The term'' and inserting the following:

''(A) EXTERNAL POWER SUPPLY.—

''(i) IN GENERAL.—The term''; and

(2) by adding at the end the following:

''(ii) EXCLUSION.—The term 'external power supply' does not include a power supply circuit, driver, or device that is designed exclusively to be connected to, and power—

''(I) light-emitting diodes providing illumination;

''(II) organic light-emitting diodes providing illumination; or

''(III) ceiling fans using direct current motors.''.

(b) STANDARDS FOR LIGHTING POWER SUPPLY CIRCUITS.—

(1) DEFINITION.—Section 340(2)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6311(2)(B)) is amended by striking clause (v) and inserting the following:

''(v) electric lights and lighting power supply circuits;''.

(2) ENERGY CONSERVATION STANDARD FOR CERTAIN EQUIPMENT.—Section 342 of the Energy Policy and Conservation Act (42 U.S.C. 6313) is amended by adding at the end the following:

''(g) LIGHTING POWER SUPPLY CIRCUITS.—If the Secretary, acting pursuant to section 341(b), includes as a covered equipment solid state lighting power supply circuits, drivers, or devices described in section 321(36)(A)(ii), the Secretary may prescribe under this part, not earlier than 1 year after the date on which a test procedure has been prescribed, an energy conservation standard for such equipment.''.

(c) TECHNICAL CORRECTIONS.—

(1) Section 321(6)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6291(6)(B)) is amended by striking ''(19)'' and inserting ''(20)''.

(2) Section 324 of the Energy Policy and Conservation Act (42 U.S.C. 6294) is amended by striking ''(19)'' each place it appears in each of subsections (a)(3), (b)(1)(B), (b)(3), and (b)(5) and inserting ''(20)''.

(3) Section 325(l) of the Energy Policy and Conservation Act (42 U.S.C. 6295(l)) is amended by striking ''paragraph (19)'' each place it appears and inserting ''paragraph (20)''.

AMENDMENT NO. 3292, AS MODIFIED

(Purpose: To reduce barriers to combined heat and power systems and waste heat to power systems)

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

SEC. 23___. MODEL GUIDANCE FOR COMBINED HEAT AND POWER SYSTEMS AND WASTE HEAT TO POWER SYSTEMS.

(a) DEFINITIONS.—In this section:

(1) ADDITIONAL SERVICES.—The term ''additional services'' means the provision of supplementary power, backup or standby power, maintenance power, or interruptible power to an electric consumer by an electric utility.

(2) WASTE HEAT TO POWER SYSTEM.—

(A) IN GENERAL.—The term ''waste heat to power system'' means a system that generates electricity through the recovery of waste energy.

(B) EXCLUSION.—The term ''waste heat to power system'' does not include a system that generates electricity through the recovery of a heat resource from a process the primary purpose of which is the generation of electricity using a fossil fuel.

(3) OTHER TERMS.—

(A) PURPA.—The terms ''electric consumer'', ''electric utility'', ''interconnection service'', ''nonregulated electric utility'', and ''State regulatory authority'' have the meanings given those terms in the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.), within the meaning of title I of that Act (16 U.S.C. 2611 et seq.).

(B) EPCA.—The terms ''combined heat and power system'' and ''waste energy'' have the meanings given those terms in section 371 of the Energy Policy and Conservation Act (42 U.S.C. 6341).

(b) REVIEW.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the Federal Energy Regulatory Commission and other appropriate entities, shall review existing rules and procedures relating to interconnection service and additional services throughout the United States for electric generation with nameplate capacity up to 20 megawatts to identify barriers to the deployment of combined heat and power systems and waste heat to power systems.

(2) INCLUSION.—The review under this subsection shall include a review of existing rules and procedures relating to—

(A) determining and assigning costs of interconnection service and additional services; and

(B) ensuring adequate cost recovery by an electric utility for interconnection service and additional services.

(c) MODEL GUIDANCE.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary, in consultation with the Federal Energy Regulatory Commission and other appropriate entities, shall issue model guidance for interconnection service and additional services for use by State regulatory authorities and nonregulated electric utilities to reduce the barriers identified under subsection (b)(1).

(2) CURRENT BEST PRACTICES.—The model guidance issued under this subsection shall reflect, to the maximum extent practicable, current best practices to encourage the deployment of combined heat and power systems and waste heat to power systems while ensuring the safety and reliability of the interconnected units and the distribution and transmission networks to which the units connect, including—

(A) relevant current standards developed by the Institute of Electrical and Electronic Engineers; and

(B) model codes and rules adopted by—

(i) States; or

(ii) associations of State regulatory agencies.

(3) FACTORS FOR CONSIDERATION.—In establishing the model guidance under this subsection, the Secretary shall take into consideration—

(A) the appropriateness of using standards or procedures for interconnection service that vary based on unit size, fuel type, or other relevant characteristics;

(B) the appropriateness of establishing fast-track procedures for interconnection service;

(C) the value of consistency with Federal interconnection rules established by the Federal Energy Regulatory Commission as of the date of enactment of this Act;

(D) the best practices used to model outage assumptions and contingencies to determine fees or rates for additional services;

(E) the appropriate duration, magnitude, or usage of demand charge ratchets;

(F) potential alternative arrangements with respect to the procurement of additional services, including—

(i) contracts tailored to individual electric consumers for additional services;

(ii) procurement of additional services by an electric utility from a competitive market; and

(iii) waivers of fees or rates for additional services for small electric consumers; and

(G) outcomes such as increased electric reliability, fuel diversification, enhanced power quality, and reduced electric losses that may result from increased use of combined heat and power systems and waste heat to power systems.

AMENDMENT NO. 3155

(Purpose: To ensure that minority serving-institutions are considered in developing a strategy for the support and development of a skilled energy workforce, and to ensure the Secretary of Energy shall provide direct assistance in carrying out the energy workforce pilot grant program)

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

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

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

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

(3) encourage industry to improve the opportunities for students of minority-serving

institutions to participate in industry internships and cooperative work-study programs.

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

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

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

(k) TECHNICAL ASSISTANCE.—The Secretary shall

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

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

AMENDMENT NO. 3270

(Purpose: To modify provisions relating to the coal technology program)

Beginning on page 304, strike line 11 and all that follows through page 311, line 7, and insert the following:

(b) ESTABLISHMENT OF COAL TECHNOLOGY PROGRAM.—The Energy Policy Act of 2005 (as amended by subsection (a)) is amended by inserting after section 961 (42 U.S.C. 16291) the following:

''SEC. 962. COAL TECHNOLOGY PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) LARGE-SCALE PILOT PROJECT.—The term 'large-scale pilot project' means a pilot project that—

''(A) represents the scale of technology development beyond laboratory development and bench scale testing, but not yet advanced to the point of being tested under real operational conditions at commercial scale;

''(B) represents the scale of technology necessary to gain the operational data needed to understand the technical and performance risks of the technology before the application of that technology at commercial scale or in commercial-scale demonstration; and

''(C) is large enough—

''(i) to validate scaling factors; and

''(ii) to demonstrate the interaction between major components so that control philosophies for a new process can be developed and enable the technology to advance from large-scale pilot plant application to commercial-scale demonstration or application.

''(2) NET-NEGATIVE CARBON DIOXIDE EMISSIONS PROJECT.—The term 'net-negative carbon dioxide emissions project' means a project—

''(A) that employs a technology for thermochemical coconversion of coal and biomass fuels that—

''(i) uses a carbon capture system; and

''(ii) with carbon dioxide removal, can provide electricity, fuels, or chemicals with net-negative carbon dioxide emissions from production and consumption of the end products, while removing atmospheric carbon dioxide;

''(B) that will proceed initially through a large-scale pilot project for which front-end engineering will be performed for bituminous, subbituminous, and lignite coals; and

''(C) through which each use of coal will be combined with the use of a regionally indigenous form of biomass energy, provided on a renewable basis, that is sufficient in quantity to allow for net-negative emissions of carbon dioxide (in combination with a carbon capture system), while avoiding impacts on food production activities.

''(3) PROGRAM.—The term 'program' means the program established under subsection (b)(1).

''(4) TRANSFORMATIONAL TECHNOLOGY.—

''(A) IN GENERAL.—The term 'transformational technology' means a power generation technology that represents an entirely new way to convert energy that will enable a step change in performance, efficiency, and cost of electricity as compared to the technology in existence on the date of enactment of this section.

''(B) INCLUSIONS.—The term 'transformational technology' includes a broad range of technology improvements, including—

''(i) thermodynamic improvements in energy conversion and heat transfer, including—

''(I) oxygen combustion;

''(II) chemical looping; and

''(III) the replacement of steam cycles with supercritical carbon dioxide cycles;

''(ii) improvements in turbine technology;

''(iii) improvements in carbon capture systems technology; and

''(iv) any other technology the Secretary recognizes as transformational technology.

''(b) COAL TECHNOLOGY PROGRAM.—

''(1) IN GENERAL.—The Secretary shall establish a coal technology program to ensure the continued use of the abundant, domestic coal resources of the United States through the development of technologies that will significantly improve the efficiency, effectiveness, costs, and environmental performance of coal use.

''(2) REQUIREMENTS.—The program shall include—

''(A) a research and development program;

''(B) large-scale pilot projects;

''(C) demonstration projects; and

''(D) net-negative carbon dioxide emissions projects.

''(3) PROGRAM GOALS AND OBJECTIVES.—In consultation with the interested entities described in paragraph (4)(C), the Secretary shall develop goals and objectives for the program to be applied to the technologies developed within the program, taking into consideration the following objectives:

''(A) Ensure reliable, low-cost power from new and existing coal plants.

''(B) Achieve high conversion efficiencies.

''(C) Address emissions of carbon dioxide through high-efficiency platforms and carbon capture from new and existing coal plants.

''(D) Support small-scale and modular technologies to enable incremental capacity additions and load growth and large-scale generation technologies.

''(E) Support flexible baseload operations for new and existing applications of coal generation.

''(F) Further reduce emissions of criteria pollutants and reduce the use and manage the discharge of water in power plant operations.

''(G) Accelerate the development of technologies that have transformational energy conversion characteristics.

''(H) Validate geological storage of large volumes of anthropogenic sources of carbon dioxide and support the development of the infrastructure needed to support a carbon dioxide use and storage industry.

''(I) Examine methods of converting coal to other valuable products and commodities in addition to electricity.

''(4) CONSULTATIONS REQUIRED.—In carrying out the program, the Secretary shall—

''(A) undertake international collaborations, as recommended by the National Coal Council;

''(B) use existing authorities to encourage international cooperation; and

''(C) consult with interested entities, including—

''(i) coal producers;

''(ii) industries that use coal;

''(iii) organizations that promote coal and advanced coal technologies;

''(iv) environmental organizations;

''(v) organizations representing workers; and

''(vi) organizations representing consumers.

''(c) REPORT.—

''(1) IN GENERAL.—Not later than 18 months after the date of enactment of this section, the Secretary shall submit to Congress a report describing the performance standards adopted under subsection (b)(3).

''(2) UPDATE.—Not less frequently than once every 2 years after the initial report is submitted under paragraph (1), the Secretary shall submit to Congress a report describing the progress made towards achieving the objectives and performance standards adopted under subsection (b)(3).

''(d) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section, to remain available until expended—

''(A) for activities under the research and development program component described in subsection (b)(2)(A)—

''(i) $275,000,000 for each of fiscal years 2017 through 2020; and

''(ii) $200,000,000 for fiscal year 2021;

''(B) for activities under the demonstration projects program component described in subsection (b)(2)(C)—

''(i) $50,000,000 for each of fiscal years 2017 through 2020; and

''(ii) $75,000,000 for fiscal year 2021;

''(C) subject to paragraph (2), for activities under the large-scale pilot projects program component described in subsection (b)(2)(B), $285,000,000 for each of fiscal years 2017 through 2021; and

''(D) for activities under the net-negative carbon dioxide emissions projects program component described in subsection (b)(2)(D), $22,000,000 for each of fiscal years 2017 through 2021.

''(2) COST SHARING FOR LARGE-SCALE PILOT PROJECTS.—Activities under subsection (b)(2)(B) shall be subject to the cost-sharing requirements of section 988(b).''.

AMENDMENT NO. 3313, AS MODIFIED

(Purpose: To express the sense of the Senate on accelerating energy innovation)

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

SEC. 42___. SENSE OF THE SENATE ON ACCELERATING ENERGY INNOVATION.

It is the sense of the Senate that—

(1) although important progress has been made in cost reduction and deployment of clean energy technologies, accelerating clean energy innovation will help meet critical competitiveness, energy security, and environmental goals;

(2) accelerating the pace of clean energy innovation in the United States calls for—

(A) supporting existing research and development programs at the Department and the world-class National Laboratories (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801));

(B) exploring and developing new pathways for innovators, investors, and decision-makers to leverage the resources of the Department for addressing the challenges and comparative strengths of geographic regions; and

(C) recognizing the financial constraints of the Department, regularly reviewing clean energy programs to ensure that taxpayer investments are maximized;

(3) the energy supply, demand, policies, markets, and resource options of the United States vary by geographic region;

(4) a regional approach to innovation can bridge the gaps between local talent, institutions, and industries to identify opportunities and convert United States investment into domestic companies; and

(5) Congress, the Secretary, and energy industry participants should advance efforts that promote international, domestic, and regional cooperation on the research and development of energy innovations that—

(A) provide clean, affordable, and reliable energy for everyone;

(B) promote economic growth;

(C) are critical for energy security; and

(D) are sustainable without government support.

AMENDMENT NO. 3214

(Purpose: To proved for improved energy emergency response efforts of the Department of Energy)

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.''.

AMENDMENT NO. 3266

(Purpose: To require the Comptroller General of the United States to prepare a report relating to the statutory and regulatory authority of the Bureau of Safety and Environmental Enforcement relating to the legal procurement of privately owned helicopter fuel, without agreement, from lessees, permit holders, operators of federally leased offshore facilities, or independent third parties)

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

SEC. 44____. GAO REPORT ON BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT STATUTORY AND REGULATORY AUTHORITY FOR THE PROCUREMENT OF HELICOPTER FUEL.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that defines the statutory and regulatory authority of the Bureau of Safety and Environmental Enforcement with respect to legally procuring privately owned helicopter fuel, without agreement, from lessees, permit holders, operators of federally leased offshore facilities, or independent third parties not under contract with the Bureau of Safety and Environmental Enforcement or an agent of the Bureau of Safety and Environmental Enforcement.

AMENDMENT NO. 3310

(Purpose: To provide for the correction of a survey of certain land in the State of Alaska)

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

SEC. 44____. CONVEYANCE OF FEDERAL LAND WITHIN THE SWAN LAKE HYDROELECTRIC PROJECT BOUNDARY.

Not later than 18 months after the date of enactment of this Act, the Secretary of the Interior, after consultation with the Secretary of Agriculture, shall—

(1) survey the exterior boundaries of the tract of Federal land within the project boundary of the Swan Lake Hydroelectric Project (FERC No. 2911) as generally depicted and labeled ''Lost Creek'' on the map entitled ''Swan Lake Project Boundary—Lot 2'' and dated February 1, 2016; and

(2) issue a patent to the State of Alaska for the tract described in paragraph (1) in accordance with—

(A) the survey authorized under paragraph (1);

(B) 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); and

(C) section 24 of the Federal Power Act (16 U.S.C. 818).

AMENDMENT NO. 3317

(Purpose: To require the Secretary of Energy to ensure that the costs of general and administrative overhead are not allocated to laboratory directed research and development)

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

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

The Secretary shall ensure that laboratory operating contractors do not allocate costs of general and administrative overhead to laboratory directed research and development.

AMENDMENT NO. 3265, AS MODIFIED

(Purpose: To provide additional priorities for an energy workforce pilot grant program)

In section 3602(d)(9), strike ''or'' at the end.

In section 3602(d)(10), strike the period and insert a semicolon.

In section 3602(d), insert at the end the following:

(11) establish a community college or 2-year technical college-based ''Center of Excellence'' for an energy and maritime workforce technical training program; or

(12) are located in close proximity to marine or port facilities in the Gulf of Mexico, Atlantic Ocean, Pacific Ocean, Arctic Ocean, Bering Sea, Gulf of Alaska, or Great Lakes.

AMENDMENT NO. 3012

(Purpose: To remove the use restrictions on certain land transferred to Rockingham County, Virginia)

At the end, add the following:

TITLE VI—MISCELLANEOUS

SEC. 6001. REMOVAL OF USE RESTRICTION.

Public Law 101–479 (104 Stat. 1158) is amended—

(1) by striking section 2(d); and

(2) by adding the following new section at the end:

''SEC. 4. REMOVAL OF USE RESTRICTION.

''(a) The approximately 1-acre portion of the land referred to in section 3 that is used for purposes of a child care center, as authorized by this Act, shall not be subject to the use restriction imposed in the deed referred to in section 3.

''(b) Upon enactment of this section, the Secretary of the Interior shall execute an instrument to carry out subsection (a).''.

AMENDMENT NO. 3290

(Purpose: To add a provision relating to secondary use applications of electric vehicle batteries)

At the end of section 1306, add the following:

(h) SECONDARY USE APPLICATIONS.—

(1) IN GENERAL.—The Secretary shall carry out a research, development, and demonstration program that—

(A) builds on any work carried out under section 915 of the Energy Policy Act of 2005 (42 U.S.C. 16195);

(B) identifies possible uses of a vehicle battery after the useful life of the battery in a vehicle has been exhausted;

(C) conducts long-term testing to verify performance and degradation predictions and lifetime valuations for secondary uses;

(D) evaluates innovative approaches to recycling materials from plug-in electric drive vehicles and the batteries used in plug-in electric drive vehicles;

(E)(i) assesses the potential for markets for uses described in subparagraph (B) to develop; and

(ii) identifies any barriers to the development of those markets; and

(F) identifies the potential uses of a vehicle battery—

(i) with the most promise for market development; and

(ii) for which market development would be aided by a demonstration project.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress an initial report on the findings of the program described in paragraph (1), including recommendations for stationary energy storage and other potential applications for batteries used in plug-in electric drive vehicles.

(3) SECONDARY USE DEMONSTRATION.—

(A) IN GENERAL.—Based on the results of the program described in paragraph (1), the Secretary shall develop guidelines for projects that demonstrate the secondary uses and innovative recycling of vehicle batteries.

(B) PUBLICATION OF GUIDELINES.—Not later than 18 months after the date of enactment of this Act, the Secretary shall—

(i) publish the guidelines described in subparagraph (A); and

(ii) solicit applications for funding for demonstration projects.

(C) PILOT DEMONSTRATION PROGRAM.—Not later than 21 months after the date of enactment of this Act, the Secretary shall select proposals for grant funding under this section, based on an assessment of which proposals are mostly likely to contribute to the development of a secondary market for batteries.

AMENDMENT NO. 3004

(Purpose: To allow the use of Federal disaster relief and emergency assistance for energy-efficient products and structures)

At the appropriate place, insert the following:

SEC. _____. USE OF FEDERAL DISASTER RELIEF AND EMERGENCY ASSISTANCE FOR ENERGY-EFFICIENT PRODUCTS AND STRUCTURES.

(a) IN GENERAL.—Title III of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141 et seq.) is amended by adding at the end the following:

''SEC. 327. USE OF ASSISTANCE FOR ENERGY-EFFICIENT PRODUCTS AND STRUCTURES.

''(a) DEFINITIONS.—In this section—

''(1) the term 'energy-efficient product' means a product that—

''(A) meets or exceeds the requirements for designation under an Energy Star program established under section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a); or

''(B) meets or exceeds the requirements for designation as being among the highest 25 percent of equivalent products for energy efficiency under the Federal Energy Management Program; and

''(2) the term 'energy-efficient structure' means a residential structure, a public facility, or a private nonprofit facility that meets or exceeds the requirements of Standard 90.1–2013 of the American Society of Heating, Refrigerating and Air-Conditioning Engineers or the 2015 International Energy Conservation Code, or any successor thereto.

''(b) USE OF ASSISTANCE.—A recipient of assistance relating to a major disaster or emergency may use the assistance to replace or repair a damaged product or structure with an energy-efficient product or energy-efficient structure.''.

(b) APPLICABILITY.—The amendment made by this section shall apply to assistance made available under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) before, on, or after the date of enactment of this Act that is expended on or after the date of enactment of this Act.

AMENDMENT NO. 3233, AS MODIFIED

(Purpose: To authorize, direct, facilitate, and expedite the transfer of administrative jurisdiction of certain Federal land)

At the end, add the following:

TITLE VI—MISCELLANEOUS

SEC. 6001. INTERAGENCY TRANSFER OF LAND ALONG GEORGE WASHINGTON MEMORIAL PARKWAY.

(a) DEFINITIONS.—In this section:

(1) MAP.—The term ''Map'' means the map entitled ''George Washington Memorial Parkway—Claude Moore Farm Proposed Boundary Adjustment'', numbered 850_130815, and dated February 2016.

(2) RESEARCH CENTER.—The term ''Research Center'' means the Turner-Fairbank Highway Research Center of the Federal Highway Administration.

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

(b) ADMINISTRATIVE JURISDICTION TRANSFER.—

(1) TRANSFER OF JURISDICTION.—

(A) GEORGE WASHINGTON MEMORIAL PARKWAY LAND.—Administrative jurisdiction over the approximately 0.342 acres of Federal land under the jurisdiction of the Secretary within the boundary of the George Washington Memorial Parkway, as generally depicted as ''B'' on the Map, is transferred from the Secretary to the Secretary of Transportation.

(B) RESEARCH CENTER LAND.—Administration jurisdiction over the approximately 0.479 acres of Federal land within the boundary of the Research Center land under the jurisdiction of the Secretary of Transportation adjacent to the boundary of the George Washington Memorial Parkway, as generally depicted as ''A'' on the Map, is transferred from the Secretary of Transportation to the Secretary.

(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 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 interfere with the access of the Research Center to the restricted land for security and maintenance purposes.

(3) REIMBURSEMENT OR CONSIDERATION.—The transfers of administrative jurisdiction under this subsection shall not be subject to 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 land described in the agreement.

(B) ACCESS TO RESTRICTED LAND.—

(i) IN GENERAL.—Subject to the terms of the agreement described in subparagraph (A), the Secretary shall allow the Research Center—

(I) to access the Federal land described in paragraph (1)(B) for purposes of transportation to and from the Research Center; and

(II) to access the Federal land described in paragraphs (1)(B) and (2) 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 Federal land.

(c) MANAGEMENT OF TRANSFERRED LAND.—

(1) INTERIOR LAND.—The Federal land transferred to the Secretary under subsection (b)(1)(B) shall be—

(A) included in the boundary of the George Washington Memorial Parkway; and

(B) administered by the Secretary as part of the George Washington Memorial Parkway, subject to applicable laws (including regulations).

(2) TRANSPORTATION LAND.—The Federal land transferred to the Secretary of Transportation under subsection (b)(1)(A) shall be—

(A) included in the boundary of the Research Center land; and

(B) removed from the boundary of the George Washington Memorial Parkway.

(3) RESTRICTED-USE LAND.—The Federal land that 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.

AMENDMENT NO. 3239

(Purpose: To establish a subcommittee to coordinate and facilitate United States leadership in high-energy physics)

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

SEC. 42___. NATIONAL SCIENCE AND TECHNOLOGY COUNCIL COORDINATING SUBCOMMITTEE FOR HIGH-ENERGY PHYSICS.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the National Science and Technology Council shall establish a subcommittee to coordinate Federal efforts relating to high-energy physics research (referred to in this section as the ''subcommittee'').

(b) PURPOSES.—The purposes of the subcommittee are—

(1) to maximize the efficiency and effectiveness of United States investment in high-energy physics; and

(2) to support a robust, internationally competitive United States high-energy physics program that includes—

(A) underground science and engineering research; and

(B) physical infrastructure.

(c) CO-CHAIRS.—The Director of the National Science Foundation and the Secretary shall serve as co-chairs of the subcommittee.

(d) RESPONSIBILITIES.—The responsibilities of the subcommittee shall be—

(1) to provide recommendations on planning for construction and stewardship of large facilities participating in high-energy physics;

(2) to provide recommendations on research coordination and collaboration among the programs and activities of Federal agencies;

(3) to establish goals and priorities for high-energy physics, underground science, and research and development that will strengthen United States competitiveness in high-energy physics;

(4) to propose methods for engagement with international, Federal, and State agencies and Federal laboratories not represented on the subcommittee to identify and reduce regulatory, logistical, and fiscal barriers that inhibit United States leadership in high-energy physics and related underground science; and

(5) to develop, and update once every 5 years, a strategic plan to guide Federal programs and activities in support of high-energy physics research.

(e) ANNUAL REPORT.—Annually, the subcommittee shall update Congress regarding—

(1) efforts taken in support of the strategic plan described in subsection (d)(5);

(2) an evaluation of the needs for maintaining United States leadership in high-energy physics; and

(3) identification of priorities in the area of high-energy physics.

(f) SUNSET.—The subcommittee shall terminate on the date that is 10 years after the date of enactment of this Act.

AMENDMENT NO. 3221

(Purpose: To establish a voluntary WaterSense program within the Environmental Protection Agency)

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.''.

AMENDMENT NO. 3203

(Purpose: To provide for a study of waivers of certain cost-sharing requirements of the Department of Energy)

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.

AMENDMENT NO. 3309, AS MODIFIED

(Purpose: To provide for activities relating to the centennial of the National Park System)

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

SEC. 44____. NATIONAL PARK CENTENNIAL.

(a) NATIONAL PARK CENTENNIAL CHALLENGE FUND.—

(1) 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. National Park Centennial Challenge Fund

''(a) PURPOSE.—The purpose of this section is to establish a fund in the Treasury—
''(1) to finance signature projects and programs to enhance the National Park System as the centennial of the National Park System approaches in 2016; and
''(2) to prepare the System for another century of conservation, preservation, and enjoyment.
''(b) DEFINITIONS.—In this section:
''(1) CHALLENGE FUND.—The term 'Challenge Fund' means the National Park Centennial Challenge Fund established by subsection (c)(1).
''(2) QUALIFIED DONATION.—The term 'qualified donation' means a cash donation or the pledge of a cash donation guaranteed by an irrevocable letter of credit to the Service that the Secretary certifies is to be used for a signature project or program.
''(3) SIGNATURE PROJECT OR PROGRAM.—The term 'signature project or program' means any project or program identified by the Secretary as a project or program that would further the purposes of the System or any System unit.
''(c) NATIONAL PARK CENTENNIAL CHALLENGE FUND.—
''(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the 'National Park Centennial Challenge Fund'.
''(2) DEPOSITS.—The Challenge Fund shall consist of—
''(A) qualified donations that are transferred from the Service donation account, in accordance with subsection (e)(1); and
''(B) not more than $17,500,000, to be appropriated from the general fund of the Treasury, in accordance with subsection (e)(2).
''(3) AVAILABILITY.—Amounts in the Challenge Fund shall—
''(A) be available to the Secretary for signature projects and programs under this title, without further appropriation; and
''(B) remain available until expended.
''(d) SIGNATURE PROJECTS AND PROGRAMS.—
''(1) DEVELOPMENT OF LIST.—Not later than 180 days after the date of enactment of this section, the Secretary shall develop a list of signature projects and programs eligible for funding from the Challenge Fund.
''(2) SUBMISSION TO CONGRESS.—The Secretary shall submit to the Committees on Appropriations and Energy and Natural Resources of the Senate and the Committees on Appropriations and Natural Resources of the House of Representatives the list developed under paragraph (1).
''(3) UPDATES.—Subject to the notice requirements under paragraph (2), the Secretary may add any signature project or program to the list developed under paragraph (1).
''(e) DONATIONS AND MATCHING FEDERAL FUNDS.—
''(1) QUALIFIED DONATIONS.—The Secretary may transfer any qualified donations to the Challenge Fund.
''(2) MATCHING AMOUNT.—There is authorized to be appropriated to the Challenge Fund for each fiscal year through fiscal year 2020 an amount equal to the amount of qualified donations received for the fiscal year.
''(3) SOLICITATION.—Nothing in this section expands any authority of the Secretary, the Service, or any employee of the Service to receive or solicit donations.
''(f) REPORT TO CONGRESS.—The Secretary shall provide with the submission of the budget of the President to Congress for each fiscal year a report on the status and funding of the signature projects and programs.''.

(2) CLERICAL AMENDMENT.—The table of sections affected for 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. National Park Centennial Challenge Fund.''.

(b) SECOND CENTURY ENDOWMENT FOR THE NATIONAL PARK SYSTEM.—

(1) IN GENERAL.—Subchapter II of chapter 1011 of title 54, United States Code, is amended by adding at the end the following:

''§ 101121. Second Century Endowment for the National Park System

''(a) IN GENERAL.—The National Park Foundation shall establish an endowment, to be known as the 'Second Century Endowment for the National Park System' (referred to in this section as the 'Endowment').
''(b) CAMPAIGN.—To further the mission of the Service, the National Park Foundation may undertake a campaign to fund the Endowment through gifts, devises, or bequests, in accordance with section 101113.
''(c) USE OF PROCEEDS.—
''(1) IN GENERAL.—On request of the Secretary, the National Park Foundation shall expend proceeds from the Endowment in accordance with projects and programs in furtherance of the mission of the Service, as identified by the Secretary.
''(2) MANAGEMENT.—The National Park Foundation shall manage the Endowment in a manner that ensures that annual expenditures as a percentage of the principal are consistent with Internal Revenue Service guidelines for endowments maintained for charitable purposes.
''(d) INVESTMENTS.—The National Park Foundation shall—
''(1) maintain the Endowment in an interest-bearing account; and
''(2) invest Endowment proceeds with the purpose of supporting and enriching the System in perpetuity.

''(e) REPORT.—Each year, the National Park Foundation shall make publicly available information on the amounts deposited into, and expended from, the Endowment.''.

(2) CLERICAL AMENDMENT.—The table of sections affected for title 54, United States Code, is amended by inserting after the item relating to section 101120 the following:

''§101121. Second Century Endowment for the National Park System.''.

(c) NATIONAL PARK SERVICE INTELLECTUAL PROPERTY PROTECTION.—

(1) IN GENERAL.—Chapter 1049 of title 54, United States Code (as amended by subsection (a)(1)), is amended by adding at the end the following:

''§ 104910. Intellectual property

''(a) DEFINITIONS.—In this section:

''(1) SERVICE EMBLEM.—

''(A) IN GENERAL.—The term 'Service emblem' means any word, phrase, insignia, logo, logotype, trademark, service mark, symbol, design, graphic, image, color, badge, uniform, or any combination of emblems used to identify the Service or a component of the System.

''(B) INCLUSIONS.—The term 'Service emblem' includes—

''(i) the Service name;

''(ii) an official System unit name;

''(iii) any other name used to identify a Service component or program; and

''(iv) the Arrowhead symbol.

''(2) SERVICE UNIFORM.—The term 'Service uniform' means any combination of apparel, accessories, or emblems, any distinctive clothing or other items of dress, or a representation of dress—

''(A) that is worn during the performance of official duties; and

''(B) that identifies the wearer as a Service employee.

