proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3040. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3041. Ms. BALDWIN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2954. Mr. CASSIDY (for himself and Mr. MARKEY) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; as follows:

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

SEC. 2102. STRATEGIC PETROLEUM RESERVE DRAWDOWN AND SALE.

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

''(d) INCREASE; LIMITATION.—

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

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

SA 2955. Mr. HATCH (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PROHIBITION ON SUSPENSION OF COAL LEASES.

(a) IN GENERAL.—The Secretary of the Interior shall not pause the issuance of Federal coal leases (as described in section 5 of the order of the Secretary of the Interior entitled ''Discretionary Programmatic Environmental Impact Statement to Modernize the Federal Coal Program'', numbered 3338, and dated January 15, 2016), unless—

(1) the Secretary completes, and submits to Congress—

(A) a study demonstrating that the action will not result in a loss to the Treasury of the United States of Federal revenue; and

(B) a study examining the economic impact the action will have on the relevant industry and jobs; and

(2) Congress approves the action.

(b) LEASING OF FEDERAL ASSETS UNDER MLA.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall begin leasing Federal assets in accordance with the Mineral Leasing Act (30 U.S.C. 181 et seq.).

SA 2956. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. STATE AUTHORITY FOR HYDRAULIC FRACTURING REGULATION.

The Mineral Leasing Act is amended—

(1) by redesignating section 44 (30 U.S.C. 181 note) as section 45; and

(2) by inserting after section 43 (30 U.S.C. 226–3) the following:

''SEC. 44. STATE AUTHORITY FOR HYDRAULIC FRACTURING REGULATION.

''(a) DEFINITION OF HYDRAULIC FRACTURING.—In this section the term 'hydraulic fracturing' means the process by which fracturing fluids (or a fracturing fluid system) are pumped into an underground geologic formation at a calculated, predetermined rate and pressure to generate fractures or cracks in the target formation and, as a result, increase the permeability of the rock near the wellbore and improve production of natural gas or oil.

''(b) PROHIBITION.—The Secretary of the Interior shall not enforce any Federal regulation, guidance, or permit requirement regarding hydraulic fracturing, or any component of hydraulic fracturing, relating to oil, gas, or geothermal production activities on or under any land in any State that has regulations, guidance, or permit requirements for hydraulic fracturing.

''(c) STATE AUTHORITY.—The Secretary shall recognize and defer to State regulations, guidance, and permitting for all activities regarding hydraulic fracturing, or any component of hydraulic fracturing, relating to oil, gas, or geothermal production activities on Federal land regardless of whether the regulations, guidance, and permitting are duplicative, more or less restrictive, have different requirements, or do not meet Federal regulations, guidance, or permit requirements.''.

SA 2957. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 31_____. OIL SHALE, TAR SANDS, AND OTHER STRATEGIC UNCONVENTIONAL FUELS.

(a) REAFFIRMATION OF POLICY.—Congress reaffirms the continued need for the development of oil shale, tar sands, and other unconventional fuels as found and declared in section 369(b) of the Energy Policy Act of 2005 (42 U.S.C. 15927(b)).

(b) REQUIREMENT.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall fully implement section 369(e) of the Energy Policy Act of 2005 (42 U.S.C. 15927(e)).

(c) EXTENSION.—Section 369(c) of the Energy Policy Act of 2005 (42 U.S.C. 15927(c)) is amended—

(1) by striking ''In accordance'' and inserting the following:

''(1) IN GENERAL.—In accordance''; and

(2) by adding at the end the following:

''(2) EXTENSION.—At the request of a holder of a lease issued under paragraph (1), the Secretary shall extend, for a period of 10 years, the term of the lease, unless the Secretary demonstrates that the lease holder requesting the extension has committed a substantial violation of the terms of the approved plan of development of the lease holder.''.

SA 2958. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PRIORITIZATION OF CERTAIN FEDERAL REVENUES.

Section 35 of the Mineral Leasing Act (30 U.S.C. 191) is amended—

(1) by striking the section designation and all that follows through ''All money received'' in the first sentence of subsection (a) and inserting the following:

''SEC. 35. DISPOSITION OF MONEY RECEIVED.

''(a) DISPOSITION.—

''(1) IN GENERAL.—All money received''; and

(2) in subsection (a)—

(A) in the second sentence, by striking ''All moneys received'' and inserting the following:

''(2) AMOUNTS TO MISCELLANEOUS RECEIPTS.—

''(A) IN GENERAL.—All money received'';

(B) in the third sentence, by striking ''Payments to States'' and inserting the following:

''(3) DEADLINES.—Payments to States''; and

(C) in paragraph (2) (as designated by subparagraph (A)), by adding at the end the following:

''(B) PRIORITIZATION OF REVENUES.—

''(i) IN GENERAL.—Notwithstanding any other provision of this Act, if, after the date of enactment of this subparagraph, the Secretary or Congress increases a royalty rate under this Act (as in effect on the day before the date of enactment of this subparagraph), of the amount described in clause (ii), there shall be deposited annually in a special account in the Treasury only such funds as are necessary to fulfill the staffing requirements of the agencies responsible for activities relating to—

''(I) coordinating or permitting Federal oil and gas leases;

''(II) permits to drill and applications for permits to drill (APDs);

''(III) compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

''(IV) any other aspect of oil and gas permitting or leasing under this Act.

''(ii) DESCRIPTION OF AMOUNT.—The amount referred to in clause (i) is an amount equal to the difference between—

''(I) the amounts credited to miscellaneous receipts under paragraph (1), taking into account the increased royalty rate under this Act, as described in clause (i); and

''(II) the amounts credited to miscellaneous receipts under paragraph (1), as in effect on the day before the effective date of such an increased royalty rate.

''(iii) MEMORANDA OF UNDERSTANDING.—To carry out the staffing requirements prioritized under clause (i), the Director of the Bureau of Land Management may enter into memoranda of understanding for the provision of support work with—

''(I) the Administrator of the Environmental Protection Agency;

''(II) the Secretary of the Army, acting through the Chief of Engineers;

''(III) the Director of the United States Fish and Wildlife Service;

''(IV) the Chief of the Forest Service;

''(V) Indian tribes and tribal organizations; and

''(VI) Governors of the States.''.

SA 2959. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, between lines 21 and 22, insert the following:

(d) WEATHERIZATION ASSISTANCE PROGRAM FOR LOW-INCOME PERSONS.—Section 415 of the Energy Conservation and Production Act (42 U.S.C. 6865) (as amended by subsection (c)) is amended by adding at the end the following:

''(g) ADMINISTRATION.—

''(1) IN GENERAL.—A State shall use up to 8 percent of any grant made by the Secretary under this part to track applicants for and recipients of weatherization assistance under this part to determine the impact of the assistance and eliminate or reduce reliance on the low-income home energy assistance program established under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.), over a period of not more than 3 years.

''(2) USE OF SAVINGS.—Notwithstanding any other provision of law, of any savings obtained by the Secretary of Health and Human Services due to eliminated or reduced reliance on the low-income home energy assistance program established under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.) as a result of the weatherization assistance provided under this part, as determined under paragraph (1)—

''(A) 50 percent shall be transferred to the Secretary to provide assistance to States under this part, to be reallocated to the States pro rata based on the savings realized by each State under this part; and

''(B) 50 percent shall be deposited into the general fund of the Treasury for purposes of reducing the annual Federal budget deficit.

''(3) ANNUAL STATE PLANS.—A State may submit to the Secretary for approval within 90 days an annual plan for the administration of assistance under this part in the State that includes, at the option of the State—

''(A) local income eligibility standards for the assistance that are not based on the formula that are used to allocate assistance under this part; and

''(B) the establishment of revolving loan funds for multifamily affordable housing units.

''(4) EVALUATION.—Of amounts appropriated for headquarters training and technical assistance for the Weatherization Assistance Program each fiscal year, the Secretary shall use not more than 25 percent—

''(A) to carry out a 3-year evaluation of the plans submitted under paragraph (3); and

''(B) to disseminate to each State weatherization program a report describing the results of the evaluation.

''(5) REPORT TO CONGRESS.—As soon as practicable, the Secretary shall submit to Congress a report describing the training and technical assistance efforts of the Department to assist States in carrying out paragraph (1).''.

SA 2960. Ms. MURKOWSKI (for herself and Mr. SULLIVAN) submitted an amendment intended to be proposed by her to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

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

(a) AMENDMENTS TO THE DENALI NATIONAL PARK IMPROVEMENT ACT.—

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

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

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

(B) by striking subparagraph (B); and

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

(b) AMENDMENT TO ANILCA.—Section 1102(4)(B)(ii) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3162(4)(B)(ii)) is amended by inserting ''(other than a high-pressure natural gas transmission pipeline (including appurtenances) that is issued a right-of-way in the Denali National Park and Preserve under section 3 of the Denali National Park Improvement Act (Public Law 113–33; 127 Stat. 516))'' after ''therefrom''.

SA 2961. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 30_____. TERROR LAKE HYDROELECTRIC PROJECT UPPER HIDDEN BASIN DIVERSION AUTHORIZATION.

(a) DEFINITIONS.—In this section:

(1) TERROR LAKE HYDROELECTRIC PROJECT.—The term ''Terror Lake Hydroelectric Project'' means the project identified in section 1325 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3212), and which is Federal Energy Regulatory Commission project number 2743.

(2) UPPER HIDDEN BASIN DIVERSION EXPANSION.—The term ''Upper Hidden Basin Diversion Expansion'' means the expansion of the Terror Lake Hydroelectric Project as generally described in Exhibit E to the Upper Hidden Basin Grant Application dated July 2, 2014 and submitted to the Alaska Energy Authority Renewable Energy Fund Round VIII by Kodiak Electric Association, Inc.

(b) AUTHORIZATION.—The licensee for the Terror Lake Hydroelectric Project may occupy not more than 20 acres of Federal land to construct, operate, and maintain the Upper Hidden Basin Diversion Expansion without further authorization of the Secretary of the Interior or under the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.).

(c) SAVINGS CLAUSE.—The Upper Hidden Basin Diversion Expansion shall be subject to appropriate terms and conditions included in an amendment to a license issued by the Federal Energy Regulatory Commission pursuant to the Federal Power Act (16 U.S.C. 791a et seq.), including section 4(e) of that Act (16 U.S.C. 797(e)), following an environmental review by the Commission under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SA 2962. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 30_____. STAY AND REINSTATEMENT OF FERC LICENSE NO. 11393 FOR THE MAHONEY LAKE HYDROELECTRIC PROJECT.

(a) DEFINITIONS.—In this section:

(1) COMMISSION.—The term ''Commission'' means the Federal Energy Regulatory Commission.

(2) LICENSE.—The term ''license'' means the license for Commission project number 11393.

(3) LICENSEE.—The term ''licensee'' means the holder of the license.

(b) STAY OF LICENSE.—On the request of the licensee, the Commission shall issue an order continuing the stay of the license.

(c) LIFTING OF STAY.—On the request of the licensee, but not later than 10 years after the date of enactment of this Act, the Commission shall—

(1) issue an order lifting the stay of the license under subsection (b); and

(2) make the effective date of the license the date on which the stay is lifted under paragraph (1).

(d) EXTENSION OF LICENSE.—On the request of the licensee and notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) for commencement of construction of the project subject to the license, the Commission shall, after reasonable notice and in accordance with the good faith, due diligence, and public interest requirements of that section, extend the time period during which the licensee is required to commence the construction of the project for not more than 3 consecutive 2-year periods, notwithstanding any other provision of law.

(e) EFFECT.—Nothing in this section prioritizes, or creates any advantage or disadvantage to, Commission project number 11393 under Federal law, including the Federal Power Act (16 U.S.C. 791a et seq.) or the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.), as compared to—

(1) any electric generating facility in existence on the date of enactment of this Act; or

(2) any electric generating facility that may be examined, proposed, or developed during the period of any stay or extension of the license under this section.

SA 2963. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; as follows:

Strike section 4301 and insert the following:

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

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

''(l) RELIABILITY IMPACT STATEMENT.—

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

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

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

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

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

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

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

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

''(A) consider the reliability impact statement;

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

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

SA 2964. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PHASE OUT OF TAX PREFERENCES FOR FOSSIL FUELS.

(a) FINDINGS.—Congress finds the following:

(1) United States tax policy has provided tax breaks for oil and gas production for 100 years.

(2) United States tax policy has provided tax breaks for coal production for over 80 years.

(3) A substantial majority of the American public, including majorities from both political parties, support the repeal of tax preferences for fossil fuels.

(4) A substantial majority of the American public, including majorities from both political parties, favor Federal support for renewable energy.

(5) In order to ensure that all sources of energy compete on an equal footing, as tax credits for renewable energy are phased out over the next 4 years, fossil fuel tax preferences should be phased out on the same schedule.

(b) EXPENSING OF INTANGIBLE DRILLING COSTS.—Section 263 of the Internal Revenue Code of 1986 is amended—

(1) in subsection (c), by striking ''subsection (i)'' and inserting ''subsections (i) and (j)'', and

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

''(j) PHASE OUT OF DEDUCTION FOR INTANGIBLE DRILLING COSTS.—In the case of intangible drilling and development costs paid or incurred with respect to an oil or gas well, the amount of such costs allowed as a deduction under subsection (c) shall be reduced by—

''(1) in the case of any costs paid or incurred after December 31, 2016, and before January 1, 2018, 20 percent,

''(2) in the case of any costs paid or incurred after December 31, 2017, and before January 1, 2019, 40 percent,

''(3) in the case of any costs paid or incurred after December 31, 2018, and before January 1, 2020, 60 percent, and

''(4) in the case of any costs paid or incurred after December 31, 2019, 100 percent.''.

(c) PERCENTAGE DEPLETION FOR OIL AND NATURAL GAS WELLS.—Section 613A(d) of such Code is amended by adding at the end the following new paragraph:

''(6) PHASE OUT OF PERCENTAGE DEPLETION FOR OIL AND NATURAL GAS WELLS.—The amount allowed as a deduction for the taxable year which is attributable to the application of subsection (c) (determined after the application of paragraphs (1) through (5) of this subsection and without regard to this paragraph) shall be reduced by—

''(A) in the case of any crude oil or natural gas produced after December 31, 2016, and before January 1, 2018, 20 percent,

''(B) in the case of any crude oil or natural gas produced after December 31, 2017, and before January 1, 2019, 40 percent,

''(C) in the case of any crude oil or natural gas produced after December 31, 2018, and before January 1, 2020, 60 percent, and

''(D) in the case of any crude oil or natural gas produced after December 31, 2019, 100 percent.''.

(d) DOMESTIC MANUFACTURING DEDUCTION FOR FOSSIL FUELS.—Section 199(d)(9) of such Code is amended by adding at the end the following new subparagraph:

''(D) PHASE OUT OF DEDUCTION FOR OIL RELATED QUALIFIED PRODUCTION ACTIVITIES INCOME.—The amount allowable as a deduction under subsection (a) (determined after the application of subparagraph (A) and without regard to this subparagraph) shall be reduced by—

''(i) in the case of any oil related qualified production activities income received or accrued after December 31, 2016, and before January 1, 2018, 20 percent,

''(ii) in the case of any oil related qualified production activities income received or accrued after December 31, 2017, and before January 1, 2019, 40 percent,

''(iii) in the case of any oil related qualified production activities income received or accrued after December 31, 2018, and before January 1, 2020, 60 percent, and

''(iv) in the case of any oil related qualified production activities income received or accrued after December 31, 2019, 100 percent.''.

(e) AMORTIZATION OF GEOLOGICAL AND GEOPHYSICAL EXPENDITURES.—Section 167(h) of such Code is amended by adding at the end the following new paragraph:

''(6) PHASE OUT OF AMORTIZATION OF GEOLOGICAL AND GEOPHYSICAL EXPENDITURES.—The amount of geological and geophysical expenses paid or incurred by a taxpayer which are allowed as a deduction under this subsection (without regard to this paragraph) shall be reduced by—

''(A) in the case of any such expenses paid or incurred after December 31, 2016, and before January 1, 2018, 20 percent,

''(B) in the case of any such expenses paid or incurred after December 31, 2017, and before January 1, 2019, 40 percent,

''(C) in the case of any such expenses paid or incurred after December 31, 2018, and before January 1, 2020, 60 percent, and

''(D) in the case of any such expenses paid or incurred after December 31, 2019, 100 percent.''.

(f) PERCENTAGE DEPLETION FOR HARD MINERAL FOSSIL FUELS.—Section 613 of such Code is amended by adding at the end the following new subsection:

''(f) PHASE OUT OF PERCENTAGE DEPLETION FOR HARD MINERAL FOSSIL FUELS.—In the case of coal, lignite, or oil shale, the allowance for depletion determined under this section (without regard to this subsection) shall be reduced by—

''(1) in the case of any income received or accrued from the property after December 31, 2016, and before January 1, 2018, 20 percent,

''(2) in the case of any income received or accrued from the property after December 31, 2017, and before January 1, 2019, 40 percent,

''(3) in the case of any income received or accrued from the property after December 31, 2018, and before January 1, 2020, 60 percent, and

''(4) in the case of any income received or accrued from the property after December 31, 2019, 100 percent.''.

(g) EXPENSING OF EXPLORATION AND DEVELOPMENT COSTS FOR HARD MINERAL FUELS.—Section 617 of such Code is amended—

(1) by redesignating subsection (i) as subsection (j), and

(2) by inserting after subsection (h) the following new subsection:

''(i) PHASE OUT OF EXPENSING OF EXPLORATION AND DEVELOPMENT COSTS FOR HARD MINERAL FUELS.—In the case of coal, lignite, or oil shale, the amount of expenditures which are allowed as a deduction under subsection (a) shall be reduced by—

''(1) in the case of any such expenditures paid or incurred after December 31, 2016, and before January 1, 2018, 20 percent,

''(2) in the case of any such expenditures paid or incurred after December 31, 2017, and before January 1, 2019, 40 percent,

''(3) in the case of any such expenditures paid or incurred after December 31, 2018, and before January 1, 2020, 60 percent, and

''(4) in the case of any such expenditures paid or incurred after December 31, 2019, 100 percent.''.

(h) CAPITAL GAINS TREATMENT FOR ROYALTIES OF COAL.—Section 631 of such Code is amended by adding at the end the following new subsection:

''(d) PHASE OUT OF CAPITAL GAINS TREATMENT FOR ROYALTIES OF COAL.—In the case of coal (including lignite), the amount of gain or loss on the sale of such coal to which subsection (c) applies shall be reduced by—

''(1) in the case of any such gain or loss after December 31, 2016, and before January 1, 2018, 20 percent,

''(2) in the case of any such gain or loss after December 31, 2017, and before January 1, 2019, 40 percent,

''(3) in the case of any such gain or loss after December 31, 2018, and before January 1, 2020, 60 percent, and

''(4) in the case of any such gain or loss after December 31, 2019, 100 percent.''.

(i) DEDUCTION FOR TERTIARY INJECTANTS.—Section 193 of such Code is amended by adding at the end the following new subsection:

''(d) PHASE OUT OF DEDUCTION FOR TERTIARY INJECTANTS.—The amount of qualified tertiary injectant expenses allowable as a deduction under subsection (a) shall be reduced by—

''(1) in the case of any such expenditures paid or incurred after December 31, 2016, and before January 1, 2018, 20 percent,

''(2) in the case of any such expenditures paid or incurred after December 31, 2017, and before January 1, 2019, 40 percent,

''(3) in the case of any such expenditures paid or incurred after December 31, 2018, and before January 1, 2020, 60 percent, and

''(4) in the case of any such expenditures paid or incurred after December 31, 2019, 100 percent.''.

(j) EXCEPTION TO PASSIVE LOSS LIMITATION FOR WORKING INTERESTS IN OIL AND NATURAL

GAS PROPERTIES.—Section 469(c) of such Code is amended by adding at the end the following new paragraph:

''(8) PHASE OUT OF EXCEPTION TO PASSIVE LOSS LIMITATION FOR WORKING INTERESTS IN OIL AND NATURAL GAS PROPERTIES.—In the case of any loss from a working interest in any oil or gas property, the amount of such loss to which paragraph (3) applies shall be reduced by—

''(A) in the case of any such loss after December 31, 2016, and before January 1, 2018, 20 percent,

''(B) in the case of any such loss after December 31, 2017, and before January 1, 2019, 40 percent,

''(C) in the case of any such loss after December 31, 2018, and before January 1, 2020, 60 percent, and

''(D) in the case of any such loss after December 31, 2019, 100 percent.''.

(k) MARGINAL WELLS CREDIT.—Section 45I(d) of such Code is amended by adding at the end the following new paragraph:

''(4) PHASE OUT OF MARGINAL WELLS CREDIT.—The amount of the credit determined under subsection (a) shall be reduced by—

''(A) in the case of any qualified crude oil production or qualified natural gas production after December 31, 2016, and before January 1, 2018, 20 percent,

''(B) in the case of any qualified crude oil production or qualified natural gas production after December 31, 2017, and before January 1, 2019, 40 percent,

''(C) in the case of any qualified crude oil production or qualified natural gas production after December 31, 2018, and before January 1, 2020, 60 percent, and

''(D) in the case of any qualified crude oil production or qualified natural gas production after December 31, 2019, 100 percent.''.

SA 2965. Mr. SCHATZ submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; as follows:

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

(iv) by adding at the end the following:

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

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

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SA 2966. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. METHANE EMISSIONS STANDARDS.

Not later than 240 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall issue a proposed rule to amend the existing source performance standards for the oil and natural gas source category by setting standards for methane emissions.

SA 2967. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

Subtitle F—Heat Efficiency Through Applied Technology

SEC. 2501. SHORT TITLE.

This subtitle may be cited as the ''Heat Efficiency through Applied Technology Act'' or the ''HEAT Act''.

SEC. 2502. FINDINGS.

Congress finds that—

(1) combined heat and power technology, also known as cogeneration, is a technology that efficiently produces electricity and thermal energy at the point of use of the technology;

(2) by combining the provision of both electricity and thermal energy in a single step, combined heat and power technology makes significantly more-efficient use of fuel, as compared to separate generation of heat and power, which has significant economic and environmental advantages;

(3) waste heat to power is a technology that captures heat discarded by an existing industrial process and uses that heat to generate power with no additional fuel and no incremental emissions, reducing the need for electricity from other sources and the grid, and any associated emissions;

(4) waste heat or waste heat to power is considered renewable energy in 17 States;

(5)(A) a 2012 joint report by the Department of Energy and the Environmental Protection Agency estimated that by achieving the national goal outlined in Executive Order 13624 (77 Fed. Reg. 54779) (September 5, 2012) of deploying 40 gigawatts of new combined heat and power technology by 2020, the United States would increase the total combined heat and power capacity of the United States by 50 percent in less than a decade; and

(B) additional efficiency would—

(i) save 1,000,000,000,000,000 BTUs of energy; and

(ii) reduce emissions by 150,000,000 metric tons of carbon dioxide annually, a quantity equivalent to the emissions from more than 25,000,000 cars;

(6) a 2012 report by the Environmental Protection Agency estimated the amount of waste heat available at a temperature high enough for power generation from industrial and nonindustrial applications represents an additional 10 gigawatts of electric generating capacity on a national basis;

(7) distributed energy generation, including through combined heat and power technology and waste heat to power technology, has ancillary benefits, such as—

(A) removing load from the electricity distribution grid; and

(B) improving the overall reliability of the electricity distribution system; and

(8)(A) a number of regulatory barriers impede broad deployment of combined heat and power technology and waste heat to power technology; and

(B) a 2008 study by Oak Ridge National Laboratory identified interconnection issues, regulated fees and tariffs, and environmental permitting as areas that could be streamlined with respect to the provision of combined heat and power technology and waste heat to power technology.

SEC. 2503. DEFINITIONS.

(a) IN GENERAL.—In this subtitle:

(1) COMBINED HEAT AND POWER TECHNOLOGY.—The term ''combined heat and power technology'' means the generation of electric energy and heat in a single, integrated system that meets the efficiency criteria in clauses (ii) and (iii) of section 48(c)(3)(A) of the Internal Revenue Code of 1986, under which heat that is conventionally rejected is recovered and used to meet thermal energy requirements.

(2) OUTPUT-BASED EMISSION STANDARD.—The term ''output-based emission standard'' means a standard that relates emissions to the electrical, thermal, or mechanical productive output of a device or process rather than the heat input of fuel burned or pollutant concentration in the exhaust.

(3) QUALIFIED WASTE HEAT RESOURCE.—

(A) IN GENERAL.—The term ''qualified waste heat resource'' means—

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

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

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

(iv) any other form of waste heat resource as the Secretary may determine.

(B) EXCLUSION.—The term ''qualified waste heat resource'' does not include a heat resource from a process the primary purpose of which is the generation of electricity using a fossil fuel.

(4) WASTE HEAT TO POWER TECHNOLOGY.—The term ''waste heat to power technology'' means a system that generates electricity through the recovery of a qualified waste heat resource.

(b) PURPA DEFINITIONS.—Section 3 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2602) is amended by adding at the end the following:

''(22) COMBINED HEAT AND POWER TECHNOLOGY.—The term 'combined heat and power technology' means the generation of electric energy and heat in a single, integrated system that meets the efficiency criteria in clauses (ii) and (iii) of section 48(c)(3)(A) of the Internal Revenue Code of 1986, under which heat that is conventionally rejected is recovered and used to meet thermal energy requirements.

''(23) QUALIFIED WASTE HEAT RESOURCE.—

''(A) IN GENERAL.—The term 'qualified waste heat resource' means—

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

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

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

''(iv) any other form of waste heat resource as the Secretary may determine.

''(B) EXCLUSION.—The term 'qualified waste heat resource' does not include a heat resource from a process the primary purpose of which is the generation of electricity using a fossil fuel.

''(24) WASTE HEAT TO POWER TECHNOLOGY.—The term 'waste heat to power technology' means a system that generates electricity through the recovery of a qualified waste heat resource.''.

SEC. 2504. UPDATED INTERCONNECTION PROCEDURES AND TARIFF SCHEDULE.

(a) ADOPTION OF STANDARDS.—Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end the following:

''(20) UPDATED INTERCONNECTION PROCEDURES AND TARIFF SCHEDULE.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of this paragraph, the Secretary, in consultation with the Commission and other appropriate agencies, shall establish, for generation with nameplate capacity up to 20 megawatts using all fuels—

''(i) guidance for technical interconnection standards that ensure interoperability with existing Federal interconnection rules;

''(ii) model interconnection procedures, including appropriate fast track procedures; and

''(iii) model rules for determining and assigning interconnection costs.

''(B) STANDARDS.—The standards established under subparagraph (A) shall, to the

maximum extent practicable, reflect current best practices (as demonstrated in model codes and rules adopted by States) to encourage the use of distributed generation (such as combined heat and power technology and waste heat to power technology) while ensuring the safety and reliability of the interconnected units and the distribution and transmission networks to which the units connect.

''(C) VARIATIONS.—In establishing the model standards under subparagraph (A), the Secretary shall consider the appropriateness of using standards or procedures that vary based on unit size, fuel type, or other relevant characteristics.''.

(b) COMPLIANCE.—

(1) TIME LIMITATIONS.—Section 112(b) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(b)) is amended by adding at the end the following:

''(7)(A) Not later than 90 days after the date on which the Secretary completes the standards required under section 111(d)(20), each State regulatory authority (with respect to each electric utility for which the authority has ratemaking authority) and each nonregulated electric utility shall commence the consideration referred to in that section, or set a hearing date for such consideration, with respect to each standard.

''(B) Not later than 2 years after the date on which the Secretary completes the standards required under section 111(d)(20), each State regulatory authority (with respect to each electric utility for which the authority has ratemaking authority) and each nonregulated electric utility shall—

''(i) complete the consideration under subparagraph (A);

''(ii) make the determination referred to in section 111 with respect to each standard established under section 111(d)(20); and

''(iii) submit to the Secretary and the Commission a report detailing the updated plans of the State regulatory authority for interconnection procedures and tariff schedules that reflect best practices to encourage the use of distributed generation.''.

(2) FAILURE TO COMPLY.—Section 112(c) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(c)) is amended by adding at the end the following: ''In the case of each standard established under paragraph (20) of section 111(d), the reference contained in this subsection to the date of enactment of this Act shall be deemed to be a reference to the date of enactment of that paragraph (20).''.

(3) PRIOR STATE ACTIONS.—

(A) IN GENERAL.—Section 112 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622) is amended by adding at the end the following:

''(g) PRIOR STATE ACTIONS.—Subsections (b) and (c) shall not apply to a standard established under paragraph (20) of section 111(d) in the case of any electric utility in a State if, before the date of enactment of this subsection—

''(1) the State has implemented for the electric utility the standard (or a comparable standard);

''(2) the State regulatory authority for the State, or the relevant nonregulated electric utility, has conducted a proceeding after December 31, 2013, to consider implementation of the standard (or a comparable standard) for the electric utility; or

''(3) the State legislature has voted on the implementation of the standard (or a comparable standard) for the electric utility.''.

(B) CROSS-REFERENCE.—Section 124 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2634) is amended by adding at the end the following: ''In the case of each standard established under paragraph (20) of section 111(d), the reference contained in this subsection to the date of enactment of this Act shall be deemed to be a reference to the date of enactment of that paragraph (20).''.

SEC. 2505. SUPPLEMENTAL, BACKUP, AND STANDBY POWER FEES OR RATES.

(a) ADOPTION OF STANDARDS.—Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) (as amended by section 2504(a)) is amended by adding at the end the following:

''(21) SUPPLEMENTAL, BACKUP, AND STANDBY POWER FEES OR RATES.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of this paragraph, the Secretary, in consultation with the Commission and other appropriate agencies, shall establish model rules and procedures for determining fees or rates for supplementary power, backup or standby power, maintenance power, and interruptible power supplied to facilities that operate combined heat and power technology and waste heat to power technology that appropriately allow for adequate cost recovery by an electric utility but are not excessive.

''(B) FACTORS.—In establishing model rules and procedures for determining fees or rates described in subparagraph (A), the Secretary shall consider—

''(i) the best practices that are used to model outage assumptions and contingencies to determine the fees or rates;

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

''(iii) the benefits to the utility and ratepayers, such as increased reliability, fuel diversification, enhanced power quality, and reduced electric losses from the use of combined heat and power technology and waste heat to power technology by a qualifying facility; and

''(iv) alternative arrangements to the purchase of supplementary, backup, or standby power by the owner of combined heat and power technology and waste heat to power technology generating units if the alternative arrangements—

''(I) do not compromise system reliability; and

''(II) are nondiscretionary and nonpreferential.''.

(b) COMPLIANCE.—

(1) TIME LIMITATIONS.—Section 112(b) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(b)) (as amended by section 2504(b)(1)) is amended by adding at the end the following:

''(8)(A) Not later than 90 days after the date on which the Secretary completes the standards required under section 111(d)(21), each State regulatory authority (with respect to each electric utility for which the authority has ratemaking authority) and each nonregulated electric utility shall commence the consideration referred to in that section, or set a hearing date for such consideration, with respect to each standard.

''(B) Not later than 2 years after the date on which the Secretary completes the standards required under section 111(d)(21), each State regulatory authority (with respect to each electric utility for which the authority has ratemaking authority) and each nonregulated electric utility shall—

''(i) complete the consideration under subparagraph (A);

''(ii) make the determination referred to in section 111 with respect to each standard established under section 111(d)(21); and

''(iii) submit to the Secretary and the Commission a report detailing the updated plans of the State regulatory authority for supplemental, backup, and standby power fees that reflect best practices to encourage the use of distributed generation.''.

(2) FAILURE TO COMPLY.—Section 112(c) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(c)) (as amended by section 2504(b)(2)) is amended by adding at the end the following: ''In the case of each standard established under paragraph (21) of section 111(d), the reference contained in this subsection to the date of enactment of this Act shall be deemed to be a reference to the date of enactment of that paragraph (21).''.

(3) PRIOR STATE ACTIONS.—

(A) IN GENERAL.—Section 112 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622) (as amended by section 2504(b)(3)(A)) is amended by adding at the end the following:

''(h) PRIOR STATE ACTIONS.—Subsections (b) and (c) shall not apply to a standard established under paragraph (21) of section 111(d) in the case of any electric utility in a State if, before the date of enactment of this subsection—

''(1) the State has implemented for the electric utility the standard (or a comparable standard);

''(2) the State regulatory authority for the State, or the relevant nonregulated electric utility, has conducted a proceeding after December 31, 2013, to consider implementation of the standard (or a comparable standard) for the electric utility; or

''(3) the State legislature has voted on the implementation of the standard (or a comparable standard) for the electric utility.''.

(B) CROSS-REFERENCE.—Section 124 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2634) (as amended by section 2504(b)(3)(B)) is amended by adding at the end the following: ''In the case of each standard established under paragraph (21) of section 111(d), the reference contained in this subsection to the date of enactment of this Act shall be deemed to be a reference to the date of enactment of that paragraph (21).''.

SEC. 2506. UPDATING OUTPUT-BASED EMISSIONS STANDARDS.

(a) ESTABLISHMENT.—The Administrator of the Environmental Protection Agency (referred to in this section as the ''Administrator'') shall establish a program under which the Administrator shall provide to each State (as defined in section 302 of the Clean Air Act (42 U.S.C. 7602)) that elects to participate and that submits an application under subsection (b) a grant for use by the State in accordance with subsection (c).

(b) APPLICATION.—To be eligible to receive a grant under this section, a State shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require.

(c) USE OF FUNDS.—

(1) IN GENERAL.—A State shall use a grant provided under this section—

(A) to update any applicable State or local air permitting regulations under this subtitle to incorporate environmental regulations relating to output-based emissions in accordance with relevant guidelines developed by the Administrator under paragraph (2); or

(B) if the State has already updated all applicable State and local permitting regulations to incorporate those output-based emissions environmental regulations, to expedite the processing of relevant power generation permit applications under this subtitle.

(2) GUIDELINES.—As soon as practicable after the date of enactment of this Act, the Administrator shall publish guidelines for updating State and local permitting regulations under this subtitle that—

(A) provide credit, in the calculation of the emission rate of the facility, for any thermal energy produced by combined heat and power technology or waste heat to power technology; and

(B) apply only to generation units that produce 5 megawatts of electrical energy or less.

(d) MAXIMUM AMOUNT.—The amount of a grant provided under this section shall not exceed $100,000.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this section $5,000,000.

SA 2968. Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; as follows:

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

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

(A) digitally—

(i) simulate manufacturing production lines;

(ii) operate computer-controlled manufacturing equipment;

(iii) monitor and communicate production line status; and

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

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

(C) monitor and optimize building energy performance;

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

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

(F) digitally connect the supply chain network.

SA 2969. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VI—FOREST INCENTIVES PROGRAM

SEC. 6001. SHORT TITLE.

This title may be cited as the ''Forest Incentives Program Act of 2016''.

SEC. 6002. FINDINGS.

Congress finds that—

(1) public and private forest land in the United States plays a crucial role in sequestering carbon and otherwise contributes to mitigation of greenhouse gas emissions;

(2) the Environmental Protection Agency has reported in the annual greenhouse gas inventory that United States forests and forest products sequester as much as 12 to 14 percent of annual United States carbon emissions, which makes forests one of the largest carbon sinks in the United States;

(3) according to the Environmental Protection Agency, carbon sequestration from forests and other land uses has grown by approximately 14 percent since 1990, largely as a result of afforestation and improved forest management;

(4) the use of forests products, such as wood products, in buildings and biobased products can also reduce carbon emissions when used in place of other, more carbon-intensive products;

(5)(A) in addition to the significant carbon mitigation benefits of using forests and forest products for carbon sequestration, the economic and societal cobenefits of forest carbon solutions are extraordinarily valuable; and

(B) incentivizing forest carbon activities, including through working forests, has the potential to provide timber and other forest commodities, improve air quality, enhance watershed function and water supply, create and sustain fish and wildlife habitat, contribute to scenic and aesthetic qualities, support historical and cultural resources, provide hunting, fishing, and recreational opportunities, and increase forest resiliency, while also supporting rural jobs and local economies;

(6) despite positive recent trends in forest carbon, as documented by the annual greenhouse gas inventory of the Environmental Protection Agency, projections of the Forest Service indicate those forest carbon and other benefits are at risk in future decades due to development pressures and other factors;

(7) while the majority of the productive forest land of the United States is under private ownership, private landowners are facing increased pressure to convert their forest land to other uses;

(8) while some landowners are able to participate in various carbon markets, the transaction costs and restrictions of those programs are often prohibitive for private landowners, particularly smallholders; and

(9) creating incentives for private forest landowners to adopt best practices to maintain and increase carbon benefits from forest land through a streamlined program that avoids excessive transaction costs will help ''keep forests as forests'' and enhance forest carbon benefits by providing incentive payments for a suite of eligible practices throughout the lifecycle of forest management, including forest products that provide long-term carbon storage benefits.

SEC. 6003. FOREST INCENTIVES PROGRAM.

(a) DEFINITIONS.—In this section:

(1) CARBON INCENTIVES CONTRACT; CONTRACT.—The term ''carbon incentives contract'' or ''contract'' means a 15- to 30-year contract that specifies—

(A) the eligible practices that will be undertaken;

(B) the acreage of eligible land on which the practices will be undertaken;

(C) the agreed rate of compensation per acre;

(D) a schedule to verify that the terms of the contract have been fulfilled; and

(E) such other terms as are determined necessary by the Secretary.

(2) CONSERVATION EASEMENT AGREEMENT; AGREEMENT.—The term ''conservation easement agreement'' or ''agreement'' means a permanent conservation easement that—

(A) covers eligible land that will not be converted for development;

(B) is enrolled under a carbon incentives contract; and

(C) is consistent with the guidelines for—

(i) the Forest Legacy Program established under section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c), subject to the condition that an eligible practice shall be considered to be a conservation value for purposes of such consistency; or

(ii) any other program approved by the Secretary for use under this section to provide consistency with Federal legal requirements for permanent conservation easements.

(3) ELIGIBLE LAND.—The term ''eligible land'' means forest land in the United States that is privately owned at the time of initiation of a carbon incentives contract or conservation easement agreement.

(4) ELIGIBLE PRACTICE.—

(A) IN GENERAL.—The term ''eligible practice'' means a forestry practice, including improved forest management that produces marketable forest products, that is determined by the Secretary to provide measurable increases in carbon sequestration and storage beyond customary practices on comparable land.

(B) INCLUSIONS.—The term ''eligible practice'' includes—

(i) afforestation on nonforested land, such as marginal crop or pasture land, windbreaks, shelterbelts, stream buffers, including working land and urban forests and parks, or other areas identified by the Secretary;

(ii) reforestation on forest land impacted by wildfire, pests, wind, or other stresses, including working land and urban forests and parks;

(iii) improved forest management through practices such as improving regeneration after harvest, planting in understocked forests, reducing competition from slow-growing species, thinning to encourage growth, changing rotations to increase carbon storage, improving harvest efficiency or wood use; and

(iv) such other practices as the Secretary determines to be appropriate.

(5) FOREST INCENTIVES PROGRAM; PROGRAM.—The term ''forest incentives program'' or ''program'' means the forest incentives program established under subsection (b)(1).

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

(b) SUPPLEMENTAL GREENHOUSE GAS EMISSION REDUCTIONS IN UNITED STATES.—

(1) IN GENERAL.—The Secretary shall establish a forest incentives program to achieve supplemental greenhouse gas emission reductions and carbon sequestration on private forest land of the United States through—

(A) carbon incentives contracts; and

(B) conservation easement agreements.

(2) PRIORITY.—In selecting projects under this subsection, the Secretary shall provide a priority for contracts and agreements—

(A) that sequester the most carbon on a per acre basis; and

(B) that create forestry jobs or protect habitats and achieve significant other environmental, economic, and social benefits.

(3) ELIGIBILITY.—

(A) IN GENERAL.—To participate in the program, an owner of eligible land shall—

(i) enter into a carbon incentives contract; and

(ii) fulfill such other requirements as the Secretary determines to be necessary.

(B) CONTINUED ELIGIBLE PRACTICES.—An owner of eligible land who has been carrying out eligible practices on the eligible land shall not be barred from entering into a carbon incentives contract under this subsection to continue carrying out the eligible practices on the eligible land.

(C) DURATION OF CONTRACT.—A contract shall be for a term of not less than 15 nor more than 30 years, as determined by the owner of eligible land.

(D) COMPENSATION UNDER CONTRACT.—The Secretary shall determine the rate of compensation per acre under the contract so that the longer the term of the contract, the higher rate of compensation.

(E) RELATIONSHIP TO OTHER PROGRAMS.—An owner or operator shall not be prohibited from participating in the program due to participation of the owner or operator in other Federal or State conservation assistance programs.

(4) COMPLIANCE.—In developing regulations for carbon incentives contracts under this subsection, the Secretary shall specify requirements to address whether the owner of

eligible land has completed contract and agreement requirements.

(c) INCENTIVE PAYMENTS.—

(1) IN GENERAL.—The Secretary shall provide to owners of eligible land financial incentive payments for—

(A) eligible practices that measurably increase carbon sequestration and storage over a designated period on eligible land, as specified through a carbon incentives contract; and

(B) subject to paragraph (2), conservation easements on eligible land covered under a conservation easement agreement.

(2) COMPENSATION.—The Secretary shall determine the amount of compensation to be provided under a contract under this subsection based on the emissions reductions obtained or avoided and the duration of the reductions, with due consideration to prevailing carbon pricing as determined by any relevant or State compliance offset programs.

(3) NO CONSERVATION EASEMENT AGREEMENT REQUIRED.—Eligibility for financial incentive payments under a carbon incentives contract described in paragraph (1)(A) shall not require a conservation easement agreement.

(d) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue regulations that specify eligible practices and related compensation rates, standards, and guidelines as the basis for entering into the program with owners of eligible land.

(e) SET-ASIDE OF FUNDS FOR CERTAIN PURPOSES.—

(1) IN GENERAL.—At the discretion of the Secretary, a portion of program funds made available under this program for a fiscal year may be used—

(A) to develop forest carbon modeling and methodologies that will improve the projection of carbon gains for any forest practices made eligible under the program;

(B) to provide additional incentive payments for specified management activities that increase the adaptive capacity of land under a carbon incentives contract; and

(C) for the Forest Inventory and Analysis Program of the Forest Service to develop improved measurement and monitoring of forest carbon stocks.

(2) PROGRAM COMPONENTS.—In establishing the program, the Secretary shall provide that funds provided under this section shall not be substituted for, or otherwise used as a basis for reducing, funding authorized or appropriated under other programs to compensate owners of eligible land for activities that are not covered under the program.

(f) PROGRAM MEASUREMENT, MONITORING, VERIFICATION, AND REPORTING.—

(1) MEASUREMENT, MONITORING, AND VERIFICATION.—The Secretary shall establish and implement protocols that provide monitoring and verification of compliance with the terms of contracts and agreements.

(2) REPORTING REQUIREMENT.—At least annually, the Secretary shall submit to Congress a report that contains—

(A) an estimate of annual and cumulative reductions achieved as a result of the program, determined using standardized measures, including measures of economic efficiency;

(B) a summary of any changes to the program that will be made as a result of program measurement, monitoring, and verification;

(C) the total number of acres enrolled in the program by method; and

(D) a State-by-State summary of the data.

(3) AVAILABILITY OF REPORT.—Each report required by this subsection shall be available to the public through the website of the Department of Agriculture.

(4) PROGRAM ADJUSTMENTS.—At least once every 2 years the Secretary shall adjust eligible practices and compensation rates for future carbon incentives contracts based on the results of monitoring under paragraph (1) and reporting under paragraph (2), if determined necessary by the Secretary.

(5) ESTIMATING CARBON BENEFITS.—Any modeling, methodology, or protocol resource developed under this section—

(A) shall be suitable for estimating carbon benefits associated with eligible practices for the purpose of incentives under this section; and

(B) may be used for netting by States or emission sources under Federal programs relating to carbon emissions.