''(b) PROHIBITED ACTS.—No person shall, without the written permission of the Secretary—

''(1) use any Service emblem or uniform, or any word, term, name, symbol or device or any combination of emblems to suggest any colorable likeness of the Service emblem or Service uniform in connection with goods or services in commerce if the use is likely to cause confusion, or to deceive the public into believing that the emblem or uniform is from or connected with the Service;

''(2) use any Service emblem or Service uniform or any word, term, name, symbol, device, or any combination of emblems or uniforms to suggest any likeness of the Service emblem or Service uniform in connection with goods or services in commerce in a manner reasonably calculated to convey the impression to the public that the goods or services are approved, endorsed, or authorized by the Service;

''(3) use in commerce any word, term, name, symbol, device or any combination of words, terms, names, symbols, or devices to suggest any likeness of the Service emblem or Service uniform in a manner that is reasonably calculated to convey the impression that the wearer of the item of apparel is acting pursuant to the legal authority of the Service; or

''(4) knowingly make any false statement for the purpose of obtaining permission to use any Service emblem or Service uniform.''.

(2) CLERICAL AMENDMENT.—The table of sections affected for title 54, United States Code, is amended by inserting after the item relating to section 104908 (as added by subsection (a)(2)) the following:

''§104910. Intellectual property.''.

(d) NATIONAL PARK SERVICE EDUCATION AND INTERPRETATION.—

(1) IN GENERAL.—Division A of subtitle I of title 54, United States Code, is amended by inserting after chapter 1007 the following:

''CHAPTER 1008—EDUCATION AND INTERPRETATION

''CHAPTER 1008—EDUCATION AND INTERPRETATION

''§ 100801. Definitions

''In this chapter:

''(1) EDUCATION.—The term 'education' means enhancing public awareness, understanding, and appreciation of the resources of the System through learner-centered, place-based materials, programs, and activities that achieve specific learning objectives as identified in a curriculum.

''(2) INTERPRETATION.—The term 'interpretation' means—

''(A) providing opportunities for people to form intellectual and emotional connections to gain awareness, appreciation, and understanding of the resources of the System; and

''(B) the professional career field of Service employees, volunteers, and partners who interpret the resources of the System.

''(3) RELATED AREA.—The term 'related area' means—

''(A) a component of the National Trails System;

''(B) a National Heritage Area; and

''(C) an affiliated area administered in connection with the System.

''§ 100802. Interpretation and education authority

''The Secretary shall ensure that management of System units and related areas is enhanced by the availability and utilization of a broad program of the highest quality interpretation and education.

''§ 100803. Interpretation and education evaluation and quality improvement

''The Secretary may undertake a program of regular evaluation of interpretation and education programs to ensure that the programs—

''(1) adjust to the ways in which people learn and engage with the natural world and shared heritage as embodied in the System;

''(2) reflect different cultural backgrounds, ages, education, gender, abilities, ethnicity, and needs;

''(3) demonstrate innovative approaches to management and appropriately incorporate emerging learning and communications technology; and

''(4) reflect current scientific and academic research, content, methods, and audience analysis.

''§ 100804. Improved utilization of partners and volunteers in interpretation and education

''The Secretary may—

''(1) coordinate with System unit partners and volunteers in the delivery of quality programs and services to supplement the programs and services provided by the Service as part of a Long-Range Interpretive Plan for a System unit;

''(2) support interpretive partners by providing opportunities to participate in interpretive training; and

''(3) collaborate with other Federal and non-Federal public or private agencies, organizations, or institutions for the purposes of developing, promoting, and making available educational opportunities related to resources of the System and programs.''.

(2) CLERICAL AMENDMENT.—The table of chapters for division A of subtitle I of title 54, United States Code, is amended by inserting after the item relating to chapter 1007 the following:

''1008. Education and Interpretation 100801''.

(e) PUBLIC LAND CORPS AMENDMENTS.—

(1) DEFINITIONS.—Section 203(10)(A) of the Public Lands Corps Act of 1993 (16 U.S.C. 1722(10)(A)) is amended by striking ''25'' and inserting ''30''.

(2) PARTICIPANTS.—Section 204(b) of the Public Lands Corps Act of 1993 (16 U.S.C. 1723(b)) is amended in the first sentence by striking ''25'' and inserting ''30''.

(3) HIRING.—Section 207(c)(2) of the Public Lands Corps Act of 1993 (16 U.S.C., 1726(c)(2)) is amended by striking ''120 days'' and inserting ''2 years''.

(f) NATIONAL PARK FOUNDATION.—Subchapter II of chapter 1011 of title 54, United States Code, is amended—

(1) in section 101112—

(A) by striking subsection (a) and inserting the following:

''(a) MEMBERSHIP.—The National Park Foundation shall consist of a Board having as members at least 6 private citizens of the United States appointed by the Secretary, with the Secretary and the Director serving as ex officio members of the Board.''; and

(B) by striking subsection (c) and inserting the following:

''(c) CHAIRMAN.—

''(1) SELECTION.—The Board shall select a Chairman of the Board from among the members of the Board.

''(2) TERM.—The Chairman of the Board shall serve for a 2-year term.''; and

(2) in section 101113(a)—

AMENDMENT NO. 3229

(Purpose: To establish a program to reduce the potential impacts of solar energy facilities on certain species)

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.

AMENDMENT NO. 3251

(Purpose: To modify the calculation of fuel economy for gaseous fuel dual fueled automobiles)

On page 150, between lines 14 and 15, insert the following:

SEC. 131__. GASEOUS FUEL DUAL FUELED AUTOMOBILES.

Section 32905 of title 49, United States Code, is amended by striking subsection (d) and inserting the following:

''(d) GASEOUS FUEL DUAL FUELED AUTOMOBILES.—

''(1) MODEL YEARS 1993 THROUGH 2016.—For any model of gaseous fuel dual fueled automobile manufactured by a manufacturer in model years 1993 through 2016, the Administrator shall measure the fuel economy for that model by dividing 1.0 by the sum of—

''(A) .5 divided by the fuel economy measured under section 32904(c) of this title when operating the model on gasoline or diesel fuel; and

''(B) .5 divided by the fuel economy measured under subsection (c) of this section when operating the model on gaseous fuel.

''(2) SUBSEQUENT MODEL YEARS.—For any model of gaseous fuel dual fueled automobile manufactured by a manufacturer in model year 2017 or any subsequent model year, the Administrator shall calculate fuel economy in accordance with section 600.510-12 (c)(2)(vii) of title 40, Code of Federal Regulations (as in effect on the date of enactment of this paragraph) if the vehicle qualifies under section 32901(c).''.

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

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

The amendments (Nos. 3276; 3302, as modified; 3055; 3050; 3237; 3308; 3286, as modified; 3075; 3168; 3292, as modified; 3155; 3270; 3313, as modified; 3214; 3266; 3310; 3317; 3265, as modified; 3012; 3290; 3004; 3233, as modified; 3239; 3221; 3203; 3309, as modified; 3229; 3251; and 2963) were agreed to en bloc.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the motions to reconsider be considered made and laid upon the table en bloc.

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

Ms. MURKOWSKI. Mr. President, we are back on the floor with the Energy Policy Modernization Act—an act that many of us have spent a considerable amount of time not only here on the floor discussing but, prior to its arrival on the floor of the Senate, working through a process that, quite honestly, I am very pleased to be able to report on.

As we have just heard, with the voice vote that we just took en bloc, we have accepted and adopted 29 additional amendments to this broad, bipartisan, and, as some would suggest, long-stalled Energy bill. We have been working on this now on the floor for more than 2 months. It actually first came to the floor on January 27 of this year. But we have seen patience, a little bit of persistence, and a truly good-faith negotiation. Last week we were able to clear the last of the objections to this bill and to define a path forward.

Again, we just reached unanimous consent on these 29 additional amendments. There will be eight rollcall votes this afternoon and then votes on cloture and final passage, and, hopefully, today we will see the last day of debate on our Energy bill.

Since we have been away from EPMA for so long, I wanted to start my comments this afternoon by reminding colleagues of the process we have followed and of the many good provisions we have incorporated within the bill that make it worthy of the Senate's support.

It began with a pretty simple and straightforward recognition; that is, that it was time—it was actually well past time—to update and reform our Nation's energy policies. The last time the Congress passed a major Energy bill was in December of 2007. So it has been almost a decade's worth of changes in technologies and markets taking place across the country.

Our energy space has changed, but what hasn't changed are the policies. The policies that we see are increasingly outdated and detached from the opportunities we need to advance good energy policy in this country.

So what did we do? We set out to write a bill. Our Energy Policy Modernization Act of 2016 is the result of more than a year of hard work by those of us who serve on the Energy and Natural Resources Committee. It is the result of multiple listening sessions, multiple legislative hearings, bipartisan negotiations, and then a multiday markup that we held last July. At the end of that markup, we were able to approve a bill by a strong bipartisan margin—18 to 4.

The reason the bill passed out of committee with such strong bipartisan support was not just because of our commitment to a good process—and it was very clear that it was a good process throughout—but we matched that good process with a commitment, an equal commitment, to good policy. We worked together across the aisle to include good ideas from Members on both sides of the aisle, from Members on the committee, and Members off the committee. Some of the things we agreed to include are going to speak to the input we received.

Senator BARRASSO has led an effort that will streamline LNG exports. He was joined by 17 other Members. That is incorporated in our bill.

We agreed to include a major efficiency bill that the occupant of the Chair, the Senator from Ohio, together with the Senator from New Hampshire, have spearheaded for years. That bill was supported by 13 other Members and is incorporated as part of this overall Energy Policy Modernization Act.

We agreed to improve our mineral security. This is something I have been leading, along with Senators HELLER and CRAPO and RISCH.

We worked to promote the use of hydropower—a renewable, emission-free resource that is favored by just about everybody in this Chamber.

We agreed to streamline permitting for natural gas pipelines. This was an effort that was led by the Senator from West Virginia, Mrs. CAPITO.

We agreed to a new oil and gas permitting pilot program. This was one of several ideas that the Senator from North Dakota, Mr. HOEVEN, helped advance.

We have worked to improve our Nation's cyber security, based on legislation that was advanced by the Senator from New Mexico, Mr. HEINRICH, as well as Senator RISCH from Idaho.

We also made innovation a key priority to promote the development of promising technologies.

As part of that, we agreed to reauthorize some of the energy-related provisions that were contained in the America COMPETES Act, which was led by Senator ALEXANDER from Tennessee.

We also agreed to reauthorize the coal R&D program at the Department of Energy. This was, again, based on another bipartisan proposal that was led by both Senators from West Virginia, Senators CAPITO and MANCHIN, as well as the Senator from Ohio who is occupying the Chair now, Senator PORTMAN.

What we came away with was a substantive, timely, and bipartisan measure that has a very real chance of being the first major Energy bill signed into law in well over 8 years.

So this is important, for a host of different reasons.

Moving forward with this act will help America produce more energy. It will help Americans save more money. It will help ensure that energy can be transported from where it is produced to where it is needed. It will strengthen our status as the best innovator in the world, and it will bring us just one step closer to becoming a global energy superpower. It will do all of this without raising taxes, without imposing new mandates, and without adding to the Federal deficit.

That was our starting point here on the Senate floor back in January. When we came to the floor with the Energy bill, I think those of us on the Energy and Natural Resources Committee thought it was a pretty strong bill, but we have made it better. We kept building on it. Since the debate began, we have voted on a total of 38 amendments. We have accepted 32 of them, and we have added even more good ideas from even more Members to an already very bipartisan package. Right now, the Energy Policy Modernization Act includes priorities from 62 Members of the Senate. In other words, more than three-fifths of the Members of this body have contributed something to this overall bill, and that number will rise throughout the day as we process additional amendments.

One amendment I am particularly pleased with is the resources title that I have worked on and written with Senator CANTWELL. We have agreed to a package of 30 lands and water bills which will address a wide range of issues in Western States. That package also includes the bipartisan sportsmen's provisions that we have been working to pass in this body for at least three Congresses. This is a measure that will ensure that our public lands are open, unless closed for a legitimate reason, to require agencies to enhance opportunities for our sportsmen on public lands and more. I want to recognize my colleague from New Mexico who has helped us with this endeavor in making sure the sportsmen's package was included as this bill moved forward.

It is true we were a little bit delayed in reaching the point where we are today as we are processing these final amendments, but I thank the Senate and the majority leader for sticking with us on this. At one point in time, it was suggested that we were going to

have to pull a rabbit out of a hat in order to get this bill back on the floor with a consent process that would allow us to finish. Well, the rabbit has come out of the hat. Some might suggest it was a little bit battered, but, nonetheless, nobody gave up on this bill.

I acknowledge Senator CANTWELL and her staff for working with us every step of the way. We knew we had a path forward. We worked tirelessly to find it because we know this is a bill worth passing.

Over the next couple of hours, Members will have an opportunity to deliver their final comments on the Energy bill, and after that we will move to these eight stacked rollcall votes, followed by votes on cloture, and then, hopefully, on final passage.

I am pleased to be able to say we will have wrapped up our work on this bill and send it over to the House of Representatives—again, hopefully, by the time we go home tonight.

I thank the Senate for working with us to get to this point, and I would encourage Members on both sides of the aisle to recognize the good work and the good ideas that are included within this bill. And when the time comes, I encourage every Member to vote yes on a broad bipartisan, good energy bill.

Mr. President, I recognize my colleague Senator CANTWELL, the ranking member on the Energy Committee and a fabulous partner throughout this effort. I would like to thank her for all she has done to get us to this point as well.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I rise to thank Chairman MURKOWSKI for her leadership on the Energy bill. She and I have been working on this for almost a year now, and today we are at a point where we think we will see the final product of this legislation in the next 24 hours move out of the Senate and over to the House of Representatives. So it is a good day. We are very thankful that all the hard work she and her team and our side on the minority have put in will result in successfully getting a bill to the President's desk.

I acknowledge our colleagues in the Senate have addressed something like 40 different priority pieces of legislation. We have added, as the chairman has said, 60 different amendments during the floor process. We have had important compromises on clean energy technology, energy efficiency, and infrastructure with truly bipartisan support. We need to pass this bill, and that is why we have been persistent.

It has been since 2007 that we passed an energy bill, led by Senator Jeff Bingaman and Senator Pete Domenici, that laid down a lot of fundamental things in the renewable energy markets and clean energy investment, but the landscape has changed greatly since 2007. Since then, because of those efforts, the United States has more than quadrupled the wind power than what we had before. It has more than tripled than what we had. Solar photovoltaic installations are up nearly by 15 times. The number of LED lights has grown more than 90 times.

From 2007 to 2014, our national energy use also fell 2.4 percent while the GDP grew 8 percent. This represents a very significant point in energy productivity; that is, we have continued to produce cleaner sources of energy and helped diversify our own energy portfolio. Yet our economy and GDP still grew. It is important because these policies that are in this bill are continuing to move forward on energy efficiency, clean energy, renewables, and new technology.

I thank everybody who has been cooperative in this process. Clearly, we could have had a my-way-or-the-highway approach that was taken on the Shaheen-Portman legislation. I know my colleague is leaving the floor, but Senator PORTMAN and Senator SHAHEEN played a large role in past discussions, but the chairwoman didn't take that approach. She said: Let's all work together. In a spirit of compromise, let's pass legislation that our colleagues want to see. And of course, the U.S. Department of Energy published the Quadrennial Energy Review last year, which said that we are at an energy crossroads. And we looked at what our Nation needed to do at this crossroad, to make investments in modernizing our 21st century energy portfolio. Energy is the lifeblood of our economy. If we put good energy policy in place, businesses and consumers get more affordable, cleaner, and more renewable energy.

This bill takes important steps on research and development of clean energy technologies to help us integrate these new, clean energy technologies that are not already in the marketplace, and gaining a foothold on new clean energy technologies in marine, hydrokinetic and geothermal. I thank our colleague Senator WYDEN for his leadership on many of these issues.

The bill also takes important steps in advanced grid technology to help us with new integration of our renewable resources. It authorizes $2 billion for technology demonstration grants to make sure that we are continuing the development of a microgrid deployment. I know from the chairman of the committee it is something very important to Alaska and the chairman, as they have a huge territory and lots to cover. So, making sure that microgrid development gets the technical support and assistance is critical.

The bill includes an initiative to accelerate the RD&D of energy storage, a technology that many witnesses before our committee have labeled as the game-changer—and I believe it is the game-changer. As a hydro State that gets more than 70 percent of our electricity from inexpensive renewable sources, like hydro. So making sure we can store some of that energy is a game-changer for the electricity grid.

Just as important, this bill makes a major investment in cyber security. We are talking about technologies that are key to making sure we protect our grid, making it more resilient, basically making it more robust so we can continue to improve it and face less risk in the future.

We have many opportunities in this Energy bill to continue to promote the advanced fuels and energy information that are going to allow us to continue to diversify our energy resources. We also want to make sure we are understanding how the United States can maintains its competitiveness in a clean energy economy. For example, the global smart grid economy is expected to grow by $400 billion in the next 5 years. It is pretty basic. Anytime you can save on the supply you already have, it is a wise investment. Many people want to invest in making their electricity and the use of their current energy supply smarter. I like the smart building provisions of this bill. Smart building will end up using sensors to better direct and maintain the energy flow in buildings. Why is this so important? It is important because about 40 percent of our energy use in the U.S. comes from buildings today. The Department of Energy believes we can reduce the cost of energy in our buildings by about 20 percent. I don't think there is a person in the Senate who hasn't walked into a room and felt like the thermostat just wasn't right. Whatever it said, the room seemed to be the opposite. That is why we want buildings to have smarter technology, more sophisticated technology, so we can save energy and help our businesses be more competitive.

Energy efficiency in the Chinese market is expected to be more than $1.5 trillion by 2035. So continuing our leadership, this bill will help us grow jobs and grow industries in the United States. Energy efficiency and building standards have also lowered costs. A 20-percent cut of energy use in buildings would save $80 billion each year in energy bills. That is something that would give any U.S. manufacturer a competitive advantage. Investing in smart building makes sense. I am pleased that while investing in this we are also helping our manufacturers.

We just had a hearing with the manufacturing industry in the Energy Committee. They told us they were literally bringing overseas jobs home to the United States because we are continuing to invest in the right advanced manufacturing technologies so they will continue to be competitive. I speak now of what is happening with aerospace manufacturing in composite lightweight materials. The research we did allowed us to continue to be proficient in that area and have more jobs brought back to the United States.

This bill invests in smart manufacturing. It would enhance fuel efficiency opportunities for advanced truck fleets. I thank Senators STABENOW,

PETERS, and ALEXANDER for their work on that provision. Heavy-duty trucks move 70 percent of our freight and use 20 percent of the fuel consumed in the United States. This sector can continue to use the advancements in these technologies to continue their competitive advantage.

This legislation also focuses on workforce training issues. We know we need more jobs as the energy profile continues to change. The good news is these are high-paying jobs. In my State, the average salary for a utility worker is 57 percent higher than the average salary of all other industries in the State. Our bill establishes a competitive workforce grant, a job training program through community colleges, and helps with registered apprentice programs so we can get the workforce of tomorrow that the Secretary of Energy says we need. His report says we need 1.5 million new workers in the energy industry. Let's go about making sure we get that.

Lastly, I want to mention the Land and Water Conservation Fund, a program that was actually authored by Senator ''Scoop'' Jackson from Washington and he remains the longest-serving chairman of the Senate Energy Committee. The Land and Water Conservation Fund was a fully functional and effective program for 50 years, until Congress allowed its authority to lapse last fall. This bill would make sure that never happens again by making it permanent.

I thank the chairman for her leadership because she helped us craft a compromise on making the Land and Water Conservation Fund permanent, to get the right focus on how the program works and to continue to make sure we are making investments in outdoor recreation.

This Land and Water Conservation Fund helps support more than 200,000 jobs in the State of Washington and a nearly $20 billion economy. When we talk about the various amendments we are going to be talking about today, I want to make sure Members understand that a lot of good work in the committee went into the Land and Water Conservation Fund.

We will also be voting on a lot of public lands amendments later. I want to bring up one, the Yakima River Basin bill, which we passed out of committee on a bipartisan vote. It's a holistic approach to dealing with water management. I hope it becomes a model for the rest of the country.

I also thank Secretary Moniz and his staff and Secretary Jewell and her staff for all the work that was done in the committee on both the lands package and on the energy provisions. I know the chairwoman probably discussed the issue of natural gas exports and Secretary Moniz provided us language for how the agency is working that we put into the bill.

I again thank my two colleagues who are on the floor, Senator SHAHEEN and Senator PORTMAN. Certainly Senator SHAHEEN has been dogged in her enthusiastic support for not just energy efficiency policy, working with Senator PORTMAN, but when she left the committee, I don't think she really left the committee. She just pretended, so that she was somehow still connected to our efforts. I thank her for that and also Senator PORTMAN. I think we have taken the good work of these individuals and probably had almost 30 different energy efficiency proposals in this base legislation bill that we have incorporated and now are able to move forward on. I also thank my colleague Senator HEINRICH, who has several provisions in this bill and several that will be voted on shortly in the lands package.

These individuals, along with those I just mentioned, members of the committee, provided such great leadership for us in putting this final bill before the Members of the Senate. I hope our colleagues will give it enthusiastic support. It represents a lot of discussion. It is not the perfect bill that the chairwoman would have written nor the exact bill I would have written.

But it is a compromise on the modernization of energy that this country needs to move toward a safer, more secure, cleaner energy force and a skilled workforce to go with delivering it.

With that, I yield the floor.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Ohio.

Mr. PORTMAN. Madam President, I want to start by commending the Presiding Officer and Senator CANTWELL for getting this bill to the floor. They say the third time is the charm. I think this may be the fourth or the fifth time. But I will say that I marvel, Senator CANTWELL and Senator MURKOWSKI, at your patience and your persistence.

You have never lost sight of the goal, which is to actually move legislation that will help us create jobs, make our economy more efficient, as Senator CANTWELL has said, and improve our energy policies at a time when we are desperate to be able to address some of the new changes we see in our economy and in our energy situation in particular. So thank you for your persistence.

I also want to commend you and thank you for including as title I of this legislation the energy efficiency legislation, the Portman-Shaheen energy efficiency legislation that we just talked about.

Senator SHAHEEN is here on the floor with me. I hope she will talk about this bill in a second. This is something we worked on a long time—I think over 5 years now. It is an opportunity for us as a body to actually move forward with sensible legislation that makes our Federal Government more efficient and our factories more efficient, as Senator CANTWELL has talked about.

It improves our ability to create jobs and to be able to be more energy independent. It is the kind of win-win legislation that we do too seldom around here. It is an opportunity for us today to send a strong message to the House that we would like to move broad energy efficiency legislation. Hopefully, we can get it to the President's desk for signature and move it ahead.

There are two parts of the Energy Savings and Industrial Competitiveness Act. That is our legislation that has already been passed by this Chamber. Those two parts have been signed by the President. They are at work now.

I will say that already they are helping to allow individuals to use less energy and, therefore, have more savings. That lets companies to be more efficient, to create more jobs, and to reduce emissions. Now it is time to pass this remaining part of the legislation, the main part of the legislation which includes bipartisan reforms that we are taking up today.

It is about time we get these across the finish line. The priority I have had here in the Senate has been on jobs and wages. That is exactly what this legislation does. It is really a jobs bill, among other things. According to a recent study of our legislation, the Portman-Shaheen bill, by 2030 it will help create nearly 200,000 new jobs and help the economy by saving consumers about $16.7 billion in reduced energy costs.

So this is legislation about energy, but it is also about our economy and jobs. By the way, when we started this legislation, it was the Shaheen-Portman legislation. It has remained a totally bipartisan—even nonpartisan—effort.

Our workers in Ohio and in the States represented in this Chamber are competing with countries all over the world. If you think about it, a lot of these companies that are in other places, strictly in Europe and Japan, are very energy efficient. That gives them an advantage. It makes it harder for us to be able to add jobs here to be able to compete because their costs are lower and their profits are up.

So part of this legislation is strongly supported by the manufacturers in this country because they know that, by making our plants more energy efficient, we are going to give our workers in Ohio and around the country and our companies a competitive advantage. So that is one thing that is very important about this legislation. This will help us to be able to compete in a global economy.

It also creates more jobs to have more supply of energy. So it is not just that we are being more efficient, which is very good, but I will say that in this legislation we are also encouraging more production, including energy infrastructure that the chairman talked about earlier. So my view is very simple. We should be producing more and using less. That combination really works for our economy.

Over the last 7 years on the ''produce more'' side, we have been in the midst really of an energy production renaissance. This is because of new advances

in technology. It has dramatically changed the productivity and output of American energy companies.

I am talking about everything. I am talking about solar and wind. I am talking about hydro. I am certainly talking about natural gas with fracking. I am also talking about oil and coal. We have become the world super power in energy—the world super power in energy. This is good for our country. This is good for all of us as consumers. With lower energy costs now, it is good for the competitiveness of our economy. But it is also a change. So the underlying legislation here—the broad legislation—is very important because our economy and our energy situation are very different than they were the last time we reformed energy laws.

That is why we need this broader legislation in my view. It does have some needed changes, including bringing our permitting process up to speed, our regulations up to the times, and, again, dealing with some of the other issues with regard to our energy sector, which has been talked about this afternoon.

Just as it makes sense to produce more, it makes sense to use less, to eliminate some of the waste in our energy system, to make it more efficient. Production and efficiency are totally complementary. By improving energy efficiency again, our jobs bill here will actually create more economic growth and create more opportunities for Ohioans.

The Portman-Shaheen bill will also strengthen our national security. Why do I say that? Well, it makes us more energy independent. That is critical. We are already doing this through some means, but if we can get this legislation passed, we will be doing it through better energy efficiency as well. The bill helps clean our environment. By some estimates, passing Portman-Shaheen will have an impact on our carbon emissions, the equivalent to taking 20 million cars off the road over the next 15 years.

So it does have an impact in terms of dealing with the emissions issue. I am a really strong supporter of finding solutions that actually help the environment, help the economy, and help create jobs. Well, this is that sweet spot here. This legislation is a classic example. Our bill also provides a model for how to ensure that we can do it without a lot of new job-destroying mandates or regulations. There are no mandates in this legislation. There are lots of incentives for the private sector, but we try to make the Federal Government, in this legislation, a better partner, rather than a better task master. Again, I think that is the sweet spot.

One thing it does is it makes the Federal Government practice what it preaches. So it says to the Federal Government: You are the largest energy user in the world. You are far from efficient. Can't we do a better job in the Federal Government by having the Federal Government lead by example? It does this at the State and local level by updating building codes for government building, providing grants for retrofitting hospitals, youth centers, and faith-based organizations with energy efficiency improvements.

It would get rid of some of the duplicative green building programs that are at the Department of Energy, to make sure those are working better, are more consolidated. It establishes a Federal smart building program to conduct research and development on smart building technology, which was talked about by Senator CANTWELL a moment ago. There is a huge opportunity here because 40 percent of our energy use is in our buildings.

It would codify in statute that Federal agencies must reduce their energy intensity 2.5 percent per year over the next decade. So it codifies some of what is already in place as that goes forward. As I have said, this bill does not impose new burdens on Americans, rather it creates incentives and helps small and medium-sized manufacturers to access smart manufacturing technology by establishing rebates for upgrading electric motors and transformers, by funding career field training for students receiving a certificate for installing energy efficient building technologies, one of the skills gaps we have right now in our economy that need to be closed for us to take advantage of these new energy efficiency technologies.

Rather than the Federal Government telling companies what to do under this bill, the Federal Government helps them to become more efficient. It is not just American companies. Portman-Shaheen would help everyone. Particularly, it would help low-income Americans be able to retrofit their homes to be more energy efficient, which will save them money on their energy bills.

With the middle-class squeeze that is out there, what we see right now is wages that are not just flat, but they have declined on average over the last several years. Expenses are up, including health care expenses and including, in many cases, energy expenses, including in my home State of Ohio, where we have more and more pressure on our electricity costs. This will help in terms of dealing with that middle-class squeeze. For people just trying to get by, a low energy bill can be a real relief, and a few dollars at the end of each month can then be used for a needed expenditure, for savings, maybe for investment in a kid's college education or for retirement.

Finally, our bill does reauthorize the Weatherization Assistance Program, which establishes building training and assessment centers at institutions of higher education around the country, which is also very important toward this efficiency of buildings.

The Portman-Shaheen legislation is now supported by more than 260 associations, businesses, and advocacy groups, from the National Association of Manufacturers to the Sierra Club, from the Alliance to Save Energy to the U.S. Chamber of Commerce. These are some strange bedfellows, I will tell you. You normally don't see these groups coming together to support legislation on the floor of the Senate. But I think it shows that this is a consensus win for taxpayers, for workers, and for the environment.

I was really pleased to work with Senator SHAHEEN, Ranking Member CANTWELL, and Leader MCCONNELL to offer a bipartisan amendment to this broader bill that is supposed to clarify a Department of Energy efficiency standard related to external power supply drivers.

The existing standards are overly broad. Again, this is another amendment we are going to be offering today, and another case where we are able to bring all parties to the table and negotiate a compromise fix to an urgent problem. I am hopeful that will soon be adopted, and it will provide an effective, bipartisan solution.

Again, I want to thank Senator SHAHEEN for her persistence and her patience with regard to our energy efficiency bill and for being a great partner from the start. This is not the precise bill that she would have written or that I would have written, but it is one that finds that common ground, that consensus to be able to move our country forward with regard to energy efficiency.

I also want to mention an amendment I offered with Senator CANTWELL and Chairman MURKOWSKI to this broader legislation that is beneficial to our environment and will help the National Park Service, and this is the centennial legislation. As some of you know, 2016 is a big year for the parks. This is the park's centennial, the 100th year. In fact, this week is National Park Week. What better time is there for us to be adopting this amendment? The National Parks Service turns 100 years old on August 25. We want to make sure that the National Parks Service is well positioned for its next century.

In Ohio, 2.6 million people visit our 13 national parks sites every year. So you might not think of Ohio as being a big national park State. It is. We are blessed to have these sites that preserve and protect the national beauty of our State. We are grateful for the National Parks Service and for their custodianship and their stewardship of treasures like the Cuyahoga Valley National Park, one of the top 10 parks in the country in terms of visitation, and also of about 4,000 or so Ohio sites on the National Register of Historic Places.

Our amendment would officially set up two funds to help the National Park Service be more effective going forward to help them have more funds to able to address some of the challenges they face and to start, particularly, to address the backlog of projects that need to be completed.

But first it would officially authorize the National Park Centennial Challenge Fund, which is already leveraged with about 25 million bucks in appropriated dollars to an additional $45 million in private sector money—matching funds—to finance signature projects and programs of the National Park System. I think this is part of our answer to our national park shortfall and to the backlog, particularly the maintenance backlog at the parks; that is, to get more private sector interest. It is out there. This is a vehicle for that to happen.

The second would be a nonprofit second century endowment fund at National Park Foundation to reduce the $10 billion in National Park Service projects. This would present another opportunity to leverage the willingness of the private sector to help address this backlog that the National Park Service faces. It is a win-win for the taxpayer and for all those who enjoy our national parks and all of our treasures.

Finally, it creates a new National Park Service education program to help further the educational mission of our parks. The parks are being well attended right now. Attendance is up. People are excited about the parks. It is a great time for us to pass this centennial legislation. I know there is comparable legislation on the House side. I am sure we can get this to the President—to his desk for signature. We can help to ensure that our parks, for the next 100 years, continue to grow and continue to provide this incredible experience for all of our constituents.