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

SEC. 6004. MATERIAL CHOICES IN BUILDINGS FOR SUPPLEMENTAL GREENHOUSE GAS EMISSION REDUCTIONS IN UNITED STATES.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE BUILDING.—The term ''eligible building'' means a nonresidential building used for commercial or State or local government purposes.

(2) ELIGIBLE PRODUCT.—The term ''eligible product'' means a commercial or industrial product, such as an intermediate, feedstock, or end product (other than food or feed), that is composed in whole or in part of biological products, including renewable agricultural and forestry materials used as structural building material.

(3) PROGRAM.—The term ''program'' means the greenhouse gas incentives program established under this section.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(b) SUPPLEMENTAL GREENHOUSE GAS EMISSION REDUCTIONS IN BUILDINGS.—

(1) IN GENERAL.—The Secretary shall establish a greenhouse gas incentives program to achieve supplemental greenhouse gas emission reductions from material choices in buildings, based on the lifecycle assessment of the building materials.

(2) FINANCIAL INCENTIVE PAYMENTS.—The Secretary shall provide to owners of eligible buildings incentive payments for the use of eligible products in buildings for sequestering carbon based on a lifecycle assessment of the structural assemblies, as compared to a model building as a result of using eligible products in substitution for more energy-intensive materials in—

(A) new construction; or

(B) building renovation.

(c) PROGRAM REQUIREMENTS.—

(1) APPLICATIONS.—To be eligible to participate in the program, the owner of an eligible building shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(2) COMPONENTS.—In establishing the program, the Secretary shall require that payments for activities under the program shall be—

(A) established at a rate not to exceed the net estimated benefit an owner of an eligible building would receive for similar practices under any federally established carbon offset program, taking into consideration the costs associated with the issuance of credits and compliance with reversal provisions;

(B) provided to owners of eligible buildings demonstrating at least a 20-percent reduction in carbon emissions potential, based on a lifecycle assessment of the structural assemblies, as compared to the structural assemblies of a model building, subject to the requirements that—

(i) the Secretary shall identify a model baseline nonresidential building—

(I) of common size and function; and

(II) having a service life of not less than 60 years; and

(ii) applicants shall evaluate the carbon emissions potential of the baseline building and the proposed building using the same lifecycle assessment software tool and data sets, which shall be compliant with the document numbered ISO 14044; and

(C) provided on certification by the owner of an eligible building and verification by the Secretary, after consultation with the Secretary of Energy, that—

(i) the eligible building meets the requirements of the applicable State commercial building energy efficiency code (as in effect on the date of the applicable permit of the eligible building); and

(ii) the State has made the certification required pursuant to section 304 of the Energy Conservation and Production Act (42 U.S.C. 6833).

(3) INCENTIVE PAYMENTS.—A participant in the program shall receive payment under the program on completion of construction or renovation of the applicable eligible building.

(d) REPORTS.—Not less frequently than once each year, the Secretary shall submit to Congress a report that contains—

(1) an estimate of annual and cumulative reductions achieved as a result of the program—

(A) determined by using lifecycle assessment software that is compliant with the document numbered ISO 14044; and

(B) expressed in terms of the total number of cars removed from the road;

(2) a summary of any changes to the program that will be made as a result of past implementation of the program; and

(3) the total number of buildings under carbon incentives contracts as of the date of the report.

(e) ANALYTICAL REQUIREMENTS.—For purposes of this section—

(1) any carbon emissions potential calculation shall—

(A) be performed in accordance with standard lifecycle assessment practice; and

(B) include removal and sequestration of carbon dioxide from the use of biobased products, as well as recycled content materials;

(2) a full lifecycle assessment shall be conducted taking into consideration all lifecycle stages, including—

(A) resource extraction and processing;

(B) product manufacturing;

(C) onsite construction of assemblies;

(D) transportation;

(E) maintenance and replacement cycles over an assumed eligible building service life of 60 years; and

(F) demolition;

(3) structural assemblies shall be considered to include columns, beams, girders, purlins, floor deck, roof, and structural envelope elements;

(4) primary materials shall be considered to include common products used as the structural system, such as wood, steel, concrete, or masonry; and

(5) the effects of recycling, reuse, or energy recovery beyond the boundaries of an applicable study system shall not be taken in account.

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

SA 2970. Mr. GARDNER (for himself, Mr. COONS, Mr. PORTMAN, and Mrs. SHAHEEN) submitted an amendment intended to be proposed to amendment

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

In section 1006, strike subsection (a) and insert the following:

(a) ENERGY MANAGEMENT REQUIREMENTS.—Section 543(f)(4) of the National Energy Conservation Policy Act (42 U.S.C. 8253(f)(4)) is amended by striking ''may'' and inserting ''shall''.

SA 2971. Mr. KIRK submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REVIEW OF LONG-TERM IMPACTS OF PROPOSED DISPOSAL OF NUCLEAR WASTE AT THE BRUCE NUCLEAR POWER PLANT IN KINCARDINE, ONTARIO.

(a) SENSES OF CONGRESS; FINDINGS.—

(1) SENSE OF CONGRESS THAT CANADA SHOULD NOT APPROVE NUCLEAR WASTE REPOSITORY.—

(A) IN GENERAL.—It is the sense of Congress that the Government of Canada should not approve the construction of a permanent nuclear waste repository in Kincardine, Ontario, Canada (referred to in this section as the ''repository'').

(B) SUPPORTING FINDINGS.—In support of the sense of Congress described in subparagraph (A), Congress finds that—

(i) the repository would be located less than 1 mile from the shores of the Great Lakes;

(ii) the repository could store up to 7,000,000 cubic feet of toxic nuclear waste; and

(iii) some of that nuclear waste will remain radioactive for over 100,000 years.

(2) SENSE OF CONGRESS THAT A GROWING BODY OF ORGANIZATIONS OPPOSES THE REPOSITORY.—

(A) IN GENERAL.—It is the sense of Congress that a growing body of lawmakers, officials, governments, and community organizations on the Federal, State, local, and international level publicly opposes the repository.

(B) SUPPORTING FINDINGS.—In support of the sense of Congress described in subparagraph (A), Congress finds that—

(i) the Committee on Appropriations of the Senate emphasized opposition to the repository in the report accompanying S. 1725 (114th Congress), as reported out on July 9, 2015—

(I) expressing concern with the proposal for the repository by Ontario Power Generation, ''which could cause irreparable harm to the shared economic and ecological wellbeing of the Great Lakes''; and

(II) recommending that ''the Department of State request an International Joint Commission review of the proposal and urge the Government of Canada to postpone its final decision until the review of the long-term impacts of locating a nuclear repository at the proposed site is complete and fully evaluated by both the Governments of the United States and Canada'';

(ii) the Great Lakes and St. Lawrence Cities Initiative, a binational coalition of over 110 United States and Canadian mayors and local officials, formally opposes the repository;

(iii) the Great Lakes Legislative Caucus, comprised of State and local lawmakers from the 8 States bordering the Great Lakes, Ontario, and Quebec, opposes the repository;

(iv) 52 local units of government and communities in Canada and 128 units of local government and communities in the United States oppose the repository; and

(v) the State Senate of Michigan unanimously enacted a law and a series of resolutions calling on the International Joint Commission to stop the repository from moving forward.

(b) DEPARTMENT OF STATE ACTIONS.—The Department of State shall—

(1) request that, pursuant to Article IX of the Boundary Waters Treaty of 1909, the International Joint Commission conduct a review of the proposed repository; and

(2) urge the Government of Canada to postpone its final decision on the proposed repository until the review of the long-term impacts of the repository requested pursuant to paragraph (1) is complete and fully evaluated by both the Governments of the United States and Canada.

SA 2972. Mr. KIRK submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REVIEW OF LONG-TERM IMPACTS OF PROPOSED DISPOSAL OF NUCLEAR WASTE AT THE BRUCE NUCLEAR POWER PLANT IN KINCARDINE, ONTARIO.

(a) SENSES OF CONGRESS; FINDINGS.—

(1) SENSE OF CONGRESS THAT CANADA SHOULD NOT APPROVE NUCLEAR WASTE REPOSITORY.—

(A) IN GENERAL.—It is the sense of Congress that the Government of Canada should not approve the construction of a permanent nuclear waste repository in Kincardine, Ontario, Canada (referred to in this section as the ''repository'').

(B) SUPPORTING FINDINGS.—In support of the sense of Congress described in subparagraph (A), Congress finds that—

(i) the repository would be located less than 1 mile from the shores of the Great Lakes;

(ii) the repository could store up to 7,000,000 cubic feet of toxic nuclear waste; and

(iii) some of that nuclear waste will remain radioactive for over 100,000 years.

(2) SENSE OF CONGRESS THAT A GROWING BODY OF ORGANIZATIONS OPPOSES THE REPOSITORY.—

(A) IN GENERAL.—It is the sense of Congress that a growing body of lawmakers, officials, governments, and community organizations on the Federal, State, local, and international level publicly opposes the repository.

(B) SUPPORTING FINDINGS.—In support of the sense of Congress described in subparagraph (A), Congress finds that—

(i) the Committee on Appropriations of the Senate emphasized opposition to the repository in the report accompanying S. 1725 (114th Congress), as reported out on July 9, 2015—

(I) expressing concern with the proposal for the repository by Ontario Power Generation, ''which could cause irreparable harm to the shared economic and ecological wellbeing of the Great Lakes''; and

(II) recommending that ''the Department of State request an International Joint Commission review of the proposal and urge the Government of Canada to postpone its final decision until the review of the long-term impacts of locating a nuclear repository at the proposed site is complete and fully evaluated by both the Governments of the United States and Canada'';

(ii) the Great Lakes and St. Lawrence Cities Initiative, a binational coalition of over 110 United States and Canadian mayors and local officials, formally opposes the repository;

(iii) the Great Lakes Legislative Caucus, comprised of State and local lawmakers from the 8 States bordering the Great Lakes, Ontario, and Quebec, opposes the repository;

(iv) 52 local units of government and communities in Canada and 128 units of local government and communities in the United States oppose the repository; and

(v) the State Senate of Michigan unanimously enacted a law and a series of resolutions calling on the International Joint Commission to stop the repository from moving forward.

(b) DEPARTMENT OF STATE ACTIONS.—The Department of State shall—

(1) request that, pursuant to Article IX of the Boundary Waters Treaty of 1909, the International Joint Commission conduct a review of the proposed repository; and

(2) urge the Government of Canada to postpone its final decision on the proposed repository until the review of the long-term impacts of the repository requested pursuant to paragraph (1) is complete and fully evaluated by both the Governments of the United States and Canada.

SA 2973. Mr. CASSIDY submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

PART V—RENEWABLE ENERGY STUDY

SEC. 3021. GAO STUDY ON INCREASING THE PERCENTAGE OF ELECTRICITY PRODUCED USING RENEWABLE ENERGY.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a study that describes the costs of increasing, by 2040, the percentage of electricity generated using renewable energy (including hydropower, wind, solar, geothermal, wood, wood waste, biogenic municipal waste, landfill gas, and other biomass) by each of the following percentages:

(1) 25 percent.

(2) 35 percent.

(3) 50 percent.

SA 2974. Mr. CASSIDY (for himself, Mr. CORNYN, and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REPORTS.

(a) DEFINITIONS.—In this section:

(1) BSEE.—The term ''BSEE'' means the Bureau of Safety and Environmental Enforcement.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the department in which the BSEE is operating.

(b) REPORT REQUIRED.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committees on Appropriations and Energy and Natural Resources of the Senate and the Committees on Appropriations and Natural Resources of the House of Representatives a report containing an analysis of each proposed regulation and rule of the BSEE, including—

(1) a description of the current safety measures in place offshore—

(A) to demonstrate the extent to which industry and government have already effectively and comprehensively enhanced offshore safety; and

(B) to identify any existing gaps and the best manner with which fill those gaps; and

(2) identification of and justification for any improvements to safety claimed in the proposed regulations and rules.

SA 2975. Mr. CASSIDY (for himself, Mr. CORNYN, and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF.

The Secretary of the Interior (referred to in this section as the ''Secretary'') shall not finalize, implement, or enforce the proposed rule entitled ''Oil and Gas and Sulphur Operations in the Outer Continental Shelf–Blowout Preventer Systems and Well Control'' (80 Fed. Reg. 21504 (April 17, 2015)) (referred to in this section as the ''proposed rule'') unless and until the Secretary—

(1) issues a revised version of the proposed rule that incorporates the information learned from additional technical workshops conducted after the date of enactment of this Act with industry experts, focusing on mitigation of prescriptive requirements contained in the proposed rule, including those that adversely impact personnel safety;

(2) provides notice and an opportunity for public comment of not less than 90 days on the revised version of the proposed rule after completion of the technical workshops described in paragraph (1); and

(3) submits to Congress a report—

(A) after the technical workshops conducted under paragraph (1), that describes distinct changes made in the proposed rule based on the workshops; and

(B) after the period for public comment under paragraph (2), that describes distinct changes made in the proposed rule based on the comments.

SA 2976. Mr. CASSIDY (for himself and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. OZONE NATIONAL AMBIENT AIR QUALITY STANDARD DEADLINE HARMONIZATION.

(a) DEFINITIONS.—In this section:

(1) 2008 OZONE STANDARDS.—The term ''2008 ozone standards'' means the ozone standards described in the final rule entitled ''National Ambient Air Quality Standards for Ozone'' (73 Fed. Reg. 16436 (March 27, 2008)).

(2) 2015 OZONE STANDARDS.—The term ''2015 ozone standards'' means the ozone standards described in the final rule entitled ''National Ambient Air Quality Standards for Ozone'' (80 Fed. Reg. 65292 (October 26, 2015)).

(3) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(4) BEST AVAILABLE CONTROL TECHNOLOGY.—The term ''best available control technology'' has the meaning given the term in section 169 of the Clean Air Act (42 U.S.C. 7479).

(5) LOWEST ACHIEVABLE EMISSION RATE.—The term ''lowest achievable emission rate'' has the meaning given the term in section 171 of the Clean Air Act (42 U.S.C. 7501).

(6) PRECONSTRUCTION PERMIT.—

(A) IN GENERAL.—The term ''preconstruction permit'' means a permit that is required under part C or D of title I of the Clean Air Act (42 U.S.C. 7470 et seq.) for the construction or modification of a major emitting facility or major stationary source.

(B) INCLUSION.—The term ''preconstruction permit'' includes a permit described in subparagraph (A) issued by the Administrator or a State, local, or tribal permitting authority.

(b) OZONE STANDARDS IMPLEMENTATION SCHEDULE HARMONIZATION.—

(1) DESIGNATION SUBMISSION.—Not later than October 26, 2024, the Governor of each State shall designate in accordance with section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)) all areas (or portions of areas) of the State as attainment, nonattainment, or unclassifiable with respect to the 2015 ozone standards.

(2) DESIGNATION PROMULGATION.—Not later than October 26, 2025, the Administrator shall promulgate final designations under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)) for all areas in all States with respect to the 2015 ozone standards, including any modifications to the designations submitted under paragraph (1).

(3) STATE IMPLEMENTATION PLANS.—Not later than October 26, 2026, notwithstanding the deadline specified in section 110(a)(1) of the Clean Air Act (42 U.S.C. 7410(d)(1)), each State shall submit the plan required by that section for the 2015 ozone standards.

(c) CERTAIN PRECONSTRUCTION PERMITS.—

(1) IN GENERAL.—The 2015 ozone standards shall not apply to the review and disposition of a preconstruction permit application if—

(A) the Administrator or the State, local, or tribal permitting authority, as applicable, determines the application to be complete on or before the date of promulgation of final designations under subsection (b)(2); or

(B) the Administrator or the State, local, or tribal permitting authority, as applicable, publishes a public notice of a preliminary determination or draft permit for the application before the date that is 60 days after the date of promulgation of final designations under subsection (b)(2).

(2) RULES OF CONSTRUCTION.—Nothing in this subsection—

(A) eliminates the obligation of a preconstruction permit applicant to install best available control technology and lowest achievable emissions rate technology, as applicable; or

(B) limits the authority of a State, local, or tribal permitting authority to impose more stringent emissions requirements pursuant to State, local, or tribal law than Federal national ambient air quality standards established by the Environmental Protection Agency.

(d) ADJUSTMENT OF 5-YEAR REVIEW CYCLE.—Notwithstanding section 109(d) of the Clean Air Act (42 U.S.C. 7409(d)), the Administrator shall not—

(1) complete, before October 26, 2025, any review of the criteria for ozone published under section 108 of that Act (42 U.S.C. 7408) or the national ambient air quality standard for ozone promulgated under section 109 of that Act (42 U.S.C. 7409); or

(2) propose, before October 26, 2025, any revisions to those criteria or standards.

SA 2977. Mr. CASSIDY (for himself, Mr. VITTER, Mr. BARRASSO, Mr. LANKFORD, and Mr. LEE) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 3018. REPEAL OF RENEWABLE FUEL STANDARD.

(a) IN GENERAL.—Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended—

(1) in subsection (d)—

(A) in paragraphs (1) and (2), by striking ''(n), or (o)'' each place it appears and inserting ''or (n)''; and

(B) in paragraph (1), in the second sentence, by striking ''(m), or (o)'' and inserting ''or (m)'';

(2) by striking subsection (o); and

(3) by redesignating subsections (q) through (v) as subsections (o) through (t), respectively.

(b) ADDITIONAL REPEAL.—Section 204 of the Energy Independence and Security Act of 2007 (42 U.S.C. 7545 note; Public Law 110–140) is repealed.

(c) REGULATIONS.—Effective beginning on the date of enactment of this Act, the regulations contained in subparts K and M of part 80 of title 40, Code of Federal Regulations (as in effect on that date of enactment), shall have no force or effect.

SA 2978. Mr. CASSIDY (for himself and Mr. BENNET) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following:

TITLE VI—WATERWAY LNG PARITY ACT OF 2016

SEC. 6001. SHORT TITLE.

This title may be cited as the ''Waterway LNG Parity Act of 2016''.

SEC. 6002. LIQUEFIED NATURAL GAS EQUIVALENT FOR PURPOSES OF INLAND WATERWAYS TRUST FUND FINANCING RATE.

(a) IN GENERAL.—Section 4042(b)(2)(A) of the Internal Revenue Code of 1986 is amended to read as follows:

''(A) The Inland Waterways Trust Fund financing rate is 29 cents per gallon (per energy equivalent of a gallon of diesel, in the case of liquefied natural gas).''.

(b) ENERGY EQUIVALENT OF A GALLON OF DIESEL.—Section 4042(b) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''(5) ENERGY EQUIVALENT OF A GALLON OF DIESEL WITH RESPECT TO LIQUEFIED NATURAL

GAS.—For purposes of paragraph (2)(A), the term 'energy equivalent of a gallon of diesel' means 6.06 pounds of liquefied natural gas.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any sale or use of fuel after December 31, 2015.

SA 2979. Mr. UDALL submitted an amendment intended to be proposed by him to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end add the following:

TITLE VI—MISCELLANEOUS

SEC. 6001. ADVISORY COUNCIL ON HISTORIC PRESERVATION.

(a) ADDITIONAL MEMBER.—Section 304101(a) of title 54, United States Code, is amended—

(1) by redesignating paragraphs (8), (9), (10), and (11) as paragraphs (9), (10), (11), and (12), respectively; and

(2) by inserting after paragraph (7) the following:

''(8) The General Chairman of the National Association of Tribal Historic Preservation Officers.''.

(b) FULL-TIME CHAIRMAN.—Section 304101 of title 54, United States Code, is amended—

(1) by redesignating subsections (e) and (f) as paragraphs (f) and (g), respectively; and

(2) by inserting after subsection (d) the following:

''(e) CHAIRMAN.—

''(1) IN GENERAL.—After January 1, 2016, the Chairman shall—

''(A) be appointed by the President;

''(B) serve full time; and

''(C) be compensated at a rate equal to the annual rate of basic pay payable for level III of the Executive Schedule under section 5314, of title 5, United States Code.

''(2) INTERIM PROVISION.—The Chairman that is serving immediately before an appointment under paragraph (1) shall—

''(A) receive $100 per day when engaged in the performance of the duties of the Council; and

''(B) receive reimbursement for necessary traveling and subsistence expenses incurred by the Chairman in the performance of the duties of the Council.''; and

(3) in subsection (f) (as redesignated by paragraph (1)), in the second sentence, by striking ''may act in place'' and inserting ''shall perform the functions''.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) POSITION AT LEVEL III.—Section 5314 of title 5, United States Code, is amended by inserting after the item relating to ''Director of the Office of Financial Research'' the following:

''Chairman of the Advisory Council on Historic Preservation.''.

(2) ESTABLISHMENT; VACANCIES.—Section 304101 of title 54, United States Code, is amended—

(A) in subsection (b), by striking '', (7) and (8)'' and inserting ''and (7) through (9)'';

(B) in subsection (c)—

(i) in the first sentence, by striking ''paragraphs (1) and (9) to (11)'' and inserting ''paragraphs (10) through (12)''; and

(ii) in the third sentence, by inserting '', other than the Chairman of the Council,'' before ''may not serve'';

(C) in subsection (f) (as redesignated by subsection (b)(1)), in the first sentence, by striking ''paragraph (5), (6), (9), or (10)'' and inserting ''paragraph (5), (6), (10), or (11)''; and

(D) in subsection (g) (as redesignated by subsection (b)(1)), by striking ''Twelve members'' and inserting ''13 members''.

(3) COMPENSATION OF MEMBERS OF THE COUNCIL.—Section 304104 of title 54, United States Code, is amended by inserting after the first sentence the following: ''The Chairman of the Council shall be compensated as provided in section 304101(e) of this title.''.

(4) ADMINISTRATION.—Section 304105(a) of title 54, United States Code, is amended, in the second sentence—

(A) by striking ''to the Council'' and inserting ''to the Chairman''; and

(B) by striking ''the Council may'' and inserting ''the Chairman may''.

(5) PRESERVE AMERICA PROGRAM.—Section 311103 of title 54, United States Code, is amended—

(A) in subsection (b), in the matter preceding paragraph (1), by striking ''Council'' each place it appears and inserting ''Chairman of the Council''; and

(B) in subsection (d), by striking ''Council'' and inserting ''Chairman of the Council''.