This amendment is another example of where we have come together in a bipartisan basis to do this. I want to thank again Senator CANTWELL for her work on this and Senator MURKOWSKI for putting it in this legislation. Finally, I am really pleased that we were able to include the Land and Conservation Fund's permanency in this legislation and also the sportsmen's bill in this legislation, to expand and ensure access to public lands for hunting and fishing.

The bottom line is that I encourage everybody to vote for this bill, Republicans and Democrats alike. This is a good bill. It is a bill that will drive infrastructure investments in my State of Ohio and around the country. It will protect the grid from cyber and physical attacks. It will allow more exports of liquefied natural gas, which is good for our economy.

It will make our Federal Government more efficient. It will make our economy more efficient. It creates jobs. It helps clean up the environment. It helps modernize our government. To me, that constitutes a victory for all of us. I congratulate Senator CANTWELL and Senator MURKOWSKI for getting this to the floor. I look forward to its passage later on today.

I yield back my time, and I hope my colleague from New Hampshire will have the opportunity to speak.

The PRESIDING OFFICER (Mrs. ERNST). The Senator from New Hampshire.

Mrs. SHAHEEN. Madam President, I am thrilled to join my partner in efficiency, Senator PORTMAN, in addressing the energy efficiency provisions of the Energy Policy Modernization Act.

Before I get to those, I congratulate Chair MURKOWSKI and Ranking Member CANTWELL for everything they have done to move this Energy bill forward. At a time when I think most of us thought this Energy bill was gone for this Congress—again, for the third time—they have been able to rally to bring people together to get consensus to move a bill that not only deals with the energy efficiency provisions that Senator PORTMAN and I have championed but also improves a broad array of energy policies for this country, and it would permanently reauthorize the Land and Water Conservation Fund. I congratulate them on giving us yet a third opportunity—hopefully—to vote on this bill and to finally be able to pass it. As Senator PORTMAN said, the third time is a charm, hopefully. For 5 years, he and I have worked to advance the Energy Savings and Industrial Competitiveness Act, or what was known initially as Shaheen-Portman, which has now become Portman-Shaheen in this Congress. Many of the provisions in that original legislation are in this Energy Policy Modernization Act. While over the last 5 years we have been able to get some of the original provisions in the legislation through, the fact is, most of the significant provisions are in this current bill. I thank Senator PORTMAN for being such a great partner on energy efficiency and for helping to advance this legislation in a way that gives us another chance to hopefully vote successfully on the bill.

I have been a huge fan of energy efficiency since my years as Governor of New Hampshire because I believe that energy efficiency is the cheapest, fastest way to reduce our energy use. Energy savings techniques and technologies reduce carbon pollution. They lead to substantial energy savings that allow for businesses to expand, for us to create jobs, and for our economy to grow.

In a Congress that is too often divided along partisan lines on so many issues, energy efficiency is one priority that can bring us together on a bipartisan, bicameral basis because energy efficiency is beneficial to everyone, regardless of what part of the country they live in and regardless of their energy source. We can all benefit from energy efficiency. And those are the provisions that are in this legislation.

I will try not to repeat too much of what has already been said by Senator PORTMAN, Senator MURKOWSKI, and Senator CANTWELL about the bill, but I did want to go through a couple of the energy efficiency provisions that are in the legislation because it reduces the barriers to efficiency in a number of ways.

First, in buildings, it would strengthen outdated, voluntary national model building codes to make new homes and commercial buildings, which account for more than 40 percent of U.S. energy consumption. These provisions are especially important in this legislation because much of the savings in efficiency come from these national model building code provisions. Again, as Senator PORTMAN has said, these are not done through mandates, they are done through incentives, through our encouraging States to adopt these model building codes.

The energy efficiency provisions also deal with industrial efficiency. They assist the industrial manufacturing sector, which consumes more energy than any other sector of the U.S. economy. They help that sector implement efficient production technologies and would encourage the private sector to develop innovative energy-efficient technologies for industrial applications, to invest in a workforce that is trained to deploy energy efficiency practices to manufactures.

Finally, the other major section of the efficiency provisions from Portman-Shaheen deals with the Federal Government. We encourage the Federal Government—which is the Nation's largest energy consumer—to adopt more efficient building standards, to adopt smart metering technology, and to look at our data centers and see how we can reduce costs and energy use. Through doing that, not only can we save energy, but we can save taxpayers millions of dollars.

Just the energy efficiency provisions from Portman-Shaheen in the legislation would create nearly 200,000 jobs by 2030—a significant job creator in the bill. It would reduce carbon emissions by the equivalent of taking over 20 million cars off the road, and it would save consumers over $16 billion a year. There are significant benefits to this energy efficiency.

Again, as Senator PORTMAN has said, these are provisions that have brought together a very diverse group of stakeholders, everyone from the American Chemistry Council, to the National Wildlife Federation, as Senator PORTMAN said, the NRDC, the National Association of Manufacturers, and the U.S. Chamber of Commerce. This is a broad group of trade associations, labor organizations, and environmental groups who have come together because energy efficiency is something on which we can all agree.

I ask unanimous consent to have printed in the RECORD a number of letters that have been sent by many of these organizations.

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

JANUARY 20, 2016.

Hon. MITCH MCCONNELL,
Majority Leader, U.S. Senate, Russell Senate Office Building, Washington, DC.
Hon. HARRY REID,
Democratic Leader, U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR MAJORITY LEADER MCCONNELL AND DEMOCRATIC LEADER REID: We are writing to express our priorities for energy efficiency provisions in S. 2012, the Energy Policy Modernization Act of 2015. As you know, S. 2012 was approved by the U.S. Senate Committee on Energy and Natural Resources (ENR) with strong bipartisan support on July 30, 2015, under the leadership of Chairwoman Lisa Murkowski and Ranking Member Maria Cantwell. We encourage the Senate to take up S. 2012 with the following priorities in mind to help maintain bipartisan support and pass a bill that can be enacted into law.

First, S. 2012 should preserve and strengthen the role of the U.S. Department of Energy (DOE) in supporting and propagating updated building energy codes at the state and local level. In terms of energy and cost savings, as explained in more detail in the enclosed analysis prepared by the American Council for an Energy-Efficient Economy (ACEEE), U.S. homeowners and businesses stand to realize tremendous gains from state and local adoption of current building energy codes. U.S. DOE's role in code adoption is critical and S. 2012 (as reported) would lead to even greater savings over time. We support the building energy codes language currently included in S. 2012 and encourage in the strongest terms its inclusion in any comprehensive energy legislation considered by the Senate.

Second, we encourage the Senate to adopt provisions that would permit and encourage the inclusion of energy efficiency in the residential mortgage underwriting process. These provisions were first articulated in the Sensible Accounting to Value Energy (SAVE) Act, first introduced by Senators Johnny Isakson and Michael Bennett, and currently included in legislation that was also favorably reported by the Senate ENR Committee with strong bipartisan support. The SAVE Act would allow the commonsense consideration of energy efficiency during mortgage underwriting, which would help homeowners realize the true value of home improvements that improve comfort and generate savings. We would support an amendment to add the SAVE Act provisions to S. 2012.

Third, we urge the Senate to approve an amendment that would replace the current provisions relating to residential furnace standards in S. 2012 with language that matches Sec. 3123 of H.R. 8, the North American Energy Security and Infrastructure Act of 2015, which was approved by the House of Representatives on December 3, 2015. Unfortunately, at the last minute, apparently due to the time-crunch that typically accompanies a committee business meeting, language was added to S. 2012 that did not reflect a consensus reached by stakeholders. We would support an amendment to replace the current non-consensus furnace standard language in S. 2012 with the House-adopted consensus language that was developed over time and is broadly supported by stakeholders.

And fourth, we also support the retention of reauthorizations of the Weatherization Assistance Program and the State Energy Program in S. 2012. These provisions are critical for low-income Americans in all parts of the country and generate benefits across all sectors of the economy.

Energy efficiency is an energy resource—available to all homeowners and businesses—that is essential to our country's energy independence. More than half of the energy used today to power our economy is wasted, which represents an enormous opportunity for achieving savings and extracting gains in the energy productivity of our economy. The Senate now has an opportunity to pass comprehensive legislation, which currently enjoys strong bipartisan support, that would improve the energy efficiency of homes and commercial buildings in every town, city, county, and state; help consumers and businesses manage their energy consumption and realize returns on their investments; and generate meaningful savings for all Americans.

Thank you for your consideration.

Alliance to Save Energy, American Council for an Energy-Efficient Economy, ASHRAE, Association of Energy Engineers, Big Ass Solutions, Efficiency First, Energy Future Coalition, Environmental and Energy Study Institute, Home Performance Coalition, Institute for Market Transformation, International Association of Lighting Designers, International Copper Association, Ltd., Large Public Power Council, National Association of Energy Service Companies, North American Insulation Manufacturers Association, National Association of State Energy Officials, Sacramento Municipal Utility District, Schneider Electric, Seattle City Light, The Stella Group, Ltd., U.S. Green Building Council.

NAIOP, COMMERCIAL REAL ESTATE DEVELOPMENT ASSOCIATION,
Herndon, VA, January 27, 2016.

Hon. MITCH MCCONNELL,
Majority Leader, U.S. Senate, Washington, DC.
Hon. HARRY REID,
Minority Leader, U.S. Senate, Washington, DC.

Re support for ''The Energy Policy Modernization Act of 2015'' (S. 2012).

DEAR MAJORITY LEADER MCCONNELL AND MINORITY LEADER REID: On behalf of NAIOP, the Commercial Real Estate Development Association, I write to express our strong support for ''The Energy Policy Modernization Act of 2015'' that passed the Energy and Natural Resources Committee with a bipartisan vote.

NAIOP is the leading organization for developers, owners, investors and related professionals in office, industrial, retail and mixed-use real estate, and comprises 18,000 members and 48 local chapters throughout the United States.

Specifically, we support the language that was drafted by Senators Rob Portman (R–OH) and Jeanne Shaheen (D–NH) and included in the energy efficiency title for buildings in the bill. We have worked with staff for a number of years on this issue, and we commend Senators Portman and Shaheen for facilitating the numerous discussions that took place with a variety of stakeholders. The latest version of this bill reflects a broad compromise on a host of efficiency measures that has increased support for this bipartisan legislation.

In order to create responsible building codes, economic feasibility and initial costs need to be considered with a realistic payback to the developer in order for energy efficiency gains to be viable. This legislation ensures that the Department of Energy will consider the recoupment of investment costs when developing efficiency targets, and allows for comment on those targets through a formal rulemaking.

We are thankful for the opportunity to represent the interests of the commercial real estate development industry throughout this process and feel strongly that this legislative approach is the best way for the federal government to promote energy efficiency in the built environment.

I respectfully urge you and your colleagues to pass this important legislation.

Sincerely,

THOMAS J. BISACQUINO,
President and CEO, NAIOP.

JANUARY 27, 2016.

Hon. MITCH MCCONNELL,
Majority Leader, U.S. Senate, Washington, DC.
Hon. HARRY REID,
Democratic Leader, U.S. Senate, Washington, DC.

DEAR LEADERS MCCONNELL AND REID: We the undersigned businesses and trade associations are writing to express our strong support for the policies included in Energy Policy Modernization Act of 2015 (S. 2012) that promote energy efficiency in industrial, commercial, and residential applications and urge full Senate consideration early this year.

We support low to no-cost, no-mandate bills that advance energy efficiency, while preserving the critical role of government oversight. American taxpayers save money on their energy bills and businesses thrive when we reduce regulatory burdens, increase transparency, and focus on the federal government as a first mover. We believe that the energy efficiency provisions in S. 2012 will have a positive impact on the U.S. economy.

Our businesses, along with many trade associations, companies and advocacy organizations, have long supported common sense energy efficiency legislation, such as those sponsored over the last two Congresses by Senators Portman and Shaheen. We commend Chairman Murkowski and Senator Cantwell for including these provisions in S. 2012. We believe that the energy efficiency title of S. 2012, which passed out of Committee on an 18–4 vote, is a win-win approach that will reduce energy consumption, advance the adoption of new technologies, produce energy savings for businesses and families, and encourage private-sector job creation creating a stronger and more durable American economy.

Some of the sections we are most enthusiastic about include the federal energy related provisions and the building codes section, which was developed through a bipartisan, transparent process and does not include state mandates. We urge lawmakers to retain the current language supporting strong, updated model building energy codes. Several of the provisions we support have also been introduced as stand-alone legislation such as S. 869, the All-of-the-Above Federal Building Energy Conservation Act of 2015; S. 1046, the Smart Building Acceleration Act; S. 1054, the Smart Manufacturing Leadership Act; and S. 858, the Energy Savings Through Public Private Partnership Act. We would further ask that you include S. 1038, the Energy Star Program Integrity Act and the SAVE Act, which was included in The Energy Savings and Industrial Competitiveness Act (S. 720) reported out by the Energy and Natural Resources Committee last year, and is a voluntary means to improve residential energy efficiency and thereby save homeowners money.

We urge you to bring S. 2012 to the Senate for a vote early this year. It includes pragmatic, reasonable energy policies. Energy efficiency policies that enjoy strong bipartisan support, do not rely on an outlay of taxpayer

dollars, and do not impose mandates on consumers deserve prompt consideration by Congress.

Sincerely,

A.O. Smith Corporation, ABB Inc., Accella Performance Materials, American Chemistry Council, BASF, Big Ass Solutions, Bosch Group, Composite Lumber Manufacturers Association, Copper Development Association, Covestro, LLC, Danfoss, Dow Chemical Company, Extruded Polystyrene Foam Association, Federal Performance Contracting Coalition, Honeywell, Ingersoll Rand, Johnson Controls, Inc., National Association of Manufacturers, National Electrical Manufacturers Association, North American Insulation Manufacturers Association, Owens Corning, PPG Industries, Quadrant Urethane Technologies Corp., Roof Coatings Manufacturers Association, Schneider Electric, Siemens Corporation, Society for Maintenance and Reliability Professionals, SPI: The Plastics Industry Trade Association, The Brick Industry Association, U.S. Chamber of Commerce, United Technologies, Whirlpool Corporation.

Mrs. SHAHEEN. In closing, in a little while this afternoon, we will have a series of votes on amendments to the Energy Policy Modernization Act, and we will have a final vote for passage of the bill. I believe and it is certainly my hope that the broad package will pass. I think it has been far too long since Congress passed a comprehensive energy bill. It is time for us to work together to pass this important piece of legislation to improve our Nation's energy policies and to help grow our economy.

I believe there is support in the other Chamber, in the House, to take up this energy package and hopefully to pass it this year because it will improve our economy, it will improve our national security, and it will improve our environment. This is legislation we should all get behind.

Again, I thank my colleague Senator PORTMAN and applaud Senators CANTWELL and MURKOWSKI for all of the work they have done to bring this legislation to the floor.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from New Mexico.

Mr. HEINRICH. Madam President, I rise today to speak about this bipartisan energy package we are going to be voting on today. Last year my colleagues and I on the Senate Energy and Natural Resources Committee worked together to pass a package that received incredibly strong and bipartisan support at a time when that is hard to come by.

I think it is important to start my comments today by simply thanking the chair and ranking member of the Energy Committee, Senators MURKOWSKI and CANTWELL. As Senator PORTMAN mentioned, they showed incredible leadership and also incredible patience. That patience and persistence on behalf of all of us is now paying off.

My home State of New Mexico occupies a very central and interesting place in nearly every facet of our Nation's energy industry, including uranium enrichment, oil and gas production, refining, wind and solar energy, as well as the research and development of new energy technologies—technologies of the future that come out of our National Laboratories and our research universities. That is why I have been working so hard in the Senate to position New Mexico and our Nation to take maximum advantage of new, clean energy sources and innovative technologies and transmission, while intelligently utilizing our reserves of traditional fuels as well.

This package will be the first comprehensive Energy bill to pass the Senate since 2007. I would like to think that it shows that we can look for areas where both parties can work together even if we don't completely agree and, probably most importantly, when we don't completely agree and still move our national priorities and our energy policy forward.

This package also includes permanent reauthorization of the Land and Water Conservation Fund. LWCF is one of America's most successful conservation programs. It has preserved our outdoor heritage, protected clean air and precious supplies of drinking water, and supported jobs across this entire Nation. Permanent reauthorization of LWCF is a major victory for conservation. I will continue to fight to fully fund LWCF so that we can make strong and smart investments in our public lands.

I wish to particularly focus my remarks today on the Bipartisan Sportsmen's Act, which is a key part of this bill. The Sportsmen's Act has been a long time in the making. I am very proud to lead this bipartisan effort with the Energy and Natural Resources chair, LISA MURKOWSKI of Alaska. After attempts stalled on the sportsmen's bills in recent years, the Energy and Natural Resources Committee worked hard to find areas of agreement. We didn't allow controversial amendments from either side of the aisle to derail these efforts.

Hunting and fishing are an integral part of our American heritage. Without our public lands, that tradition would be lost to many westerners. Our public lands belong to all of the American people.

Like many New Mexicans, some of my favorite memories with my family are from camping, fishing, hiking, and hunting in New Mexico's national forests and on our Bureau of Land Management land. I will always remember taking my son Carter on his first backcountry elk hunting trip in the Carson National Forest. The bull elk that we brought home fed our family for a year, but that experience of backpacking in the high country, sleeping on the ground, and hearing the elk bugle around us will feed his imagination for his entire life. I look forward to having that same sort of experience with his younger brother, Micah.

These traditions—hunting, hiking, camping, and fishing—are among the pillars of western culture and a thriving outdoor industry and recreation economy.

This bipartisan package of sportsmen's bills includes a broad array of measures to enhance opportunities for hunters, anglers, and outdoor recreational enthusiasts of all stripes. It improves access to those public lands, and it reauthorizes critical conservation programs. These programs include the North American Wetlands Conservation Act, or NAWCA, which provides grants to organizations, State and local governments, and private landowners for the acquisition, restoration, and enhancement of critical wetlands for migratory birds—a program that every duck hunter and birder in the United States can agree on; and the National Fish Habitat Conservation Program, which encourages partnerships among public agencies, tribes, sportsmen, private landowners, and other stakeholders to promote fish conservation.

It reauthorizes the Federal Land Transaction Facilitation Act to direct revenue from the sale of public land to the acquisition of high-priority conservation land from willing sellers to expand fish and wildlife habitat and public recreational opportunities.

Further, this bipartisan package will help boost the outdoor recreation economy writ large. Nationally, according to the Outdoor Industry Association, more than 140 million Americans make their living or make outdoor recreation a priority in their daily lives. When they do that, they end up spending $646 billion on outdoor recreation, resulting in quality jobs for another 6.1 million Americans.

In New Mexico—a small State with just 2 million people—outdoor recreation generates more than $6 billion a year. It provides 68,000 jobs and $1.7 billion in wages and salaries.

A survey done recently by New Mexico Game and Fish found that sportsmen alone spend more than $613 million a year in the State annually. That is an incredible contribution to our local economy. This boost to our economy is felt by small business owners, and it is felt by outfitter guides, hotels, restaurants, and the entire local community, especially in rural areas where we need it most.

Yet, for far too many hunters and anglers, it gets harder and harder each year to find a quiet fishing hole to fish for trout or a secluded meadow to chase elk. As sportsmen face more and more locked gates and more ''no trespassing'' signs, it is more important than ever that we keep our public lands open and welcoming to hunters and anglers. I have heard from sportsmen who have found roads on BLM lands closed to public access without notice. I myself have experienced the frustration of running into a locked gate on roads that used to be open and even maintained by public agencies.

As opportunities for hunting and fishing shrink, we could lose the next generation of hunters and anglers who will fund tens of billions dollars in conservation and restoration through things such as purchasing Duck Stamps, paying the taxes on ammunition, tackle, and motorboat fuel—all of which are dedicated directly to the conservation of fish and wildlife.

This bipartisan sportsmen's package will go a long way toward solving many of these problems—many of the problems that hunters and anglers face in accessing and using our Nation's incredible public lands. I am particularly pleased that the package includes my legislation, the HUNT Act, which requires public land agencies such as the Forest Service and BLM to identify high-priority, landlocked public lands under their management that currently lack legal public access.

Landlocked public lands are technically open to the public but are sometimes literally impossible to reach unless you own a helicopter because there are no public trails, no public roads leading to them. Under the HUNT Act, Federal agencies such as the BLM and the Forest Service are required to work with States, tribes, and willing private landowners to provide public access to those landlocked areas that have a significant potential for hunting, fishing, and other recreational uses.

A study by the Center for Western Priorities estimated that at least half a million acres of public lands in New Mexico are currently landlocked with difficult legal public access. The HUNT Act is the first dedicated effort to reopen these lands to their owners. Public lands such as the Gila Wilderness, Valles Caldera National Preserve, and the Rio Grande del Norte National Monument are some of the most special places to hunt and fish on the planet. These are the places that make New Mexico so enchanting and make our country so special.

I am incredibly excited to see that this natural resources amendment also includes the establishment of two new wilderness areas within the Rio Grande del Norte National Monument northwest of Taos, NM. New Mexicans have a deep connection to the outdoors and benefit from the recreation, wildlife, water, and tourism opportunities that wilderness areas provide.

For many years now, an incredibly broad coalition of northern New Mexicans has worked to conserve the Rio San Antonio and Cerro del Yuta, or Ute Mountain, areas. What is even more special about Ute Mountain is, while today it is managed by the Bureau of Land Management, this is actually a place that the Land and Water Conservation Fund helped put in the public trust. I have no doubt that future generations will be grateful for the many years of work and support that not only make these two new wilderness areas possible but make access to special places like this possible.

These two roadless areas provide important security habitats for elk, mule deer, black bears, golden eagles, and even American pronghorn. I want to say a special thanks to the local community—people who have worked for decades to put this proposal together—as well as to Senator TOM UDALL, my colleague from New Mexico, and former Senator Jeff Bingaman, for their incredible leadership as well.

Designating these two new wilderness areas completes a national example of community-driven, landscape-scale conservation that will preserve the culture, the natural resources, and the economy of this incredibly stunning piece of New Mexico.

I am proud to work with my colleagues on both sides of the aisle today to make sure we are making the best use of our energy and natural resources. I am hopeful that, thanks to our vote today, our kids and our grandkids will be catching trout and chasing mule deer on our Nation's incredible public lands for many years to come.

I urge all of my colleagues to support this legislation. This was many years in the making. It was difficult. It required an enormous amount of compromise to get here, but it is an accomplishment worthy of that effort, and I urge my colleagues to vote aye.

Madam President, I also wish to discuss an important component addressed in this bipartisan energy package: critical minerals retrieval from electronics and technological waste.

I am proud of the work accomplished in the Energy and Natural Resources Committee and what we have achieved at this point to move this bill forward. I would like to thank Senator MURKOWSKI, along with Senator WYDEN, for taking a lead on these issues and getting support for rare earth mineral recycling adopted into the legislation.

This piece of the legislation provides an important solution—recycling—to reducing electronics waste while ensuring our Nation has the rare earth minerals to meet demand for new technologies. While the average American may not have this issue on their radar, it addresses two major problems.

First, electronics waste is an international issue that is only growing in magnitude as consumers obtain the latest devices—from smartphones to automobiles. The United Nations reported last year that 90 percent of the world's supply of electronic waste is illegally traded and dumped, imperiling lives and the environment. And more unfortunately, the United States generates 3.4 million tons of waste each year.

Second, rare earth minerals are crucial components of almost all of the latest consumer technologies, such as hybrid cars, flat panel televisions, and wind turbines. In 2014, the United States imported at least 50 percent of 43 different minerals. The overwhelming majority of the rare earth reserves and production are located in China. Should a supply disruption occur in China, it will be our manufacturers, consumers, and everyone who depends on the latest technologies for their livelihoods who will suffer the consequences.

Section 3307 of the pending legislation directs the Secretary of Energy to establish a program with Federal agencies, National Laboratories, producers, academic institutions, and other concerned stakeholders aimed at promoting efficient production, use, and recycling of critical minerals. Section 3308 directs the Secretary of Energy to put together a comprehensive analysis on rare earth mineral supply and demand over multiple years, and section 3309 establishes an assessment for the education and training of our workforces in manufacturing, development, and recycling of rare earth minerals. Higher education institutions would be able to apply for competitive grants to help assist in this important critical mineral program work.

By providing support for electronics recycling, we are taking necessary steps to provide economic security, while remediating an international economic and environmental problem.

It is important that bipartisanship does not stop with the Energy Policy Modernization Act, but that we continue to support and incorporate technological development, create job opportunities for our workers, and make our world a better one for future generations.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENT NO. 3787 TO AMENDMENT NO. 2953

(Purpose: To provide for the establishment of free market enterprise zones in order to help facilitate the creation of new jobs, entrepreneurial opportunities, enhanced and renewed educational opportunities, and increased community involvement in bankrupt or economically distressed areas.)

Mr. PAUL. Mr. President, I call up my amendment No. 3787.

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

The legislative clerk read as follows:

The Senator from Kentucky [Mr. PAUL] proposes an amendment numbered 3787 to amendment No. 2953.

Mr. PAUL. I ask unanimous consent that the reading of the amendment be dispensed with.

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

(The amendment is printed in the RECORD of April 13, 2016, under ''Text of Amendments.'')

Mr. PAUL. Madam President, I rise today to offer the largest, most sweeping anti-poverty legislation since LBJ began the War on Poverty. This legislation, if passed, would return $100 billion to areas of poverty and high unemployment in our country—areas that have been devastated by chronic unemployment and poverty. Communities like Eastern Kentucky that have been devastated by the President's war on coal would be rescued. Communities

like Flint, MI, where the water is unsafe to drink, would be restored. Communities like Ferguson, the South Side of Chicago, and the West End of Louisville would be given a chance to find the American dream if this legislation is passed.

My legislation is not a gift or a grant; my legislation simply allows $100 billion to remain in the hands of those who earned it. My legislation will provide incentive for businesses and capital to return to areas overwhelmed by chronic poverty and unemployment.

We are just past the 50-year mark on the War on Poverty. Sadly, 50 years later, we are still fighting that war, and every one of our States still has areas of high unemployment and poverty.

I think it is time we try something different: an approach that harnesses the ingenuity and the hard work of individuals, families, and businesses in our most afflicted communities; an approach that invites new investment to these communities; an approach that is free from government bailouts and bureaucrats picking winners and losers; an approach that provides hope and opportunity.

Economic freedom zones will be the largest anti-poverty program since the War on Poverty. Economic freedom zones are areas of reduced taxes and reduced regulations that increase incentives for business to come into these poor communities. This is about much more than a government stimulus or a handout. This legislation will empower communities by leveraging the human capital, natural resources, and business investment opportunities that already exist.

Reducing taxes in economically distressed areas is a stimulus that will work because the money is returned to businesses and individuals who have already proved they can succeed. This isn't government picking whom to give the money to; this is returning the money to those who have earned it and trying to get those businesses to expand.

Cities and counties will be designated as ''economic freedom zones'' if local unemployment is 50 percent above the national average or if poverty is 30 percent above the national average. Localities that are bankrupt—such as Detroit or Flint—or are in danger of bankruptcy are also eligible in order to attract new investment and economic activity that will help shore up the local finances without the need for a bailout. By slashing the Federal tax rate to 5 percent for a 10-year period, we can finally incentivize more businesses to locate in our struggling communities and provide more jobs and opportunities.

My plan leaves the hard-earned dollars of those of the community right there in the community. Instead of sending your money to Washington and begging to get some back, we leave it in your community to stimulate job production and economic growth in your community. It doesn't come to Washington, where politicians often pick the winners and losers; it stays with the community, where the consumers decide who succeeds.

Economic freedom zones will work where Big Government has failed because the money will remain in the hands of people whom local consumers have voted most able to run a business. Whereas big government programs often send money to people who are unable to run a business, who have no proven track record—think of Solyndra; we gave $500 million to people who didn't have a good business plan—economic freedom zones return the money to businesses and the individuals who have already proved they can run a successful business.

The President's big government stimulus plan was funded by debt. It didn't work because government always fails to identify profitable uses for capital, whereas returning capital to those who originally earned it will provide a stimulus that is exponentially bigger.

In the eastern part of Kentucky, this legislation would provide over half a billion dollars each year in much needed capital. In West Louisville, this legislation would provide an annual infusion of over $200 million. More importantly, this legislation will provide hope and opportunity where very little optimism currently exists.

For Detroit, it would mean that an extra $368 million stays in Detroit, in the hands of the families who earned it, and it will be spent locally. Businesses that have demonstrated success will be able to hire new employees. Businesses that move to the area and hire employees will be able to take advantage of these low tax rates and will be welcomed and encouraged to come to the community by the attraction of these low tax rates.

Flint—a city you see in the news every day—which is struggling even to keep clean water, will see an immediate cash infusion of $124 million if my bill were to pass. As business returns to Flint, as the local economy begins to grow, so too will the ability of local government to finance their infrastructure. This legislation will help the city's economy recover and its families have more of their own money to spend on their own needs. We skip the middleman. Don't send the money to Washington. If you want to help poor communities in our country, leave the money there. Skip the middleman; don't send to it Washington.

Economic freedom zones will mean an extra $452 million a year left in Baltimore and $1.5 billion left in Chicago. These economic effects will be real and will be felt immediately. Economic freedom zones will also provide other reforms that set the stage for medium- and long-term growth. We will lift some of the most anti-growth regulatory burdens. We will allow Federal permitting for construction projects. We will allow this permitting process to be streamlined so we can rebuild our cities.

Regulations that artificially drive up labor costs so public projects cost 20 percent, 30 percent more than private projects—we will eliminate these rules to allow your tax dollars to go further. We will also encourage foreign investment to bring jobs back to these chronic areas of poverty and unemployment. Outside investment into local education and social services will be encouraged. To set the stage for continuous growth and opportunity for the next generation, educational reforms will allow parents to move their children out of failing schools and into the school of their choice.

The War on Poverty has been going on for over 50 years, and it often seems as though poverty is winning. They say the definition of insanity is trying the same thing over and over again and expecting a different result. Big government programs have not cured poverty. In fact, some would argue they have made it worse. Isn't it time we tried something different?

Today the Senate will have a chance to try something different. Today the Senate will have an opportunity to begin the rebuilding of America. I urge my colleagues to vote for economic freedom zones.

I yield the floor.

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

Mr. FRANKEN. Mr. President, I rise to voice my support for the passage of the Energy Policy Modernization Act. I am pleased the Senate is considering and on the verge of passing legislation to update our Nation's energy policy. I thank Chairwoman MURKOWSKI, Ranking Member CANTWELL, and their staffs for their hard work in getting this bill to the floor of the Senate.

The Energy Policy Modernization Act is a good bill, but it is not a perfect bill. It is a compromised piece of legislation, and it does contain provisions I do not support, such as expediting the export of liquid natural gas, which I am concerned could raise domestic energy prices and harm steelworkers in northern Minnesota, but there are also a number of important provisions I do support.

Congress has not passed a comprehensive energy bill since 2007, and a lot has changed in the energy sector since then. I believe comprehensive energy legislation needs to promote innovation, deploy clean energy technology, reduce greenhouse gases, and create good-paying jobs. The energy efficiency title of this bill will help produce electricity use, save consumers money, and increase our competitiveness through commonsense measures such as updating building codes. The bill permanently reauthorizes the Land and Water Conservation Fund to ensure that we preserve our natural resources for generations to come. It also invests billions of dollars in science and innovation through the

reauthorization of ARPA-E and the DOE Office of Science. These are the types of investments we will need to transform our energy system, an energy system that has been powered by dirty fossil fuels but is increasingly powered by clean, renewable technologies.