SA 2980. Mrs. SHAHEEN (for herself and Mr. GARDNER) submitted an amendment intended to be proposed by her to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VI—OTHER MATTERS

SEC. 6001. ASSESSMENT AND ANALYSIS OF OUTDOOR RECREATION ECONOMY OF THE UNITED STATES.

(a) ASSESSMENT AND ANALYSIS.—The Secretary of Commerce, acting through the Director of the Bureau of Economic Analysis, shall conduct an assessment and analysis of the outdoor recreation economy of the United States and the effects attributable to such economy on the overall economy of the United States.

(b) CONSIDERATIONS.—In conducting the assessment required by subsection (a), the Secretary may consider employment, sales, and contributions to travel and tourism, and such other contributing components of the outdoor recreation economy of the United States as the Secretary considers appropriate.

(c) CONSULTATION.—In carrying out the assessment required by subsection (a), the Secretary shall consult with the following:

(1) The heads of such agencies and offices of the Federal Government as the Secretary considers appropriate, including the Secretary of Agriculture, the Secretary of the Interior, the Director of the Bureau of the Census, and the Commissioner of the Bureau of Labor Statistics.

(2) Representatives of businesses, including small business concerns, that engage in commerce in the outdoor recreation economy of the United States.

(d) REPORT.—

(1) IN GENERAL.—Not later than December 31, 2016, the Secretary of Commerce shall submit to the appropriate committees of Congress a report on the findings of the Secretary with respect to the assessment conducted under subsection (a).

(2) APPROPRIATE COMMITTEES OF CONGRESS.—In this subsection, the term ''appropriate committees of Congress'' includes the following:

(A) The Committee on Commerce, Science, and Transportation, the Committee on Environment and Public Works, the Committee on Energy and Natural Resources, and the Committee on Small Business and Entrepreneurship of the Senate.

(B) The Committee on Energy and Commerce and the Committee on Small Business of the House of Representatives.

(e) SMALL BUSINESS CONCERN DEFINED.—In this section, the term ''small business concern'' has the meaning given such term under section 3 of the Small Business Act (15 U.S.C. 632).

SA 2981. Ms. MURKOWSKI (for Mr. INHOFE (for himself and Mr. CARPER)) submitted an amendment intended to be proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

In section 3001(b), strike paragraph (2) and insert the following:

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

(3) in subsection (b), by striking paragraph (2) and inserting the following:

''(2) RENEWABLE ENERGY.—The term 'renewable energy' means energy produced or, if resulting from a thermal energy project placed in service after December 31, 2014, thermal energy generated from, or avoided by, solar, wind, biomass, landfill gas, ocean (including tidal, wave, current, and thermal), geothermal, municipal solid waste, or hydropower.''; and

(4) in subsection (c)—

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

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

''(1) IN GENERAL.—For purposes''; and

(C) by adding at the end the following:

''(2) SEPARATE CALCULATION.—

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

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

SA 2982. Mr. MARKEY (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. _____. GAO REVIEW AND REPORT.

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

(1) energy production in the United States; and

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

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

Foreign Relations of the Senate and the Committees on Natural Resources, Energy and Commerce, Financial Services, and Foreign Affairs of the House of Representatives a report that includes—

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

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

SA 2983. Ms. MURKOWSKI (for Mr. INHOFE (for himself and Mr. KING)) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 2309 (relating to electric transmission infrastructure permitting), add the following:

(d) GEOMATIC DATA.—If a Federal or State department or agency considering an aspect of an application for Federal authorization requires the applicant to submit environmental data, the department or agency—

(1) shall consider any such data gathered by geomatic techniques, including tools and techniques used in land surveying, remote sensing, cartography, geographic information systems, global navigation satellite systems, photogrammetry, geophysics, geography, or other remote means; and

(2) may grant a conditional approval for Federal authorization, subject to the verification of those data through a subsequent onsite inspection.

SA 2984. Ms. BALDWIN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 125, strike lines 3 through 7 and insert the following:

(A) in paragraph (2)—

(i) by redesignating subparagraph (E) as subparagraph (F); and

(ii) by inserting before subparagraph (F) (as so redesignated) the following:

''(E) water and wastewater treatment facilities, including systems that treat municipal, industrial, and agricultural waste; and'';

(B) by redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively; and

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

On page 129, strike line 4 and insert the following:

ment of Energy.

''(7) EXPANSION OF TECHNICAL ASSISTANCE.—The Secretary shall expand the institution of higher education-based industrial research and assessment centers, working across Federal agencies as necessary—

''(A) to provide comparable assessment services to water and wastewater treatment facilities, including systems that treat municipal, industrial, and agricultural waste; and

''(B) to equip the directors of the centers with the training and tools necessary to provide technical assistance on energy savings to the water and wastewater treatment facilities.''.

SA 2985. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PIKE NATIONAL HISTORIC TRAIL STUDY.

Section 5(c) of the National Trails System Act (16 U.S.C. 1244(c)) is amended by adding at the end the following:

''(46) PIKE NATIONAL HISTORIC TRAIL.—The Pike National Historic Trail, a series of routes extending approximately 3,664 miles, which follows the route taken by Lt. Zebulon Montgomery Pike during the 1806–1807 Pike expedition that began in Fort Bellefontaine, Missouri, extended through portions of the States of Kansas, Nebraska, Colorado, New Mexico, and Texas, and ended in Natchitoches, Louisiana.''.

SA 2986. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. BOWHUNTING OPPORTUNITY AND WILDLIFE STEWARDSHIP.

(a) IN GENERAL.—Subchapter II of chapter 1015 of title 54, United States Code, is amended by adding at the end the following:

''§ 101513. Hunter access corridors

''(a) DEFINITIONS.—In this section:

''(1) NOT READY FOR IMMEDIATE USE.—The term 'not ready for immediate use' means—

''(A) a bow or crossbow, the arrows of which are secured or stowed in a quiver or other arrow transport case; and

''(B) with respect to a crossbow, uncocked.

''(2) VALID HUNTING LICENSE.—The term 'valid hunting license' means a State-issued hunting license that authorizes an individual to hunt on private or public land adjacent to the System unit in which the individual is located while in possession of a bow or crossbow that is not ready for immediate use.

''(b) TRANSPORTATION AUTHORIZED.—

''(1) IN GENERAL.—The Director shall not require a permit for, or promulgate or enforce any regulation that prohibits an individual from, transporting bows and crossbows that are not ready for immediate use across any System unit if—

''(A) in the case of an individual traversing the System unit on foot—

''(i) the individual is not otherwise prohibited by law from possessing the bows and crossbows;

''(ii) the bows or crossbows are not ready for immediate use throughout the period during which the bows or crossbows are transported across the System unit;

''(iii) the possession of the bows and crossbows is in compliance with the law of the State in which the System unit is located; and

''(iv)(I) the individual possesses a valid hunting license;

''(II) the individual is traversing the System unit en route to a hunting access corridor established under subsection (c)(1); or

''(III) the individual is traversing the System unit in compliance with any other applicable regulations or policies; or

''(B) the bows or crossbows are not ready for immediate use and remain inside a vehicle.

''(2) ENFORCEMENT.—Nothing in this subsection limits the authority of the Director to enforce laws (including regulations) prohibiting hunting or the taking of wildlife in any System unit.

''(c) ESTABLISHMENT OF HUNTER ACCESS CORRIDORS.—

''(1) IN GENERAL.—On a determination by the Director under paragraph (2), the Director may establish and publish (in accordance with section 1.5 of title 36, Code of Federal Regulations (or a successor regulation)), on a publicly available map, hunter access corridors across System units that are used to access public land that is—

''(A) contiguous to a System unit; and

''(B) open to hunting.

''(2) DETERMINATION BY DIRECTOR.—The determination referred to in paragraph (1) is a determination that the hunter access corridor would provide wildlife management or visitor experience benefits within the boundary of the System unit in which the hunter access corridor is located.

''(3) HUNTING SEASON.—The hunter access corridors shall be open for use during hunting seasons.

''(4) EXCEPTION.—The Director may establish limited periods during which access through the hunter access corridors is closed for reasons of public safety, administration, or compliance with applicable law.

''(5) IDENTIFICATION OF CORRIDORS.—The Director shall—

''(A) make information regarding hunter access corridors available on the individual website of the applicable System unit; and

''(B) provide information regarding any processes established by the Director for transporting legally taken game through individual hunter access corridors.

''(6) REGISTRATION; TRANSPORTATION OF GAME.—The Director may—

''(A) provide registration boxes to be located at the trailhead of each hunter access corridor for self-registration;

''(B) provide a process for online self-registration; and

''(C) allow nonmotorized conveyances to transport legally taken game through a hunter access corridor established under this subsection, including game carts and sleds.

''(7) CONSULTATION WITH STATES.—The Director shall consult with each applicable State wildlife agency to identify appropriate hunter access corridors.

''(d) EFFECT.—Nothing in this section—

''(1) diminishes, enlarges, or modifies any Federal or State authority with respect to recreational hunting, recreational shooting, or any other recreational activities within the boundaries of a System unit; or

''(2) authorizes—

''(A) the establishment of new trails in System units; or

''(B) authorizes individuals to access areas in System units, on foot or otherwise, that are not open to such access.

''(e) NO MAJOR FEDERAL ACTION.—

''(1) IN GENERAL.—Any action taken under this section shall not be considered a major Federal action significantly affecting the quality of the human environment under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(2) NO ADDITIONAL ACTION REQUIRED.—No additional identification, analyses, or consideration of environmental effects (including cumulative environmental effects) is necessary or required with respect to an action taken under this section.''.

(b) CLERICAL AMENDMENT.—The table of sections affected for title 54, United States Code, is amended by inserting after the item relating to section 101512 the following:

''§101513. Hunter access corridors.''.

SA 2987. Mr. BENNET (for himself and Mr. GARDNER) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 3105. TREATMENT OF OIL SHALE RESERVE RECEIPTS.

Section 7439 of title 10, United State States Code, is amended—

(1) in subsection (f)—

(A) by striking paragraph (1) and inserting the following:

''(1) DISPOSITION.—

''(A) IN GENERAL.—Notwithstanding section 35 of the Mineral Leasing Act (30 U.S.C. 191), the amounts received during the period specified in paragraph (2) from a lease under this section (including moneys in the form of sales, bonuses, royalties (including interest charges collected under the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.)), and rentals) that do not exceed the sum of the amounts specified in subparagraphs (A) and (B) of paragraph (2)—

''(i) shall be deposited in the Treasury; and

''(ii) shall not be subject to distribution to the States pursuant to section 35(a) of the Mineral Leasing Act (30 U.S.C. 191(a)).

''(B) MINERAL LEASING ACT.—Any amounts received during the period specified in paragraph (2) from a lease under this section (including moneys in the form of sales, bonuses, royalties (including interest charges collected under the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.)), and rentals) that exceed the sum of the amounts specified in subparagraphs (A) and (B) of paragraph (2)—

''(i) shall be deposited in the Treasury; and

''(ii) shall be subject to distribution to the States pursuant to section 35(a) of the Mineral Leasing Act (30 U.S.C. 191(a)).

''(C) NO IMPACT ON PAYMENTS IN LIEU OF TAXES.—Nothing in this paragraph impacts or reduces any payment authorized under section 6903 of title 31, United States Code.''; and

(B) in paragraph (2)—

(i) by striking ''(2) The period'' and inserting the following:

''(2) PERIOD.—The period''; and

(ii) in the matter preceding subparagraph (A), by striking ''paragraph (1)'' and inserting ''paragraph (1)(A)''; and

(2) in subsection (g)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking ''subsection (f)(1)'' and inserting ''subsection (f)(1)(A)''; and

(B) in paragraph (2), in the first sentence, by striking ''subsection (f)(1)'' and inserting ''subsection (f)(1)(A)''.

SA 2988. Mr. BENNET (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. CARBON DIOXIDE CAPTURE FACILITIES.

(a) SHORT TITLE.—This section may be cited as the ''Carbon Capture Improvement Act of 2016''.

(b) FINDINGS.—Congress finds the following:

(1) Capture and long-term storage of carbon dioxide from coal, natural gas, and biomass-fired power plants, as well as from industrial sectors such as oil refining and production of fertilizer, cement, and ethanol, can help protect the environment while improving the economy and national security of the United States.

(2) The United States is a world leader in the field of carbon dioxide capture and long-term storage, as well as the beneficial use of carbon dioxide in enhanced oil recovery operations, with many manufacturers and licensors of carbon dioxide capture technology based in the United States.

(3) While the prospects for large-scale carbon capture in the United States are promising, costs remain relatively high. Lowering the financing costs for carbon dioxide capture projects would accelerate the deployment of this technology, and if the captured carbon dioxide is subsequently sold for industrial use, such as for use in enhanced oil recovery operations, the economic prospects are further improved.

(4) Since 1968, tax-exempt private activity bonds have been used to provide access to lower-cost financing for private businesses that are purchasing new capital equipment for certain specified environmental facilities, including facilities that reduce, recycle, or dispose of waste, pollutants, and hazardous substances.

(5) Allowing tax-exempt financing for the purchase of capital equipment that is used to capture carbon dioxide will reduce the costs of developing carbon dioxide capture projects, accelerate their deployment, and, in conjunction with carbon dioxide utilization and long-term storage, help the United States meet critical environmental, economic, and national security goals.

(c) CARBON DIOXIDE CAPTURE FACILITIES.—

(1) IN GENERAL.—Section 142 of the Internal Revenue Code of 1986 is amended—

(A) in subsection (a)—

(i) in paragraph (14), by striking ''or'' at the end,

(ii) in paragraph (15), by striking the period at the end and inserting '', or'', and

(iii) by adding at the end the following new paragraph:

''(16) qualified carbon dioxide capture facilities.'', and

(B) by adding at the end the following new subsection:

''(n) QUALIFIED CARBON DIOXIDE CAPTURE FACILITY.—

''(1) IN GENERAL.—For purposes of subsection (a)(16), the term 'qualified carbon dioxide capture facility' means the eligible components of an industrial carbon dioxide facility.

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

''(A) ELIGIBLE COMPONENT.—

''(i) IN GENERAL.—The term 'eligible component' means any equipment installed in an industrial carbon dioxide facility that satisfies the requirements under paragraph (3) and is—

''(I) used for the purpose of capture, treatment and purification, compression, transportation, or on-site storage of carbon dioxide produced by the industrial carbon dioxide facility, or

''(II) integral or functionally related and subordinate to a process described in section 48B(c)(2), determined by substituting 'carbon dioxide' for 'carbon monoxide' in such section.

''(B) INDUSTRIAL CARBON DIOXIDE FACILITY.—

''(i) IN GENERAL.—Except as provided in clause (ii), the term 'industrial carbon dioxide facility' means a facility that emits carbon dioxide (including from any fugitive emissions source) that is created as a result of any of the following processes:

''(I) Fuel combustion.

''(II) Gasification.

''(III) Bioindustrial.

''(IV) Fermentation.

''(V) Any manufacturing industry described in section 48B(c)(7).

''(ii) EXCEPTIONS.—For purposes of clause (i), an industrial carbon dioxide facility shall not include—

''(I) any geological gas facility (as defined in clause (iii)), or

''(II) any air separation unit that—

''(aa) does not qualify as gasification equipment, or

''(bb) is not a necessary component of an oxy-fuel combustion process.

''(iii) GEOLOGICAL GAS FACILITY.—The term 'geological gas facility' means a facility that—

''(I) produces a raw product consisting of gas or mixed gas and liquid from a geological formation,

''(II) transports or removes impurities from such product, or

''(III) separates such product into its constituent parts.

''(3) CAPTURE AND STORAGE REQUIREMENT.—

''(A) IN GENERAL.—Subject to subparagraph (B), the eligible components of an industrial carbon dioxide facility shall have a capture and storage percentage (as determined under subparagraph (C)) that is equal to or greater than 65 percent.

''(B) EXCEPTION.—In the case of an industrial carbon dioxide facility with a capture and storage percentage that is less than 65 percent, the percentage of the cost of the eligible components installed in such facility that may be financed with tax-exempt bonds may not be greater than the capture and storage percentage.

''(C) CAPTURE AND STORAGE PERCENTAGE.—

''(i) IN GENERAL.—Subject to clause (ii), the capture and storage percentage shall be an amount, expressed as a percentage, equal to the quotient of—

''(I) the total metric tons of carbon dioxide annually captured, transported, and injected into—

''(aa) a facility for geologic storage, or

''(bb) an enhanced oil or gas recovery well followed by geologic storage, divided by

''(II) the total metric tons of carbon dioxide which would otherwise be released into the atmosphere each year as industrial emission of greenhouse gas if the eligible components were not installed in the industrial carbon dioxide facility.

''(ii) LIMITED APPLICATION OF ELIGIBLE COMPONENTS.—In the case of eligible components that are designed to capture carbon dioxide solely from specific sources of emissions or portions thereof within an industrial carbon dioxide facility, the capture and storage percentage under this subparagraph shall be determined based only on such specific sources of emissions or portions thereof.''.

(2) VOLUME CAP.—Section 146(g)(4) of such Code is amended by striking ''paragraph (11) of section 142(a) (relating to high-speed intercity rail facilities)'' and inserting ''paragraph (11) or (16) of section 142(a)''.

(3) CLARIFICATION OF PRIVATE BUSINESS USE.—Section 141(b)(6) of such Code is amended by adding at the end the following new subparagraph:

''(C) CLARIFICATION RELATING TO QUALIFIED CARBON DIOXIDE CAPTURE FACILITIES.—For purposes of this subsection, the sale of carbon dioxide produced by a qualified carbon

dioxide capture facility (as defined in section 142(n)) which is owned by a governmental unit shall not constitute private business use.''.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to obligations issued after December 31, 2015.

SA 2989. Mr. REED (for himself and Mr. HELLER) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Section 2301 is amended by adding at the end the following:

(f) USE OF FUNDS.—To the maximum extent practicable, in carrying out this section, the Secretary shall ensure that the use of funds to carry out this section is coordinated among different offices within the Grid Modernization Initiative of the Department and other programs conducting energy storage research.

SA 2990. Mr. REED (for himself and Mr. CARDIN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VI—MISCELLANEOUS

SEC. 6001. SEC INDUSTRY GUIDES.

(a) DEFINITION.—In this section, the term ''Commission'' means the Securities and Exchange Commission.

(b) UPDATES TO INDUSTRY GUIDES.—Not later than 180 days after the date of enactment of this Act, the Commission shall—

(1) update—

(A) the industry guides described in subsections (d) and (g) of section 229.801 of title 17, Code of Federal Regulations and section 229.802(g) of title 17, Code of Federal Regulations; and

(B) subpart 229.1200 of title 17, Code of Federal Regulations; and

(2) in making the updates required under paragraph (1), consider and incorporate appropriate recommendations made in the report entitled ''Climate Strategies and Metrics: Exploring Options for Institutional Investors'', published in 2015 by the 2 Degrees Investing Initiative, the World Resources Institute, and the United Nations Environment Programme Finance Initiative.

(c) ENFORCEMENT.—If the Commission fails to meet the deadline under subsection (b), the Chairman of the Commission shall provide a report to and testify before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives explaining why the Commission failed to meet the deadline.

SA 2991. Ms. MURKOWSKI (for Mr. INHOFE (for himself, Mr. MARKEY, and Mr. BOOKER)) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE ____—BROWNFIELDS REAUTHORIZATION

SEC. ____01. SHORT TITLE.

This title may be cited as the ''Brownfields Utilization, Investment, and Local Development Act of 2016'' or the ''BUILD Act''.

SEC. ____02. EXPANDED ELIGIBILITY FOR NONPROFIT ORGANIZATIONS.

Section 104(k)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)(1)) is amended—

(1) in subparagraph (G), by striking ''or'' after the semicolon;

(2) in subparagraph (H), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(I) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of that Code;

''(J) a limited liability corporation in which all managing members are organizations described in subparagraph (I) or limited liability corporations whose sole members are organizations described in subparagraph (I);

''(K) a limited partnership in which all general partners are organizations described in subparagraph (I) or limited liability corporations whose sole members are organizations described in subparagraph (I); or

''(L) a qualified community development entity (as defined in section 45D(c)(1) of the Internal Revenue Code of 1986).''.

SEC. ____03. MULTIPURPOSE BROWNFIELDS GRANTS.

Section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)) is amended—

(1) by redesignating paragraphs (4) through (9) and (10) through (12) as paragraphs (5) through (10) and (13) through (15), respectively;

(2) in paragraph (3)(A), by striking ''subject to paragraphs (4) and (5)'' and inserting ''subject to paragraphs (5) and (6)''; and

(3) by inserting after paragraph (3) the following:

''(4) MULTIPURPOSE BROWNFIELDS GRANTS.—

''(A) IN GENERAL.—Subject to subparagraph (D) and paragraphs (5) and (6), the Administrator shall establish a program to provide multipurpose grants to an eligible entity based on the considerations under paragraph (3)(C), to carry out inventory, characterization, assessment, planning, or remediation activities at 1 or more brownfield sites in a proposed area.

''(B) GRANT AMOUNTS.—

''(i) INDIVIDUAL GRANT AMOUNTS.—Each grant awarded under this paragraph shall not exceed $950,000.

''(ii) CUMULATIVE GRANT AMOUNTS.—The total amount of grants awarded for each fiscal year under this paragraph shall not exceed 15 percent of the funds made available for the fiscal year to carry out this subsection.

''(C) CRITERIA.—In awarding a grant under this paragraph, the Administrator shall consider the extent to which an eligible entity is able—

''(i) to provide an overall plan for revitalization of the 1 or more brownfield sites in the proposed area in which the multipurpose grant will be used;

''(ii) to demonstrate a capacity to conduct the range of eligible activities that will be funded by the multipurpose grant; and

''(iii) to demonstrate that a multipurpose grant will meet the needs of the 1 or more brownfield sites in the proposed area.

''(D) CONDITION.—As a condition of receiving a grant under this paragraph, each eligible entity shall expend the full amount of the grant not later than the date that is 3 years after the date on which the grant is awarded to the eligible entity unless the Administrator, in the discretion of the Administrator, provides an extension.''.