This bill also includes a provision I authored with Ranking Member CANTWELL to invest $50 million per year in energy storage research and development. Energy storage will pay a crucial role in helping unlock substantial new renewable energy resources. As you know, the Sun shines during the day and the wind blows more at night. Balancing these intermittent resources can be a challenge for energy providers, and this is where I see storage playing a critical role in ensuring that our electricity generation meets our demand. While storage technology has been around for a long time, we need the next generation of technologies for cost-effective implementation at the grid scale. This investment will spur innovation at universities and in the private sector to help get us where we need to be.

Investing in energy storage will also position the United States to lead in exporting these technologies to power-hungry countries around the world. Take India, for example. India's goal is to deploy 100 gigawatts of new solar power by 2022—a truly impressive target. As India and other countries build economies based on renewable energy, they will need storage technologies to turn intermittent solar energy into baseload power. I want America to develop and manufacture these storage technologies which will create jobs and lower emissions at the same time.

Energy storage also has the benefit of making our grid more resilient. According to the Department of Energy's 2015 Quadrennial Energy Review, weather was responsible for half of the reported grid outages between 2011 and 2014 when customers went without power, and with the climate changing, it is essential we minimize the impact of weather-related grid outages on American households and businesses. Additional storage capacity will do just that—improving resilience to all types of grid disruption and allowing us to keep the lights on.

I also worked on a provision in this bill to reauthorize the DOE Office of Indian Energy. This office provides education, training, technical assistance, and grants to American Indian tribes and Alaska Native villages that are looking to develop energy projects. Since 2002, this office has provided $50 million for almost 200 renewable energy and energy-efficiency projects in Indian Country. We want to build on this momentum and continue this successful program. I am pleased we have extended the authorization of this office for another 10 years.

This Friday more than 100 nations will come together in New York to sign the Paris Agreement to reduce greenhouse gas emissions and combat climate change. While commitments to reducing emissions are important, they must be followed by real action to reduce our carbon footprint. The Energy bill we are debating takes an important step forward in doing just that, but of course we cannot stop here. Climate change is an existential threat to our planet and future generations. As a country, we must continue to expand clean energy and reduce greenhouse gases. I hope we can continue to build on the bipartisan work we did with this bill to do just that.

I thank the Presiding Officer and yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 3312 TO AMENDMENT NO. 2953

Mr. UDALL. Mr. President, first I wish to thank and congratulate Chairman LISA MURKOWSKI and Ranking Member MARIA CANTWELL for all their hard work and leadership on this Energy bill. They have done a very good job of getting this bill to the floor, and we now find ourselves in the position to offer amendments, which I am here to do. I think all of us are very happy to be able to be moving this legislation along and amending it.

My amendment is a very simple study amendment. It directs the Secretary of the Treasury to study and submit a report to Congress on potential clean energy victory bonds. This amendment is pro-clean energy. It changes no rules, it does not mandate any actual bonds, and being a study it does not score or impact the budget.

Citizens across this country want to see a cleaner energy future. They are doing their part to conserve energy, purchase cleaner energy, and invest in clean energy mutual funds. They are doing this on a voluntary basis. It is having a big impact and pushing clean energy technologies forward in a rather dramatic way, but we also understand our energy challenges are broad and require large-scale investments by many investors.

We can harness and keep it voluntary without any cost to taxpayers through clean energy victory bonds. The Federal Government is our Nation's largest energy consumer, with more than 350,000 buildings and 600,000 road vehicles. Think about your own electricity bill that you pay each month and the gas you buy at the pump. The U.S. Government has to pay such bills as well to the tune of over $20 billion each year. Most of that, about two-thirds, is for petroleum.

The Federal Government wants to cut its bills too. We invest in clean energy through energy efficiency upgrades and through power purchase agreements for cleaner energy and stable, predictable energy prices. The government has a choice about these options just as private citizens do. Private citizens can choose the types of energy they purchase for their homes and their businesses, and many opt for wind power, solar power, or other clean energy sources, or they install energy-efficient windows and appliances. Many tell me they want to help our government make these choices as well. Clean energy victory bonds could help us move in that direction. By purchasing a Treasury bond specifically devoted to clean energy, Americans can help the government supplement its energy purchases with energy efficiency upgrades and clean energy decisions. These investments could provide additional support to existing Federal financing programs already available to States for energy efficiency upgrades and clean energy. What is exciting about this option is that smart investments can help pay for themselves and bring a return on investment to people who purchase these bonds. That is why we think it is so important to study this option. It is a simple financial instrument that is a win for people saving money and a win for reducing the government's energy bill and it is all on a voluntary basis.

During the First and Second World Wars, our country faced threats we had never faced before. We rose to the challenge and gave it everything we had. Everyone contributed, and for many that included investing in victory bonds. They helped pay for the cost of the war—$185 billion. That would be over $2 trillion today. Folks lined up to buy those bonds. That is the spirit of the American people—to pull together. It was true then and it is still true today.

We face a very different challenge today. Our energy challenges are seen on multiple fronts, from the impacts to our environment to our global and international struggles based on our dependence on foreign oil. Citizens want to unite and contribute. They want investments in homegrown American clean energy. Many cannot afford to buy solar panels for their own homes or invest $1,000 minimums to buy clean energy mutual funds, but many can afford $25 for a clean energy victory bond.

This amendment asks the Secretary of the Treasury to help inform Congress on the feasibility and structure of developing such a tool. It has broad support from groups such as the American Sustainable Business Council, Green America, the American Wind Energy Association, Ceres, the Union of Concerned Scientists, and many other groups. It has broad support out there.

Mr. President, I ask to call up my amendment No. 3312 and ask that it be reported by number.

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

The legislative clerk read as follows:

The Senator from New Mexico [Mr. UDALL] proposes an amendment numbered 3312 to amendment No. 2953.

The amendment is as follows:

(Purpose: To require the Secretary of the Treasury to develop a plan for issuance of Clean Energy Victory Bonds)

At the appropriate place, insert the following:

SEC. _____. CLEAN ENERGY VICTORY BONDS.

(a) IN GENERAL.—Not later than July 1, 2016, the Secretary of the Treasury, in coordination with the Secretary of Energy and the Secretary of Defense, shall submit a report to Congress that provides recommendations for the establishment, issuance, and promotion of Clean Energy Victory Bonds by the Department of the Treasury (referred to in this section as the ''Clean Energy Victory Bonds Program'').

(b) REQUIREMENTS.—For purposes of subsection (a), the Clean Energy Victory Bonds Program shall be designed to—

(1) ensure that any available proceeds from the issuance of Clean Energy Victory Bonds are used to finance clean energy projects (as defined in subsection (c)) at the Federal, State, and local level, which may include—

(A) providing additional support to existing Federal financing programs available to States for energy efficiency upgrades and clean energy deployment, and

(B) providing funding for clean energy investments by the Department of Defense and other Federal agencies,

(2) provide for payment of interest to persons holding Clean Energy Victory Bonds through such methods as are determined appropriate by the Secretary of the Treasury, including amounts—

(A) recaptured from savings achieved through reduced energy spending by entities receiving any funding or financial assistance described in paragraph (1), and

(B) collected as interest on loans financed or guaranteed under the Clean Energy Victory Bonds Program,

(3) issue bonds in denominations of not less than $25 or such amount as is determined appropriate by the Secretary of the Treasury to make them generally accessible to the public, and

(4) collect not more than $50,000,000,000 in revenue from the issuance of Clean Energy Victory Bonds for purposes of financing clean energy projects described in paragraph (1).

(c) CLEAN ENERGY PROJECT.—The term ''clean energy project'' means a project which provides—

(1) performance-based energy efficiency improvements, or

(2) clean energy improvements, including—

(A) electricity generated from solar, wind, geothermal, hydropower, and hydrokinetic energy sources,

(B) fuel cells using non-fossil fuel sources,

(C) advanced batteries,

(D) next generation biofuels from non-food feedstocks, and

(E) electric vehicle infrastructure.

Mr. UDALL. I thank the Presiding Officer and will yield the floor. I know Senators Bennet and Isakson are here. They are both great leaders when it comes to clean energy and working on this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, what is the pending business?

The PRESIDING OFFICER. Udall amendment No. 3312.

AMENDMENT NO. 3202 TO AMENDMENT NO. 2953

(Purpose: To improve the accuracy of mortgage underwriting used by the Federal Housing Administration by ensuring that energy costs are included in the underwriting process, to reduce the amount of energy consumed by homes, to facilitate the creation of energy efficiency retrofit and construction jobs, and for other purposes.)

Mr. ISAKSON. Mr. President, I ask to call up the Isakson-Bennet amendment.

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

The legislative clerk read as follows:

The Senator from Georgia [Mr. ISAKSON] proposes an amendment numbered 3202 to amendment No. 2953.

(The amendment is printed in the RECORD of February 2, 2016, under ''Text of Amendments.'')

Mr. ISAKSON. Mr. President, I am delighted to rise in favor of the Isakson-Bennet amendment, the SAVE Act, and glad to acknowledge my hard work with MICHAEL BENNET, who has been a great partner in this effort.

I particularly want to acknowledge the patience of Senators Cantwell and Murkowski in allowing this bill and amendment to come forward. They have exemplified the type of patience that is necessary to do legislative work and do it well.

Very simply, this bill allows the Federal Housing Administration, in the underwriting of a mortgage loan for a family applying for that loan, to consider in the value of the appraisal, the enhanced over-minimum standards that are put in for insulation and the enhanced over-minimum standard savings that come to the consumer from those energy standards being put in. So the borrower gets credit as if it is income from the savings that comes from putting in the insulation for the higher standards. The value of the property is enhanced in order for the borrower to be able to pay for the enhancements, and they are permanent. It is a win-win-win proposition.

Why are we doing this? It already worked in the United States. It worked in the 1980s when the savings and loan industry made most of the mortgage loans. In Georgia, we had a program called Good Sense Housing. If you put in enhanced energy savings, you were given credit toward qualification on your loan. When we put them in, we had better thermal windowpanes, better results, and less consumption.

This a good amendment that allows consumers to get what they want and allows Americans to enjoy more energy-efficient housing.

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BENNET. Mr. President, I wish to thank the Senator from Georgia for his tireless work on this bill. We have been at it now for 3 years, and here we are on the floor close to passing it. There is not a Senator in this body who possesses the knowledge that Senator ISAKSON does about real estate and how it works in the United States. It has been a real privilege to work with him on the bill.

I also wish to thank the chairwoman and the ranking member of the committee for their fine work on this bill.

It is time to enact this commonsense bill, the SAFE Act, as it is called. It is supported by groups all across the political spectrum, including the Chamber of Commerce, the National Association of Manufacturers, the Sierra Club, and the Natural Resources Defense Council.

Our amendment, as Senator ISAKSON said, would allow for a home's energy efficiency to be considered when a borrower applies for a loan. So when you apply for a mortgage, you can request an energy audit, and if you have a loan backed by the Federal Housing Administration, the energy efficiency of your new home and your future energy bills will be taken into account by your mortgage lender. Why is that important? Well, today, even though homeowners spend more money on energy than they do on taxes or buying home insurance, energy costs are not taken into account. And when they are taken into account, as a consequence of this bill, the savings derived from that energy efficiency can then be applied to paying your mortgage.

I want to be clear—and Senator ISAKSON said this—this amendment is not a mandate. It simply sets up a voluntary program.

It will create thousands of jobs in manufacturing and construction. By 2040, the estimates are that it will save consumers $1.2 billion in energy costs and save enough energy to power 100,000 homes every year.

I have heard from builders all across Colorado who support this amendment—people like Gene Myers, CEO and founder of Thrive Home Builders in Denver. He has built more than 1,000 energy-efficient homes, but he understands that we won't fully attain the benefits of efficiency in the market until we properly value it.

For these reasons, a large and diverse coalition supports this amendment.

I urge my colleagues to support this commonsense amendment to improve energy efficiency, save money, and create American jobs.

Mr. President, I yield to the Senator from Georgia.

Mr. ISAKSON. Mr. President, I thank Senator BENNET for his support, and I urge each Member of the Senate today to vote favorably for the SAVE Act and favorably for the end legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BENNET. 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. DAINES. 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. DAINES. Mr. President, today we will take steps to secure our Montana heritage and ''Made in Montana'' jobs. We will stand up for the Montana way of life.

Today we will pass a bill that for the first time would permanently reauthorize the Land and Water Conservation

Fund, an important piece of legislation ensuring that Montanans have access to public lands.

As a fifth generation Montanan and avid sportsman, I recognize how valuable public lands are and the importance of ensuring access for generations to come. In fact, during the summer recesses, when many Senators are traveling around the world, there is no better place that I like to be than the back country of Montana, like I was last summer with my wife, my son, and our dog Ruby in the Beartooth Wilderness. In Montana and throughout the country, the Land and Water Conservation Fund plays a critical role in achieving the goal of increased access and by helping to preserve and protect Montanans' opportunities to enjoy hunting, fishing, and other outdoor recreation.

LWCF keeps lands, like family ranches, in the family and working. It keeps forests in productive use through the Forest Legacy Program, such as in the Haskill Basin, where my good friend Chuck Roady of Stoltze Land and Lumber works. Today will be a victory for them—like Eric Grove of Great Divide Cyclery in Helena, MT, who has built his mountain bike business around the South Hills Trail System outside of Helena, facilitated by LWCF.

There are many other small businesses like Eric's in Montana that depend on our thriving outdoor economy.

This bill will also streamline the permitting for the export of liquefied natural gas, allowing more American energy to power the world.

Montana is the fifth largest producer of hydropower in the Nation, and we have 23 hydroelectric dams. This bill strengthens our Nation's hydropower development by defining hydro as a renewable fuel. Only in Washington, DC, would hydro not be defined as a renewable source of energy. I am glad to see we will get that cleared up with this bill today. This is great news for Montana, and it is well overdue.

This energy bill will establish a pilot project to streamline drilling permits if less than 25 percent of the minerals within the spacing unit are Federal minerals. That is of particular importance to Montana, given the patchwork of land and mineral ownership in the Bakken.

This bill will improve Federal permitting of critical and strategic mineral production, which supports thousands of good-paying Montana jobs and is essential to our national security and international competitiveness. The absence of just one critical mineral or metal could disrupt entire technologies, entire industries, and create a ripple effect throughout our entire economy.

For example, Stillwater mines in Montana is one of the only sources of palladium and platinum in the world. Currently, the United States has one of the longest and most arduous permitting processes for critical minerals in the world. This bill helps address those concerns.

Metal and nonmetal mining also has directly created more than 16,000 good-paying Montana jobs. In fact, mining overall helps support more than 22,000 jobs across Montana.

In Montana, energy supports thousands of good-paying jobs for union workers, for tribal members. Access to our State's one-of-a-kind public lands is critical to our State's tourism economy and our way of life. We in Montana say we work, but we also like to play, striking the right balance towards responsible natural resource development as well as protecting our public lands.

With today's passage of the energy bill, we will help unleash Montana's and our country's energy potential and uphold our country's commitment to conservation.

I urge adoption of the bill and commend Chairman MURKOWSKI for her leadership.

Thank you, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LANKFORD. 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.

AMENDMENT NO. 3210 TO AMENDMENT NO. 2953

Mr. LANKFORD. Mr. President, I call up my amendment No. 3210 and ask that it be reported by number.

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

The bill clerk read as follows:

The Senator from Oklahoma [Mr. LANKFORD] proposes an amendment numbered 3210 to amendment No. 2953.

The amendment is as follows:

(Purpose: To add provisions relating to acquisition of Federal land under the Land and Water Conservation Fund)

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.''.

Mr. LANKFORD. Mr. President, there are a lot of good things in this bill that we are discussing. There are a lot of good amendments that have been brought to the floor.

There has been an awful lot of conversation over the past year about a program called the Land and Water Conservation Fund. It is a straightforward program that has been around for a long time. It takes money from revenue from offshore oil drilling and it uses that money to purchase land, usually next to a national park or in other areas, and that becomes Federal land.

The problem is that over the decades we have continued to accumulate more money in the Land and Water Conservation Fund and we have continued to accumulate more land onto the Federal roll but we are not taking care of what we have.

The issue with this particular version of the Land and Water Conservation Fund is that it is not a short-term extension the way it has always been in the past; it is a permanent program put in place—permanent meaning there are no changes. So permanently we put in a structure that continues to purchase Federal lands without maintaining those lands. We all know it. We all see it.

Year after year, everyone has said we should add more to maintenance, but year after year we just buy more land using the Land and Water Conservation Fund and never use other budget funds for maintenance because, quite frankly, there are a lot of other vital Federal issues that need to be paid for.

The simple solution to this is to take the money from the Land and Water Conservation Fund and make sure that one simple thing is done: that when we purchase land, we also maintain that land with that funding. We also take care of the backlog.

This amendment is very straightforward: We use 50 percent to purchase land and 50 percent to maintain the land until we at least get down to a $1 billion backlog, and then we can reconsider. A $1 billion backlog is the goal. In some ways, this has become controversial. I can't believe it would be controversial to say: Let's try to work our Nation down to only a $1 billion backlog in our maintenance for all our Federal facilities.

We have record attendance at our national parks. They are beautiful national treasures, but if we can't maintain them, then we reinforce what is already true: that the Federal Government is the largest landowner, largest land controller, and the worst landowner in the country. Federal lands are maintained the least of any other large holder of land. Let's fix it.

This doesn't take away the Land and Water Conservation Fund; this makes sure we take care of what we have. When we purchase land and bring it in, we make sure we also set aside money to fix it. Frankly, it is straightforward.

Today my daughter turns 16 years old. She will at some point get a used car. I am sure it will be a doozy—we are thinking somewhere around a 1978 Volvo. Nice and tough. Indestructible. At some point she will end up with a used car, but the requirement is that she has to be a part of the purchase of it. When we buy that car, we will not use everything in our savings account, nor will we allow her to use all of her savings account. She has to have enough money to be able to put gas in it and maintain it when it breaks down because it is a car and it will break down. This change in the Land and Water Conservation Fund is as simple as that. Whenever we put new land in the inventory, we make sure we have money set aside to make sure we can actually take care of it. Why have a car if you can't put gas in it? Why continue to add land year after year if we are not going to maintain it? That is not good stewardship of our resources; that is bad stewardship of our resources.

This amendment says that before we make this program permanent, let's fix the structure of this program to make sure we are also watching out for the program long term as well.

One other quick note. Some of the land that has been purchased has been purchased for very high amounts, such as $1-million-per-acre types of amounts. This amendment puts a simple block in it that says: Before there is a purchase of land for more than $50,000 an acre, run that through Congress to make sure someone has had a second look at that. It is a straightforward provision to make sure the Federal taxpayer is not paying more than they should per acre for land in the Federal inventory.

I would urge the adoption of this amendment. This doesn't kill the program; it enhances the program. It allows us to take better care of our Federal land and to engage with that.

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

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, before we go to the votes that have been scheduled on this bill, I wanted to take a few more minutes. I mentioned some of our colleagues from the Energy Committee and some of their contributions, but I wanted to mention a couple of other provisions that are in this underlying bill and to thank our colleagues for their hard work, Senator WYDEN particularly for his focus on renewable energy technologies, such as marine and hydrokinetic and geothermal. These are important provisions because they are going to help us gain a foothold in very important areas of this development. I thank him for his contribution.

I mentioned energy storage earlier, and in committee our colleagues dealt with this a lot, but Senators FRANKEN, HEINRICH, HIRONO, and KING all made significant contributions on the modernization of the grid and grid storage, as my colleague from Alaska knows, on how to plan for microgrid activity—and Senator HIRONO, because she has a very unique State that she represents, Hawaii. Having an integration of those activities into the grid is very important. I thank them for their contributions on making our electricity grid more distributed and integrating in some of the renewable energies and making sure that our grid has the flexibility to do that.

Senator KING has certainly worked hard to ensure that distributed generation gets a fair shake in the marketplace and to make sure that consumers are treated fairly. This is a subject our committee will continue to work on. I am sure we are going to hear about it. For those individual homeowners who are making investments in solar energy, we want to make sure they are not unfairly treated by their own utilities in how that solar development plays out. They don't want to be overcharged for the development of solar, if they want to put solar on their homes. They are willing to be part of the solution; they don't want to be the funder of the whole solution. I think Senator KING is rightly concerned about how distributed generation gets a fair shake.

I thank Senator FRANKEN. He was out here on the floor, and he was a key proponent of the Department of Energy science and investment in the areas of energy storage and generation, and he has been a very strong voice on why storage is so important. And as I mentioned, Washington being a hydro State and having a variety of renewable energies, having storage capability is very important for us in the Pacific Northwest.

Senator FRANKEN is also a very strong voice in how energy programs are going to work in the tribal areas of our country. I thank him for that.

I also thank Senator MANCHIN for working with Senator HEINRICH and Senator MURKOWSKI on the bipartisan sportsmen's package that is included in this bill, which is something that the Senate—well, let's just say that we had a lot of discussion about the sportsmen's bill over many Congresses, so the fact that we are actually passing a comprehensive sportsmen's package is a great testament to the work of our committee and the work of the Senate in a bipartisan fashion.

I thank Senator WARREN for her focus on transparency in energy commodity markets and ensuring that consumers' interests are there, particularly when it comes to global natural gas markets, and making sure we are well informed about what is happening in the marketplace. These are all important because we want to have enough transparency that the consumers and the government know what is happening and that we never run into the kind of situation we did before with the manipulation of markets because of very tight markets and people taking advantage of that.

I appreciate all of the committee members on our side of the aisle and their contributions, and I certainly appreciate working on these issues with the chair of the committee and many members.

I thank Senator STABENOW and Senator PETERS. I know we tried for many weeks to work on a solution to the Flint issue. The chair, Senator MURKOWSKI, was very efficient in trying to marshal the discussions on her side of the aisle about how to get a resolution to this issue. I thank her for that. I know our colleagues, Senators STABENOW and PETERS, will continue to work on finding solutions to this, so I thank them for that, and I thank them for their leadership on manufacturing and vehicle technology as well.

Again, I know we are going to start voting, but I can't emphasize enough how much material is in the underlying bill, the amendments we cleared earlier by voice vote, and the amendments we are going to vote on. This is a lot of work, and I want to again thank the staff for continuing to process a lot of ideas about energy policies, land conservation policies, and workforce and energy issues for the future because all of these are vital policies for us—modernizing our energy infrastructure and making sure we continue to protect consumers and businesses and making sure we are going to be competitive in the future.

I again thank the chair for her leadership on this issue and look forward to processing the rest of these amendments.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, as my colleague on the committee pointed out, many individuals have made great effort and have made very positive contributions toward where we are today with this Energy bill. I wanted to note very quickly some of the groups who have weighed in throughout the process as we have sought input in different sectors across the energy space and really across the broader economy for some of the ideas in efficiency, supply, infrastructure, and accountability. When we look at the list of those organizations from around the country in different areas, I have a seven-page, single-spaced list in very small type of those who have weighed in in support of the measures we have in front of us today. From my State, it is everyone from the Department of Natural Resources, to the Alaska Power Association, the Bristol Bay Native Corporation, the Cordova Electric Co-op, and a whole bunch more.

At the national level, we have support from the U.S. Chamber of Commerce, the American Chemistry Council, the National Electric Manufacturers Association, the Alliance of Automobile Manufacturers—and I am picking randomly.

We have support from labor groups—North America's Building Trades Union, the United Auto Workers, the

United Brotherhood of Carpenters—who all weighed in with support for ideas that are included.

We have a huge coalition—from the Alliance to Save Energy, to Seattle City Light—that have focused on the work we have done with efficiency.

When we think about those who are focused on keeping the lights on, keeping fuel affordable, those who produce the materials that make modern life possible, groups such as the National Hydropower Association, the American Petroleum Institute, the National Mining Association, the American Exploration & Mining Association, the Business Council for Sustainable Energy, the American Public Power Association, and Edison Electric Institute—there is a long list of those who have weighed in in support. It is all over the board—the Small Business and Entrepreneurship Council, the American Society of Interior Designers, the Nebraska Public Power District. The list is comprehensive and notable.

I want to be clear, not all in these groups agree with all aspects of the bill that we have in front of us. Those who support our work to streamline LNG exports might not necessarily be supportive of what we are trying to do to clean up the United States Code. But I think it is fair to say that to craft a bill that 100 percent of everybody likes is just not going to happen.

What we have in front of us today and what the Senate will now commence voting on is a bipartisan product that has gone through an extraordinary process in the past year, has been collaboratively built, and is an effort to modernize our energy policies in a smart way that uses common sense. It is not the government telling us what we shall do; it is doing it for the right reasons.

With that, Mr. President, we have come to the end of our 2 hours of debate, so we will commence with our series of rollcall votes that have previously been agreed to.

AMENDMENT NO. 3234, AS MODIFIED, TO AMENDMENT NO. 2953

Mr. President, at this time, I call up my amendment No. 3234.

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

The bill clerk read as follows:

The Senator from Alaska [Ms. MURKOWSKI] proposes an amendment numbered 3234, as modified, to amendment No. 2953.

The amendment, as modified, is as follows:

(Purpose: To add certain provisions relating to natural resources)

At the 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.''; and

(B) 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 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).

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. 4601–6d) 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—FISH AND WILDLIFE CONSERVATION

SEC. 6251. AMENDMENTS TO PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT.

(a) PURPOSE.—The purpose of this section is to facilitate the construction and expansion of public target ranges, including ranges on Federal land managed by the Forest Service and the Bureau of Land Management.

(b) DEFINITION OF PUBLIC TARGET RANGE.—In this section, the term ''public target range'' means a specific location that—

(1) is identified by a governmental agency for recreational shooting;

(2) is open to the public;

(3) may be supervised; and

(4) may accommodate archery or rifle, pistol, or shotgun shooting.

(c) AMENDMENTS TO PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT.—

(1) DEFINITIONS.—Section 2 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669a) is amended—

(A) by redesignating paragraphs (2) through (8) as paragraphs (3) through (9), respectively; and

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

''(2) the term 'public target range' means a specific location that—

''(A) is identified by a governmental agency for recreational shooting;

''(B) is open to the public;

''(C) may be supervised; and

''(D) may accommodate archery or rifle, pistol, or shotgun shooting;''.

(2) EXPENDITURES FOR MANAGEMENT OF WILDLIFE AREAS AND RESOURCES.—Section 8(b) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669g(b)) is amended—

(A) by striking ''(b) Each State'' and inserting the following:

''(b) EXPENDITURES FOR MANAGEMENT OF WILDLIFE AREAS AND RESOURCES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), each State'';

(B) in paragraph (1) (as so designated), by striking ''construction, operation,'' and inserting ''operation'';

(C) in the second sentence, by striking ''The non-Federal share'' and inserting the following:

''(3) NON-FEDERAL SHARE.—The non-Federal share'';

(D) in the third sentence, by striking ''The Secretary'' and inserting the following:

''(4) REGULATIONS.—The Secretary''; and

(E) by inserting after paragraph (1) (as designated by subparagraph (A)) the following:

''(2) EXCEPTION.—Notwithstanding the limitation described in paragraph (1), a State may pay up to 90 percent of the cost of acquiring land for, expanding, or constructing a public target range.''.

(3) FIREARM AND BOW HUNTER EDUCATION AND SAFETY PROGRAM GRANTS.—Section 10 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h–1) is amended—

(A) in subsection (a), by adding at the end the following:

''(3) ALLOCATION OF ADDITIONAL AMOUNTS.—Of the amount apportioned to a State for any fiscal year under section 4(b), the State may elect to allocate not more than 10 percent, to be combined with the amount apportioned to the State under paragraph (1) for that fiscal year, for acquiring land for, expanding, or constructing a public target range.'';

(B) by striking subsection (b) and inserting the following:

''(b) COST SHARING.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Federal share of the cost of any activity carried out using a grant under this section shall not exceed 75 percent of the total cost of the activity.

''(2) PUBLIC TARGET RANGE CONSTRUCTION OR EXPANSION.—The Federal share of the cost of acquiring land for, expanding, or constructing a public target range in a State on Federal or non-Federal land pursuant to this section or section 8(b) shall not exceed 90 percent of the cost of the activity.''; and

(C) in subsection (c)(1)—

(i) by striking ''Amounts made'' and inserting the following:

''(A) IN GENERAL.—Except as provided in subparagraph (B), amounts made''; and

(ii) by adding at the end the following:

''(B) EXCEPTION.—Amounts provided for acquiring land for, constructing, or expanding a public target range shall remain available for expenditure and obligation during the 5-fiscal-year period beginning on October 1 of the first fiscal year for which the amounts are made available.''.

(d) SENSE OF CONGRESS REGARDING COOPERATION.—It is the sense of Congress that, consistent with applicable laws (including regulations), the Chief of the Forest Service and the Director of the Bureau of Land Management should cooperate with State and local authorities and other entities to carry out waste removal and other activities on any Federal land used as a public target range to encourage continued use of that land for target practice or marksmanship training.

SEC. 6252. NORTH AMERICAN WETLANDS CONSERVATION ACT.

(a) CONSERVATION INCENTIVES LANDOWNER EDUCATION PROGRAM.—Any acquisition of land (including any interest in land) under the North American Wetlands Conservation Act (16 U.S.C. 4401 et seq.) shall be subject to the notification requirements under section ⟦50___(d)⟧.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 7(c) of the North American Wetlands Conservation Act (16 U.S.C. 4406(c)) is amended—

(1) in paragraph (4), by striking ''and'';

(2) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(6) $50,000,000 for each of fiscal years 2015 through 2020.''.

SEC. 6253. NATIONAL FISH HABITAT CONSERVATION.

(a) SHORT TITLE.—This section may be cited as the ''National Fish Habitat Conservation Through Partnerships Act''.

(b) PURPOSE.—The purpose of this section is to encourage partnerships among public agencies and other interested parties to promote fish conservation—

(1) to achieve measurable habitat conservation results through strategic actions of Fish Habitat Partnerships that lead to better fish habitat conditions and increased fishing opportunities by—

(A) improving ecological conditions;

(B) restoring natural processes; or

(C) preventing the decline of intact and healthy systems;

(2) to establish a consensus set of national conservation strategies as a framework to guide future actions and investment by Fish Habitat Partnerships;

(3) to broaden the community of support for fish habitat conservation by—

(A) increasing fishing opportunities;

(B) fostering the participation of local communities, especially young people in local communities, in conservation activities; and

(C) raising public awareness of the role healthy fish habitat play in the quality of life and economic well-being of local communities;

(4) to fill gaps in the National Fish Habitat Assessment and the associated database of the National Fish Habitat Assessment—

(A) to empower strategic conservation actions supported by broadly available scientific information; and

(B) to integrate socioeconomic data in the analysis to improve the lives of humans in a manner consistent with fish habitat conservation goals; and

(5) to communicate to the public and conservation partners—

(A) the conservation outcomes produced collectively by Fish Habitat Partnerships; and

(B) new opportunities and voluntary approaches for conserving fish habitat.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) BOARD.—The term ''Board'' means the National Fish Habitat Board established by subsection (d)(1)(A).

(3) DIRECTOR.—The term ''Director'' means the Director of the United States Fish and Wildlife Service.

(4) EPA ASSISTANT ADMINISTRATOR.—The term ''EPA Assistant Administrator'' means the Assistant Administrator for Water of the Environmental Protection Agency.

(5) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(6) NOAA ASSISTANT ADMINISTRATOR.—The term ''NOAA Assistant Administrator'' means the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration.

(7) PARTNERSHIP.—The term ''Partnership'' means a self-governed entity designated by the Board as a Fish Habitat Conservation Partnership pursuant to subsection (e)(1) .

(8) REAL PROPERTY INTEREST.—The term ''real property interest'' means an ownership interest in—

(A) land; or

(B) water (including water rights).

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

(10) STATE.—The term ''State'' means each of the several States.

(11) STATE AGENCY.—The term ''State agency'' means—

(A) the fish and wildlife agency of a State; and

(B) any department or division of a department or agency of a State that manages in the public trust the inland or marine fishery resources or sustains the habitat for those fishery resources of the State pursuant to State law or the constitution of the State.

(d) NATIONAL FISH HABITAT BOARD.—

(1) ESTABLISHMENT.—

(A) FISH HABITAT BOARD.—There is established a board, to be known as the ''National Fish Habitat Board'', whose duties are—

(i) to promote, oversee, and coordinate the implementation of this section;

(ii) to establish national goals and priorities for fish habitat conservation;

(iii) to approve Partnerships; and

(iv) to review and make recommendations regarding fish habitat conservation projects.

(B) MEMBERSHIP.—The Board shall be composed of 25 members, of whom—

(i) 1 shall be a representative of the Department of the Interior;

(ii) 1 shall be a representative of the United States Geological Survey;

(iii) 1 shall be a representative of the Department of Commerce;

(iv) 1 shall be a representative of the Department of Agriculture;

(v) 1 shall be a representative of the Association of Fish and Wildlife Agencies;

(vi) 4 shall be representatives of State agencies, 1 of whom shall be nominated by a regional association of fish and wildlife agencies from each of the Northeast, Southeast, Midwest, and Western regions of the United States;

(vii) 1 shall be a representative of either—

(I) Indian tribes in the State of Alaska; or

(II) Indian tribes in States other than the State of Alaska;

(viii) 1 shall be a representative of either—

(I) the Regional Fishery Management Councils established under section 302 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852); or

(II) a representative of the Marine Fisheries Commissions, which is composed of—

(aa) the Atlantic States Marine Fisheries Commission;

(bb) the Gulf States Marine Fisheries Commission; and

(cc) the Pacific States Marine Fisheries Commission;

(ix) 1 shall be a representative of the Sportfishing and Boating Partnership Council;

(x) 7 shall be representatives selected from each of—

(I) the recreational sportfishing industry;

(II) the commercial fishing industry;

(III) marine recreational anglers;

(IV) freshwater recreational anglers;

(V) habitat conservation organizations; and

(VI) science-based fishery organizations;

(xi) 1 shall be a representative of a national private landowner organization;

(xii) 1 shall be a representative of an agricultural production organization;

(xiii) 1 shall be a representative of local government interests involved in fish habitat restoration;

(xiv) 2 shall be representatives from different sectors of corporate industries, which may include—

(I) natural resource commodity interests, such as petroleum or mineral extraction;

(II) natural resource user industries; and

(III) industries with an interest in fish and fish habitat conservation; and

(xv) 1 shall be a leadership private sector or landowner representative of an active partnership.

(C) COMPENSATION.—A member of the Board shall serve without compensation.

(D) TRAVEL EXPENSES.—A member of the Board may be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Board.

(2) APPOINTMENT AND TERMS.—

(A) IN GENERAL.—Except as otherwise provided in this subsection, a member of the Board described in any of clauses (vi) through (xiv) of paragraph (1)(B) shall serve for a term of 3 years.

(B) INITIAL BOARD MEMBERSHIP.—

(i) IN GENERAL.—The initial Board will consist of representatives as described in clauses (i) through (vi) of paragraph (1)(B).

(ii) REMAINING MEMBERS.—Not later than 60 days after the date of enactment of this Act, the representatives of the initial Board pursuant to clause (i) shall appoint the remaining members of the Board described in clauses (viii) through (xiv) of paragraph (1)(B).

(iii) TRIBAL REPRESENTATIVES.—Not later than 60 days after the enactment of this Act, the Secretary shall provide to the Board a recommendation of not fewer than 3 tribal representatives, from which the Board shall appoint 1 representative pursuant to clause (vii) of paragraph (1)(B).

(C) TRANSITIONAL TERMS.—Of the members described in paragraph (1)(B)(x) initially appointed to the Board—

(i) 2 shall be appointed for a term of 1 year;

(ii) 2 shall be appointed for a term of 2 years; and

(iii) 3 shall be appointed for a term of 3 years.

(D) VACANCIES.—

(i) IN GENERAL.—A vacancy of a member of the Board described in any of clauses (viii) through (xiv) of paragraph (1)(B) shall be filled by an appointment made by the remaining members of the Board.

(ii) TRIBAL REPRESENTATIVES.—Following a vacancy of a member of the Board described in clause (vii) of paragraph (1)(B), the Secretary shall recommend to the Board a list of not fewer than 3 tribal representatives, from which the remaining members of the Board shall appoint a representative to fill the vacancy.

(E) CONTINUATION OF SERVICE.—An individual whose term of service as a member of the Board expires may continue to serve on the Board until a successor is appointed.

(F) REMOVAL.—If a member of the Board described in any of clauses (viii) through (xiv) of paragraph (1)(B) misses 3 consecutive regularly scheduled Board meetings, the members of the Board may—

(i) vote to remove that member; and

(ii) appoint another individual in accordance with subparagraph (D).

(3) CHAIRPERSON.—

(A) IN GENERAL.—The representative of the Association of Fish and Wildlife Agencies appointed pursuant to paragraph (1)(B)(v) shall serve as Chairperson of the Board.

(B) TERM.—The Chairperson of the Board shall serve for a term of 3 years.

(4) MEETINGS.—

(A) IN GENERAL.—The Board shall meet—

(i) at the call of the Chairperson; but

(ii) not less frequently than twice each calendar year.

(B) PUBLIC ACCESS.—All meetings of the Board shall be open to the public.

(5) PROCEDURES.—

(A) IN GENERAL.—The Board shall establish procedures to carry out the business of the Board, including—

(i) a requirement that a quorum of the members of the Board be present to transact business;

(ii) a requirement that no recommendations may be adopted by the Board, except by the vote of ⅔ of all members;

(iii) procedures for establishing national goals and priorities for fish habitat conservation for the purposes of this section;

(iv) procedures for designating Partnerships under subsection (e); and

(v) procedures for reviewing, evaluating, and making recommendations regarding fish habitat conservation projects.

(B) QUORUM.—A majority of the members of the Board shall constitute a quorum.

(e) FISH HABITAT PARTNERSHIPS.—

(1) AUTHORITY TO APPROVE.—The Board may approve and designate Fish Habitat Partnerships in accordance with this subsection.

(2) PURPOSES.—The purposes of a Partnership shall be—

(A) to work with other regional habitat conservation programs to promote cooperation and coordination to enhance fish and fish habitats;

(B) to engage local and regional communities to build support for fish habitat conservation;

(C) to involve diverse groups of public and private partners;

(D) to develop collaboratively a strategic vision and achievable implementation plan that is scientifically sound;

(E) to leverage funding from sources that support local and regional partnerships;

(F) to use adaptive management principles, including evaluation of project success and functionality;

(G) to develop appropriate local or regional habitat evaluation and assessment measures and criteria that are compatible with national habitat condition measures; and

(H) to implement local and regional priority projects that improve conditions for fish and fish habitat.

(3) CRITERIA FOR APPROVAL.—An entity seeking to be designated as a Partnership shall—

(A) submit to the Board an application at such time, in such manner, and containing such information as the Board may reasonably require; and

(B) demonstrate to the Board that the entity has—

(i) a focus on promoting the health of important fish and fish habitats;

(ii) an ability to coordinate the implementation of priority projects that support the goals and national priorities set by the Board that are within the Partnership boundary;

(iii) a self-governance structure that supports the implementation of strategic priorities for fish habitat;

(iv) the ability to develop local and regional relationships with a broad range of entities to further strategic priorities for fish and fish habitat;

(v) a strategic plan that details required investments for fish habitat conservation that addresses the strategic fish habitat priorities of the Partnership and supports and meets the strategic priorities of the Board;

(vi) the ability to develop and implement fish habitat conservation projects that address strategic priorities of the Partnership and the Board; and

(vii) the ability to develop fish habitat conservation priorities based on sound science and data, the ability to measure the effectiveness of fish habitat projects of the Partnership, and a clear plan as to how Partnership science and data components will be integrated with the overall Board science and data effort.

(4) APPROVAL.—The Board may approve an application for a Partnership submitted under paragraph (3) if the Board determines that the applicant—

(A) identifies representatives to provide support and technical assistance to the Partnership from a diverse group of public and private partners, which may include State or local governments, nonprofit entities, Indian tribes, and private individuals, that are focused on conservation of fish habitats to achieve results across jurisdictional boundaries on public and private land;

(B) is organized to promote the health of important fish species and important fish habitats, including reservoirs, natural lakes, coastal and marine environments, and estuaries;

(C) identifies strategic fish and fish habitat priorities for the Partnership area in the form of geographical focus areas or key stressors or impairments to facilitate strategic planning and decisionmaking;

(D) is able to address issues and priorities on a nationally significant scale;

(E) includes a governance structure that—

(i) reflects the range of all partners; and

(ii) promotes joint strategic planning and decisionmaking by the applicant;

(F) demonstrates completion of, or significant progress toward the development of, a strategic plan to address the decline in fish populations, rather than simply treating symptoms, in accordance with the goals and national priorities established by the Board; and

(G) promotes collaboration in developing a strategic vision and implementation program that is scientifically sound and achievable.

(f) FISH HABITAT CONSERVATION PROJECTS.—

(1) SUBMISSION TO BOARD.—Not later than March 31 of each calendar year, each Partnership shall submit to the Board a list of priority fish habitat conservation projects recommended by the Partnership for annual funding under this section.

(2) RECOMMENDATIONS BY BOARD.—Not later than July 1 of each calendar year, the Board shall submit to the Secretary a priority list of fish habitat conservation projects that includes the description, including estimated costs, of each project that the Board recommends that the Secretary approve and fund under this section for the following fiscal year.

(3) CRITERIA FOR PROJECT SELECTION.—The Board shall select each fish habitat conservation project to be recommended to the Secretary under paragraph (2) after taking into consideration, at a minimum, the following information:

(A) A recommendation of the Partnership that is, or will be, participating actively in implementing the fish habitat conservation project.

(B) The capabilities and experience of project proponents to implement successfully the proposed project.

(C) The extent to which the fish habitat conservation project —

(i) fulfills a local or regional priority that is directly linked to the strategic plan of the Partnership and is consistent with the purpose of this section;

(ii) addresses the national priorities established by the Board;

(iii) is supported by the findings of the Habitat Assessment of the Partnership or

the Board, and aligns or is compatible with other conservation plans;

(iv) identifies appropriate monitoring and evaluation measures and criteria that are compatible with national measures;

(v) provides a well-defined budget linked to deliverables and outcomes;

(vi) leverages other funds to implement the project;

(vii) addresses the causes and processes behind the decline of fish or fish habitats; and

(viii) includes an outreach or education component that includes the local or regional community.

(D) The availability of sufficient non-Federal funds to match Federal contributions for the fish habitat conservation project, as required by paragraph (5);

(E) The extent to which the local or regional fish habitat conservation project—

(i) will increase fish populations in a manner that leads to recreational fishing opportunities for the public;

(ii) will be carried out through a cooperative agreement among Federal, State, and local governments, Indian tribes, and private entities;

(iii) increases public access to land or water for fish and wildlife-dependent recreational opportunities;

(iv) advances the conservation of fish and wildlife species that have been identified by the States as species of greatest conservation need;

(v) where appropriate, advances the conservation of fish and fish habitats under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) and other relevant Federal law and State wildlife action plans; and

(vi) promotes strong and healthy fish habitats so that desired biological communities are able to persist and adapt.

(F) The substantiality of the character and design of the fish habitat conservation project.

(4) LIMITATIONS.—

(A) REQUIREMENTS FOR EVALUATION.—No fish habitat conservation project may be recommended by the Board under paragraph (2) or provided financial assistance under this section unless the fish habitat conservation project includes an evaluation plan designed using applicable Board guidance—

(i) to appropriately assess the biological, ecological, or other results of the habitat protection, restoration, or enhancement activities carried out using the assistance;

(ii) to reflect appropriate changes to the fish habitat conservation project if the assessment substantiates that the fish habitat conservation project objectives are not being met;

(iii) to identify improvements to existing fish populations, recreational fishing opportunities and the overall economic benefits for the local community of the fish habitat conservation project; and

(iv) to require the submission to the Board of a report describing the findings of the assessment.

(B) ACQUISITION AUTHORITIES.—

(i) IN GENERAL.—A State, local government, or other non-Federal entity is eligible to receive funds for the acquisition of real property from willing sellers under this section if the acquisition ensures 1 of—

(I) public access for compatible fish and wildlife-dependent recreation; or

(II) a scientifically based, direct enhancement to the health of fish and fish populations, as determined by the Board.

(ii) STATE AGENCY APPROVAL.—

(I) IN GENERAL.—All real property interest acquisition projects funded under this section are required to be approved by the State agency in the State in which the project is occurring.

(II) PROHIBITION.—The Board may not recommend, and the Secretary may not provide any funding for, any real property interest acquisition that has not been approved by the State agency.

(iii) ASSESSMENT OF OTHER AUTHORITIES.—The Fish Habitat Partnership shall conduct a project assessment, submitted with the funding request and approved by the Board, to demonstrate all other Federal, State, and local authorities for the acquisition of real property have been exhausted.

(iv) RESTRICTIONS.—A real property interest may not be acquired pursuant to a fish habitat conservation project by a State, local government, or other non-Federal entity, unless—

(I) the owner of the real property authorizes the State, local government, or other non-Federal entity to acquire the real property; and

(II) the Secretary and the Board determine that the State, local government, or other non-Federal entity would benefit from undertaking the management of the real property being acquired because that is in accordance with the goals of a partnership.

(5) NON-FEDERAL CONTRIBUTIONS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), no fish habitat conservation project may be recommended by the Board under paragraph (2) or provided financial assistance under this section unless at least 50 percent of the cost of the fish habitat conservation project will be funded with non-Federal funds.

(B) NON-FEDERAL SHARE.—The non-Federal share of the cost of a fish habitat conservation project—

(i) may not be derived from another Federal grant program; but

(ii) may include in-kind contributions and cash.

(C) SPECIAL RULE FOR INDIAN TRIBES.—Notwithstanding subparagraph (A) or any other provision of law, any funds made available to an Indian tribe pursuant to this section may be considered to be non-Federal funds for the purpose of subparagraph (A).

(6) APPROVAL.—

(A) IN GENERAL.—Not later than 90 days after the date of receipt of the recommended priority list of fish habitat conservation projects under paragraph (2), subject to the limitations of paragraph (4), and based, to the maximum extent practicable, on the criteria described in paragraph (3), the Secretary, after consulting with the Secretary of Commerce on marine or estuarine projects, shall approve or reject any fish habitat conservation project recommended by the Board.

(B) FUNDING.—If the Secretary approves a fish habitat conservation project under subparagraph (A), the Secretary shall use amounts made available to carry out this section to provide funds to carry out the fish habitat conservation project.

(C) NOTIFICATION.—If the Secretary rejects any fish habitat conservation project recommended by the Board under paragraph (2), not later than 180 days after the date of receipt of the recommendation, the Secretary shall provide to the Board, the appropriate Partnership, and the appropriate congressional committees a written statement of the reasons that the Secretary rejected the fish habitat conservation project.

(g) TECHNICAL AND SCIENTIFIC ASSISTANCE.—

(1) IN GENERAL.—The Director, the NOAA Assistant Administrator, the EPA Assistant Administrator, and the Director of the United States Geological Survey, in coordination with the Forest Service and other appropriate Federal departments and agencies, may provide scientific and technical assistance to the Partnerships, participants in fish habitat conservation projects, and the Board.

(2) INCLUSIONS.—Scientific and technical assistance provided pursuant to paragraph (1) may include—

(A) providing technical and scientific assistance to States, Indian tribes, regions, local communities, and nongovernmental organizations in the development and implementation of Partnerships;

(B) providing technical and scientific assistance to Partnerships for habitat assessment, strategic planning, and prioritization;

(C) supporting the development and implementation of fish habitat conservation projects that are identified as high priorities by Partnerships and the Board;

(D) supporting and providing recommendations regarding the development of science-based monitoring and assessment approaches for implementation through Partnerships;

(E) supporting and providing recommendations for a national fish habitat assessment;

(F) ensuring the availability of experts to assist in conducting scientifically based evaluation and reporting of the results of fish habitat conservation projects; and

(G) providing resources to secure state agency scientific and technical assistance to support Partnerships, participants in fish habitat conservation projects, and the Board.

(h) COORDINATION WITH STATES AND INDIAN TRIBES.—The Secretary shall provide a notice to, and cooperate with, the appropriate State agency or tribal agency, as applicable, of each State and Indian tribe within the boundaries of which an activity is planned to be carried out pursuant to this section, including notification, by not later than 30 days before the date on which the activity is implemented.

(i) INTERAGENCY OPERATIONAL PLAN.—Not later than 1 year after the date of enactment of this Act, and every 5 years thereafter, the Director, in cooperation with the NOAA Assistant Administrator, the EPA Assistant Administrator, the Director of the United States Geological Survey, and the heads of other appropriate Federal departments and agencies (including at a minimum, those agencies represented on the Board) shall develop an interagency operational plan that describes—

(1) the functional, operational, technical, scientific, and general staff, administrative, and material needs for the implementation of this section; and

(2) any interagency agreements between or among Federal departments and agencies to address those needs.

(j) ACCOUNTABILITY AND REPORTING.—

(1) REPORTING.—

(A) IN GENERAL.—Not later than 5 years after the date of enactment of this Act, and every 5 years thereafter, the Board shall submit to the appropriate congressional committees a report describing the progress of this section.

(B) CONTENTS.—Each report submitted under subparagraph (A) shall include—

(i) an estimate of the number of acres, stream miles, or acre-feet, or other suitable measures of fish habitat, that was maintained or improved by partnerships of Federal, State, or local governments, Indian tribes, or other entities in the United States during the 5-year period ending on the date of submission of the report;

(ii) a description of the public access to fish habitats established or improved during that 5-year period;

(iii) a description of the improved opportunities for public recreational fishing; and

(iv) an assessment of the status of fish habitat conservation projects carried out

with funds provided under this section during that period, disaggregated by year, including—

(I) a description of the fish habitat conservation projects recommended by the Board under subsection (f)(2);

(II) a description of each fish habitat conservation project approved by the Secretary under subsection (f)(6), in order of priority for funding;

(III) a justification for—

(aa) the approval of each fish habitat conservation project; and

(bb) the order of priority for funding of each fish habitat conservation project;

(IV) a justification for any rejection of a fish habitat conservation project recommended by the Board under subsection (f)(2) that was based on a factor other than the criteria described in subsection (f)(3); and

(V) an accounting of expenditures by Federal, State, or local governments, Indian tribes, or other entities to carry out fish habitat conservation projects.

(2) STATUS AND TRENDS REPORT.—Not later than December 31, 2016, and every 5 years thereafter, the Board shall submit to the appropriate congressional committees a report that includes—

(A) a status of all Partnerships approved under this section;

(B) a description of the status of fish habitats in the United States as identified by established Partnerships; and

(C) enhancements or reductions in public access as a result of—

(i) the activities of the Partnerships; or

(ii) any other activities carried out pursuant to this section.

(3) REVISIONS.—Not later than December 31, 2016, and every 5 years thereafter, the Board shall consider revising the goals of the Board, after consideration of each report required by paragraph (2).

(k) EFFECT OF SECTION.—

(1) WATER RIGHTS.—Nothing in this section—

(A) establishes any express or implied reserved water right in the United States for any purpose;

(B) affects any water right in existence on the date of enactment of this Act;

(C) preempts or affects any State water law or interstate compact governing water; or

(D) affects any Federal or State law in existence on the date of enactment of the Act regarding water quality or water quantity.

(2) AUTHORITY TO ACQUIRE WATER RIGHTS OR RIGHTS TO PROPERTY.—Under this section, only a State, local government, or other non-Federal entity may acquire, under State law, water rights or rights to property.

(3) STATE AUTHORITY.—Nothing in this section—

(A) affects the authority, jurisdiction, or responsibility of a State to manage, control, or regulate fish and wildlife under the laws and regulations of the State; or

(B) authorizes the Secretary to control or regulate within a State the fishing or hunting of fish and wildlife.

(4) EFFECT ON INDIAN TRIBES.—Nothing in this section abrogates, abridges, affects, modifies, supersedes, or alters any right of an Indian tribe recognized by treaty or any other means, including—

(A) an agreement between the Indian tribe and the United States;

(B) Federal law (including regulations);

(C) an Executive order; or

(D) a judicial decree.

(5) ADJUDICATION OF WATER RIGHTS.—Nothing in this section diminishes or affects the ability of the Secretary to join an adjudication of rights to the use of water pursuant to subsection (a), (b), or (c) of section 208 of the Department of Justice Appropriation Act, 1953 (43 U.S.C. 666).

(6) DEPARTMENT OF COMMERCE AUTHORITY.—Nothing in this section affects the authority, jurisdiction, or responsibility of the Department of Commerce to manage, control, or regulate fish or fish habitats under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(7) EFFECT ON OTHER AUTHORITIES.—

(A) PRIVATE PROPERTY PROTECTION.—Nothing in this section permits the use of funds made available to carry out this section to acquire real property or a real property interest without the written consent of each owner of the real property or real property interest.

(B) MITIGATION.—Nothing in this section permits the use of funds made available to carry out this section for fish and wildlife mitigation purposes under—

(i) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(ii) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(iii) the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4082); or

(iv) any other Federal law or court settlement.

(C) CLEAN WATER ACT.—Nothing in this section affects any provision of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), including any definition in that Act.

(l) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to—

(1) the Board; or

(2) any Partnership.

(m) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—

(A) FISH HABITAT CONSERVATION PROJECTS.—There is authorized to be appropriated to the Secretary $7,200,000 for each of fiscal years 2016 through 2021 to provide funds for fish habitat conservation projects approved under subsection (f)(6), of which 5 percent shall be made available for each fiscal year for projects carried out by Indian tribes.

(B) ADMINISTRATIVE AND PLANNING EXPENSES.—There is authorized to be appropriated to the Secretary for each of fiscal years 2016 through 2021 an amount equal to 5 percent of the amount appropriated for the applicable fiscal year pursuant to subparagraph (A)—

(i) for administrative and planning expenses; and

(ii) to carry out subsection (j).

(C) TECHNICAL AND SCIENTIFIC ASSISTANCE.—There is authorized to be appropriated for each of fiscal years 2016 through 2021 to carry out, and provide technical and scientific assistance under, subsection (g)—

(i) $500,000 to the Secretary for use by the United States Fish and Wildlife Service;

(ii) $500,000 to the NOAA Assistant Administrator for use by the National Oceanic and Atmospheric Administration;

(iii) $500,000 to the EPA Assistant Administrator for use by the Environmental Protection Agency; and

(iv) $500,000 to the Secretary for use by the United States Geological Survey.

(2) AGREEMENTS AND GRANTS.—The Secretary may—

(A) on the recommendation of the Board, and notwithstanding sections 6304 and 6305 of title 31, United States Code, and the Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note; Public Law 106–107), enter into a grant agreement, cooperative agreement, or contract with a Partnership or other entity for a fish habitat conservation project or restoration or enhancement project;

(B) apply for, accept, and use a grant from any individual or entity to carry out the purposes of this section; and

(C) make funds available to any Federal department or agency for use by that department or agency to provide grants for any fish habitat protection project, restoration project, or enhancement project that the Secretary determines to be consistent with this section.

(3) DONATIONS.—

(A) IN GENERAL.—The Secretary may—

(i) enter into an agreement with any organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of that Code to solicit private donations to carry out the purposes of this section; and

(ii) accept donations of funds, property, and services to carry out the purposes of this section.

(B) TREATMENT.—A donation accepted under this section—

(i) shall be considered to be a gift or bequest to, or otherwise for the use of, the United States; and

(ii) may be—

(I) used directly by the Secretary; or

(II) provided to another Federal department or agency through an interagency agreement.

SEC. 6254. GULF STATES MARINE FISHERIES COMMISSION REPORT ON GULF OF MEXICO OUTER CONTINENTAL SHELF STATE BOUNDARY EXTENSION.

(a) REPORT ON RESOURCE MANAGEMENT OUTCOMES.—Not later than March 1, 2017, the Gulf States Marine Fisheries Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committees on Natural Resources and Transportation and Infrastructure of the House of Representatives a report on the economic, conservation and management, and law enforcement impacts of the implementation of section 110 of division B of the Consolidated Appropriations Act, 2016 (Public Law 114–113).

(b) INFORMATION REQUIRED.—The report required under subsection (a) shall include a detailed accounting of how the implementation of section 110 of division B of the Consolidated Appropriations Act, 2016 (Public Law 114–113) has affected—

(1) the economies of the States of Alabama, Florida, Louisiana, Mississippi, and Texas;

(2) the sustained participation of fishing communities;

(3) conservation and management of living resources under all applicable Federal laws;

(4) enforcement of Federal maritime laws; and

(5) the ability of the governments of the States described in paragraph (1) to effectively manage activities pursuant to the fishery management plan for reef fish resources of the Gulf of Mexico.

(c) FUNDING.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary of Commerce shall make available to the Gulf States Marine Fisheries Commission $500,000 to carry out the report required under subsection (a).

(2) SUBSEQUENT APPROPRIATIONS.—Amounts made available under paragraph (1) shall be available only to the extent specifically provided for in advance in subsequent appropriations Acts.

SEC. 6255. GAO REPORT ON GULF OF MEXICO OUTER CONTINENTAL SHELF STATE BOUNDARY EXTENSION.

(a) REPORT ON RESOURCE MANAGEMENT OUTCOMES.—Not later than March 1, 2017, the Comptroller General of the United States shall submit to the Committee on Commerce, Science, and Transportation of the

Senate and the Committee on Natural Resources and the Committee on Transportation and Infrastructure of the House of Representatives a report on the economic, conservation and management, and law enforcement impacts of section 110 of division B of the Consolidated Appropriations Act, 2016 (Public Law 114–113).

(b) INFORMATION REQUIRED.—The report required by subsection (a) shall include a detailed accounting of how section 110 of division B of the Consolidated Appropriations Act, 2016 (Public Law 114–113) has affected—

(1) the economies of Alabama, Florida, Louisiana, Mississippi, and Texas;

(2) the sustained participation of fishing communities;

(3) conservation and management of living resources under all applicable Federal laws;

(4) enforcement of Federal maritime laws; and

(5) the ability of the governments of Alabama, Florida, Louisiana, Mississippi, and Texas to effectively manage activities pursuant to the fishery management plan for reef fish resources of the Gulf of Mexico.

PART VII—MISCELLANEOUS

SEC. 6261. 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. 6262. 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. 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. 6312. 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 6313(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. 6313. 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 6312(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 6312(b)(3).

(2) UPDATES.—The ratings system developed under paragraph (1) shall be included in the updated Asset Management Reports under section 6312(c).

SEC. 6314. 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—BASIN WATER MANAGEMENT

Subpart A—Yakima River Basin Water Enhancement

SEC. 6321. SHORT TITLE.

This subpart 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 subpart, 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.''.

Subpart B—Klamath Project Water and Power

SEC. 6329. KLAMATH PROJECT.

(a) ADDRESSING WATER MANAGEMENT AND POWER COSTS FOR IRRIGATION.—The Klamath Basin Water Supply Enhancement Act of 2000 (Public Law 106–498; 114 Stat. 2221) is amended—

(1) by redesignating sections 4 through 6 as sections 5 through 7, respectively; and

(2) by inserting after section 3 the following:

''SEC. 4. POWER AND WATER MANAGEMENT.

''(a) DEFINITIONS.—In this section:

''(1) COVERED POWER USE.—The term 'covered power use' means a use of power to develop or manage water for irrigation, wildlife purposes, or drainage on land that is—

''(A) associated with the Klamath Project, including land within a unit of the National Wildlife Refuge System that receives water due to the operation of Klamath Project facilities; or

''(B) irrigated by the class of users covered by the agreement dated April 30, 1956, between the California Oregon Power Company and Klamath Basin Water Users Protective Association and within the Off Project Area (as defined in the Upper Basin Comprehensive Agreement entered into on April 18, 2014), only if each applicable owner and holder of a possessory interest of the land is a party to that agreement (or a successor agreement that the Secretary determines provides a comparable benefit to the United States).

''(2) KLAMATH PROJECT.—

''(A) IN GENERAL.—The term 'Klamath Project' means the Bureau of Reclamation project in the States of California and Oregon.

''(B) INCLUSIONS.—The term 'Klamath Project' includes any dams, canals, and other works and interests for water diversion, storage, delivery, and drainage, flood control, and similar functions that are part of the project described in subparagraph (A).

''(3) POWER COST BENCHMARK.—The term 'power cost benchmark' means the average net delivered cost of power for irrigation and drainage at Reclamation projects in the area surrounding the Klamath Project that are similarly situated to the Klamath Project, including Reclamation projects that—

''(A) are located in the Pacific Northwest; and

''(B) receive project-use power.

''(b) WATER, ENVIRONMENTAL, AND POWER ACTIVITIES.—

''(1) IN GENERAL.—Pursuant to the reclamation laws and subject to appropriations and required environmental reviews, the Secretary may carry out activities, including entering into an agreement or contract or otherwise making financial assistance available—

''(A) to plan, implement, and administer programs to align water supplies and demand for irrigation water users associated with the Klamath Project, with a primary emphasis on programs developed or endorsed by local entities comprised of representatives of those water users;

''(B) to plan and implement activities and projects that—

''(i) avoid or mitigate environmental effects of irrigation activities; or

''(ii) restore habitats in the Klamath Basin watershed, including restoring tribal fishery resources held in trust; and

''(C) to limit the net delivered cost of power for covered power uses.

''(2) EFFECT.—Nothing in subparagraph (A) or (B) of paragraph (1) authorizes the Secretary—

''(A) to develop or construct new facilities for the Klamath Project without appropriate approval from Congress under section 9 of the Reclamation Projects Act of 1939 (43 U.S.C. 485h); or

''(B) to carry out activities that have not otherwise been authorized.

''(c) REDUCING POWER COSTS.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Energy Policy Modernization Act of 2016, the Secretary, in consultation with interested irrigation interests that are eligible for covered power use and representative organizations of those interests, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that—

''(A) identifies the power cost benchmark; and

''(B) recommends actions that, in the judgment of the Secretary, are necessary and appropriate to ensure that the net delivered power cost for covered power use is equal to or less than the power cost benchmark, including a description of—

''(i) actions to immediately reduce power costs and to have the net delivered power cost for covered power use be equal to or less than the power cost benchmark in the near term, while longer-term actions are being implemented;

''(ii) actions that prioritize water and power conservation and efficiency measures and, to the extent actions involving the development or acquisition of power generation are included, renewable energy technologies (including hydropower);

''(iii) the potential costs and timeline for the actions recommended under this subparagraph;

''(iv) provisions for modifying the actions and timeline to adapt to new information or circumstances; and

''(v) a description of public input regarding the proposed actions, including input from water users that have covered power use and the degree to which those water users concur with the recommendations.