SEC. ____04. TREATMENT OF CERTAIN PUBLICLY OWNED BROWNFIELD SITES.

Section 104(k)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)(2)) is amended by adding at the end the following:

''(C) EXEMPTION FOR CERTAIN PUBLICLY OWNED BROWNFIELD SITES.—Notwithstanding any other provision of law, an eligible entity that is a governmental entity may receive a grant under this paragraph for property acquired by that governmental entity prior to January 11, 2002, even if the governmental entity does not qualify as a bona fide prospective purchaser (as that term is defined in section 101(40)), so long as the eligible entity has not caused or contributed to a release or threatened release of a hazardous substance at the property.''.

SEC. ____05. INCREASED FUNDING FOR REMEDIATION GRANTS.

Section 104(k)(3)(A)(ii) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)(3)(A)(ii)) is amended by striking ''$200,000 for each site to be remediated'' and inserting ''$500,000 for each site to be remediated, which limit may be waived by the Administrator, but not to exceed a total of $650,000 for each site, based on the anticipated level of contamination, size, or ownership status of the site''.

SEC. ____06. ALLOWING ADMINISTRATIVE COSTS FOR GRANT RECIPIENTS.

Paragraph (5) of section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)) (as redesignated by section 3(1)) is amended—

(1) in subparagraph (B)—

(A) in clause (i)—

(i) by striking subclause (III); and

(ii) by redesignating subclauses (IV) and (V) as subclauses (III) and (IV), respectively;

(B) by striking clause (ii);

(C) by redesignating clause (iii) as clause (ii); and

(D) in clause (ii) (as redesignated by subparagraph (C)), by striking ''Notwithstanding clause (i)(IV)'' and inserting ''Notwithstanding clause (i)(III)''; and

(2) by adding at the end the following:

''(E) ADMINISTRATIVE COSTS.—

''(i) IN GENERAL.—An eligible entity may use up to 8 percent of the amounts made available under a grant or loan under this subsection for administrative costs.

''(ii) RESTRICTION.—For purposes of clause (i), the term 'administrative costs' does not include—

''(I) investigation and identification of the extent of contamination;

''(II) design and performance of a response action; or

''(III) monitoring of a natural resource.''.

SEC. ____07. SMALL COMMUNITY TECHNICAL ASSISTANCE GRANTS.

Paragraph (7)(A) of section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)) (as redesignated by section ____03(1)) is amended—

(1) by striking ''The Administrator may provide,'' and inserting the following:

''(i) DEFINITIONS.—In this subparagraph:

''(I) DISADVANTAGED AREA.—The term 'disadvantaged area' means an area with an annual median household income that is less than 80 percent of the State-wide annual median household income, as determined by the latest available decennial census.

''(II) SMALL COMMUNITY.—The term 'small community' means a community with a population of not more than 15,000 individuals, as determined by the latest available decennial census.

''(ii) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish a program to provide grants that provide,''; and

(2) by adding at the end the following:

''(iii) SMALL OR DISADVANTAGED COMMUNITY RECIPIENTS.—

''(I) IN GENERAL.—Subject to subclause (II), in carrying out the program under clause (ii), the Administrator shall use not more than $600,000 of the amounts made available to carry out this paragraph to provide grants to States that receive amounts under section 128(a) to assist small communities, Indian tribes, rural areas, or disadvantaged areas in achieving the purposes described in clause (ii).

''(II) LIMITATION.—Each grant awarded under subclause (I) shall be not more than $7,500.''.

SEC. ___08. WATERFRONT BROWNFIELDS GRANTS.

Section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)) is amended by inserting after paragraph (10) (as redesignated by section ___03(1)) the following:

''(11) WATERFRONT BROWNFIELD SITES.—

''(A) DEFINITION OF WATERFRONT BROWNFIELD SITE.—In this paragraph, the term 'waterfront brownfield site' means a brownfield site that is adjacent to a body of water or a federally designated floodplain.

''(B) REQUIREMENTS.—In providing grants under this subsection, the Administrator shall—

''(i) take into consideration whether the brownfield site to be served by the grant is a waterfront brownfield site; and

''(ii) give consideration to waterfront brownfield sites.''.

SEC. ___09. CLEAN ENERGY BROWNFIELDS GRANTS.

Section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)) (as amended by section ___08) is amended by inserting after paragraph (11) the following:

''(12) CLEAN ENERGY PROJECTS AT BROWNFIELD SITES.—

''(A) DEFINITION OF CLEAN ENERGY PROJECT.—In this paragraph, the term 'clean energy project' means—

''(i) a facility that generates renewable electricity from wind, solar, or geothermal energy; and

''(ii) any energy efficiency improvement project at a facility, including combined heat and power and district energy.

''(B) ESTABLISHMENT.—The Administrator shall establish a program to provide grants—

''(i) to eligible entities to carry out inventory, characterization, assessment, planning, feasibility analysis, design, or remediation activities to locate a clean energy project at 1 or more brownfield sites; and

''(ii) to capitalize a revolving loan fund for the purposes described in clause (i).

''(C) MAXIMUM AMOUNT.—A grant under this paragraph shall not exceed $500,000.''.

SEC. ___10. TARGETED FUNDING FOR STATES.

Paragraph (15) of section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)) (as redesignated by section ___03(1)) is amended by adding at the end the following:

''(C) TARGETED FUNDING.—Of the amounts made available under subparagraph (A) for a fiscal year, the Administrator may use not more than $2,000,000 to provide grants to States for purposes authorized under section 128(a), subject to the condition that each State that receives a grant under this subparagraph shall have used at least 50 percent of the amounts made available to that State in the previous fiscal year to carry out assessment and remediation activities under section 128(a).''.

SEC. ___11. AUTHORIZATION OF APPROPRIATIONS.

(a) BROWNFIELDS REVITALIZATION FUNDING.—Paragraph (15)(A) of section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)) (as redesignated by section ___03(1)) is amended by striking ''2006'' and inserting ''2018''.

(b) STATE RESPONSE PROGRAMS.—Section 128(a)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9628(a)(3)) is amended by striking ''2006'' and inserting ''2018''.

SA 2992. Mr. CRAPO (for himself, Mr. WHITEHOUSE, Mr. RISCH, Mr. BOOKER, Mr. HATCH, Mr. KIRK, and Mr. DURBIN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3501 and insert the following:

SEC. 3501. NUCLEAR ENERGY INNOVATION CAPABILITIES.

(a) DEFINITIONS.—In this section:

(1) ADVANCED FISSION REACTOR.—The term ''advanced fission reactor'' means a nuclear fission reactor with significant improvements over the most recent generation of nuclear reactors, including improvements such as—

(A) inherent safety features;

(B) lower waste yields;

(C) greater fuel utilization;

(D) superior reliability;

(E) resistance to proliferation;

(F) increased thermal efficiency; and

(G) ability to integrate into electric and nonelectric applications.

(2) FAST NEUTRON.—The term ''fast neutron'' means a neutron with kinetic energy above 100 kiloelectron volts.

(3) NATIONAL LABORATORY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ''National Laboratory'' has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(B) LIMITATION.—With respect to the Lawrence Livermore National Laboratory, the Los Alamos National Laboratory, and the Sandia National Laboratories, the term ''National Laboratory'' means only the civilian activities of the laboratory.

(4) NEUTRON FLUX.—The term ''neutron flux'' means the intensity of neutron radiation measured as a rate of flow of neutrons applied over an area.

(5) NEUTRON SOURCE.—The term ''neutron source'' means a research machine that provides neutron irradiation services for—

(A) research on materials sciences and nuclear physics; and

(B) testing of advanced materials, nuclear fuels, and other related components for reactor systems.

(b) MISSION.—Section 951 of the Energy Policy Act of 2005 (42 U.S.C. 16271) is amended by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—The Secretary shall conduct programs of civilian nuclear research, development, demonstration, and commercial application, including activities described in this subtitle, that take into consideration the following objectives:

''(1) Providing research infrastructure—

''(A) to promote scientific progress; and

''(B) to enable users from academia, the National Laboratories, and the private sector to make scientific discoveries relevant for nuclear, chemical, and materials science engineering.

''(2) Maintaining nuclear energy research and development programs at the National Laboratories and institutions of higher education, including programs of infrastructure of National Laboratories and institutions of higher education.

''(3) Providing the technical means to reduce the likelihood of nuclear weapons proliferation.

''(4) Ensuring public safety.

''(5) Reducing the environmental impact of nuclear energy-related activities.

''(6) Supporting technology transfer from the National Laboratories to the private sector.

''(7) Enabling the private sector to partner with the National Laboratories to demonstrate novel reactor concepts for the purpose of resolving technical uncertainty associated with the objectives described in this subsection.''.

(c) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) nuclear energy, through fission or fusion, represents the highest energy density of any known attainable source and yields low air emissions;

(2) nuclear energy is of national importance to scientific progress, national security, electricity generation, heat generation for industrial applications, and space exploration; and

(3) considering the inherent complexity and regulatory burden associated with nuclear energy, the Department should focus civilian nuclear research and development activities of the Department on programs that enable the private sector, National Laboratories, and institutions of higher education to carry out experiments to promote scientific progress and enhance practical knowledge of nuclear engineering.

(d) HIGH-PERFORMANCE COMPUTATION AND SUPPORTIVE RESEARCH.—

(1) MODELING AND SIMULATION PROGRAM.—

(A) IN GENERAL.—The Secretary shall carry out a program to enhance the capabilities of the United States to develop new reactor technologies and related systems technologies through high-performance computation modeling and simulation techniques (referred to in this paragraph as the ''program'').

(B) COORDINATION REQUIRED.—In carrying out the program, the Secretary shall coordinate with relevant Federal agencies through the National Strategic Computing Initiative established by Executive Order 13702 (80 Fed. Reg. 46177) (July 29, 2015).

(C) OBJECTIVES.—In carrying out the program, the Secretary shall take into consideration the following objectives:

(i) Using expertise from the private sector, institutions of higher education, and National Laboratories to develop computational software and capabilities that prospective users may access to accelerate research and development of advanced fission reactor systems, nuclear fusion systems, and reactor systems for space exploration.

(ii) Developing computational tools to simulate and predict nuclear phenomena that may be validated through physical experimentation.

(iii) Increasing the utility of the research infrastructure of the Department by coordinating with the Advanced Scientific Computing Research program of the Office of Science.

(iv) Leveraging experience from the Energy Innovation Hub for Modeling and Simulation.

(v) Ensuring that new experimental and computational tools are accessible to relevant research communities, including private companies engaged in nuclear energy technology development.

(2) SUPPORTIVE RESEARCH ACTIVITIES.—The Secretary shall consider support for additional research activities to maximize the utility of the research facilities of the Department, including research—

(A) on physical processes to simulate degradation of materials and behavior of fuel forms; and

(B) for validation of computational tools.

(e) VERSATILE NEUTRON SOURCE.—

(1) DETERMINATION OF MISSION NEED.—

(A) IN GENERAL.—Not later than December 31, 2016, the Secretary shall determine the mission need for a versatile reactor-based fast neutron source, which shall operate as a national user facility (referred to in this subsection as the ''user facility'').

(B) CONSULTATION REQUIRED.—In carrying out subparagraph (A), the Secretary shall consult with the private sector, institutions of higher education, the National Laboratories, and relevant Federal agencies to ensure that the user facility will meet the research needs of the largest possible majority of prospective users.

(2) PLAN FOR ESTABLISHMENT.—On the determination of the mission need under paragraph (1), the Secretary, as expeditiously as practicable, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a detailed plan for the establishment of the user facility (referred to in this section as the ''plan'').

(3) DEADLINE FOR ESTABLISHMENT.—The Secretary shall make every effort to complete construction of, and approve the start of operations for, the user facility by December 31, 2025.

(4) FACILITY REQUIREMENTS.—

(A) CAPABILITIES.—The Secretary shall ensure that the user facility shall provide, at a minimum—

(i) fast neutron spectrum irradiation capability; and

(ii) capacity for upgrades to accommodate new or expanded research needs.

(B) CONSIDERATIONS.—In carrying out the plan, the Secretary shall consider—

(i) capabilities that support experimental high-temperature testing;

(ii) providing a source of fast neutrons—

(I) at a neutron flux that is higher than the neutron flux at which research facilities operate before establishment of the user facility; and

(II) sufficient to enable research for an optimal base of prospective users;

(iii) maximizing irradiation flexibility and irradiation volume to accommodate as many concurrent users as possible;

(iv) capabilities for irradiation with neutrons of a lower energy spectrum;

(v) multiple loops for fuels and materials testing in different coolants; and

(vi) additional pre-irradiation and post-irradiation examination capabilities.

(5) COORDINATION.—In carrying out this subsection, the Secretary shall leverage the best practices of the Office of Science for the management, construction, and operation of national user facilities.

(6) REPORT.—The Secretary shall include in the annual budget request of the Department an explanation for any delay in carrying out this subsection.

(f) ENABLING NUCLEAR ENERGY INNOVATION.—

(1) ESTABLISHMENT OF NATIONAL NUCLEAR INNOVATION CENTER.—The Secretary may enter into a memorandum of understanding with the Chairman of the Nuclear Regulatory Commission to establish a center to be known as the ''National Nuclear Innovation Center'' (referred to in this subsection as the ''Center'')—

(A) to enable the testing and demonstration of reactor concepts to be proposed and funded, in whole or in part, by the private sector;

(B) to establish and operate a database to store and share data and knowledge on nuclear science between Federal agencies and private industry; and

(C) to establish capabilities to develop and test reactor electric and nonelectric integration and energy conversion systems.

(2) ROLE OF NRC.—In operating the Center, the Secretary shall—

(A) consult with the Nuclear Regulatory Commission on safety issues; and

(B) permit staff of the Nuclear Regulatory Commission to actively observe and learn about the technology being developed at the Center.

(3) OBJECTIVES.—A reactor developed under paragraph (1)(A) shall have the following objectives:

(A) Enabling physical validation of fusion and advanced fission experimental reactors at the National Laboratories or other facilities of the Department.

(B) Resolving technical uncertainty and increase practical knowledge relevant to safety, resilience, security, and functionality of novel reactor concepts.

(C) Conducting general research and development to improve novel reactor technologies.

(4) USE OF TECHNICAL EXPERTISE.—In operating the Center, the Secretary shall leverage the technical expertise of relevant Federal agencies and National Laboratories—

(A) to minimize the time required to carry out paragraph (3); and

(B) to ensure reasonable safety for individuals working at the National Laboratories or other facilities of the Department to carry out that paragraph.

(5) REPORTING REQUIREMENT.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the National Laboratories, relevant Federal agencies, and other stakeholders, shall submit to the Committee on Energy and Natural Resources and the Committee on Environment and Public Works of the Senate and the Committee on Science, Space, and Technology and the Committee on Energy and Commerce of the House of Representatives a report assessing the capabilities of the Department to authorize, host, and oversee privately proposed and funded reactors (as described in paragraph (1)(A)).

(B) CONTENTS.—The report shall address—

(i) the safety review and oversight capabilities of the Department, including options to leverage expertise from the Nuclear Regulatory Commission and the National Laboratories;

(ii) potential sites capable of hosting the activities described in paragraph (1);

(iii) the efficacy of the available contractual mechanisms of the Department to partner with the private sector and other Federal agencies, including cooperative research and development agreements, strategic partnership projects, and agreements for commercializing technology;

(iv) how the Federal Government and the private sector will address potential intellectual property concerns;

(v) potential cost structures relating to physical security, decommissioning, liability, and other long term project costs; and

(vi) other challenges or considerations identified by the Secretary.

(g) BUDGET PLAN.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Science, Space, and Technology of the House of Representatives 3 alternative 10-year budget plans for civilian nuclear energy research and development by the Department in accordance with paragraph (2).

(2) DESCRIPTION OF PLANS.—

(A) IN GENERAL.—The 3 alternative 10-year budget plans submitted under paragraph (1) shall be the following:

(i) A plan that assumes constant annual funding at the level of appropriations for fiscal year 2016 for the civilian nuclear energy research and development of the Department, particularly for programs critical to advanced nuclear projects and development.

(ii) A plan that assumes 2 percent annual increases to the level of appropriations described in clause (i).

(iii) A plan that uses an unconstrained budget.

(B) INCLUSIONS.—Each plan shall include—

(i) a prioritized list of the programs, projects, and activities of the Department that best support the development, licensing, and deployment of advanced nuclear energy technologies;

(ii) realistic budget requirements for the Department to carry out subsections (d), (e), and (f); and

(iii) the justification of the Department for continuing or terminating existing civilian nuclear energy research and development programs.

(h) NUCLEAR REGULATORY COMMISSION REPORT.—Not later than December 31, 2016, the Chairman of the Nuclear Regulatory Commission shall submit to the Committee on Energy and Natural Resources and the Committee on Environment and Public Works of the Senate and the Committee on Science, Space, and Technology and the Committee on Energy and Commerce of the House of Representatives a report describing—

(1) the extent to which the Nuclear Regulatory Commission is capable of licensing advanced reactor designs that are developed pursuant to this section by the end of the 4-year period beginning on the date on which an application is received under part 50 or 52 of title 10, Code of Federal Regulations (or successor regulations); and

(2) any organizational or institutional barriers the Nuclear Regulatory Commission will need to overcome to be able to license the advanced reactor designs that are developed pursuant to this section by the end of the 4-year period described in paragraph (1).

SA 2993. Mr. HELLER (for himself and Mr. REED) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 23___. CONSIDERATION OF ENERGY STORAGE SYSTEMS.

Section 111 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621) is amended by adding at the end the following:

''(20) CONSIDERATION OF ENERGY STORAGE SYSTEMS.—Each State shall consider requiring that, prior to undertaking investments in new generation, transmission, or other capital investments, an electric utility of the State demonstrate to the State that the electric utility considered an investment in an energy storage system based on appropriate factors, including—

''(A) total costs;

''(B) cost-effectiveness;

''(C) improved reliability;

''(D) security; and

''(E) system performance and efficiency.''.

SA 2994. Mr. HELLER submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 33___. PROHIBITION ON NEW FINANCIAL RESPONSIBILITY REQUIREMENTS BY THE ENVIRONMENTAL PROTECTION AGENCY.

Notwithstanding any other provision of law, effective beginning on the date of enactment of this Act, the Administrator of the Environmental Protection Agency may not develop, propose, finalize, implement, enforce, or administer any regulation that would establish a new financial responsibility requirement pursuant to section 108(b) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9608(b)) or any other applicable provision of law.

SA 2995. Mr. HELLER (for himself and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. INTERIM ASSESSMENT OF REGULATORY REQUIREMENTS AND APPLICABLE PENALTIES.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency (referred to in this section as the ''Administrator'') shall ensure that the requirements described in subsection (b) are satisfied.

(b) REQUIREMENTS.—The Administrator shall satisfy—

(1) section 4 of Executive Order 12866 (5 U.S.C. 601 note; relating to regulatory planning and review) and Executive Order 13563 (5 U.S.C. 601 note; relating to improving regulation and regulatory review) (or any successor Executive order establishing requirements applicable to the uniform reporting of regulatory and deregulatory agendas);

(2) section 602 of title 5, United States Code;

(3) section 8 of Executive Order 13132 (5 U.S.C. 601 note; relating to federalism); and

(4) section 202(a) of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1532(a)).

SA 2996. Mr. SULLIVAN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

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

(a) DEFINITIONS.—In this section—

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

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

(3) the term ''rule''—

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

(B) includes—

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

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

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

(b) PROHIBITION ON ISSUANCE OF CERTAIN RULES.—

(1) IN GENERAL.—An agency may not—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SA 2997. Mr. WYDEN (for himself and Mr. BOOKER) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 1021, add the following:

(d) INTERNET OF THINGS.—

(1) DEFINITION OF INTERNET OF THINGS.—In this subsection, the term ''Internet of Things'' means a set of technologies (including endpoint devices such as cars, machinery or household appliances) that—

(A) connect to the Internet; and

(B) provide real-time and actionable analytics and predictive maintenance.

(2) IMPACT OF INTERNET OF THINGS TECHNOLOGY.—The report required under this section shall—

(A) analyze—

(i) the impact of Internet of Things technology on energy and water systems; and

(ii) the return on investment of installing Internet of Things technology solutions to increase water and energy efficiency, improve water quality, and support demand response and the flexibility and reliability of the electricity grid; and

(B) identify—

(i) ways in which to enable actionable analytics and predictive maintenance to improve the long-term viability of building systems and equipment; and

(ii) Internet of Things technology solutions that, through features embedded in hardware and software from the outset—

(I) are easily scalable; and

(II) promote security, privacy, interoperability, and open standards.

SA 2998. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 43___. EFFICIENT CHARACTERIZATION AND VALUATION OF NEW GRID SERVICES AND TECHNOLOGIES.

The Secretary shall—

(1) evaluate the ability of distinct grid components to provide grid services and options for increasing the viability of grid

components to provide grid services, with the goal of allowing market operators and regulators to have a more complete understanding of the range of technologies and strategies that can provide grid services;

(2) convene and work with stakeholders to—

(A)(i) define the characteristics of a reliable, affordable, and environmentally sustainable electricity system; and

(ii) create approaches for valuing the defined characteristics;

(B) develop a framework for identifying attributes of services provided to the grid by electricity system components; and

(C) develop approaches for incorporating the valuation of grid service attributes in different regulatory contexts; and

(3) not later than January 1, 2018, submit to the appropriate committees of Congress a report that describes the findings of the Secretary with respect to the issues evaluated under paragraphs (1) and (2).

SA 2999. Mr. WYDEN (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. EXTENSION OF SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION PROGRAM.

(a) SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LAND.—

(1) DEFINITIONS.—Section 3(11) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7102) is amended—

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

(B) in subparagraph (C)—

(i) by striking ''fiscal year 2012 and each fiscal year thereafter'' and inserting ''each of fiscal years 2012 through 2015''; and

(ii) by striking ''year.'' and inserting ''year; and''; and

(C) by adding at the end the following:

''(D) for each of fiscal years 2016 through 2025, the amount that is equal to the full funding amount for fiscal year 2011.''.