''(2) IMPLEMENTATION.—Not later than 180 days after the date of submission of the report under paragraph (1), the Secretary shall implement those recommendations described in the report that the Secretary determines will ensure that the net delivered power cost for covered power use is equal to or less than the power cost benchmark, subject to availability of appropriations, on the fastest practicable timeline.

''(3) ANNUAL REPORTS.—The Secretary shall submit to each Committee described in paragraph (1) annual reports describing progress achieved in meeting the requirements of this subsection.

''(d) TREATMENT OF POWER PURCHASES.—

''(1) IN GENERAL.—Any purchase of power by the Secretary under this section shall be considered to be an authorized sale for purposes of section 5(b)(3) of the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839c(b)(3)).

''(2) EFFECT.—Nothing in this section authorizes the Bonneville Power Administration to make a sale of power from the Federal Columbia River Power System at rates, terms, or conditions better than those afforded preference customers of the Bonneville Power Administration.

''(e) GOALS.—The goals of activities under subsections (b) and (c) shall include, as applicable—

''(1) the short-term and long-term reduction and resolution of conflicts relating to water in the Klamath Basin watershed; and

''(2) compatibility and utility for protecting natural resources throughout the Klamath Basin watershed, including the protection, preservation, and restoration of

Klamath River tribal fishery resources, particularly through collaboratively developed agreements.

''(f) PUMPING PLANT D.—The Secretary may enter into 1 or more agreements with the 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, on the condition that the cost benefits the United States.''.

(b) CONVEYANCE OF NON-PROJECT WATER; REPLACEMENT OF C CANAL.—

(1) DEFINITION OF KLAMATH PROJECT.—In this subsection:

(A) IN GENERAL.—The term ''Klamath Project'' means the Bureau of Reclamation project in the States of California and Oregon.

(B) INCLUSIONS.—The term ''Klamath Project'' includes any dams, canals, and other works and interests for water diversion, storage, delivery, and drainage, flood control, and similar functions that are part of the project described in subparagraph (A).

(2) CONVEYANCE OF NON-PROJECT WATER.—

(A) IN GENERAL.—An entity operating under a contract entered into with the United States for the operation and maintenance of Klamath Project works or facilities, and an entity operating any work or facility not owned by the United States that receives Klamath Project water, may use any of the Klamath Project works or facilities to convey non-Klamath Project water for any authorized purpose of the Klamath Project, subject to subparagraphs (B) and (C).

(B) PERMITS; MEASUREMENT.—An addition, conveyance, and use of water pursuant to subparagraph (A) shall be subject to the requirements that—

(i) the applicable entity shall secure all permits required under State or local laws; and

(ii) all water delivered into, or taken out of, a Klamath Project facility pursuant to that subparagraph shall be measured.

(C) EFFECT.—A use of non-Klamath Project water under this paragraph shall not—

(i) adversely affect the delivery of water to any water user or land served by the Klamath Project; or

(ii) result in any additional cost to the United States.

(3) REPLACEMENT OF C CANAL FLUME.—The replacement of the C Canal flume within the Klamath Project shall be considered to be, and shall receive the treatment authorized for, emergency extraordinary operation and maintenance work in accordance with Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.)).

(c) ADMINISTRATION.—

(1) COMPLIANCE.—In implementing this section and the amendments made by this section, the Secretary of the Interior shall comply with—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(C) all other applicable laws.

(2) EFFECT.—Nothing in this section—

(A) modifies the authorities or obligations of the United States with respect to the tribal trust and treaty obligations of the United States; or

(B) creates or determines water rights or affects water rights or water right claims in existence on the date of enactment of this Act.

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.

(C) Nothing in this section affects or modifies any obligation to comply with any applicable Federal 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.

(4) PRIOR STUDIES.—The Secretary shall—

(A) to the maximum extent practicable, coordinate the efforts of the Secretary in carrying out subsections (b), (c), and (d) with the efforts of the Secretary in completing—

(i) the report required under section 1046(a)(2)(A) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2319 note; Public Law 113–121); and

(ii) the updated report required under subsection (a)(2)(B) of that section; and

(B) if the reports are available before the date on which the Secretary carries out the actions described in subsections (b), (c), and (d), consider the findings of the reports described in clauses (i) and (ii) of subparagraph (A).

(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 Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives 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.

Ms. MURKOWSKI. Mr. President, I now ask unanimous consent that there be 2 minutes of debate equally divided prior to each vote in this series.

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

Ms. MURKOWSKI. Thank you, Mr. President.

The amendment I have called up is an amendment Senator CANTWELL and I have been working on. It is what we are dubbing our ''Natural Resources'' title. There are 30 different provisions—15 from the Republican side, 15 from the Democratic side. Nearly all of them have been reported from the committee. They have strong bipartisan support. It is a balanced collection of land and water bills.

We have included the sportsmen's bill, which we have heard talk of here on the floor, as it was reported from the committee with some additional provisions that came out of the Environment and Public Works Committee. It includes our open and less closed provisions to make sure our public lands and our national forests are accessible for hunting, fishing, and recreational shooting. We have included several land transactions involving the land management agencies, including some conveyances to correct Federal survey errors and to adjust boundaries. We have provisions to get more renewable hydropower online and keep existing projects operating in at least five different States. We also protect some treasured landscapes and rivers. We reroute a national scenic trail, and we authorize the National Park Service to study three sites to determine their national significance. So, again, it is a broad package, a package that is balanced, and a package that continues to add to the good in the overall Energy bill.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, if I may add to my colleague's comments, this underlying bill supports the Yakima River Basin bill, which is an integrated approach to addressing water management needs for farmers, families, and fish. It will help restore the ecosystem, ensure that communities have access to water, and conserve and provide water for farmers in times of drought. It is not only important to the future of our State, it is also a model for how water management should be done in the 21st century.

This legislation also includes water provisions for Senators FEINSTEIN, FLAKE, MERKLEY, and WYDEN, as the chairwoman said, MURKOWSKI herself, and several of our other colleagues—MERKLEY, BURR, GILLIBRAND, and KAINE.

Support this legislation.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the votes following the first vote in this series be 10 minutes in length.

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

Ms. MURKOWSKI. If there is no further debate, I ask for the yeas and nays on amendment No. 3234.

The PRESIDING OFFICER. Is all time yielded back?

Ms. MURKOWSKI. Yes, all time on the Republican side.

The PRESIDING OFFICER. Without objection, all time is yielded back.

Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment, as modified.

The clerk will call the roll.

The bill clerk called the roll.

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

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 97, nays 0, as follows:

[Rollcall Vote No. 48 Leg.]

YEAS—97

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

NOT VOTING—3

Cruz	Perdue	Sanders

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

AMENDMENT NO. 3202

The PRESIDING OFFICER. There will now be 2 minutes of debate, equally divided, prior to a vote on amendment No. 3202, offered by the Senator from Georgia, Mr. ISAKSON.

The Senator from Georgia.

Mr. ISAKSON. Madam President, I just want all Members of the Senate to consider this amendment favorably.

It is an amendment that allows for consideration, in the qualification of the underwriting of a loan for the purchase of a single-family dwelling, of those enhanced standards for energy efficiency to go in over and above the minimum standard. It is permissive, and it is FHA only.

I appreciate every Member's vote.

I yield back.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Madam President, this amendment offered by my friend from Georgia sounds good, but let's examine it for a little while.

This amendment is opposed by the scholars of the Heritage Foundation, the Cato Institute, the American Action Forum, the American Enterprise Institute, and the Competitive Enterprise Institute.

As we all know, the mortgage underwriting process is about evaluating a borrower's ability to afford a mortgage, and history tells us that if we play around with it, it does not end well when we forget this.

This amendment would weaken FHA's underwriting standards, leading to greater safety and perhaps soundness concerns for FHA's portfolio, which received a $1.7 billion bailout in 2013. It would require that appraisals be inflated to account for the value of energy efficiency upgrades as determined by HUD.

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

Mr. SHELBY. I ask unanimous consent for 1 additional minute.

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

Mr. SHELBY. It would also project energy savings and inflated borrowers' income for debt-to-income valuation.

I think it would be dangerous for FHA loans. We don't need it. FHA already has an FHA energy-efficient program, and according to HUD, FHA's energy-efficient program helps families save money on their utility bills by enabling them to finance energy-efficient improvements with their FHA insurance mortgage.

The PRESIDING OFFICER. The Senator from Georgia has 30 seconds.

Mr. ISAKSON. Madam President, I don't know who wrote what my friend

from Alabama is reading, but the truth and the fact is that this is a recommendation that allows the installation of more energy efficiency and the funding of that in terms of housing. Homebuilders have endorsed it. Most energy efficiency organizations have endorsed it. It is good practice. It is good procedure. It is not ruining underwriting in any way whatsoever. It is good for America. It is good for energy efficiency. It is good for the housing industry.

I would appreciate the vote of each and every Member.

I yield back.

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) and the Senator from Georgia (Mr. PERDUE).

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 66, nays 31, as follows:

[Rollcall Vote No. 49 Leg.]

YEAS—66

Alexander	Feinstein	Mikulski
Ayotte	Franken	Murkowski
Baldwin	Gillibrand	Murphy
Bennet	Graham	Murray
Blumenthal	Hatch	Nelson
Blunt	Heinrich	Peters
Booker	Heitkamp	Portman
Boxer	Heller	Reed
Brown	Hirono	Reid
Burr	Hoeven	Rounds
Cantwell	Isakson	Schatz
Capito	Johnson	Schumer
Cardin	Kaine	Shaheen
Carper	King	Stabenow
Casey	Kirk	Sullivan
Cassidy	Klobuchar	Tester
Cochran	Leahy	Tillis
Collins	Manchin	Udall
Coons	Markey	Warner
Cornyn	McCaskill	Warren
Donnelly	Menendez	Whitehouse
Durbin	Merkley	Wyden

NAYS—31

Barrasso	Gardner	Rubio
Boozman	Grassley	Sasse
Coats	Inhofe	Scott
Corker	Lankford	Sessions
Cotton	Lee	Shelby
Crapo	McCain	Thune
Daines	McConnell	Toomey
Enzi	Moran	Vitter
Ernst	Paul	Wicker
Fischer	Risch	
Flake	Roberts	

NOT VOTING—3

Cruz	Perdue	Sanders

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

AMENDMENT NO. 3175, AS MODIFIED, TO AMENDMENT NO. 2953

The PRESIDING OFFICER. There will now be 2 minutes of debate, equally divided, prior to a vote on amendment No. 3175, to be offered by the Senator from North Carolina, Mr. BURR.

The Senator from North Carolina.

Mr. BURR. Madam President, I rise to speak on my amendment very briefly. Many of my colleagues may have seen these wild horses on a vacation to the Outer Banks or maybe you viewed the movie ''Nights in Rodanthe.'' These horses have been there for over 200 years. What we are doing is we are injecting some new genetics so this herd is sustainable for another 200 years.

Let me tell my colleagues that they have never been managed by the Fish & Wildlife Service. The Fish & Wildlife Service doesn't want to manage them. They are managed by a private nonprofit that goes to great lengths and expense to make sure that this herd survives.

With that, I yield the floor. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Madam President, is all time yielded back?

The PRESIDING OFFICER. There is a minute left in opposition and 12 seconds remaining to the Senator from North Carolina.

Ms. MURKOWSKI. Madam President, if there is no further discussion on this amendment, I call up the Burr amendment No. 3175 and ask unanimous consent that it be modified with the changes at the desk.

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

The clerk will report the amendment, as modified, by number.

The legislative clerk read as follows:

The Senator from Alaska [Ms. MURKOWSKI], for Mr. BURR, proposes an amendment numbered 3175, as modified, to amendment No. 2953.

The amendment, as modified, is as follows:

(Purpose: To ensure that the Secretary of the Interior collaborates fully with State and local authorities and certain nonprofit entities in managing the Corolla Wild Horse population on Federal land)

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

SEC. 4_____. WILD HORSES IN AND AROUND THE CURRITUCK NATIONAL WILDLIFE REFUGE.

(a) GENETIC DIVERSITY.—The Secretary of the Interior (referred to in this section as the ''Secretary''), in consultation with the North Carolina Department of Environment and Natural Resources, Currituck County, North Carolina, and the Corolla Wild Horse Fund, shall allow for the introduction of a small number of free-roaming wild horses from the Cape Lookout National Seashore as necessary to ensure the genetic diversity and viability of the wild horse population currently found in and around the Currituck National Wildlife Refuge, consistent with—

(1) the laws (including regulations) applicable to the Currituck National Wildlife Refuge and the Cape Lookout National Seashore; and

(2) the December 2014 Wild Horse Management Agreement approved by the United States Fish and Wildlife Service, the North Carolina Department of Environment and Natural Resources, Currituck County, North Carolina, and the Corolla Wild Horse Fund.

(b) AGREEMENT.—

(1) IN GENERAL.—The Secretary may enter into an agreement with the Corolla Wild Horse Fund to provide for the cost-effective management of the horses in and around the Currituck National Wildlife Refuge while ensuring that natural resources within the Currituck National Wildlife Refuge are not adversely impacted.

(2) REQUIREMENTS.—The agreement entered into under paragraph (1) shall specify that the Corolla Wild Horse Fund shall pay the costs associated with—

(A) coordinating and conducting a periodic census, and inspecting the health, of the horses;

(B) maintaining records of the horses living in the wild and in confinement;

(C) coordinating and conducting the removal and placement of horses and monitoring of any horses removed from the Currituck County Outer Banks; and

(D) administering a viable population control plan for the horses, including auctions, adoptions, contraceptive fertility methods, and other viable options.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. The original Burr amendment did have a lot of discussion and passion on both sides, but the Senators were able to come together this afternoon to resolve their differences over this issue and craft a reasonable compromise that is acceptable to both sides. I want to thank Senator BURR, Senator TILLIS, and Senator BOXER for their willingness to find a solution that we can support. So I urge all my colleagues to support the Burr amendment, as modified.

Ms. MURKOWSKI. Madam President, I ask unanimous consent that the 60-vote affirmative threshold with respect to the Burr amendment be vitiated.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is on agreeing to the amendment, as modified.

The amendment (No. 3175), as modified, was agreed to.

AMENDMENT NO. 3210

The PRESIDING OFFICER. There will now be 2 minutes, equally divided, prior to a vote on the Lankford amendment.

The Senator from Oklahoma.

Mr. LANKFORD. Madam President, it is a very straightforward Land and Water Conservation Fund amendment. We have common agreement on the Land and Water Conservation Fund—what it does, what it funds, how it is funded. Where we have some dispute is in whether we are we taking care of the land that we have. We continue to add more acres into the Federal inventory, and we are not taking care of them. The original plan of the Land and Water Conservation Fund is that someday, out of general budget, we will do maintenance on this, but let's keep adding land. We have all known for decades that has not worked. For decades we have added more land, and for decades we are not maintaining it.

The easiest way to identify this amendment is this: This amendment is about not only purchasing land but taking care of the land that we actually purchased. It splits half and half—half for the purchase of land and half for the maintenance.

My daughter's birthday is today. She is 16. She will get a car—an old used car—at some point. But the requirement for her is to not only help pay for the car but to actually have enough in her bank account that she can help maintain it and buy gasoline for it. She has to have a job so she can have income.

We have set aside the Land and Water Conservation Fund to continually get more land but not be able to maintain it. We wouldn't do that with our children. We wouldn't do that with our homes. But we have done it year after year with this.

Let's do something simple. Let's maintain what we actually purchased and make sure it comes into strict oversight of the Federal Government. We should take care of our Federal treasures that are these national parks and other Federal lands.

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

Mr. LANKFORD. With that, I yield back.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Madam President, speaking in opposition to the Lankford amendment, it would gut the Land and Water Conservation Fund. This is a program in which the Senator's new language would produce obstacles to the Federal government acquiring land that would cost more than $50,000 per acre, and it would simply add more redtape by having to pass another law just for the land acquisition to be purchased.

I urge my colleagues to oppose the Lankford amendment and keep the Land and Water Conservation Fund for the purposes that it was designed.

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 legislative clerk called the roll.

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

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 34, nays 63, as follows:

[Rollcall No. 50 Leg.]

YEAS—34

Barrasso	Hatch	Rounds
Boozman	Heller	Rubio
Cassidy	Hoeven	Sasse
Coats	Inhofe	Scott
Corker	Johnson	Sessions
Cornyn	Lankford	Shelby
Cotton	Lee	Sullivan
Enzi	McConnell	Thune
Ernst	Moran	Toomey
Fischer	Murkowski	Vitter
Flake	Paul	
Grassley	Roberts	

NAYS—63

Alexander	Durbin	Mikulski
Ayotte	Feinstein	Murphy
Baldwin	Franken	Murray
Bennet	Gardner	Nelson
Blumenthal	Gillibrand	Peters
Blunt	Graham	Portman
Booker	Heinrich	Reed
Boxer	Heitkamp	Reid
Brown	Hirono	Risch
Burr	Isakson	Schatz
Cantwell	Kaine	Schumer
Capito	King	Shaheen
Cardin	Kirk	Stabenow
Carper	Klobuchar	Tester
Casey	Leahy	Tillis
Cochran	Manchin	Udall
Collins	Markey	Warner
Coons	McCain	Warren
Crapo	McCaskill	Whitehouse
Daines	Menendez	Wicker
Donnelly	Merkley	Wyden

NOT VOTING—3

Cruz	Perdue	Sanders

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

AMENDMENT NO. 3311 TO AMENDMENT NO. 2953

There will now be 2 minutes of debate, equally divided, prior to a vote on amendment No. 3311, to be offered by the Senator from Arkansas, Mr. BOOZMAN.

The Senator from Arkansas.

Mr. BOOZMAN. Madam President, I call up my amendment No. 3311.

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

The senior assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. BOOZMAN] proposes an amendment numbered 3311 to amendment No. 2953.

The amendment is as follows:

(Purpose: To require a report relating to certain transmission infrastructure projects)

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

SEC. 23_____. REPORTING REQUIREMENT FOR CERTAIN TRANSMISSION INFRASTRUCTURE PROJECTS.

Section 1222 of the Energy Policy Act of 2005 (42 U.S.C. 16421) is amended by adding at the end the following:

''(h) REPORTING REQUIREMENT.—Before carrying out a Project under subsection (a) or (b), the Secretary shall submit to Congress a report that—

''(1) describes the impact that the proposed Project would have on electricity rates;

''(2) demonstrates that the proposed Project meets the requirements of paragraphs (1) and (2) of subsection (a) and paragraphs (1) and (2) of subsection (b); and

''(3) includes a list of utilities that have entered into contracts for the purchase of power from the proposed Project.

''(i) DECISION.—The Secretary may not issue a decision on whether to carry out a Project under subsection (a) or (b) before the date that is 90 days after the date of submission of a report required under subsection (h).''.

Mr. BOOZMAN. Madam President, this amendment provides a simple report from the Department of Energy on a specific kind of transmission project. The amendment will not cause delays or add additional redtape. It provides transparency and ensures that the Department follows the law.

This amendment just ensures that the Department provides information in a timely manner.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. HEINRICH. Madam President, this amendment is a job killer. It blocks a major new 700-mile, multistate electric transmission project.

The Plains & Eastern Clean Line will deliver four gigawatts of economical renewable energy to the Southeast. This is $2 billion of nontaxpayer dollars that will lead to over $6 billion in private investment in new wind generation that will produce enough power to power 1 million homes.

During the 3 years of construction, the Clean Line will create 6,000 local construction jobs. Our Nation's grid is the energy of our economy and it needs modernization. I urge my colleagues to vote no on this job-killing amendment.

The PRESIDING OFFICER. Is there further debate?

If not, 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) and the Senator from Georgia (Mr. PERDUE).

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

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

The result was announced—yeas 42, nays 55, as follows:

[Rollcall Vote No. 51 Leg.]

YEAS—42

Alexander	Ernst	Portman
Ayotte	Fischer	Risch
Blunt	Flake	Roberts
Boozman	Grassley	Rounds
Burr	Hatch	Rubio
Capito	Heller	Sasse
Cassidy	Isakson	Scott
Coats	Johnson	Sessions
Cochran	Lee	Shelby
Corker	McCain	Sullivan
Cornyn	McConnell	Thune
Cotton	Moran	Toomey
Crapo	Murkowski	Vitter
Daines	Paul	Wicker

NAYS—55

Baldwin	Bennet	Booker
Barrasso	Blumenthal	Boxer

Brown	Hirono	Nelson
Cantwell	Hoeven	Peters
Cardin	Inhofe	Reed
Carper	Kaine	Reid
Casey	King	Schatz
Collins	Kirk	Schumer
Coons	Klobuchar	Shaheen
Donnelly	Lankford	Stabenow
Durbin	Leahy	Tester
Enzi	Manchin	Tillis
Feinstein	Markey	Udall
Franken	McCaskill	Warner
Gardner	Menendez	Warren
Gillibrand	Merkley	Whitehouse
Graham	Mikulski	Wyden
Heinrich	Murphy	
Heitkamp	Murray	

NOT VOTING—3

Cruz	Perdue	Sanders

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

AMENDMENT NO. 3312

The PRESIDING OFFICER. There will now be 2 minutes of debate, equally divided, prior to a vote on amendment No. 3312, offered by the Senator from New Mexico, Mr. UDALL.

The Senator from New Mexico.

Mr. UDALL. Thank you, Mr. President.

This amendment is a very simple study amendment. It does nothing more than ask for a study. It is pro clean energy; it changes no rules; it doesn't mandate anything; it has no cost; it has no score. It simply directs the Secretary of the Treasury to submit a report to Congress on the issuance of clean energy victory bonds.

It is supported by a number of groups. Just to mention a few: the American Sustainable Business Council, the Evangelical Environmental Network, the League of Conservation Voters, the Union of Concerned Scientists, and a number of others.

I urge my colleagues to support it, and I yield back.

The PRESIDING OFFICER. Who yields time?

Ms. MURKOWSKI. We yield all time back.

The PRESIDING OFFICER. Without objection, all time is yielded back.

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 legislative clerk called the roll.

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

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 50, nays 47, as follows:

[Rollcall Vote No. 52 Leg.]

YEAS—50

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

NAYS—47

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

NOT VOTING—3

Cruz	Perdue	Sanders

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

AMENDMENT NO. 3787

The PRESIDING OFFICER. There will now be 2 minutes of debate, equally divided, prior to a vote on amendment No. 3787, offered by the Senator from Kentucky, Mr. PAUL.

The Senator from Kentucky.

Mr. PAUL. Mr. President, Jack Kemp and others who have looked at and examined the issue of poverty have often found that we have not done a great job alleviating poverty. We have tried government programs. In my State, we tried them in rural Appalachia for 40 years. Yet we still have persistent poverty.

Many of us believe we would have a better chance with poverty if we would lower taxes in these areas, lessen regulation, and instead of sending the money to Washington, leave it where the poverty is. My amendment alone would leave half a billion dollars in Eastern Kentucky, $200 million in Louisville.

We have had much discussion of Flint, MI, and the water problem there. My amendment would leave $124 million in Flint, MI, next week. My amendment would leave over $1 billion in Detroit.

If there are those in this body who can come together and say we have a unified presence and a unified ability and desire to combat poverty, this is the amendment to do it. It is called economic freedom zones. I hope we will get bipartisan support in favor of leaving money in these impoverished communities to help them get started again.

Thank you.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I urge my colleagues to oppose this amendment and this vision. Senator PAUL's amendment takes advantage of economically distressed communities in our country by saying we will take the hedge funds, big banks, rich investors and see their capital gains taxes completely eliminated.

The amendment would allow some of the areas in the country with the biggest environmental challenges, the most vulnerable communities, to ignore environmental laws like the Clean Air Act, the Clean Water Act, ignore the requirements of National Heritage Areas, would lift Davis-Bacon, and it would scar school districts in these areas by not allowing public education dollars but allowing them to go to private schools instead.

In short, this amendment would turn these vulnerable communities into an experiment I don't think we need to have.

I raise a point of order that the pending measure violates section 311(a) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974 and the waiver provisions of applicable budget resolutions, I move to waive all applicable sections of that act and applicable budget resolutions for purposes of my amendment, No. 3787, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to waive.

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) and the Senator from Georgia (Mr. PERDUE).

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

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

The yeas and nays resulted—yeas 33, nays 64, as follows:

[Rollcall Vote No. 53 Leg.]

YEAS—33

Blunt	Flake	Moran
Boozman	Gardner	Paul
Capito	Graham	Risch
Cassidy	Grassley	Rubio
Coats	Hatch	Sasse
Cornyn	Heller	Scott
Cotton	Hoeven	Shelby
Crapo	Johnson	Sullivan
Daines	Kirk	Toomey
Ernst	Lee	Vitter
Fischer	McConnell	Wicker

NAYS—64

Alexander	Baldwin	Bennet
Ayotte	Barrasso	Blumenthal

Booker	Hirono	Portman
Boxer	Inhofe	Reed
Brown	Isakson	Reid
Burr	Kaine	Roberts
Cantwell	King	Rounds
Cardin	Klobuchar	Schatz
Carper	Lankford	Schumer
Casey	Leahy	Sessions
Cochran	Manchin	Shaheen
Collins	Markey	Stabenow
Coons	McCain	Tester
Corker	McCaskill	Thune
Donnelly	Menendez	Tillis
Durbin	Merkley	Udall
Enzi	Mikulski	Warner
Feinstein	Murkowski	Warren
Franken	Murphy	Whitehouse
Gillibrand	Murray	Wyden
Heinrich	Nelson	
Heitkamp	Peters	

NOT VOTING—3

Cruz	Perdue	Sanders

The PRESIDING OFFICER. On this vote, the yeas are 33, the nays are 64.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

CHANGE OF VOTE

Ms. AYOTTE. Mr. President, on rollcall vote No. 53, I voted yea. It was my intention to vote nay. Therefore, I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome.

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

(The foregoing tally has been changed to reflect the above order.)

Mr. PORTMAN. Mr. President, on rollcall vote No. 53, I voted yea. It was my intention to vote nay. Therefore, I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome.

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

(The foregoing tally has been changed to reflect the above order.)

AMENDMENT NO. 2954

The PRESIDING OFFICER. There will now be 2 minutes of debate, equally divided, prior to a vote on amendment No. 2954, offered by the Senator from Louisiana, Mr. CASSIDY.

The Senator from Louisiana.

Mr. CASSIDY. Mr. President, this amendment pertains to the sale from the Strategic Petroleum Reserve. It merely gives the government the authority to time that sale. We can buy oil high or buy oil low, but we should sell it higher.

All this amendment does—a commonsense, bipartisan amendment—is to say that whenever the oil is sold from the Strategic Petroleum Reserve, it should be when the best price is fetched, if you will, for the taxpayers of the country. It is common sense. It protects taxpayers. It should be adopted.

Thank you.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. MARKEY. Mr. President, Senator CASSIDY and I have offered this amendment in order to correct a problem in the bill. Without this amendment, there would not be the kind of discipline which is necessary in order to make sure the Strategic Petroleum oil is sold strategically so that the Federal Government gets the best price for it, so that we sell high—or as high as we can—in order to limit the number of barrels of oil that ultimately will be sold so that we can keep as many as possible in the Strategic Petroleum Reserve.

In order to meet the budget objectives, this amendment satisfies it but also ensures that we keep the maximum number of barrels of oil remaining in the Strategic Petroleum Reserve. This is going to make millions—tens of millions of extra dollars for the Federal taxpayers because it will be done in a very smart way. We will be selling as high as possible because we bought this oil, for the most part, in a very high-priced marketplace.

Senator CASSIDY and I urge an ''aye'' vote on the amendment.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I appreciate the work of both Senators, who came together with a very commonsense amendment.

Mr. President, I ask unanimous consent that the 60-vote affirmative threshold for the Cassidy-Markey amendment be vitiated.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 2954) was agreed to.

AMENDMENT NO. 2953, AS AMENDED

The PRESIDING OFFICER. Under the previous order, amendment No. 2953, as amended, is agreed to.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the order with respect to the vote on the motion to invoke cloture on S. 2012, upon reconsideration, be vitiated.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that following leader remarks on Wednesday, April 20, the time until 10 a.m. be equally divided between the two leaders or their designees; further, that at 10 a.m., the Senate vote on passage of S. 2012, as amended.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, this brings us to the end of the agreed-to votes on the amendments that required a rollcall, as well as the 29 various amendments that were accepted by voice en bloc. We have made extraordinary progress on a good, strong, bipartisan energy modernization bill. I thank colleagues for the process we have all engaged in today as we have worked to wrap up the final measures to allow us to move to final passage tomorrow morning.

MORNING BUSINESS

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

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

The Senator from Washington.

ENERGY POLICY MODERNIZATION BILL

Ms. CANTWELL. Mr. President, I thank my colleagues for a productive afternoon. We certainly improved the Senate Energy bill with a variety of amendments—the lands package specifically but other amendments as well, such as the energy savings by our colleagues, Senator ISAKSON and Senator BENNET.

I am very glad we are where we are today, and hopefully we will have this wrapped up very early tomorrow. I thank all our colleagues for their cooperation. I again thank the staff for getting us to this point today.

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

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

The legislative clerk proceeded to call the roll.

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

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

OKLAHOMA CITY BOMBING ANNIVERSARY AND FILLING THE SUPREME COURT VACANCY

Mr. LANKFORD. Mr. President, in February of this year, Justice Scalia passed away. It was an enormous loss to the Nation.

In the hours and the days following that, Republicans in the Senate had the opportunity to talk about their constitutional responsibility—the responsibility of advice and consent. Supreme Court justices don't show up to the Supreme Court because the President just nominates them. In the Constitution, article II, section 2, lays out a 50–50 proposition.

The President has the first 50 percent. He narrows down his list, and he nominates.

The Senate then has the second 50 percent. They have the power of what is called advice and consent. The first half of that is when. Is this the right time to do a nominee? And with many nominees, historically—Ambassadors, Justices, Cabinet officers—the Senate has had a long delay to be able to say: No, this is not the right time.

So the first question is, Is this the right time? The second question is, Is this the right person? That is the process of advice and consent, and it has been for 200 years.

So what has happened since February? Since February, Republicans

have been very consistent—myself included—to say: This is not the time to have a Supreme Court Justice go through the nomination process. In the hours after Justice Scalia passed away, we made it very clear so that any nominee who went through the process, regardless of who they were, would know in advance this: You will not move to a hearing because it is not the right time. Of our two-part test—Is this the right time? Is this the right person?—the first part is not complete. It is not the right time. So this nominee will not move at all throughout this entire year, and everyone knew that in advance.

So I understand Republicans have talked about the first test on that, the priority of ''is this the right time?'' Democrats have focused on ''is this the right person?'' They have focused on Judge Garland as the nominee. They want to be able to raise and talk about his profile, and I get the politics of that. But it is just the politics of it. We would expect that banter back and forth on the politics, but this is a settled issue among Republicans. He will not move through the nomination process.

But we hit a new low today on this floor, and I had to come and address it. Today, this moved from a conversation about whether this is the right time and whether this is the right person to drawing in the memory of the 168 lives that were lost in Oklahoma City 21 years ago today—April 19, 1995. It was the worst act of terrorism at that time on American soil, carried out by another American, killing 168 people at the Murrah Federal Building in Oklahoma City. A Ryder truck loaded with fertilizer and diesel pulled up to the front and blew it up, killing 168.

Timothy McVeigh carried that out. He got into his Ford and drove north to leave out of the State. But 90 minutes later—90 minutes later—Trooper Charlie Hanger, who was just doing his job, saw a vehicle on I–35 without a license plate on it, pulled him over, found out he also had a weapon on him, and put him in jail to be able to hold him. Trooper Charlie Hanger, doing his job, actually arrested the person who had killed 168 people just 90 minutes before, not knowing it.

Local law enforcement and individuals quickly went through the debris trying to find individuals to save and evidence to be able to identify who this was. Within a few hours, they found the axle of the Ryder truck. They called the rental company. They identified it. They did a composite sketch, and they figured out within hours who this might be—a guy named Timothy McVeigh. Running a search on him, they figured out he was already in jail. He had been picked up by Trooper Charlie Hanger. Before he was released—because he was in the process of being released—they were able to hold him and unwind a horrific crime. It was incredible local law enforcement. It was an incredible task that happened.

Within 40 hours of that event occurring, a gentleman named Merrick Garland had come from DC, where he worked for the Department of Justice, to Oklahoma City to help on the Federal side of the prosecution, along with thousands of other people from around the country. Our State and our city was overwhelmed with the compassion of people around the country as we saw what happened, and Merrick Garland was one of those. We are grateful as a community for what he did in the prosecution of Timothy McVeigh, what he did against Terry Nichols, and what he did against Michael Fortier. We are grateful for his work there.

But today, on the floor of this Senate, the implication was laid out twofold. One is that, since Judge Garland served the country and did that, he deserves something else. I have never met Judge Garland. I will meet him next week and, quite frankly, look him in the face and say: Thank you for your service to Oklahoma.

To make clear again the same position before, there will be no nomination this year. He does deserve our gratitude. He doesn't deserve a lifetime appointment onto the bench because of his faithful service to our country and to our community as is being alluded to.

The politics of it really, really deeply struck me as an Oklahoman—that for some reason, today, of all days, the tragedy that happened to 168 people and their death 21 years ago suddenly became paraded out here as a political prop. One of the Senators was even standing with a picture of a dead child behind him like she is a prop. This child is not a prop for politics. She has a name. She was identified as a toddler. She was 1 year and 1 day old. She was killed in the Murrah Building the day after her 1-year birthday. She is not some random toddler. Her name is Baylee, and she is not to be used as a prop for politics in the Supreme Court nomination process.

It is absolutely fair game to talk about the record of Judge Garland and what he has done. We are grateful as Oklahomans for his service to our State and to our Nation to put away those awful terrorists. But to use a child who was killed in the Murrah Building bombing as a prop so far exceeds the line that I had to come and speak about it and say that I am absolutely offended—and I should be.

So it was 21 years ago today. We remember. It is a statement that comes up to Oklahomans over and over: We remember. We remember the victims. We remember the survivors. We remember the first responders. We remember the thousands of people who came from across the country to help us. We remember, and we will continue to remember. But don't do politics with the life and death of the children and adults in Oklahoma City. Let's keep this where it should be. We could have the debate about process. Do not draw this in.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

NOMINATION OF MICHAEL MISSAL

Mr. JOHNSON. Mr. President, I rise today to urge my colleagues to confirm Michael Missal, the nominee for the Department of Veterans Affairs inspector general.

For far too long, our Nation's veterans have been without a permanent watchdog in place to ensure the VA affords them the care that they deserve.

I have seen the damage that acting leadership in the VA Office of Inspector General has done in my own State of Wisconsin. Numerous veterans of the Tomah VA facility suffered for years through dangerous prescription practices, whistleblower retaliation, and a culture of fear. The VA Office of Inspector General, under acting leadership, conducted a multiyear investigation of the Tomah VA facility but then swept the allegations under the rug—the secret report that was hidden from veterans, the public, and Congress.

Months after the report was finalized and closed, Jason Simcakoski, a 35-year-old Marine Corps veteran, died of a lethal cocktail of over a dozen different drugs at the Tomah VA facility.

Another Wisconsin veteran, Thomas Behr, died after being treated at the Tomah VA facility. Mr. Behr's daughter Candace told me that had she known about the inspector general's report, she never would have taken her father to the facility and he might be alive today.

In other words, had the VA Office of Inspector General been transparent and published the findings of its investigation, these tragic outcomes could very well have been avoided.

Under acting leadership, the VA Office of Inspector General has tried to stonewall my investigation into the tragedies at Tomah VA medical facility. Its actions have shown that, under acting leadership, the VA Office of Inspector General has become too close to the VA, the agency it is charged with overseeing. The acting leadership lacked the fundamental tenets of transparency and accountability that all inspectors general should have that could literally mean the difference between life and death.

I was forced to resort to a subpoena to obtain the information about the investigation of the Tomah VA Office of Inspector General, and there are still some documents the acting leadership has refused to produce. For over a year, I have urged President Obama to appoint a permanent VA inspector general. I was pleased that President Obama finally heeded my calls—and, quite honestly, the calls of many of my colleagues—when he nominated Michael Missal to the position late last year. My committee, the Senate Committee on Homeland Security and Governmental Affairs, moved his nomination after carefully considering his

qualifications, and we reported him out to the full Senate immediately.

I am hopeful that under Mr. Missal's leadership, the VA Office of Inspector General will restore veterans' trust in the inspector general's office, protect VA whistleblowers, and forge a new relationship with Congress, but above all else, I hope Mr. Missal will use his position to help ensure the finest among us receives the high-quality care they deserve.

I am confident Mr. Missal is up to the task, and I thank him for agreeing to serve in this supporting role.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. JOHNSON. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 448 only, with no other executive business in order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the nomination.

The legislative clerk read the nomination of Michael Joseph Missal, of Maryland, to be Inspector General, Department of Veterans Affairs.

Thereupon, the Senate proceeded to consider the nomination.

Mr. JOHNSON. Mr. President, I know of no further debate on the nomination.

The PRESIDING OFFICER. If there is no further debate, the question is, Will the Senate advise and consent to the Missal nomination?

The nomination was confirmed.

Mr. JOHNSON. Mr. President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

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

LEGISLATIVE SESSION

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

FEDERAL AVIATION ADMINISTRATION ACT OF 2016

Mr. LEAHY. Mr. President, after months of debate and piecemeal short-term reauthorizations, the Senate has finally approved a comprehensive reauthorization of the Federal Aviation Administration, FAA, that will improve the safety and efficiency of our Nation's airline transportation system. The Federal Aviation Administration Act of 2016 will not only make airline travel safer and more efficient, it will also strengthen our economy by creating jobs and supporting those who rely on the benefits of airline transportation, day to day. From protecting the rights and safety of airline employees, to ensuring the needs of passengers with disabilities are recognized and upheld, this legislation takes necessary steps to improve travel experiences for all Americans.

I am especially pleased that the Federal Aviation Administration Act includes a number of policies that will benefit Vermont's airports, including the preservation of the Essential Air Service program, an important source of support for the Rutland-Southern Vermont Regional Airport. The bill also increases Airport Improvement Program funding, which is essential to the expansion and improvements of airports in Vermont and across the country. Also importantly, the bill will not privatize the Air Traffic Control System.

As the opportunities and challenges associated with new technology continue to evolve—both in NextGen implementation and use of drones—it is important that safety remains a top priority. This FAA reauthorization bill takes steps to address the safety and privacy concerns related to the widespread proliferation of unmanned aircraft within our domestic airspace. The legislation adds several provisions to increase safety by adding new technical and operational standards. For example, the bill requires the FAA and government agencies to collaborate with industry stakeholders to develop guidelines and procedures to ensure the safe integration of drones into the national airspace. I was also pleased that the bill addresses certain privacy concerns about the use of drones by requiring the FAA to establish a publicly accessible website containing information about commercial and government drone operations, the type of information those drones will collect, and how that information will be used. While the drone-related provisions in the bill are an improvement from the status quo, I believe that we must do more to ensure that safety and privacy safeguards are improved.

In Vermont, our airports are essential to a strong economy. They facilitate both tourism and commerce, and they are a source of economic growth for our communities. I am disappointed that, despite support from 99 other Senators, the objections of just one Senator prevented the passage of an amendment that would further facilitate travel and commerce between the United States and Canada, our largest trading partner. Expanding U.S. preclearance operations in Canada not only improves the travel experience for Americans traveling back and forth between Canada, but encourages neighbors to the north to visit the United States and infuses our economies through tourism and commerce. Importantly, it also furthers our national security. I will be looking for opportunities to advance this legislation moving forward.

The Federal Aviation Administration Act represents a strong step forward in keeping the U.S. airspace as the safest and most efficient in the world. I hope that, as the House takes up this important legislation, they will maintain the carefully balanced proposals included in the Senate bill.

Mrs. BOXER. Mr. President, I voted no on final passage of the FAA reauthorization bill because I was unable to offer my amendment to ensure that cargo pilots have the same rest and duty rules as passenger pilots.

Not only was I unable to secure a vote on my amendment, my offer to modify my amendment into a study by the National Transportation Safety Board was objected to by the other side. We should ensure that all pilots, whether they fly people or goods, have the same opportunities for rest. As this bill has many safety implications for our aviation system, I am very disappointed that my amendment did not receive consideration in the Senate.

However, I would like to thank the Senate Commerce Committee for their hard work on this bill, which includes many safety improvements, helpful consumer protections, and enhancements to airport security. I am particularly pleased that the bill includes a provision to ban the use of electronic cigarettes on board aircraft that I had asked to be included in this bill.

Mr. BOOKER. Mr. President, today the Senate approved legislation to reauthorize the Federal Aviation Administration—FAA—for 18 months. I applaud the work of my colleagues, Senators THUNE and NELSON, and their staff who worked tirelessly to get this important legislation over the finish line. I hope leaders in the House of Representatives see what we passed here in the Senate and ensure smooth passage of the bill. This legislation truly represents bipartisan compromise. While it takes important steps forward, more work remains to be done to ensure the United States remains a global leader in aviation, safety, and innovation.

This legislation advanced many key priorities that I was proud to fight for. Aviation is a critical means of travel for people in my State and across the country, and I am confident that this legislation takes strides to improve the status quo for travelers.

I worked to advance provisions that help improve accessibility for persons with disabilities traveling through our Nation's commercial air system. The increased and improved data collected as a result of this legislation and the new advisory committee put in place will help fuel effective policies that enhance the traveling experience for persons with disabilities and remove barriers to accessibility.

The legislation will help improve the use of disadvantaged business enterprises in aviation infrastructure. I authored an amendment to align the size standard used by the Department of Transportation—DOT—to identify small businesses, with the metric used

by the Small Business Administration—SBA. This small update will enable more minority and women-owned businesses to compete for infrastructure work. This amendment had widespread support in the aviation construction industry including from the U.S. Women's Chamber of Commerce, the Airport Minority Advisory Council, the National Association of Minority Contractors, and I was pleased to see it unanimously supported in this legislation.

I also joined colleagues on the floor and through my role on the Senate Committee on Commerce, Science, and Transportation to move the legislation forward on policies that embrace innovation and help the United States maintain global leadership when it comes to embracing new technology and integrating UAS into the national airspace.

From a floor amendment with Senator INHOFE that will improve the safe use of UAS to examine and maintain our critical infrastructure to amendments I championed in committee that will move the United States forward on new applications of micro-UAS, we took important strides forward. This technology has the power to enhance search and rescue, deliver humanitarian aid, improve agriculture practices, and news-gathering. I introduced the Commercial UAS Modernization Act to help advance this technology and was pleased to see many of our ideas incorporated in this reauthorization.

This legislation also includes provisions to bolster the use of test sites and further important research initiatives that will benefit safety, infrastructure, and aviation technology. New Jersey is home to the FAA's William J. Hughes Technical Center in Atlantic City and a UAS test site in Cape May. These sites play a key role in advancing aviation research and technology, and this legislation includes important provisions that ensure New Jersey will remain a leader in advancing aviation safety and R&D.

Lastly, I would like to discuss an area that is ripe for further congressional action: the Transportation Security Administration—TSA. The FAA reauthorization takes some steps towards stronger security, but more work needs to be done to advance our Nation's security, and TSA plays a critical role to these endeavors. I will continue to fight for accountability and further resources to this important entity that plays such an important role in keeping travelers safe and secure. We must ensure there are adequate resources and top-notch technologies deployed to our airports and our surface transportation systems.

Again, I thank my esteemed colleagues in Senate leadership and Senators THUNE and NELSON for their efforts on this important legislation. I know this will make a difference to my constituents in New Jersey and to people across the country.

Thank you.

OLDER AMERICANS ACT REAUTHORIZATION ACT OF 2016

Mr. ALEXANDER. Mr. President, recently the Senate marked a significant achievement—the final passage of the bipartisan reauthorization of the Older Americans Act—and now the President has signed it into law.

This act provides seniors access to home-delivered meals, like Meals on Wheels; seniors centers; transportation, like rides to the senior center and the grocery store; and meals served at senior centers and churches. Other services include caregiver support, preventive health services, job training and support, elder abuse prevention, and the long-term care ombudsman.

In 2012, Tennessee served 2.4 million meals to seniors through Older Americans Act programs.

This reauthorization also will make a few important improvements.

One, it will provide States, area agencies on aging, and service providers with information and technical assistance in collaboration with relevant Federal agencies, on providing efficient, person-centered transportation services, including across geographic boundaries.

That means that when a senior who lives Kentucky and wants to come see her doctor just over the border in Tennessee, it is easier for her to get that ride.

Two, this bill addresses the tragic issue of elder abuse with provisions for the prevention of abuse, neglect, and exploitation. It bolsters services that address elder justice and exploitation of older individuals, including financial exploitation, which can be devastating to a senior's ability to stay independent and in his own home.

Three, this bill ensures States receive funding based on their senior population. Senator RICHARD BURR worked hard with me on this, and we have him to thank for this update.

This bill is the product of several years of bipartisan collaboration and compromise. This legislation protects and strengthens the underlying law's many vital programs. I look forward to seeing S. 192 signed into law, and now I would like to yield to my colleague, Senator BURR.

Mr. BURR. I would also like to thank my colleagues, particularly Chairman ALEXANDER, Ranking Member MURRAY, and Senator SANDERS, for their partnership in working with me to reauthorize the Older Americans Act. I am pleased that our efforts have resulted in sending a strong reauthorization of the Older Americans Act to the President's desk. The reauthorization of these critical support programs for seniors has been a process that each of us has been actively involved in over the last few years, and I am proud to see this bipartisan piece of legislation on its way to becoming law.

I want to focus on a key aspect of this reauthorization for my constituents—the change in the funding formula. In 2010, the Government Accountability Office, GAO, determined that the formula responsible for the allocation of State funding in the OAA was broken. It took us 6 years to act, and I am pleased to see this important change included in the OAA reauthorization, allowing funds to be directed where they are most needed. This is a commonsense, but critical change for better ensuring that the dollars are following the needs.

This change is especially important for North Carolina's seniors. The change in the formula calculation will increase resources for these programs in North Carolina and other States where seniors have moved since the last reauthorization of the Older Americans Act, a decade ago. As more and more seniors make North Carolina their home, this will help ensure that resources are being more fairly allocated based on the needs of seniors today and in the future, which is a key aspect of helping some of our most vulnerable seniors age with the dignity and respect they deserve.

I often hear from my constituents—area agencies on aging, PACE program directors, and North Carolinians themselves—about the benefits that come from the programs authorized by the Older Americans Act. The continuation of these programs, which provide meals, caregiver supports, and help seniors stay in the comfort of their homes and local communities longer positively impacts the lives of millions of seniors every day. With the passage of this legislation, almost 2 million North Carolina seniors may be able to benefit from State and local programs that provide needed support for them and their families. I am proud to have fought on behalf of North Carolina's seniors for the improvements reflected in this reauthorization bill, and I look forward to continuing to work to improve the quality of life for my constituents.

Mr. ALEXANDER. In addition to providing grants to States for senior social and nutrition services, this reauthorization also aims to continue protecting vulnerable elders from abuse by ensuring access to abuse screening and prevention through efforts like the Senior Medicare Patrol, SMP, program, which helps train seniors to recognize and protect themselves from Medicare and Medicaid fraud. The most recent inspector general report noted that the program had educated over 3.5 million beneficiaries, reached 27 million people, and saved about $106 million.

The programs authorized by this law provide critical services to help Americans live with dignity well into their later years, but these services also provide a significant return on investment for taxpayers.

They help decrease the increasing cost pressures on Medicare and Medicaid. These programs that help seniors stay healthy, independent, and living

in their own homes also are helping seniors stay where they want to be—and that is less expensive for taxpayers than if these seniors were instead in nursing homes.

Mr. ENZI. I would also like to highlight the National Resource Center for Women and Retirement as a highly successful program run by the Women's Institute for a Secure Retirement—known to most as ''WISER''—a nonprofit organization dedicated to ensuring the security of women's retirement income through outreach, partnerships, and policy development. The staff and programs at WISER have provided important and effective trainings and education in my home State of Wyoming, as well as around the country.

Mr. ALEXANDER. For more than 50 years, the Older Americans Act has been effective in large part because these successful programs are funded through flexible grants to States. States know best what services will be most beneficial for their residents to live healthier, more independent lives as they age.

I want to thank Senator MURRAY for working with me on this bill in our committee.

I want to thank Senator COLLINS, whose leadership on the Special Committee on Aging was instrumental. Her determination to help seniors stay home and independent helped us get this bill through the full Senate.

I want to thank Senator BURR for his determination to get a result on the funding issue.

Finally, I would like to thank Senator SANDERS for his tireless work on this issue and on this bill.

NATIONAL CONGENITAL DIAPHRAGMATIC HERNIA AWARENESS MONTH

Mr. SESSIONS. Mr. President, today I wish to discuss S. Res. 408. I am delighted that the Senate has unanimously declared April as National Congenital Diaphragmatic Hernia Awareness Month for the fourth consecutive year. I would like to thank my friend and able colleague, Senator BEN CARDIN of Maryland, for joining me in this legislation. This resolution is very important to me and my family as my grandson Jim Beau is a CDH survivor.

I specifically wanted to speak today, April 19, to commemorate Congenital Diaphragmatic Hernia Action Day. Charities and families in 60 countries and cities all over the U.S. are working together to raise CDH Awareness through State and town proclamations, lighted buildings, Parades of Cherubs, fundraisers, and other events.

CDH is a birth defect that occurs when the fetal diaphragm fails to fully develop. The lungs develop at the same time as the diaphragm and the digestive system. When a diaphragmatic hernia occurs, the abdominal organs move into and develop in the chest instead of remaining in the abdomen. With the heart, lungs, and abdominal organs all taking up space in the chest, the lungs do not have space to develop properly. This may cause the lungs to be small and underdeveloped.

A diaphragmatic hernia is a life-threatening condition. When the lungs do not develop properly during pregnancy, it can be difficult for the baby to breathe after birth, or the baby is unable to take in enough oxygen to stay healthy.

Several members from the CHERUBS group visited my office yesterday. I was encouraged by their good spirit and enthusiasm. These individuals have been coming to Capitol Hill every year for the last several years to advocate for Federal assistance for this birth defect. Over the last 4 years, we have made good progress.

We have seen an increase in funding at the National Institutes of Health, NIH. In fiscal year 2015, the NIH funded approximately $3,300,000 in CDH research. This is an increase of $800,000 from fiscal year 2014. We have also seen an increase in awareness and education. But more research is needed. The cause of CDH remains unknown. Most cases of diaphragmatic hernia are believed to be multifactorial in origin, meaning both genetic and environmental factors are involved. It is thought that multiple genes from both parents, as well as a number of environmental factors that scientists do not yet fully understand, contribute to the development of a diaphragmatic hernia.

Congenital diaphragmatic hernia is a birth defect that occurs in 1 out of every 3,836 live births worldwide.

The CDC estimates that CDH affects 1,088 babies in the U.S. each year.

Every 10 minutes, a baby is born with CDH, adding up to more than 700,000 babies with CDH since just 2000; yet most people have never heard of CDH.

Up to 20 percent of cases of CDH have a genetic cause due to a chromosome defect or genetic syndrome.

According to the CDC, babies born with CDH experience a high mortality rate ranging from 20–60 percent depending on the severity of the defect and the treatments available at delivery. The mortality rate has remained stable since 1999.

Approximately 40 percent of babies born with CDH will have other birth defects, in addition to CDH. The most common is a congenital heart defect.

Awareness, good prenatal care, early diagnosis, and skilled treatment are the keys to a greater survival rate in these babies. That is why this resolution is so important.

In 2009, my grandson Jim Beau was diagnosed with CDH during my daughter Mary Abigail's 34th week of pregnancy. At that time, no one in my family had heard of CDH before. My family was very lucky that Jim Beau's defect was caught before he was born and that he was in the right place to receive excellent care for his CDH.

He is now a happy, rambunctious 6-year-old.

The resolution Senator CARDIN and I introduced is important because it will bring awareness to this birth defect, and this awareness will save lives. Although hundreds of thousands of babies have been diagnosed with this defect, the causes are still unknown, and more research is needed. Every year more is learned and there are more successes. We are making good progress, and we must continue these efforts.

I want to thank my colleagues for joining me in supporting this legislation to bring awareness to CDH.

I thank the Chair.

TRIBUTE TO LARRY MACDONALD

Ms. BALDWIN. Mr. President, today I wish to recognize Larry MacDonald as he retires from the city of Bayfield, WI, after an impressive 20 years as the city's mayor. Since his election in 1994, Larry has dedicated himself to improving the city of Bayfield and making it a wonderful destination in northwestern Wisconsin.

Larry was born in Munich, Germany, to American parents. After growing up in the Twin Cities area of Minnesota, Larry and his wife, Julie, moved to Bayfield in 1989. They opened Cooper Hill House B&B, contributing to Bayfield's tradition of welcoming visitors from across the State to beautiful Bayfield County. The MacDonalds also opened the Apostle Islands Outfitters that, for close to two decades, supported Bayfield and the city's practice of providing outstanding outdoor recreation opportunities to residents and tourists alike.

While he has served as mayor for 20 years, Larry's career in public service began as a casual interest in local government. However, as a proactive politician, a committed environmentalist, and a savvy businessman, Larry's casual interest quickly grew into a remarkable passion for his work and dedication to his city. Over the past two decades and despite an ill-fated attempt at retirement in 2004, Larry has influenced all aspects of the Bayfield community.

The city of Bayfield is the smallest city in Wisconsin, but one of our most popular destinations. A beautiful city located on Lake Superior, Bayfield draws visitors from across the State. When others would be daunted, he faced head-on the challenges of a local economy based on tourism, working with local organizations and listening closely to his community. Larry also dedicated his career to maintaining the natural beauty of Lake Superior and the Apostle Islands through his work as a board member of the Alliance of the Great Lakes and the Apostle Islands National Lakeshore. As mayor, he led the city to be one of the first in the Nation to adopt an eco-municipality resolution, thereby codifying its commitment to sustainability, setting an example for others to follow, and preserving Bayfield's natural resources for generations to come.

Larry's involvement in the community goes beyond his work as mayor. His many civic contributions include roles as master of ceremonies for the Bayfield Apple Festival for many years, an avid participant in the Big Top Chautauqua annual Pie & Politics event, and a regular contributor to the Bayfield School Reading Days. Larry's influence can be seen throughout the city, whether it is through his community work, the time he has spent working at his family's business interests, or simply enjoying the city.

However, when he looks back on his many roles in life, his greatest accomplishment will be his 20 years of service as mayor. Larry himself describes it as the best job he ever had. While he attributes his success to the Bayfield community, the city council and his dedicated staff, Larry's success comes from his own will. His investment in his staff, his honesty and involvement, and his personal touch are what spurred Bayfield residents to return him to office year after year. Although in retirement he will no longer be in the mayor's office, Larry's legacy will remain.

Over the past 20 years, Larry has impacted Bayfield residents and the community around him through his dedication, honest nature, and kind heart. I am so pleased to join others in recognizing Larry's success and accomplishments. I wish him, his wife, Julie, their children, many grandchildren and great-grandchildren all the best in the next chapter of their lives together.

ADDITIONAL STATEMENTS

TRIBUTE TO MICHAEL THOMPSON

● Mr, SCOTT. Mr. President, I wish to congratulate and recognize Mr. Michael Thompson of Greenville, SC, for receiving one of Scouting's highest honors—the Distinguished Eagle Scout Award. This is a significant achievement and a testament to his continued service to our country, State, and especially to the South Carolina community.

As sitting president of the Blue Ridge Council Boy Scouts, Michael Thompson's love for service and the community, as well as his many achievements, place him in the company of other great individuals who have received this award, such as President Gerald Ford, Neil Armstrong, and former Secretary of Defense Dr. Robert Gates, to name a few. His involvement in the Upstate community represents what it truly means to be an outstanding leader.

It is with pride and honor that we recognize Mr. Michael Thompson and his outstanding achievements today and add his legacy to our April 19, 2016, Congressional Record. We will always remember his admiration for the community, the Upstate, and above all for the scouts.●

100TH ANNIVERSARY OF THE FOUNTAIN INN WESLEYAN METHODIST CHURCH

● Mr. SCOTT. Mr. President, today I wish to honor one of South Carolina's most impactful ministries, the Fountain Inn Wesleyan Methodist Church. Celebrating 100 years of faith and teachings on April 24, 2016, the church has remained dedicated to its vision, ''To exalt Jesus Christ by Evangelizing the Lost, Disciplining Believers, Equipping the Church, and Ministering to the Community,'' and intends to continue on this path for years to come.

Evangelist Rev. J.M. Hames first organized the church in 1916, and its official name, the Wesleyan Church, was obtained in 1968 following mergers with several other denominations. Following a tent revival meeting at the start of its history, the church began as a place of worship for workers and residents of the Woodside Mill Village community. It was later provided its permanent place of worship when the Woodside Mill company deeded the building and property to the Wesleyan Methodist Church.

Despite many changes incurred over time, including the leadership of 21 pastors, the church has continued to serve the community without straying from its initial mission. The Fountain Inn Wesleyan Methodist Church has remained a consistent source of guidance for its community and has brought many individuals to know the Lord throughout its history.

It is with honor and admiration that we recognize the Fountain Inn Wesleyan Methodist Church and its great impact, adding its legacy to our April 19, 2016, Congressional Record.●

TRIBUTE TO SOPHIE DOEDEN

● Mr. THUNE. Mr. President, today I recognize Sophie Doeden, an intern in my Aberdeen, SD, office for all of the hard work she has done for me, my staff, and the State of South Dakota.

Sophie is a graduate of Beresford High School in Beresford, SD. Currently, Sophie is attending Northern State University, where she is majoring in political science. Sophie is a dedicated worker who has been committed to getting the most out of her experience.

I extend my sincere thanks and appreciation to Sophie Doeden for all of the fine work she has done and wish her continued success in the years to come.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Pate, one of his secretaries.

PRESIDENTIAL MESSAGE

REPORT RELATIVE TO THE ISSUANCE OF AN EXECUTIVE ORDER EXPANDING THE SCOPE OF THE NATIONAL EMERGENCY ORIGINALLY DECLARED IN EXECUTIVE ORDER 13566 OF FEBRUARY 25, 2011, WITH RESPECT TO LIBYA—PM 46

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 Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), I hereby report that I have issued an Executive Order (the ''order'') expanding the scope of the national emergency declared in Executive Order 13566 of February 25, 2011, with respect to the unusual and extraordinary threat to the national security and foreign policy of the United States posed by the situation in Libya.

In the order, I find that the ongoing violence in Libya, including attacks by armed groups against Libyan state facilities, foreign missions in Libya, and critical infrastructure, as well as human rights abuses, violations of the arms embargo imposed by United Nations Security Council Resolution 1970 (2011), and misappropriation of Libya's natural resources threaten the peace, security, stability, sovereignty, democratic transition, and territorial integrity of Libya, and thereby constitute an unusual and extraordinary threat to the national security and foreign policy of the United States. The order blocks the property and interests in property of persons determined by the Secretary of the Treasury, in consultation with the Secretary of State:

● to be responsible for or complicit in, or to have engaged in, directly or indirectly, any of the following:

○ actions or policies that threaten the peace, security, or stability of Libya, including through the supply of arms or related materiel;

○ actions or policies that obstruct, undermine, delay, or impede, or pose a significant risk of obstructing, undermining, delaying, or impeding, the adoption of or political transition to a Government of National Accord or a successor government;

○ actions that may lead to or result in the misappropriation of state assets of Libya; or

○ threatening or coercing Libyan state financial institutions or the Libyan National Oil Company;

● to be planning, directing, or committing or to have planned, directed, or committed, attacks against any Libyan state facility or installation (including oil facilities), against any air, land, or sea port in Libya, or against any foreign mission in Libya;

● to be involved in, or to have been involved in, the targeting of civilians through the commission of acts of violence, abduction, forced displacement, or attacks on schools, hospitals, religious sites, or locations where civilians are seeking refuge, or through conduct that would constitute a serious abuse or violation of human rights or a violation of international humanitarian law;

● to be involved in, or to have been involved in, the illicit exploitation of crude oil or any other natural resources in Libya, including the illicit production, refining, brokering, sale, purchase, or export of Libyan oil;

● to be a leader of an entity that has, or whose members have, engaged in any activity described above;

● to have materially assisted, sponsored, or provided financial, material, logistical, or technological support for, or goods or services in support of any of the activities described above or any person whose property and interests in property are blocked pursuant to the order; or

● to be owned or controlled by, or to have acted or purported to act for or on behalf of, any person whose property and interests in property are blocked pursuant to the order.

In addition, the order suspends entry into the United States of any alien determined to meet one or more of the above criteria.

I have delegated to the Secretary of the Treasury, in consultation with the Secretary of State, the authority to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA as may be necessary to carry out the purposes of the order. All agencies of the United States Government are directed to take all appropriate measures within their authority to carry out the provisions of the order.

I am enclosing a copy of the Executive Order I have issued.

BARACK OBAMA.
THE WHITE HOUSE, *April 19, 2016*.

MESSAGE FROM THE HOUSE

At 10:42 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 719. An act to rename the Armed Forces Reserve Center in Great Falls, Montana, the Captain John E. Moran and Captain William Wylie Galt Armed Forces Reserve Center.

S. 1638. An act to direct the Secretary of Homeland Security to submit to Congress information on the Department of Homeland Security headquarters consolidation project in the National Capital Region, 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. 2928. An act to designate the facility of the United States Postal Service located at 201 B Street in Perryville, Arkansas, as the ''Harold George Bennett Post Office''.

H.R. 3866. An act to designate the facility of the United States Postal Service located at 1265 Hurffville Road in Deptford Township, New Jersey, as the ''First Lieutenant Salvatore S. Corma II Post Office Building''.

H.R. 4570. An act to amend the Department of Agriculture program for research and extension grants to increase participation by women and underrepresented minorities in the fields of science, technology, engineering, and mathematics to redesignate the program as the ''Jeannette Rankin Women and Minorities in STEM Fields Program''.

H.R. 4605. An act to designate the facility of the United States Postal Service located at 615 6th Avenue SE in Cedar Rapids, Iowa as the ''Sgt. 1st Class Terryl L. Pasker Post Office Building''.