(2) CALCULATION OF PAYMENTS.—Section 101 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7111) is amended by striking ''2015'' each place it appears and inserting ''2025''.

(3) ELECTIONS.—Section 102(b) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7112(b)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''August 1, 2013 (or as soon thereafter as the Secretary concerned determines is practicable), and August 1 of each second fiscal year thereafter'' and inserting ''August 1 of each fiscal year (or a later date specified by the Secretary concerned for the fiscal year)''; and

(ii) by adding at the end the following:

''(D) PAYMENT FOR FISCAL YEARS 2016 THROUGH 2025.—A county election otherwise required by subparagraph (A) shall not apply for fiscal years 2016 through 2025 if the county elects to receive a share of the State payment or the county payment in 2013.''; and

(B) in paragraph (2)(B)—

(i) by inserting ''or any subsequent year'' after ''2013''; and

(ii) by striking ''2015'' and inserting ''2025''.

(4) ELECTION AS TO USE OF BALANCE.—Section 102(d)(1) of the Secure Rural Schools and Community Self Determination Act of 2000 (16 U.S.C. 7112(d)(1)) is amended—

(A) in subparagraph (B)(ii), by striking ''not more than 7 percent of the total share for the eligible county of the State payment or the county payment'' and inserting ''any portion of the balance''; and

(B) by striking subparagraph (C) and inserting the following:

''(C) COUNTIES WITH MAJOR DISTRIBUTIONS.—In the case of each eligible county to which $350,000 or more is distributed for any fiscal year pursuant to either or both of paragraphs (1)(B) and (2)(B) of subsection (a), the eligible county shall elect to do 1 or more of the following with the balance of any funds not expended pursuant to subparagraph (A):

''(i) Reserve any portion of the balance for projects in accordance with title II.

''(ii) Reserve not more than 7 percent of the total share for the eligible county of the State payment or the county payment for projects in accordance with title III.

''(iii) Return to the Treasury of the United States the portion of the balance not reserved under clauses (i) and (ii).''.

(5) FAILURE TO ELECT.—Section 102(d)(3)(B)(ii) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7112(d)(3)(B)(ii)) is amended by striking ''purpose described in section 202(b)'' and inserting ''purposes described in section 202(b), section 203(c), or section 204(a)(5)''.

(6) DISTRIBUTION OF PAYMENTS TO ELIGIBLE COUNTIES.—Section 103(d)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7113(d)(2)) is amended by striking ''2015'' and inserting ''2025''.

(b) CONTINUATION OF AUTHORITY TO CONDUCT SPECIAL PROJECTS ON FEDERAL LAND.—

(1) PILOT PROGRAM.—Section 204(e) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7124(e)) is amended by striking paragraph (3).

(2) AVAILABILITY OF PROJECT FUNDS.—Section 207(d)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7127(d)(2)) is amended by striking ''subparagraph (B)'' and inserting ''subparagraph (B)(i)''.

(3) TERMINATION OF AUTHORITY.—Section 208 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7128) is amended—

(A) in subsection (a), by striking ''2017'' and inserting ''2027''; and

(B) in subsection (b), by striking ''2018'' and inserting ''2028''.

(c) CONTINUATION OF AUTHORITY TO USE COUNTY FUNDS.—

(1) FUNDING FOR SEARCH AND RESCUE.—Section 302(a) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7142(a)) is amended—

(A) by striking paragraph (2) and inserting the following:

''(2) to reimburse the participating county or sheriff for amounts paid for by the participating county or sheriff, as applicable, for—

''(A) search and rescue and other emergency services, including firefighting and law enforcement patrols, that are performed on Federal land; and

''(B) emergency response vehicles or aircraft but only in the amount attributable to the use of the vehicles or aircraft to provide the services described in subparagraph (A);'';

(B) by redesignating paragraph (3) as paragraph (4); and

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

''(3) to cover training costs and equipment purchases directly related to the emergency services described in paragraph (2); and''.

(2) TERMINATION OF AUTHORITY.—Section 304 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7144) is amended—

(A) in subsection (a), by striking ''2017'' and inserting ''2027''; and

(B) in subsection (b), by striking ''2018'' and inserting ''2028''.

(d) NO REDUCTION IN PAYMENT.—Title IV of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7151 et seq.) is amended by adding at the end the following:

''SEC. 404. NO REDUCTION IN PAYMENTS.

''Payments under this Act for fiscal year 2016 and each fiscal year thereafter shall be exempt from direct spending reductions under section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a).''.

(e) AVAILABILITY OF FUNDS.—

(1) TITLE II FUNDS.—Any funds that were not obligated by September 30, 2014, as required by section 208 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7128) (as in effect on the day before the date of enactment of the Medicare Access and CHIP Reauthorization Act of 2015 (Public Law 114–10; 129 Stat. 87)) shall be available for use in accordance with title II of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7121 et seq.).

(2) TITLE III FUNDS.—Any funds that were not obligated by September 30, 2014, as required by section 304 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7144) (as in effect on the day before the date of enactment of the Medicare Access and CHIP Reauthorization Act of 2015 (Public Law 114–10; 129 Stat. 87)) shall be available for use in accordance with title III of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7141 et seq.).

SEC. _____. RESTORING MANDATORY FUNDING STATUS TO THE PAYMENT IN LIEU OF TAXES PROGRAM.

Section 6906 of title 31, United States Code, is amended in the matter preceding paragraph (1), by striking ''of fiscal years 2008 through 2014'' and inserting ''fiscal year''.

In section 5002, add at the end the following:

(e) FULL FUNDING OF LAND AND WATER CONSERVATION FUND.—

(1) IN GENERAL.—Section 200303 of title 54, United States Code, is amended to read as follows:

''§ 200303. Availability of funds

''(a) IN GENERAL.—Amounts deposited in the Fund under section 200302 shall be made available for expenditure, without further appropriation or fiscal year limitation, to carry out the purposes of the Fund (including accounts and programs made available from the Fund under the Consolidated and Further Continuing Appropriations Act, 2015 (Public Law 113–235; 128 Stat. 2130)).

''(b) ADDITIONAL AMOUNTS.—Amounts made available under subsection (a) shall be in addition to amounts made available to the Fund under section 105 of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432) or otherwise appropriated from the Fund.

''(c) ALLOCATION AUTHORITY.—

''(1) SUBMISSION OF COST ESTIMATES.—The President shall submit to Congress detailed account, program, and project allocations to be funded under subsection (a) as part of the annual budget submission of the President.

''(2) ALTERNATE ALLOCATION.—

''(A) IN GENERAL.—Appropriations Acts may provide for alternate allocation of amounts made available under subsection (a), including allocations by account and program.

''(B) ALLOCATION BY PRESIDENT.—

''(i) NO ALTERNATE ALLOCATIONS.—If Congress has not enacted legislation establishing alternate allocations by the date that is 120 days after the date on which the applicable fiscal year begins, amounts made available under subsection (a) shall be allocated by the President.

''(ii) INSUFFICIENT ALTERNATE ALLOCATION.—If Congress enacts legislation establishing alternate allocations for amounts made available under subsection (a) that are less than the full amount appropriated under that subsection, the difference between the amount appropriated and the alternate allocation shall be allocated by the President.

''(3) ANNUAL REPORT.—The President shall submit to Congress an annual report that describes the final allocation by account, program, and project of amounts made available under subsection (a), including a description of the status of obligations and expenditures.''.

(2) CLERICAL AMENDMENT.—The table of sections for title 54 is amended by striking the item relating to section 200303 and inserting the following:

''200303. Availability of funds.''.

SA 3000. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 220__. MARKET-DRIVEN REINSTATEMENT OF OIL EXPORT BAN.

(a) DEFINITIONS.—In this section:

(1) AVERAGE NATIONAL PRICE OF GASOLINE.—The term ''average national price of gasoline'' means the average of retail regular gasoline prices in the United States, as calculated (on a weekday basis) by, and published on the Internet website of, the Energy Information Administration.

(2) GASOLINE INDEX PRICE.—The term ''gasoline index price'' means the average of retail regular gasoline prices in the United States, as calculated (on a monthly basis) by, and published on the Internet website of, the Energy Information Administration, during the 60-month period preceding the date of the calculation.

(b) REINSTATEMENT OF OIL EXPORT BAN.—

(1) IN GENERAL.—Effective on the date on which the event described in paragraph (2) occurs, subsections (a), (b), (c), and (d) of section 101 of division O of the Consolidated Appropriations Act, 2016 (Public Law 114–113), are repealed, and the provisions of law amended or repealed by those subsections are restored or revived as if those subsections had not been enacted.

(2) EVENT DESCRIBED.—The event referred to in paragraph (1) is the date on which the average national price of gasoline has been greater than the gasoline index price for 30 consecutive days.

(c) PRESIDENTIAL AUTHORITY.—Notwithstanding subsection (b), the President may affirmatively allow the export of crude oil from the United States to continue for a period of not more than 1 year after the date of the reinstatement described in subsection (b), if the President—

(1) declares a national emergency and formally notices the declaration of a national emergency in the Federal Register; or

(2) finds and reports to Congress that a ban on the export of crude oil pursuant to this section has caused undue economic hardship.

(d) EFFECTIVE DATE.—This section takes effect on the date that is 5 years after the date of enactment of the Consolidated Appropriations Act, 2016 (Public Law 114–113).

SA 3001. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

In section 3005(2), insert '', through a program conducted in collaboration with industry, including cost-shared exploration drilling'' after ''available technologies''.

SA 3002. Mr. WYDEN (for himself and Mrs. SHAHEEN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3017 (relating to bio-power) and insert the following:

SEC. 3017. BIO-POWER.

(a) DEFINITIONS.—In this section:

(1) BIO-POWER.—The term ''bio-power'' means the use of woody biomass to generate electricity.

(2) SECRETARIES.—The term ''Secretaries'' means the Secretary and the Secretary of Agriculture, acting jointly.

(3) WOODY BIOMASS THERMAL.—The term ''woody biomass thermal'' means the use of woody biomass—

(A) to generate heat; or

(B) for cooling purposes.

(b) WOODY BIOMASS THERMAL AND BIO-POWER.—The Secretaries shall coordinate research and development activities relating to bio-power and woody biomass thermal projects—

(1) between the Department of Agriculture and the Department; and

(2) with other departments and agencies of the Federal Government.

(c) WOODY BIOMASS THERMAL AND BIO-POWER GRANTS.—

(1) ESTABLISHMENT.—The Secretaries shall establish a program under which the Secretaries shall provide grants to relevant projects to support innovation, market development, and expansion of the commercial, institutional, industrial, and residential bioenergy sectors in woody biomass thermal and bio-power.

(2) APPLICATIONS.—

(A) IN GENERAL.—To be eligible to receive a grant under this subsection, the owner or operator of a relevant project shall submit to the Secretaries an application at such time, in such manner, and containing such information as the Secretaries may require.

(B) ADMINISTRATION.—In administering the application process under subparagraph (A)—

(i) the Secretary, in consultation with the Secretary of Agriculture, shall administer the process with respect to applications for grants under subparagraphs (A) and (C) of paragraph (3); and

(ii) the Secretary of Agriculture, in consultation with the Secretary, shall administer the process with respect to applications for grants under paragraph (3)(B).

(3) ALLOCATION.—Of the amounts appropriated to carry out this subsection, the Secretaries shall not provide more than—

(A) $15,000,000 for projects that develop innovative techniques for preprocessing biomass for woody biomass thermal and bio-power, with the goals of lowering the costs of—

(i) distributed preprocessing technologies, including technologies designed to promote densification, torrefaction, and the broader commoditization of bioenergy feedstocks; and

(ii) transportation;

(B) $15,000,000 for woody biomass thermal and bio-power demonstration projects, including—

(i) district energy projects;

(ii) combined heat and power;

(iii) small-scale gasification;

(iv) innovation in transportation; and

(v) projects addressing the challenges of retrofitting existing electricity generation facilities, including coal-fired facilities, to use biomass; and

(C) $5,000,000 for demonstration projects and research and development of residential wood heaters towards meeting all targets established by the most recent standards of performance established by the Administrator of the Environmental Protection Agency under section 111 of the Clean Air Act (42 U.S.C. 7411).

(4) REGIONAL DISTRIBUTION.—In selecting projects to receive grants under this subsection, the Secretaries shall ensure, to the maximum extent practicable, diverse geographical distribution among the projects.

(5) COST SHARE.—The Federal share of the cost of a project carried out using a grant under this subsection shall be 50 percent.

(6) DUTIES OF RECIPIENTS.—As a condition of receiving a grant under this subsection, the owner or operator of a project shall—

(A) participate in the applicable working group under paragraph (7);

(B) submit to the Secretaries a report that includes—

(i) a description of the project and any relevant findings; and

(ii) such other information as the Secretaries determine to be necessary to complete the report of the Secretaries under paragraph (8); and

(C) carry out such other activities as the Secretaries determine to be necessary.

(7) WORKING GROUPS.—The Secretaries shall establish 3 working groups to share best practices and collaborate in project implementation, of which—

(A) 1 shall be comprised of representatives of projects that receive grants under paragraph (3)(A);

(B) 1 shall be comprised of representatives of projects that receive grants under paragraph (3)(B); and

(C) 1 shall be comprised of representatives of projects that receive grants under paragraph (3)(C).

(8) REPORTS.—Not later than 5 years after the date of enactment of the Energy Policy Modernization Act of 2015, the Secretaries shall submit to Congress a report describing—

(A) each project for which a grant has been provided under this subsection;

(B) any findings as a result of those projects; and

(C) the state of market and technology development, including market barriers and opportunities.

(9) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $35,000,000 for each of fiscal years 2017 through 2026, to remain available until expended.

(d) LOW-INTEREST LOAN PROGRAM.—

(1) ESTABLISHMENT.—The Secretary of Agriculture shall establish, within the Rural Development Office, a low-interest loan program to support construction of residential, commercial or institutional, and industrial woody biomass thermal and bio-power systems.

(2) REQUIREMENTS.—The program under this subsection shall be—

(A) carried out in accordance with such requirements as the Secretary of Agriculture

may establish, by regulation, taking into consideration best practices; and

(B) designed so that small businesses and organizations—

(i) can readily apply for loans with minimal paperwork burdens; and

(ii) shall receive a loan approval decision by not later than 90 days after the date of submission of the loan application.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Agriculture to carry out this subsection $100,000,000.

(e) STATEWIDE WOOD ENERGY TEAMS.—

(1) ESTABLISHMENT.—The Secretary of Agriculture shall establish a program, to be administered by the Chief of the Forest Service, to establish interdisciplinary teams, to be known as ''Statewide Wood Energy Teams'', in eligible States interested in expanding woody biomass thermal and biopower.

(2) APPLICATION PROCESS.—

(A) IN GENERAL.—A State desiring formal designation and funding for a Statewide Wood Energy Team shall submit to the Chief of the Forest Service an application at such time, in such manner, and containing such information as the Chief of the Forest Service may require.

(B) APPLICATIONS FOR NEW TEAMS.—

(i) IN GENERAL.—A State without a Statewide Wood Energy Team in existence as of the date of enactment of this subsection may apply for formal designation and funding in accordance with the process established under subparagraph (A).

(ii) PREFERENCE.—The Chief of the Forest Service shall give preference to applications that show interdisciplinary engagement by a diversity of stakeholders in States with significant forest health challenges.

(3) PRIORITY OF FUNDING.—A Statewide Wood Energy Team in existence as of the date of enactment of this subsection through cooperative agreements with the Forest Service shall receive highest priority as funds are allocated at the discretion of the Chief of the Forest Service.

(4) REPORT.—Once every 2 years, the Secretary of Agriculture shall submit to Congress a report on the progress of the Statewide Wood Energy Teams.

(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Agriculture to carry out this subsection $20,000,000.

(f) PROMOTING BIOENERGY IN FEDERAL FACILITIES.—

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary to fund biopower and woody biomass thermal energy system installations at new or existing Federal facilities $20,000,000.

(2) CONSULTATION REQUIRED.—The Secretary, the Secretary of Agriculture, and the Administrator of General Services shall consult regularly to ensure optimal success of the activities described in paragraph (1).

(g) DOE CHP TECHNICAL ASSISTANCE PARTNERSHIPS.—There is authorized to be appropriated to the Secretary to carry out the Combined Heat and Power Technical Assistance Partnerships of the Department $5,000,000 to increase the capacity and expertise of the Department to provide technical and other assistance for combined heat and power systems that use wood as a fuel source.

(h) DOE RESEARCH ON SMALL GASIFIER SYSTEMS.—There is authorized to be appropriated to the Secretary to assess and develop market opportunities for small gasifiers, turbines, and other small scale energy thermal and combined heat and power systems that use wood as a fuel source $5,000,000.

(i) FUELS TO SCHOOLS AND BEYOND PROGRAM.—

(1) IN GENERAL.—The Secretaries shall establish a program, to be known as the ''Fuels for Schools And Beyond'', to convert public, tribal, or nonprofit facilities, such as hospitals, schools, clinics, prisons, and local government buildings, to woody biomass based heating, cooling, or electricity systems.

(2) APPLICATIONS.—To be eligible to receive funds under this subsection, the owner or operator of a relevant project shall submit to the Secretaries an application at such time, in such manner, and containing such information as the Secretaries may require.

(3) PRIORITY.—The program described in paragraph (1) shall give priority to facilities located in rural or economically disadvantaged areas of the United States.

(4) USE OF FUNDS.—Funds made available under the program described in paragraph (1) may be used for feasibility assessments, fuel supply assessments, engineering design, identifying financing and funding for infrastructure investments, and permitting of the systems described in that paragraph.

(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $15,000,000 for each of fiscal years 2017 through 2026.

(j) WOOD ENERGY WORKS PROGRAM.—

(1) IN GENERAL.—The Secretary of Agriculture shall grant funding to a non-Federal organization to create and deliver an initiative for the purpose of providing free project assistance from design through construction and education, training, and resources related to the design of wood energy systems for a wide range of building types including mid-rise, multi-residential, commercial, institutional, and industrial buildings.

(2) REPORTS.—

(A) IN GENERAL.—The initiative described in paragraph (1) shall report quarterly to the Secretary of Agriculture on the progress and accomplishments of the initiative.

(B) REPORT TO CONGRESS.—On receipt of a report under subparagraph (A), the Secretary of Agriculture shall submit to Congress a report on the progress and accomplishments of the initiative.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection—

(A) $2,000,000 for fiscal year 2017; and

(B) $5,000,000 for each of fiscal years 2018 through 2027.

(k) COORDINATION OF EFFORTS TO CREATE INTERAGENCY WOOD ENERGY POLICY REPORT.—

(1) IN GENERAL.—The Secretaries and the Administrator of the Environmental Protection Agency shall conduct an evaluation of Federal policies as of the date of the evaluation and make recommendations on how Congress can better support the industrial, commercial, and residential wood energy sectors in the United States.

(2) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretaries shall submit to Congress a report on the evaluation conducted under paragraph (1).

(3) FUNDING.—There is authorized to be appropriated to carry out this subsection $500,000.

(l) REGIONAL TECHNICAL ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretaries shall establish a regional biomass energy program that provides technical assistance to install wood energy systems for heating, cooling, or electricity at new or existing facilities.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $200,000,000 for the period of fiscal years 2017 through 2026, of which—

(A) 50 percent shall be made available to the Secretary; and

(B) 50 percent shall be made available to the Secretary of Agriculture.

(m) STRATEGIC ANALYSIS AND RESEARCH.—

(1) IN GENERAL.—The Secretary, acting jointly with the Secretary of Agriculture (acting through the Chief of the Forest Service) and the Administrator of the Environmental Protection Agency, shall establish a woody biomass thermal and bio-power research program—

(A) the costs of which shall be divided equally between the Department, the Department of Agriculture, and the Environmental Protection Agency; and

(B) to carry out projects and activities—

(i)(I) to advance research and analysis on the environmental, social, and economic costs and benefits of the United States biopower and woody biomass thermal industries, including—

(aa) complete lifecycle analysis of greenhouse gas emissions;

(bb) net energy analysis;

(cc) integrated analysis of the impacts of spatial and temporal scales on greenhouse gas and net energy life cycle analysis;

(dd) stand- and landscape-level implications of biomass harvest on biodiversity, ecosystem function and ancillary benefits of forest; and

(ee) advanced modeling of coupled land use change and future climate impacts on future forest health and biomass production; and

(II) to provide recommendations for policy and investment in those areas; and

(ii) to identify and assess, through a joint effort between the Chief of the Forest Service and the regional combined heat and power groups of the Department and the Environmental Protection Agency, the feasibility of thermally led district wood energy opportunities in all regions of the Forest Service, including by conducting broad regional assessments, feasibility studies, and preliminary engineering assessments at individual facilities.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency—

(A) $2,000,000 to carry out paragraph (1)(B)(i); and

(B) $1,000,000 to carry out paragraph (1)(B)(ii).

SA 3003. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 3004A. EXTENSION OF TIME FOR A FEDERAL ENERGY REGULATORY COMMISSION PROJECT INVOLVING CANNONSVILLE DAM.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 13287, the Federal Energy Regulatory Commission (referred to in this section as the ''Commission'') may, at the request of the licensee for the project, and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the procedures of the Commission under that section, extend the time period during which the licensee is required to commence construction of the project for up to 4 consecutive 2-year periods after the

required date of the commencement of construction described in Article 301 of the license.

(b) REINSTATEMENT OF EXPIRED LICENSE.—

(1) IN GENERAL.—If the required date of the commencement of construction described in subsection (a) has expired prior to the date of enactment of this Act, the Commission may reinstate the license effective as of that date of expiration.

(2) EXTENSION.—If the Commission reinstates the license under paragraph (1), the first extension authorized under subsection (a) shall take effect on the date of that expiration.

SA 3004. Mrs. GILLIBRAND (for herself and Mr. CASSIDY) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

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

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

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

''(a) DEFINITIONS.—In this section—

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

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

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

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

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

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

SA 3005. Mr. MARKEY (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. INCLUSION OF OIL DERIVED FROM TAR SANDS AS CRUDE OIL.

This Act shall not take effect prior to 10 days following the date that diluted bitumen and other bituminous mixtures derived from tar sands or oil sands are treated as crude oil for purposes of section 4612(a)(1) of the Internal Revenue Code of 1986.