H.R. 4618. An act to designate the Federal building and United States courthouse located at 121 Spring Street SE in Gainesville, Georgia, as the ''Sidney Oslin Smith, Jr. Federal Building and United States Courthouse''.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 119. Concurrent resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

The message also announced that pursuant to section 803(a) of the Congressional Recognition for Excellence in Arts Education Act (2 U.S.C. 803(a)), the Minority Leader appoints the following Member of the House of Representatives to the Congressional Award Board: DEBBIE DINGELL of Michigan.

MEASURES REFERRED

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

H.R. 2928. An act to designate the facility of the United States Postal Service located at 201 B Street in Perryville, Arkansas, as the ''Harold George Bennett Post Office''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3866. An act to designate the facility of the United States Postal Service located at 1265 Hurffville Road in Deptford Township, New Jersey, as the ''First Lieutenant Salvatore S. Corma II Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4570. An act to amend the Department of Agriculture program for research and extension grants to increase participation by women and underrepresented minorities in the fields of science, technology, engineering, and mathematics to redesignate the program as the ''Jeannette Rankin Women and Minorities in STEM Fields Program''; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 4605. An act to designate the facility of the United States Postal Service located at 615 6th Avenue SE in Cedar Rapids, Iowa as the ''Sgt. 1st Class Terryl L. Pasker Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4618. An act to designate the Federal building and United States courthouse located at 121 Spring Street SE in Gainesville, Georgia, as the ''Sidney Oslin Smith, Jr. Federal Building and United States Courthouse''; to the Committee on Environment and Public Works.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. MCCAIN (by request):

S. 2814. A bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for such fiscal year, and for other purposes; to the Committee on Armed Services.

By Mr. CASEY (for himself, Mr. TOOMEY, and Mr. WHITEHOUSE):

S. 2815. A bill to establish the United States Semiquincentennial Commission, and for other purposes; to the Committee on the Judiciary.

By Mr. CARPER (for himself, Mr. INHOFE, Mrs. CAPITO, and Mrs. BOXER):

S. 2816. A bill to reauthorize the diesel emissions reduction program; to the Committee on Environment and Public Works.

By Mr. PETERS:

S. 2817. A bill to improve understanding and forecasting of space weather events, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. REED:

S. 2818. A bill to reduce housing-related health hazards, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. REED:

S. 2819. A bill to establish the Council on Healthy Housing and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WICKER (for himself, Ms. HEITKAMP, Mr. ALEXANDER, Ms. BALDWIN, Mr. BARRASSO, Mr. BLUNT, Mr. BOOZMAN, Mr. BROWN, Mrs. CAPITO, Mr. CASEY, Mr. CASSIDY, Mr. COCHRAN, Mr. COONS, Mr. CORNYN, Mr. CRAPO, Mr. DAINES, Mr. DONNELLY, Mr. ENZI, Mr. GARDNER, Mr. ISAKSON, Mr. KIRK, Mr. KING, Mr. MCCAIN, Mr. MORAN, Ms. MURKOWSKI, Mr. PETERS, Mr. RISCH, Mr. ROBERTS, Ms. STABENOW, Mr. TILLIS, Mr. UDALL, Mr. VITTER, Mr. MERKLEY, Mrs. ERNST, and Mr. INHOFE):

S. Res. 431. A resolution recognizing the immeasurable benefits of the national 4–H program to the young people of the United States and supporting the campaign to expand the 4–H program; considered and agreed to.

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

S. Con. Res. 35. A concurrent resolution expressing the sense of Congress that the United States should continue to exercise its veto in the United Nations Security Council on resolutions regarding the Israeli-Palestinian peace process; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 53

At the request of Mr. INHOFE, his name was added as a cosponsor of S. 53, a bill to amend the Internal Revenue

Code of 1986 to clarify eligibility for the child tax credit.

S. 91

At the request of Mr. HELLER, the name of the Senator from North Dakota (Ms. HEITKAMP) was added as a cosponsor of S. 91, a bill to amend the Internal Revenue Code of 1986 to allow refunds of Federal motor fuel excise taxes on fuels used in mobile mammography vehicles.

S. 290

At the request of Mr. MORAN, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 290, a bill to amend title 38, United States Code, to improve the accountability of employees of the Department of Veterans Affairs, and for other purposes.

S. 386

At the request of Mr. THUNE, the name of the Senator from Georgia (Mr. PERDUE) was added as a cosponsor of S. 386, a bill to limit the authority of States to tax certain income of employees for employment duties performed in other States.

S. 391

At the request of Mr. PAUL, the name of the Senator from Iowa (Mr. GRASSLEY) 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. 677

At the request of Mrs. BOXER, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. 677, a bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961.

S. 979

At the request of Mr. NELSON, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from Missouri (Mr. BLUNT) were added as cosponsors of S. 979, a bill to amend title 10, United States Code, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 1002

At the request of Mr. CARDIN, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 1002, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 1555

At the request of Ms. HIRONO, the names of the Senator from New Jersey (Mr. BOOKER) and the Senator from South Dakota (Mr. ROUNDS) were added as cosponsors of S. 1555, a bill to award a Congressional Gold Medal, collectively, to the Filipino veterans of World War II, in recognition of the dedicated service of the veterans during World War II.

S. 1566

At the request of Mr. FRANKEN, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 1566, a bill to amend the Public Health Service Act to require group and individual health insurance coverage and group health plans to provide for coverage of oral anticancer drugs on terms no less favorable than the coverage provided for anticancer medications administered by a health care provider.

S. 1567

At the request of Mr. PETERS, the name of the Senator from North Dakota (Ms. HEITKAMP) was added as a cosponsor of S. 1567, a bill to amend title 10, United States Code, to provide for a review of the characterization or terms of discharge from the Armed Forces of individuals with mental health disorders alleged to affect terms of discharge.

S. 1856

At the request of Mr. BLUMENTHAL, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1856, a bill to amend title 38, United States Code, to provide for suspension and removal of employees of the Department of Veterans Affairs for performance or misconduct that is a threat to public health or safety and to improve accountability of employees of the Department, and for other purposes.

S. 1982

At the request of Mr. CARDIN, the name of the Senator from New Jersey (Mr. BOOKER) 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. 2108

At the request of Mr. TOOMEY, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 2108, a bill to amend title XVIII of the Social Security Act to provide for an extension of certain long-term care hospital payment rules and the moratorium on the establishment of certain hospitals and facilities.

S. 2151

At the request of Mr. THUNE, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2151, a bill to amend the Public Health Service Act to provide liability protections for volunteer practitioners at health centers under section 330 of such Act.

S. 2217

At the request of Mr. BLUNT, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. 2217, a bill to amend the Federal Food, Drug, and Cosmetic Act to improve and clarify certain disclosure requirements for restaurants and similar retail food establishments, and to amend the authority to bring proceedings under section 403A.

S. 2291

At the request of Mr. KIRK, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 2291, a bill to amend title 38, United States Code, to establish procedures within the Department of Veterans Affairs for the processing of whistleblower complaints, and for other purposes.

S. 2613

At the request of Mr. GRASSLEY, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 2613, a bill to reauthorize certain programs established by the Adam Walsh Child Protection and Safety Act of 2006.

S. 2640

At the request of Ms. MURKOWSKI, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 2640, a bill to amend the market name of genetically altered salmon in the United States, and for other purposes.

S. 2659

At the request of Mr. BURR, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2659, a bill to reaffirm that the Environmental Protection Agency cannot regulate vehicles used solely for competition, and for other purposes.

S. 2680

At the request of Mr. ALEXANDER, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of S. 2680, a bill to amend the Public Health Service Act to provide comprehensive mental health reform, and for other purposes.

S. 2702

At the request of Mr. BURR, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 2702, a bill to amend the Internal Revenue Code of 1986 to allow individuals with disabilities to save additional amounts in their ABLE accounts above the current annual maximum contribution if they work and earn income.

S. 2707

At the request of Mr. SCOTT, the names of the Senator from Kansas (Mr. MORAN), the Senator from Colorado (Mr. GARDNER) and the Senator from Wisconsin (Mr. JOHNSON) were added as cosponsors of S. 2707, a bill to require the Secretary of Labor to nullify the proposed rule regarding defining and delimiting the exemptions for executive, administrative, professional, outside sales, and computer employees, to require the Secretary of Labor to conduct a full and complete economic analysis with improved economic data on small businesses, nonprofit employers, Medicare or Medicaid dependent health care providers, and small governmental jurisdictions, and all other employers, and minimize the impact on such employers, before promulgating any substantially similar rule, and to provide a rule of construction regarding the salary threshold exemption

under the Fair Labor Standards Act of 1938, and for other purposes.

S. 2746

At the request of Ms. AYOTTE, the name of the Senator from Georgia (Mr. PERDUE) was added as a cosponsor of S. 2746, a bill to establish various prohibitions regarding the transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba, and with respect to United States Naval Station, Guantanamo Bay, and for other purposes.

S. 2750

At the request of Mr. THUNE, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Michigan (Mr. PETERS) were added as cosponsors of S. 2750, a bill to amend the Internal Revenue Code to extend and modify certain charitable tax provisions.

S. 2782

At the request of Mr. BLUNT, the name of the Senator from Indiana (Mr. DONNELLY) was added as a cosponsor of S. 2782, a bill to amend the Public Health Service Act to provide for the participation of pediatric subspecialists in the National Health Service Corps program, and for other purposes.

S. 2788

At the request of Mr. INHOFE, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 2788, a bill to prohibit closure of United States Naval Station, Guantanamo Bay, Cuba, to prohibit the transfer or release of detainees at that Naval Station to the United States, and for other purposes.

S. 2790

At the request of Mr. BLUNT, his name was added as a cosponsor of S. 2790, a bill to provide requirements for the appropriate Federal banking agencies when requesting or ordering a depository institution to terminate a specific customer account, to provide for additional requirements related to subpoenas issued under the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, and for other purposes.

S. 2808

At the request of Mr. INHOFE, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 2808, a bill to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts.

S.J. RES. 33

At the request of Mr. ISAKSON, the names of the Senator from South Dakota (Mr. ROUNDS) and the Senator from Tennessee (Mr. CORKER) were added as cosponsors of S.J. Res. 33, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Labor relating to the definition of the term ''fiduciary'' and the conflict of interest rule with respect to retirement investment advice.

S. RES. 368

At the request of Mr. CARDIN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. Res. 368, a resolution supporting efforts by the Government of Colombia to pursue peace and the end of the country's enduring internal armed conflict and recognizing United States support for Colombia at the 15th anniversary of Plan Colombia.

S. RES. 373

At the request of Ms. HIRONO, the names of the Senator from Vermont (Mr. SANDERS), the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Delaware (Mr. COONS) were added as cosponsors of S. Res. 373, a resolution recognizing the historical significance of Executive Order 9066 and expressing the sense of the Senate that policies that discriminate against any individual based on the actual or perceived race, ethnicity, national origin, or religion of that individual would be a repetition of the mistakes of Executive Order 9066 and contrary to the values of the United States.

AMENDMENT NO. 3787

At the request of Mr. MCCONNELL, his name was added as a cosponsor of amendment No. 3787 proposed to S. 2012, an original bill to provide for the modernization of the energy policy of the United States, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REED:

S. 2818. A bill to reduce housing-related health hazards, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. REED. Mr. President, today I am introducing two bills pertaining to healthy housing, the Healthy Housing Council Act and the Title X Amendments Act. These bills seek to improve federal coordination of healthy housing efforts and better integrate healthy housing activities into the ongoing lead poisoning prevention work at the Department of Housing and Urban Development.

The crisis in Flint, Michigan reaffirms a tragic reality; millions of Americans, including thousands of children and families in Rhode Island, remain at risk from lead exposure. For example, Rhode Island has the highest percentage of low-income children living in older housing, which poses health risks for these children because of the lead paint used in these older homes. Fortunately, Rhode Island has been a national leader in working to reduce lead hazards and bring down childhood lead poisoning rates. The number of children with elevated blood lead levels has been steadily declining in all areas of Rhode Island over the last decade, from 212 children under the age of 6 in 2005 to 42 children in 2015. But as we have seen this year with the tragedy in Flint, MI, lead poisoning among children is still a huge problem in this country. This is unacceptable, which is why I have long sought to improve and maximize federal finding for lead poisoning prevention programs.

The Title X Amendments Act makes important improvements to lead poisoning prevention programs at HUD to better serve low income families at risk for lead poisoning. It would provide HUD with the necessary authority to continue to carry out healthy housing activities while protecting important ongoing lead remediation efforts, allow grantees to improve the conditions in zero-bedroom units, and streamline eligibility for assistance. These are simple, yet necessary reforms designed to improve and expand cost-effective services, and I look forward to working with my colleagues to see them enacted.

It is also vital that we continue the type of collaboration and coordination among Federal departments and agencies, like HUD, HHS, EPA, and CDC, that resulted in the Strategy for Action to Advance Healthy Homes. Indeed, there are many programs fragmented across multiple agencies that are responsible for addressing housing-related health hazards like lead and radon, and we should strive to improve the efficiency and efficacy of these efforts by ensuring that these agencies continue to work together.

The Healthy Housing Council Act would establish an independent interagency Council on Healthy Housing in the executive branch in order to improve coordination, bring existing efforts out of their respective silos, and reduce duplication.

The bill calls for the council to convene periodic meetings with experts in the public and private sectors to discuss ways to educate individuals and families on how to recognize housing-related health hazards and access the necessary services and preventive measures to combat these hazards. The council would also be required to hold biannual stakeholder meetings, maintain an updated website, and work to unify healthy housing data collection.

In addition to the 23 million homes with lead-based paint hazards, there are nearly 6 million households with moderate or severe health hazards, resulting in approximately 22,600 unintentional injury and fire deaths and 21,000 radon-associated lung cancer deaths every year. These bills seek to tackle these numbers, which contribute to increasing health care costs for individuals and families, as well as for Federal, State, and local governments.

The presence of housing-related health hazards is often overlooked and yet these hazards are sometimes the cause of a variety of preventable diseases and conditions like cancer, lead poisoning, and asthma. Promoting low-cost measures to eliminate subpar housing can make a dramatic and meaningful difference in the lives of children and families and help reduce

health care costs. I am pleased that the National Center for Healthy Housing supports both of these bills and I look forward to working with my colleagues to move this legislation forward.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 431—RECOGNIZING THE IMMEASURABLE BENEFITS OF THE NATIONAL 4-H PROGRAM TO THE YOUNG PEOPLE OF THE UNITED STATES AND SUPPORTING THE CAMPAIGN TO EXPAND THE 4-H PROGRAM

Mr. WICKER (for himself, Ms. HEITKAMP, Mr. ALEXANDER, Ms. BALDWIN, Mr. BARRASSO, Mr. BLUNT, Mr. BOOZMAN, Mr. BROWN, Mrs. CAPITO, Mr. CASEY, Mr. CASSIDY, Mr. COCHRAN, Mr. COONS, Mr. CORNYN, Mr. CRAPO, Mr. DAINES, Mr. DONNELLY, Mr. ENZI, Mr. GARDNER, Mr. ISAKSON, Mr. KIRK, Mr. KING, Mr. MCCAIN, Mr. MORAN, Ms. MURKOWSKI, Mr. PETERS, Mr. RISCH, Mr. ROBERTS, Ms. STABENOW, Mr. TILLIS, Mr. UDALL, Mr. VITTER, Mr. MERKLEY, Mrs. ERNST, and Mr. INHOFE) submitted the following resolution; which was considered and agreed to:

S. RES. 431

Whereas in the late 1800s, 4-H clubs developed in rural communities to promote agricultural education among young people;

Whereas the Smith-Lever Act (7 U.S.C. 341 et seq.) established the cooperative extension services, which resulted in a national 4-H program;

Whereas the 4-H program and pledge are based on the values of community service, public leadership, and healthful living;

Whereas 4-H has played an indispensable role in shaping the lives of young leaders in rural areas of the United States for over 100 years;

Whereas nearly 6,000,000 young people are currently involved in 4-H, 40 percent of whom are from urban and suburban backgrounds;

Whereas the 4-H program has evolved to include opportunities for 4-H youth to become proficient in—

(1) science, technology, engineering, and math (STEM); and

(2) citizenship and public speaking;

Whereas young people who participate in 4-H are twice as likely as their peers who are not involved in 4-H—

(1) to be civically engaged;

(2) to participate in science, engineering, and computer technology programs outside of school; and

(3) to make healthful life choices;

Whereas the National 4-H Congress, National 4-H Conference, and Citizenship Washington Focus give hundreds of young people who participate in 4-H the opportunity to exercise leadership skills nationally and to learn about the history and government of the United States; and

Whereas in April 2016, the National 4-H Council launched a ''Grow True Leaders'' campaign to expand the benefits of 4-H to more communities, with the goal of creating 10,000,000 True Leaders by 2025: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes 4-H as a vital organization for training the next generation for national leadership;

(2) congratulates the National 4-H Council on its ''Grow True Leaders'' campaign; and

(3) supports the efforts of the National 4-H Council to grow and diversify the 4-H program.

SENATE CONCURRENT RESOLUTION 35—EXPRESSING THE SENSE OF CONGRESS THAT THE UNITED STATES SHOULD CONTINUE TO EXERCISE ITS VETO IN THE UNITED NATIONS SECURITY COUNCIL ON RESOLUTIONS REGARDING THE ISRAELI-PALESTINIAN PEACE PROCESS

Mr. RUBIO (for himself and Mr. MANCHIN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 35

Whereas it is long-standing practice of the United States Government that a peaceful resolution to the Israeli-Palestinian conflict must come through direct, bilateral negotiations between the two parties;

Whereas President Barack Obama has stated this longstanding practice at the United Nations General Assembly in 2011, expressing ''genuine peace can only be realized between the Israelis and the Palestinians themselves'';

Whereas it is long-standing practice of the United States Government to veto any United Nations Security Council resolution dictating terms, conditions, and timelines on the peace process;

Whereas President Barack Obama also expressed before the United Nations General Assembly in 2011, that ''peace will not come through statements and resolutions at the United Nations – if it were that easy, it would have been accomplished by now'';

Whereas Yasser Arafat committed by letter dated September 9, 1993, to then Prime Minister Yitzhak Rabin, ''The PLO commits itself to the Middle East peace process and to the peaceful resolution of the conflict between the two sides and declares that all outstanding issues relating to permanent status will be resolved by negotiation.'';

Whereas the United States has vetoed 42 unconstructive, anti-Israel resolutions in the United Nations Security Council since 1972;

Whereas after the United States voted against a resolution on Palestinian statehood, the United States Ambassador to the United Nations, Samantha Power, said the proposal was ''deeply unbalanced'', had ''unconstructive deadlines'', and failed to take ''account of Israel's security concerns'';

Whereas the United Nations is not the appropriate venue and should not be a forum used for seeking unilateral action, recognition, or dictating guidelines on the Israeli–Palestinian peace process;

Whereas in the two most recently completed United Nations General Assembly sessions, 21 of the 25 (68th Session) and 20 of the 23 (69th Session) resolutions attacked Israel;

Whereas the human rights bodies and agencies of the United Nations, such as the United Nations Human Rights Council, have consistently demonstrated unwarranted bias against Israel; and

Whereas since 2006, 7 of the 23 Council's sessions have focused on Israel and 61 of their 116 condemnations have unfairly singled out and targeted Israel: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) a durable resolution to the Israeli-Palestinian peace process can only come through direct, bilateral negotiations between Israel and the Palestinians;

(2) the United Nations cannot be a truly neutral arbiter of the Israeli-Palestinian conflict; and

(3) the United States Government should continue to uphold its practice of vetoing any United Nations Security Council resolution that inserts the Council into the peace process, unilaterally recognizes a Palestinian state, makes declarations concerning Israeli controlled territories, or dictates terms and a timeline for the Israeli-Palestinian peace process.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3799. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 636, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2016 through 2017, and for other purposes.

SA 3800. Mr. REED submitted an amendment intended to be proposed to amendment 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3799. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 636, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2016 through 2017, and for other purposes; as follows:

Amend the title so as to read: ''An Act to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2016 through 2017, and for other purposes.''.

SA 3800. Mr. REED submitted an amendment intended to be proposed to amendment SA 3679 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 636, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2016 through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. REIMBURSEMENT FOR AIRPORT SECURITY PROJECTS.

Paragraph (3) of section 44923(h) is amended to read as follows:

''(3) DISCRETIONARY GRANTS.—

''(A) IN GENERAL.—Of the amount made available under paragraph (1) for a fiscal year, up to $ 50,000,000 shall be used to make discretionary grants, including other transaction agreements for airport security improvement projects, with priority given to small hub airports and nonhub airports.

''(B) REIMBURSEMENT.—For each of the fiscal years 2018 through 2022, of the amount available under paragraph (1), up to $10,000,000 shall be made available for reimbursement to airports that have incurred eligible costs under section 1604(b)(2) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53; 121 Stat. 481).''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. ISAKSON. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on April 19, 2016, at 9:30 a.m.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. ISAKSON. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on April 19, 2016, at 10 a.m., in room SD–406 of the Dirksen Senate Office Building, to conduct a hearing entitled, ''Examining the President's FY 2017 budget request for the U.S. Environmental Protection Agency.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. ISAKSON. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on April 19, 2016, at 10 a.m., to conduct a hearing entitled, ''Central America and the Alliance for Prosperity: Identifying U.S. Priorities and Assessing Progress.''

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. ISAKSON. 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 April 19, 2016, at 10 a.m., to conduct a hearing entitled, ''Preventing Drug Trafficking through International Mail.''

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. ISAKSON. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 19, 2016, at 2:30 p.m., in room SH–2196 of the Hart Senate Office Building.

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

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. ISAKSON. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services be authorized to meet during the session of the Senate on April 19, 2016, at 2:30 p.m.

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

PRIVILEGES OF THE FLOOR

Mr. ISAKSON. Mr. President, I ask unanimous consent that the Coast Guard Fellow, John Ariail, in Senator COCHRAN's office, be granted floor privileges through the remainder of the 114th Congress.

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

Mr. BENNET. Mr. President, I ask unanimous consent that Marion Wittmann, a fellow in my office, be given floor privileges for the remainder of this session of the Congress.

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

FALLEN HEROES FLAG ACT OF 2016

Mr. JOHNSON. Mr. President, I ask unanimous consent that the Committee on Senate Rules and Administration be discharged from further consideration of S. 2755 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 senior assistant legislative clerk read as follows:

A bill (S. 2755) to provide Capitol-flown flags to the immediate family of firefighters, law enforcement officers, members of rescue squads or ambulance crews, and public safety officers who are killed in the line of duty.

There being no objection, the Senate proceeded to consider the bill.

Mr. BLUNT. Mr. President, I ask my colleagues to support the Fallen Heroes Flag Act of 2016, S. 2755. This bipartisan legislation will create a program to provide Capitol-flown flags to the immediate family members of firefighters, law enforcement officers, members of rescue squads or ambulance crews, and public safety officers who are killed in the line of duty. These flags are provided at no cost to the family and will come with a certificate from the Senate, signed by the providing Member and President pro tempore, which contains our expression of sympathy for the grieving family. Certificates coming from the other body will be signed by the Speaker of the House and the providing House Member and express the sympathy of the House of Representatives.

I hope all my colleagues will join me in support of this legislation. Our first responders make tremendous sacrifices for our communities. If one of them makes the ultimate sacrifice, the least we can do to recognize their life, show our gratitude, and express our sympathy for their family is present them with a flag flown over this building.

Under existing rules, Senate offices may not use official funds to send flags to individuals. This legislation authorizes a new program, administered by the Architect of the Capitol, that will make it possible for families who have lost a loved one in these circumstances to request and receive a Capitol-flown flag at no expense. We are all grateful for the sacrifices these dedicated public servants make every day to serve and protect our communities, and this legislation will make it possible to present grieving families with a symbol of our gratitude.

This legislation has been endorsed by the National Fraternal Order of Police and the Sergeants Benevolent Association. I ask unanimous consent that their letters of support be printed in the RECORD following my statement.

I would like to thank all my colleagues who cosponsored this legislation, particularly our ranking member of the Rules Committee, Senator SCHUMER. I would also like to thank Congressman PETER KING, who has championed this cause in the other body for many years. This legislation includes some revisions to the previously passed version in the House, but I expect they will be agreeable to the other body.

I hope both bodies will pass this legislation quickly and send it on to the President for his signature.

Thank you.

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

SERGEANTS BENEVOLENT ASSOCIATION, POLICE DEPARTMENT, CITY OF NEW YORK,
New York, NY, April 7, 2016.

Hon. ROY BLUNT,
Chairman, Committee on Rules,
U.S. Senate, Washington, DC.
Hon. CHARLES SCHUMER,
Ranking Member, Committee on Rules,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN AND SENATOR SCHUMER, I am writing on behalf of the more than 13,000 active and retired members of the Sergeants Benevolent Association of the New York City Police Department to advise you of our strong support for the ''Fallen Heroes Flag Act.'' We appreciate your leadership on this legislation to honor those law enforcement officers and other first responders who have lost their lives protecting their fellow citizens.

In the first four months of 2016 alone, thirty federal, state, and local law enforcement officers have fallen in the line of duty. According to the National Law Enforcement Officers Memorial Fund, sixteen of these officers perished in firearms-related incidents. Statistics such as these are a sobering reminder of the sacrifices that are made daily by our first responders. These men and women, as well as countless others who have lost their lives in the line of duty, have earned the right to be honored for their heroism.

The legislation that you have introduced would provide this opportunity by allowing the surviving family of a law enforcement officer, firefighter, or EMT who dies in the line of duty to request that an American flag be flown over the U.S. Capitol in honor of their fallen family member. The flag would be provided to the family without cost, and would include a signed certificate with an expression of sympathy for the family involved. It is a simple yet extremely meaningful way to demonstrate to surviving families our recognition of and gratitude for the tremendous sacrifice their loved one made to keep our nation safe.

On behalf of the membership of the Sergeants Benevolent Association, thank you again for your leadership on this important issue. Please do not hesitate to contact me, or our Washington Representatives Andrew Siff and Chris Granberg, if we can be of any further assistance.

Sincerely,

ED MULLINS,
President.

NATIONAL FRATERNAL ORDER OF POLICE,
Washington, DC, 7 April 2016.

Hon. ROY D. BLUNT,
Chairman, Committee on Rules and Administration, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN, I am writing on behalf of the members of the Fraternal Order of Police to advise you of our support for S. 2755, the ''Fallen Heroes Flag Act of 2016.''

This legislation will provide a flag flown over the U.S. Capitol and a certificate containing an expression of sympathy to the immediate family member of a firefighter, law enforcement officer, member of a rescue squad or ambulance crew, or public safety officer who died in the line of duty.

Every day thousands of men and women put their lives on the line to help others and keep their communities safe. It takes a special person who is willing to sacrifice his/her life to run towards danger, while everyone else is running away from it. Mr. Chairman, as co-chair of the Law Enforcement Caucus, you know how important it is to honor the commitment and sacrifice of the men and women who died protecting their communities and that of their families.

Nothing can take away the pain or replace a loved one whose life has been unjustly taken. What we can offer is our deepest condolences and a symbol of our infinite gratitude. This legislation ensures that the heroes and their families who gave the ultimate sacrifice are honored and recognized.

On behalf of more than 330,000 members of the Fraternal Order of Police, I want to thank you for introducing this legislation and amendment. If I can be of any further help, please do not hesitate to contact me or Executive Director Jim Pasco in my Washington Office.

Sincerely,

CHUCK CANTERBURY,
National President.

Mr. JOHNSON. Mr. President, I further 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 with no intervening action or debate.

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

The bill (S. 2755) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2755

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Fallen Heroes Flag Act of 2016''.

SEC. 2. DEFINITIONS.

In this Act—

(1) the term ''Capitol-flown flag'' means a flag of the United States flown over the Capitol in honor of the deceased individual for whom the flag is requested;

(2) the terms ''chaplain'', ''firefighter'', ''law enforcement officer'', ''member of a rescue squad or ambulance crew'', and ''public agency'' have the meanings given such terms in section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b);

(3) the term ''immediate family member'', with respect to an individual, means—

(A) the spouse, parent, brother, sister, or child of the individual or a person to whom the individual stands in loco parentis; or

(B) any other person related to the individual by blood or marriage;

(4) the term ''public safety officer'' means an individual serving a public agency in an official capacity, with or without compensation, as a law enforcement officer, as a firefighter, or as a chaplain; and

(5) the term ''Representative'' includes a Delegate or Resident Commissioner to the Congress.

SEC. 3. PROVIDING CAPITOL-FLOWN FLAGS FOR FAMILIES OF FALLEN HEROES.

(a) IN GENERAL.—At the request of an immediate family member of a firefighter, law enforcement officer, member of a rescue squad or ambulance crew, or public safety officer who died in the line of duty, the Representative or Senator of the family may provide to the family a Capitol-flown flag, together with the certificate described in subsection (c).

(b) NO COST TO FAMILY.—A Capitol-flown flag provided under this section shall be provided at no cost to the family.

(c) CERTIFICATE.—The certificate described in this subsection is a certificate which is signed by the Speaker of the House of Representatives and the Representative, or the President pro tempore of the Senate and the Senator, providing the Capitol-flown flag, as applicable, and which contains an expression of sympathy for the family involved from the House of Representatives or the Senate, as applicable.

SEC. 4. REGULATIONS AND PROCEDURES.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Architect of the Capitol shall issue regulations for carrying out this Act, including regulations to establish procedures (including any appropriate forms, guidelines, and accompanying certificates) for requesting a Capitol-flown flag.

(b) REVIEW.—The regulations issued under subsection (a) shall take effect upon approval by the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for each of fiscal years 2017 through 2022 such sums as may be necessary to carry out this Act, to be derived from amounts appropriated in each such fiscal year for the operation of the Architect of the Capitol, except that the aggregate amount appropriated to carry out this Act for all such fiscal years may not exceed $40,000.

SEC. 6. EFFECTIVE DATE.

This Act shall take effect on the date of enactment of this Act, except that a Capitol-flown flag may not be provided under section 3 until the regulations issued under section 4(a) take effect in accordance with section 4(b).

BREAST CANCER AWARENESS COMMEMORATIVE COIN ACT

Mr. JOHNSON. Mr. President, I ask unanimous consent that the Banking, Housing, and Urban Affairs Committee be discharged from further consideration of H.R. 2722 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 2722) to require the Secretary of the Treasury to mint coins in recognition of the fight against breast cancer.

There being no objection, the Senate proceeded to consider the bill.

Mr. JOHNSON. I further 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 with no intervening action or debate.

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

The bill (H.R. 2722) was ordered to a third reading, was read the third time, and passed.

RECOGNIZING THE IMMEASURABLE BENEFITS OF THE NATIONAL 4–H PROGRAM TO THE YOUNG PEOPLE OF THE UNITED STATES

Mr. JOHNSON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 431, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 431) recognizing the immeasurable benefits of the national 4–H program to the young people of the United States and supporting the campaign to expand the 4–H program.

There being no objection, the Senate proceeded to consider the resolution.

Mr. JOHNSON. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 431) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

ORDERS FOR WEDNESDAY, APRIL 20, 2016

Mr. JOHNSON. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, April 20; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; further, that following leader remarks, the Senate resume consideration of S. 2012.

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

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. JOHNSON. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:50 p.m., adjourned until Wednesday, April 20, 2016, at 9:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate April 19, 2016:

DEPARTMENT OF VETERANS AFFAIRS

MICHAEL JOSEPH MISSAL, OF MARYLAND, TO BE INSPECTOR GENERAL, DEPARTMENT OF VETERANS AFFAIRS.