SA 3006. Ms. MURKOWSKI (for Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. INDEPENDENT RELIABILITY ANALYSIS.

(a) DEFINITIONS.—In this section:

(1) ELECTRIC RELIABILITY ORGANIZATION.—The term ''Electric Reliability Organization'' has the meaning given the term in section 215(a) of the Federal Power Act (16 U.S.C. 824o(a)).

(2) FINAL RULE.—The term ''final rule'' means the final rule of the Administrator entitled ''Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units'' (80 Fed. Reg. 64662 (October 23, 2015)).

(b) RELIABILITY ANALYSIS REQUIRED.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the final rule shall not go into effect until the date on which the Federal Energy Regulatory Commission, in consultation with the Electric Reliability Organization, conducts an independent reliability analysis of the final rule to evaluate anticipated effects of implementation and enforcement of the final rule on—

(A) electric reliability and resource adequacy;

(B) the electricity generation portfolio of the United States;

(C) the operation of wholesale electricity markets; and

(D) energy delivery and infrastructure, including electric transmission facilities and natural gas pipelines.

(2) AVAILABILITY.—Not later than 120 days after the date of enactment of this Act, the Federal Energy Regulatory Commission shall submit to Congress and make publicly available the reliability analysis described in paragraph (1).

SA 3007. Ms. MURKOWSKI (for Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REPORT ON CARBON POLLUTION EMISSION GUIDELINES.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) FINAL RULE.—The term ''final rule'' means the final rule of the Administrator entitled ''Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units'' (80 Fed. Reg. 64662 (October 23, 2015)).

(b) REPORT REQUIRED.—Notwithstanding any other provision of law, the final rule shall not go into effect until the date on which the Administrator submits to Congress and makes available to the public a report that contains—

(1) an analysis of the expected environmental impacts of the final rule, including—

(A) a description of the quantity of greenhouse gas emissions the final rule is projected to reduce, as compared to overall domestic and global greenhouse gas emissions; and

(B) expected impacts of the final rule on the 30 climate change indicators described in the report of the Administrator entitled ''Climate Change Indicators in the United States'';

(2) an independent analysis from the Secretary, in consultation with the Federal Energy Regulatory Commission and the Administrator of the Energy Information Administration, to determine whether the final rule will cause—

(A) an increase in energy prices for consumers, including low-income households, fixed-income households, minority communities, small businesses (including women-owned businesses), veterans, and manufacturers;

(B) any impact on national, regional, or local electric reliability; or

(C) any other adverse effect on energy supply, distribution, or use; and

(3) an independent analysis from the Secretary, in consultation with the Secretary of Commerce, the Secretary of Labor, and the Administrator of the Small Business Administration, to determine whether the final rule will cause—

(A) reduced gross domestic product;

(B) unemployment;

(C) increased consumer prices;

(D) reduced business and manufacturing activity; or

(E) reduced foreign investment.

SA 3008. Ms. MURKOWSKI (for Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ANALYSIS OF EMPLOYMENT EFFECTS UNDER THE CLEAN AIR ACT.

The Administrator of the Environmental Protection Agency shall not propose or finalize any major rule (as defined in section 804 of title 5, United States Code) under the Clean Air Act (42 U.S.C. 7401 et seq.) until after the date on which the Administrator—

(1) completes an economy-wide analysis capturing the costs and cascading effects across industry sectors and markets in the United States of the implementation of major rules promulgated under the Clean Air Act (42 U.S.C. 7401 et seq.); and

(2) establishes a process to update that analysis not less frequently than semiannually, so as to provide for the continuing evaluation of potential loss or shifts in employment, pursuant to section 321(a) of the Clean Air Act (42 U.S.C. 7621(a)), that may result from the implementation of major rules under the Clean Air Act (42 U.S.C. 7401 et seq.).

SA 3009. Ms. MURKOWSKI (for Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the

United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PRESIDENT'S CLIMATE ACTION PLAN.

The Federal Government shall not take any action pursuant to the President's Climate Action Plan (published in June 2013), including implementation of the final rule entitled ''Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units'' (80 Fed. Reg. 64662 (October 23, 2015)), that would result in increased electricity prices that would cause unnecessary harm to low-income and fixed-income households, minority communities, minority-owned and women-owned businesses, veterans, and rural communities.

SA 3010. Mr. ROUNDS submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

In section 5002, strike subsection (a).

In section 5002(b), strike ''(b) ALLOCATION OF FUNDS.—'' and insert ''(a) ALLOCATION OF FUNDS.—''.

In section 5002, strike subsection (c) and insert the following:

(b) CONSERVATION EASEMENTS.—Section 200306 of title 54, United States Code, is amended by adding at the end the following:

''(c) CONSERVATION EASEMENTS.—

''(1) IN GENERAL.—The Secretary and the Secretary of Agriculture shall consider the acquisition of conservation easements and other similar interests in land where appropriate and feasible.

''(2) REQUIREMENT.—Any conservation easement or other similar interest in land acquired under paragraph (1) shall be subject to terms and conditions that ensure that—

''(A) the grantor of the conservation easement or other similar interest in land has been provided with information relating to all available conservation options, including conservation options that involve the conveyance of a real property interest for a limited period of time; and

''(B) the provision of the information described in subparagraph (A) has been documented.''.

In section 5002(d), strike ''(d) ACQUISITION CONSIDERATIONS.—Section 200306'' and insert ''(c) ACQUISITION CONSIDERATIONS.—Section 200306''.

SA 3011. Mr. KAINE (for himself and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 3004A. EXTENSION OF DEADLINE FOR CERTAIN HYDROELECTRIC PROJECTS.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission (referred to in this section as the ''Commission'') projects numbered 12737 and 12740, the Commission may, at the request of the licensee for the applicable project, and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the procedures of the Commission under that section, extend the time period during which the licensee is required to commence the construction of the applicable project for up to 3 consecutive 2-year periods from the date of the expiration of the extension originally issued by the Commission.

(b) REINSTATEMENT OF EXPIRED LICENSE.—If the period required for commencement of construction of a project described in subsection (a) has expired prior to the date of enactment of this Act—

(1) the Commission may reinstate the license for the applicable project effective as of the date of the expiration of the license; and

(2) the first extension authorized under subsection (a) shall take effect on that expiration.

SA 3012. Mr. KAINE (for himself and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VI—MISCELLANEOUS

SEC. 6001. REMOVAL OF USE RESTRICTION.

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

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

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

''SEC. 4. REMOVAL OF USE RESTRICTION.

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

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

SA 3013. Mr. KAINE (for himself and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VI—MISCELLANEOUS

SEC. 6001. ESTABLISHMENT OF A VISITOR SERVICES FACILITY ON THE ARLINGTON RIDGE TRACT.

(a) DEFINITION OF ARLINGTON RIDGE TRACT.—In this section, the term ''Arlington Ridge tract'' means the parcel of Federal land located in Arlington County, Virginia, known as the ''Nevius Tract'' and transferred to the Department of the Interior in 1953, that is bounded generally by—

(1) Arlington Boulevard (United States Route 50) to the north;

(2) Jefferson Davis Highway (Virginia Route 110) to the east;

(3) Marshall Drive to the south; and

(4) North Meade Street to the west.

(b) ESTABLISHMENT OF VISITOR SERVICES FACILITY.—Notwithstanding section 2863(g) of the Military Construction Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1332), the Secretary of the Interior may construct a structure for visitor services to include a public restroom facility on the Arlington Ridge tract in the area of the United States Marine Corps War Memorial.

SA 3014. Mr. SULLIVAN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 44___. JUDICIAL REVIEW OF ENERGY RELATED ACTIONS.

(a) TIME FOR FILING COMPLAINT.—Any energy related action must be filed not later than the end of the 60-day period beginning on the date of the final agency action. Any energy related action not filed within this time period shall be barred.

(b) DISTRICT COURT VENUE AND DEADLINE.—All energy related actions—

(1) shall be brought in the United States District Court for the District of Columbia; and

(2) shall be resolved as expeditiously as possible, and in any event not more than 180 days after such cause of action is filed.

(c) APPELLATE REVIEW.—An interlocutory order or final judgment, decree or order of the district court in an energy related action may be reviewed by the United States Court of Appeals for the District of Columbia Circuit. The District of Columbia Circuit Court of Appeals shall resolve such appeal as expeditiously as possible, and in any event not more than 180 days after such interlocutory order or final judgment, decree or order of the district court was issued.

(d) LIMITATION ON CERTAIN PAYMENTS.—Notwithstanding section 1304 of title 31, United States Code, no award may be made under section 504 of title 5, United States Code, or under section 2412 of title 28, United States Code, and no amounts may be obligated or expended from the Claims and Judgment Fund of the United States Treasury to pay any fees or other expenses under such sections, to any person or party in an energy related action.

(e) LEGAL FEES.—In any energy related action in which the plaintiff does not ultimately prevail, the court shall award to the defendant (including any intervenor-defendants), other than the United States, fees and other expenses incurred by that party in connection with the energy related action, unless the court finds that the position of the plaintiff was substantially justified or that special circumstances make an award unjust. Whether or not the position of the plaintiff was substantially justified shall be determined on the basis of the administrative record, as a whole, which is made in the energy related action for which fees and other expenses are sought.

(f) DEFINITIONS.—For the purposes of this section, the following definitions apply:

(1) AGENCY ACTION.—The term ''agency action'' has the same meaning given such term in section 551 of title 5, United States Code.

(2) INDIAN LAND.—The term ''Indian Land'' has the same meaning given such term in section 203(c)(3) of the Energy Policy Act of 2005 (Public Law 109–58; 25 U.S.C. 3501), including lands owned by Native Corporations under the Alaska Native Claims Settlement Act (Public Law 92–203; 43 U.S.C. 1601).

(3) ENERGY RELATED ACTION.—The term ''energy related action'' means a cause of action that—

(A) is filed on or after the effective date of this Act; and

(B) seeks judicial review of a final agency action to issue a permit, license, or other form of agency permission allowing:

(i) any person or entity to conduct activities on Indian Land, which activities involve the exploration, development, production or transportation of oil, gas, coal, shale gas, oil shale, geothermal resources, wind or solar resources, underground coal gasification, biomass, or the generation of electricity; or

(ii) any Indian Tribe, or any organization of two or more entities, at least one of which is an Indian tribe, to conduct activities involving the exploration, development, production or transportation of oil, gas, coal, shale gas, oil shale, geothermal resources, wind or solar resources, underground coal gasification, biomass, or the generation of electricity, regardless of where such activities are undertaken.

(4) ULTIMATELY PREVAIL.—The phrase ''ultimately prevail'' means, in a final enforceable judgment, the court rules in the party's favor on at least one cause of action which is an underlying rationale for the preliminary injunction, administrative stay, or other relief requested by the party, and does not include circumstances where the final agency action is modified or amended by the issuing agency unless such modification or amendment is required pursuant to a final enforceable judgment of the court or a court-ordered consent decree.

SA 3015. Mr. SULLIVAN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 44____. ENVIRONMENTAL REVIEWS OF MAJOR FEDERAL ACTIONS ON INDIAN LAND.

Section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before the first sentence; and

(2) by adding at the end the following:

''(b) REVIEW OF MAJOR FEDERAL ACTIONS ON INDIAN LAND.—

''(1) REVIEW AND COMMENT.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the statement required under subsection (a)(2)(C) for a major Federal action regarding an activity on Indian land of an Indian tribe shall only be available for review and comment by the members of the Indian tribe, other individuals residing within the affected area, and State, federally recognized tribal, and local governments within the affected area.

''(B) EXCEPTION.—Subparagraph (A) shall not apply to a statement for a major Federal action regarding an activity on Indian land of an Indian tribe related to gaming under the Indian Gaming Regulatory Act.

''(2) REGULATIONS.—The Chairman of the Council on Environmental Quality shall develop regulations to implement this section, including descriptions of affected areas for specific major Federal actions, in consultation with Indian tribes.

''(3) DEFINITIONS.—In this subsection, each of the terms 'Indian land' and 'Indian tribe' has the meaning given that term in section 2601 of the Energy Policy Act of 1992 (25 U.S.C. 3501).

''(4) CLARIFICATION OF AUTHORITY.—Nothing in this subsection gives the Secretary any additional authority over energy projects on Alaska Native Claims Settlement Act land.''.

SA 3016. Mr. TOOMEY (for himself, Mrs. FEINSTEIN, and Mr. FLAKE) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

Subtitle I—Renewable Fuel

SEC. 3801. ELIMINATION OF CORN ETHANOL MANDATE FOR RENEWABLE FUEL.

(a) REMOVAL OF TABLE.—Section 211(o)(2)(B)(i) of the Clean Air Act (42 U.S.C. 7545(o)(2)(B)(i)) is amended by striking subclause (I).

(b) CONFORMING AMENDMENTS.—Section 211(o)(2)(B) of the Clean Air Act (42 U.S.C. 7545(o)(2)(B)) is amended—

(1) in clause (i)—

(A) by redesignating subclauses (II) through (IV) as subclauses (I) through (III), respectively;

(B) in subclause (I) (as so redesignated), by striking ''of the volume of renewable fuel required under subclause (I),''; and

(C) in subclauses (II) and (III) (as so redesignated), by striking ''subclause (II)'' each place it appears and inserting ''subclause (I)''; and

(2) in clause (v), by striking ''clause (i)(IV)'' and inserting ''clause (i)(III)''.

(c) ADMINISTRATION.—Nothing in this section or the amendments made by this section affects the volumes of advanced biofuel, cellulosic biofuel, or biomass-based diesel that are required under section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)).

SA 3017. Mr. BARRASSO (for himself and Mr. SCHATZ) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; as follows:

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

SEC. 46___. CARBON DIOXIDE CAPTURE TECHNOLOGY PRIZE.

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

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

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

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

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

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

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

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

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

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

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

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

''(i) the competition process;

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

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

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

''(C) offer financial awards for—

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

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

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

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

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

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

''(D) submit to Congress—

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

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

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

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

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

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

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

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

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

''(i) climate science;

''(ii) physics;

''(iii) chemistry;

''(iv) biology;

''(v) engineering;

''(vi) economics;

''(vii) business management; and

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

''(C) TERM; VACANCIES.—

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

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

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

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

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

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

''(F) QUORUM.—A majority of the members of the Board shall constitute a quorum, but

a lesser number of members may hold hearings.

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

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

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

''(7) INTELLECTUAL PROPERTY.—

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

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

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

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

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

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

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

SA 3018. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VI—MISCELLANEOUS

SEC. 6001. STUDY OF JAMES K. POLK HOME IN COLUMBIA, TENNESSEE.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this section as the ''Secretary'') shall conduct a special resource study of the site of the James K. Polk Home in Columbia, Tennessee, and adjacent property (referred to in this section as the ''site'').

(b) CRITERIA.—The Secretary shall conduct the study under subsection (a) in accordance with section 100507 of title 54, United States Code.

(c) CONTENTS.—In conducting the study under subsection (a), the Secretary shall—

(1) evaluate the national significance of the site;

(2) determine the suitability and feasibility of designating the site as a unit of the National Park System;

(3) include cost estimates for any necessary acquisition, development, operation, and maintenance of the site;

(4) consult with interested Federal, State, or local governmental entities, private and nonprofit organizations, or other interested individuals; and

(5) identify alternatives for the management, administration, and protection of the site.

(d) REPORT.—Not later than 3 years after the date on which funds are made available to carry out the study under subsection (a), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the findings and conclusions of the study; and

(2) any recommendations of the Secretary.

SA 3019. Mr. MURPHY submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PROMOTING USE OF RECLAIMED REFRIGERANTS IN FEDERAL FACILITIES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of General Services shall issue guidance relating to the procurement of reclaimed refrigerants to service existing equipment of Federal facilities.

(b) PREFERENCE.—The guidance issued under subsection (a) shall give preference to the use of reclaimed refrigerants, on the conditions that—

(1) the refrigerant has been reclaimed by a person or entity that is certified under the laboratory certification program of the Air Conditioning, Heating, and Refrigeration Institute; and

(2) the price of the reclaimed refrigerant does not exceed the price of a newly manufactured (virgin) refrigerant.

SA 3020. Mr. DAINES (for himself and Mr. TESTER) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 229, after line 22, add the following:

(c) REINSTATEMENT OF EXPIRED LICENSE.—If the period required for commencement of construction of the project described in subsection (b) has expired before the date of enactment of this Act—

(1) the Commission shall reinstate the license effective as of the date of the expiration of the license; and

(2) the first extension authorized under subsection (a) shall take effect on that expiration date.

SA 3021. Mr. CRAPO (for himself, Mr. WHITEHOUSE, Mr. RISCH, Mr. BOOKER, Mr. HATCH, Mr. KIRK, and Mr. DURBIN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; as follows:

Strike section 3501 and insert the following:

SEC. 3501. NUCLEAR ENERGY INNOVATION CAPABILITIES.

(a) DEFINITIONS.—In this section:

(1) ADVANCED FISSION REACTOR.—The term ''advanced fission reactor'' means a nuclear fission reactor with significant improvements over the most recent generation of nuclear reactors, including improvements such as—

(A) inherent safety features;

(B) lower waste yields;

(C) greater fuel utilization;

(D) superior reliability;

(E) resistance to proliferation;

(F) increased thermal efficiency; and

(G) ability to integrate into electric and nonelectric applications.

(2) FAST NEUTRON.—The term ''fast neutron'' means a neutron with kinetic energy above 100 kiloelectron volts.

(3) NATIONAL LABORATORY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ''National Laboratory'' has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(B) LIMITATION.—With respect to the Lawrence Livermore National Laboratory, the Los Alamos National Laboratory, and the Sandia National Laboratories, the term ''National Laboratory'' means only the civilian activities of the laboratory.

(4) NEUTRON FLUX.—The term ''neutron flux'' means the intensity of neutron radiation measured as a rate of flow of neutrons applied over an area.

(5) NEUTRON SOURCE.—The term ''neutron source'' means a research machine that provides neutron irradiation services for—

(A) research on materials sciences and nuclear physics; and

(B) testing of advanced materials, nuclear fuels, and other related components for reactor systems.

(b) MISSION.—Section 951 of the Energy Policy Act of 2005 (42 U.S.C. 16271) is amended by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—The Secretary shall conduct programs of civilian nuclear research, development, demonstration, and commercial application, including activities described in this subtitle, that take into consideration the following objectives:

''(1) Providing research infrastructure—

''(A) to promote scientific progress; and

''(B) to enable users from academia, the National Laboratories, and the private sector to make scientific discoveries relevant for nuclear, chemical, and materials science engineering.

''(2) Maintaining nuclear energy research and development programs at the National Laboratories and institutions of higher education, including programs of infrastructure of National Laboratories and institutions of higher education.

''(3) Providing the technical means to reduce the likelihood of nuclear weapons proliferation.

''(4) Ensuring public safety.

''(5) Reducing the environmental impact of nuclear energy-related activities.

''(6) Supporting technology transfer from the National Laboratories to the private sector.

''(7) Enabling the private sector to partner with the National Laboratories to demonstrate novel reactor concepts for the purpose of resolving technical uncertainty associated with the objectives described in this subsection.''.

(c) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) nuclear energy, through fission or fusion, represents the highest energy density of any known attainable source and yields low air emissions;

(2) nuclear energy is of national importance to scientific progress, national security, electricity generation, heat generation

for industrial applications, and space exploration; and

(3) considering the inherent complexity and regulatory burden associated with nuclear energy, the Department should focus civilian nuclear research and development activities of the Department on programs that enable the private sector, National Laboratories, and institutions of higher education to carry out experiments to promote scientific progress and enhance practical knowledge of nuclear engineering.

(d) HIGH-PERFORMANCE COMPUTATION AND SUPPORTIVE RESEARCH.—

(1) MODELING AND SIMULATION PROGRAM.—

(A) IN GENERAL.—The Secretary shall carry out a program to enhance the capabilities of the United States to develop new reactor technologies and related systems technologies through high-performance computation modeling and simulation techniques (referred to in this paragraph as the ''program'').

(B) COORDINATION REQUIRED.—In carrying out the program, the Secretary shall coordinate with relevant Federal agencies through the National Strategic Computing Initiative established by Executive Order 13702 (80 Fed. Reg. 46177) (July 29, 2015).

(C) OBJECTIVES.—In carrying out the program, the Secretary shall take into consideration the following objectives:

(i) Using expertise from the private sector, institutions of higher education, and National Laboratories to develop computational software and capabilities that prospective users may access to accelerate research and development of advanced fission reactor systems, nuclear fusion systems, and reactor systems for space exploration.

(ii) Developing computational tools to simulate and predict nuclear phenomena that may be validated through physical experimentation.

(iii) Increasing the utility of the research infrastructure of the Department by coordinating with the Advanced Scientific Computing Research program of the Office of Science.

(iv) Leveraging experience from the Energy Innovation Hub for Modeling and Simulation.

(v) Ensuring that new experimental and computational tools are accessible to relevant research communities, including private companies engaged in nuclear energy technology development.

(2) SUPPORTIVE RESEARCH ACTIVITIES.—The Secretary shall consider support for additional research activities to maximize the utility of the research facilities of the Department, including research—

(A) on physical processes to simulate degradation of materials and behavior of fuel forms; and

(B) for validation of computational tools.

(e) VERSATILE NEUTRON SOURCE.—

(1) DETERMINATION OF MISSION NEED.—

(A) IN GENERAL.—Not later than December 31, 2016, the Secretary shall determine the mission need for a versatile reactor-based fast neutron source, which shall operate as a national user facility (referred to in this subsection as the ''user facility'').

(B) CONSULTATION REQUIRED.—In carrying out subparagraph (A), the Secretary shall consult with the private sector, institutions of higher education, the National Laboratories, and relevant Federal agencies to ensure that the user facility will meet the research needs of the largest possible majority of prospective users.

(2) PLAN FOR ESTABLISHMENT.—On the determination of the mission need under paragraph (1), the Secretary, as expeditiously as practicable, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a detailed plan for the establishment of the user facility (referred to in this section as the ''plan'').

(3) DEADLINE FOR ESTABLISHMENT.—The Secretary shall make every effort to complete construction of, and approve the start of operations for, the user facility by December 31, 2025.

(4) FACILITY REQUIREMENTS.—

(A) CAPABILITIES.—The Secretary shall ensure that the user facility shall provide, at a minimum—

(i) fast neutron spectrum irradiation capability; and

(ii) capacity for upgrades to accommodate new or expanded research needs.

(B) CONSIDERATIONS.—In carrying out the plan, the Secretary shall consider—

(i) capabilities that support experimental high-temperature testing;

(ii) providing a source of fast neutrons—

(I) at a neutron flux that is higher than the neutron flux at which research facilities operate before establishment of the user facility; and

(II) sufficient to enable research for an optimal base of prospective users;

(iii) maximizing irradiation flexibility and irradiation volume to accommodate as many concurrent users as possible;

(iv) capabilities for irradiation with neutrons of a lower energy spectrum;

(v) multiple loops for fuels and materials testing in different coolants; and

(vi) additional pre-irradiation and post-irradiation examination capabilities.

(5) COORDINATION.—In carrying out this subsection, the Secretary shall leverage the best practices of the Office of Science for the management, construction, and operation of national user facilities.

(6) REPORT.—The Secretary shall include in the annual budget request of the Department an explanation for any delay in carrying out this subsection.

(f) ENABLING NUCLEAR ENERGY INNOVATION.—

(1) ESTABLISHMENT OF NATIONAL NUCLEAR INNOVATION CENTER.—The Secretary may enter into a memorandum of understanding with the Chairman of the Nuclear Regulatory Commission to establish a center to be known as the ''National Nuclear Innovation Center'' (referred to in this subsection as the ''Center'')—

(A) to enable the testing and demonstration of reactor concepts to be proposed and funded, in whole or in part, by the private sector;

(B) to establish and operate a database to store and share data and knowledge on nuclear science between Federal agencies and private industry; and

(C) to establish capabilities to develop and test reactor electric and nonelectric integration and energy conversion systems.

(2) ROLE OF NRC.—In operating the Center, the Secretary shall—

(A) consult with the Nuclear Regulatory Commission on safety issues; and

(B) permit staff of the Nuclear Regulatory Commission to actively observe and learn about the technology being developed at the Center.

(3) OBJECTIVES.—A reactor developed under paragraph (1)(A) shall have the following objectives:

(A) Enabling physical validation of fusion and advanced fission experimental reactors at the National Laboratories or other facilities of the Department.

(B) Resolving technical uncertainty and increase practical knowledge relevant to safety, resilience, security, and functionality of novel reactor concepts.

(C) Conducting general research and development to improve novel reactor technologies.

(4) USE OF TECHNICAL EXPERTISE.—In operating the Center, the Secretary shall leverage the technical expertise of relevant Federal agencies and National Laboratories—

(A) to minimize the time required to carry out paragraph (3); and

(B) to ensure reasonable safety for individuals working at the National Laboratories or other facilities of the Department to carry out that paragraph.

(5) REPORTING REQUIREMENT.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the National Laboratories, relevant Federal agencies, and other stakeholders, shall submit to the Committee on Energy and Natural Resources and the Committee on Environment and Public Works of the Senate and the Committee on Science, Space, and Technology and the Committee on Energy and Commerce of the House of Representatives a report assessing the capabilities of the Department to authorize, host, and oversee privately proposed and funded reactors (as described in paragraph (1)(A)).

(B) CONTENTS.—The report shall address—

(i) the safety review and oversight capabilities of the Department, including options to leverage expertise from the Nuclear Regulatory Commission and the National Laboratories;

(ii) potential sites capable of hosting the activities described in paragraph (1);

(iii) the efficacy of the available contractual mechanisms of the Department to partner with the private sector and other Federal agencies, including cooperative research and development agreements, strategic partnership projects, and agreements for commercializing technology;

(iv) how the Federal Government and the private sector will address potential intellectual property concerns;

(v) potential cost structures relating to physical security, decommissioning, liability, and other long term project costs; and

(vi) other challenges or considerations identified by the Secretary.

(g) BUDGET PLAN.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Science, Space, and Technology of the House of Representatives 3 alternative 10-year budget plans for civilian nuclear energy research and development by the Department in accordance with paragraph (2).

(2) DESCRIPTION OF PLANS.—

(A) IN GENERAL.—The 3 alternative 10-year budget plans submitted under paragraph (1) shall be the following:

(i) A plan that assumes constant annual funding at the level of appropriations for fiscal year 2016 for the civilian nuclear energy research and development of the Department, particularly for programs critical to advanced nuclear projects and development.

(ii) A plan that assumes 2 percent annual increases to the level of appropriations described in clause (i).

(iii) A plan that uses an unconstrained budget.

(B) INCLUSIONS.—Each plan shall include—

(i) a prioritized list of the programs, projects, and activities of the Department that best support the development, licensing, and deployment of advanced nuclear energy technologies;

(ii) realistic budget requirements for the Department to carry out subsections (d), (e), and (f); and

(iii) the justification of the Department for continuing or terminating existing civilian nuclear energy research and development programs.

(h) NUCLEAR REGULATORY COMMISSION REPORT.—Not later than December 31, 2016, the Chairman of the Nuclear Regulatory Commission shall submit to the Committee on Energy and Natural Resources and the Committee on Environment and Public Works of the Senate and the Committee on Science, Space, and Technology and the Committee on Energy and Commerce of the House of Representatives a report describing—

(1) the extent to which the Nuclear Regulatory Commission is capable of licensing advanced reactor designs that are developed pursuant to this section by the end of the 4-year period beginning on the date on which an application is received under part 50 or 52 of title 10, Code of Federal Regulations (or successor regulations); and

(2) any organizational or institutional barriers the Nuclear Regulatory Commission will need to overcome to be able to license the advanced reactor designs that are developed pursuant to this section by the end of the 4-year period described in paragraph (1).

SA 3022. Mr. LEE submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 424, strike lines 11 through 18.

SA 3023. Mr. LEE submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

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

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

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

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

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

SA 3024. Mr. CORNYN (for himself and Mr. BENNET) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. TAXATION OF NATURAL GAS PIPELINE PROPERTY.

(a) LIMITATION ON DISCRIMINATORY TAXATION OF NATURAL GAS PIPELINE PROPERTY.—

(1) DEFINITIONS.—In this section:

(A) ASSESSMENT.—The term ''assessment'' means valuation for a property tax that is levied by a taxing authority.

(B) ASSESSMENT JURISDICTION.—The term ''assessment jurisdiction'' means a geographical area used in determining the assessed value of property for ad valorem taxation.

(C) COMMERCIAL AND INDUSTRIAL PROPERTY.—The term ''commercial and industrial property'' means property (excluding natural gas pipeline property, public utility property, and land used primarily for agricultural purposes or timber growth) devoted to commercial or industrial use and subject to a property tax levy.

(D) NATURAL GAS PIPELINE PROPERTY.—The term ''natural gas pipeline property'' means all property (whether real, personal, and intangible) used by a natural gas pipeline providing transportation or storage of natural gas subject to the jurisdiction of the Federal Regulatory Commission.

(E) PUBLIC UTILITY PROPERTY.—The term ''public utility property'' means property (excluding natural gas pipeline property) that is devoted to public service and is owned or used by any entity that performs a public service and is regulated by any governmental agency.

(2) DISCRIMINATORY ACTS.—A State, subdivision of a State, authority acting for a State or subdivision of a State, or any other taxing authority (including a taxing jurisdiction and a taxing district) may not do any of the following:

(A) ASSESSMENTS.—Assess natural gas pipeline property at value that has a higher ratio to the true market value of the natural gas pipeline property than the ratio that the assessed value of commercial and industrial property in the same assessment jurisdiction has to the true market value of such commercial and industrial property.

(B) ASSESSMENT TAXES.—Levy or collect a tax on an assessment that may not be made under subparagraph (A).

(C) AD VALOREM TAXES.—Levy or collect an ad valorem property tax on natural gas pipeline property at a tax rate that exceeds the tax rate applicable to commercial and industrial property in the same assessment jurisdiction.

(D) OTHER TAXES.—Impose any other tax that discriminates against a natural gas pipeline providing transportation or storage of natural gas subject to the jurisdiction of the Federal Energy Regulatory Commission.

(b) JURISDICTION OF COURTS; RELIEF.—

(1) GRANT OF JURISDICTION.—Notwithstanding section 1341 of title 28, United States Code, and without regard to the amount in controversy or citizenship of the parties, the district courts of the United States shall have jurisdiction, concurrent with other jurisdiction of the courts of the United States, of States, and of all other taxing authorities and taxing jurisdictions, to prevent a violation of subsection (a).

(2) RELIEF IN GENERAL.—Except as provided in this paragraph, relief may be granted under this section only if the ratio of assessed value to true market value of natural gas pipeline property exceeds by at least 5 percent the ratio of assessed value to true market value of commercial and industrial property in the same assessment jurisdiction. If the ratio of the assessed value of commercial and industrial property in the assessment jurisdiction to the true market value of commercial and industrial property cannot be determined to the satisfaction of the court through the random-sampling method known as a sales assessment ratio study (to be carried out under statistical principles applicable to such a study), each of the following shall be a violation of subsection (a) for which relief under this section may be granted:

(A) An assessment of the natural gas pipeline property at a value that has a higher ratio of assessed value to the true market value of the natural gas pipeline property than the ratio of the assessed value of all other property (excluding public utility property) subject to a property tax levy in the assessment jurisdiction has to the true market value of all other property (excluding public utility property).

(B) The collection of an ad valorem property tax on the natural gas pipeline property at a tax rate that exceeds the tax rate applicable to all other taxable property (excluding public utility property) in the taxing jurisdiction.

SA 3025. Mr. CASSIDY submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ENERGY CONSUMERS RELIEF.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) DIRECT COSTS.—The term ''direct costs'' has the meaning given the term in chapter 8 of the report of the Environmental Protection Agency entitled ''Guidelines for Preparing Economic Analyses'' and dated December 17, 2010.

(3) ENERGY-RELATED RULE THAT IS ESTIMATED TO COST MORE THAN $1,000,000,000.—The term ''energy-related rule that is estimated to cost more than $1,000,000,000'' means a rule of the Environmental Protection Agency that—

(A) regulates any aspect of the production, supply, distribution, or use of energy or provides for such regulation by States or other governmental entities; and

(B) is estimated by the Administrator or the Director of the Office of Management and Budget to impose direct costs and indirect costs, in the aggregate, of more than $1,000,000,000.

(4) INDIRECT COSTS.—The term ''indirect costs'' has the meaning given the term in chapter 8 of the report of the Environmental Protection Agency entitled ''Guidelines for Preparing Economic Analyses'' and dated December 17, 2010.

(5) RULE.—The term ''rule'' has the meaning given to the term in section 551 of title 5, United States Code.

(b) PROHIBITION AGAINST FINALIZING CERTAIN ENERGY-RELATED RULES THAT WILL CAUSE SIGNIFICANT ADVERSE EFFECTS TO THE ECONOMY.—Notwithstanding any other provision of law, the Administrator may not promulgate as final an energy-related rule that is estimated to cost more than $1,000,000,000 if the Secretary determines under subsection (c)(2)(C) that the rule will cause significant adverse effects to the economy.

(c) REPORTS AND DETERMINATIONS PRIOR TO PROMULGATING AS FINAL CERTAIN ENERGY-RELATED RULES.—

(1) IN GENERAL.—Before promulgating as final any energy-related rule that is estimated to cost more than $1,000,000,000, the Administrator shall carry out the requirements of paragraph (2).

(2) REQUIREMENTS.—

(A) REPORT TO CONGRESS.—The Administrator shall submit to Congress and the Secretary a report containing—

(i) a copy of the rule;

(ii) a concise general statement relating to the rule;

(iii) an estimate of the total costs of the rule, including the direct costs and indirect costs of the rule;

(iv)(I) an estimate of the total benefits of the rule and when such benefits are expected to be realized;

(II) a description of the modeling, the calculations, the assumptions, and the limitations due to uncertainty, speculation, or lack of information associated with the estimates under this clause; and

(III) a certification that all data and documents relied upon by the Environmental Protection Agency in developing the estimates—

(aa) have been preserved; and

(bb) are available for review by the public on the website of the Environmental Protection Agency, except to the extent to which publication of the data and documents would constitute disclosure of confidential information in violation of applicable Federal law;

(v) an estimate of the increases in energy prices, including potential increases in gasoline or electricity prices for consumers, that may result from implementation or enforcement of the rule; and

(vi) a detailed description of the employment effects, including potential job losses and shifts in employment, that may result from implementation or enforcement of the rule.

(B) INITIAL DETERMINATION ON INCREASES AND IMPACTS.—The Secretary, in consultation with the Federal Energy Regulatory Commission and the Administrator of the Energy Information Administration, shall prepare an independent analysis to determine whether the rule will cause any—

(i) increase in energy prices for consumers, including low-income households, small businesses, and manufacturers;

(ii) impact on fuel diversity of the electricity generation portfolio of the United States or on national, regional, or local electric reliability;

(iii) adverse effect on energy supply, distribution, or use due to the economic or technical infeasibility of implementing the rule; or

(iv) other adverse effect on energy supply, distribution, or use, including a shortfall in supply and increased use of foreign supplies.

(C) SUBSEQUENT DETERMINATION ON ADVERSE EFFECTS TO THE ECONOMY.—If the Secretary determines under subparagraph (B) that the rule will cause an increase, impact, or effect described in that subparagraph, the Secretary, in consultation with the Administrator, the Secretary of Commerce, the Secretary of Labor, and the Administrator of the Small Business Administration, shall—

(i) determine whether the rule will cause significant adverse effects to the economy, taking into consideration—

(I) the costs and benefits of the rule and limitations in calculating the costs and benefits due to uncertainty, speculation, or lack of information; and

(II) the positive and negative impacts of the rule on economic indicators, including those related to gross domestic product, unemployment, wages, consumer prices, and business and manufacturing activity; and

(ii) publish the results of the determination made under clause (i) in the Federal Register.

(d) PROHIBITION ON USE OF SOCIAL COST OF CARBON IN ANALYSIS.—

(1) DEFINITION OF SOCIAL COST OF CARBON.—In this subsection, the term ''social cost of carbon'' means—

(A) the social cost of carbon as described in the technical support document entitled ''Technical Support Document: Technical Update of the Social Cost of Carbon for Regulatory Impact Analysis Under Executive Order 12866'', published by the Interagency Working Group on Social Cost of Carbon, United States Government, in May 2013 (or any successor or substantially related document); or

(B) any other estimate of the monetized damages associated with an incremental increase in carbon dioxide emissions in a given year.

(2) PROHIBITION ON USE OF SOCIAL COST OF CARBON IN ANALYSIS.—Notwithstanding any other provision of law or any Executive order, the Administrator may not use the social cost of carbon to incorporate social benefits of reducing carbon dioxide emissions, or for any other reason, in any cost-benefit analysis relating to an energy-related rule that is estimated to cost more than $1,000,000,000 unless a Federal law is enacted authorizing the use.

SA 3026. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 4405. RED RIVER PRIVATE PROPERTY PROTECTION.

(a) DISCLAIMER AND OUTDATED SURVEYS.—

(1) IN GENERAL.—The Secretary hereby disclaims any right, title, and interest to all land located south of the South Bank boundary line of the Red River in the affected area.

(2) CLARIFICATION OF PRIOR SURVEYS.—Previous surveys conducted by the Bureau of Land Management shall have no force or effect in determining the current South Bank boundary line.

(b) IDENTIFICATION OF CURRENT BOUNDARY.—

(1) BOUNDARY IDENTIFICATION.—To identify the current South Bank boundary line along the affected area, the Secretary shall commission a new survey that—

(A) adheres to the gradient boundary survey method;

(B) spans the entire length of the affected area;

(C) is conducted by Licensed State Land Surveyors chosen by the Texas General Land Office; and

(D) is completed not later than 2 years after the date of the enactment of this Act.

(2) APPROVAL OF THE SURVEY.—The Secretary shall submit the survey conducted under this section to the Texas General Land Office for approval. State approval of the completed survey shall satisfy the requirements under this section.

(c) APPEAL.—Not later than 1 year after the survey is completed and approved pursuant to subsection (b), a private property owner who holds right, title, or interest in the affected area may appeal public domain claims by the Secretary to an Administrative Law Judge.

(d) RESOURCE MANAGEMENT PLAN.—The Secretary shall ensure that no parcels of land in the affected area are treated as Federal land for the purpose of any resource management plan until the survey has been completed and approved and the Secretary ensures that the parcel is not subject to further appeal pursuant to this section.

(e) CONSTRUCTION.—This section does not change or affect in any manner the interest of the States or sovereignty rights of federally recognized Indian tribes over lands located to the north of the South Bank boundary line of the Red River as established by this section.

(f) SALE OF REMAINING RED RIVER SURFACE RIGHTS.—

(1) COMPETITIVE SALE OF IDENTIFIED FEDERAL LANDS.—After the survey has been completed and approved and the Secretary ensures that a parcel is not subject to further appeal under this section, the Secretary shall offer any and all such remaining identified Federal lands for disposal by competitive sale for not less than fair market value as determined by an appraisal conducted in accordance with nationally recognized appraisal standards, including the Uniform Appraisal Standards for Federal Land Acquisitions; and the Uniform Standards of Professional Appraisal Practice.

(2) EXISTING RIGHTS.—The sale of identified Federal lands under this subsection shall be subject to valid existing tribal, State, and local rights.

(3) PROCEEDS OF SALE OF LANDS.—Net proceeds from the sale of identified Federal lands under this subsection shall be used to offset any costs associated with this section.

(4) REPORT.—Not later than 5 years after the date of the enactment of this Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a list of any identified Federal lands that have not been sold under paragraph (1) and the reasons such lands were not sold.

(g) DEFINITIONS.—For the purposes of this section:

(1) AFFECTED AREA.—The term ''affected area'' means lands along the approximately 116-mile stretch of the Red River from its confluence with the North Fork of the Red River on the west to the 98th meridian on the east between the States of Texas and Oklahoma.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of Bureau of Land Management.

(3) SOUTH BANK.—The term ''South Bank'' means the water-washed and relatively permanent elevation or acclivity, commonly called a cut bank, along the southerly or right side of the Red River which separates its bed from the adjacent upland, whether valley or hill, and usually serves to confine the waters within the bed and to preserve the course of the river; as specified in the fifth paragraph of the decree rendered March 12, 1923, in Oklahoma v. Texas, 261 U.S. 340, 43 S. Ct. 376, 67 L. Ed. 687.

(4) SOUTH BANK BOUNDARY LINE.—The term ''South Bank boundary line'' means the boundary between Texas and Oklahoma identified through the gradient boundary survey method; as specified in the sixth and seventh paragraphs of the decree rendered March 12, 1923, in Oklahoma v. Texas, 261 U.S. 340, 43 S. Ct. 376, 67 L. Ed. 687.

(5) GRADIENT BOUNDARY SURVEY METHOD.—The term ''gradient boundary survey method'' means the measurement technique used to locate the South Bank boundary line under the methodology established by the United States Supreme Court which recognizes that the boundary line between the States of Texas and Oklahoma along the Red River is subject to such changes as have been or may be wrought by the natural and gradual processes known as erosion and accretion as specified in the second, third, and fourth paragraphs of the decree rendered March 12, 1923, in Oklahoma v. Texas, 261 U.S. 340, 43 S. Ct. 376, 67 L. Ed. 687.

SA 3027. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and

for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 4405. APPROVAL OF CERTAIN SETTLEMENTS.

(a) DEFINITIONS.—Section 3 of the Endangered Species Act of 1973 (16 U.S.C. 1532) is amended—

(1) by redesignating—

(A) paragraphs (1) through (4) as paragraphs (2) through (5), respectively;

(B) paragraphs (5) through (10) as paragraphs (7) through (12), respectively; and

(C) paragraphs (12) through (21) as paragraphs (13) through (22), respectively;

(2) by adding before paragraph (2) (as so redesignated) the following:

''(1) AFFECTED PARTIES.—The term 'affected party' means any person, including a business entity, or any State, tribal government, or local subdivision the rights of which may be affected by a determination made under section 4(a) in a suit brought under section 11(g)(1)(C).''; and

(3) by adding after paragraph (5) (as so redesignated) the following:

''(6) COVERED SETTLEMENT.—The term 'covered settlement' means a consent decree or a settlement agreement in an action brought under section 11(g)(1)(C).''.

(b) INTERVENTION; APPROVAL OF COVERED SETTLEMENT.—Section 11(g) of the Endangered Species Act of 1973 (16 U.S.C. 1540) is amended—

(1) in paragraph (3), by adding at the end the following:

''(C) PUBLISHING COMPLAINT; INTERVENTION.—

''(i) PUBLISHING COMPLAINT.—

''(I) IN GENERAL.—Not later than 30 days after the date on which the plaintiff serves the defendant with the complaint in an action brought under paragraph (1)(C) in accordance with Rule 4 of the Federal Rules of Civil Procedure, the Secretary of the Interior shall publish the complaint in a readily accessible manner, including electronically.

''(II) FAILURE TO MEET DEADLINE.—The failure of the Secretary to meet the 30-day deadline described in subclause (I) shall not be the basis for an action under paragraph (1)(C).

''(ii) INTERVENTION.—

''(I) IN GENERAL.—After the end of the 30-day period described in clause (i), each affected party shall be given a reasonable opportunity to move to intervene in the action described in clause (i), until the end of which a party may not file a motion for a consent decree or to dismiss the case pursuant to a settlement agreement.

''(II) REBUTTABLE PRESUMPTION.—In considering a motion to intervene by any affected party, the court shall presume, subject to rebuttal, that the interests of that party would not be represented adequately by the parties to the action described in clause (i).

''(III) REFERRAL TO ALTERNATIVE DISPUTE RESOLUTION.—

''(aa) IN GENERAL.—If the court grants a motion to intervene in the action, the court shall refer the action to facilitate settlement discussions to—

''(AA) the mediation program of the court; or

''(BB) a magistrate judge.

''(bb) PARTIES INCLUDED IN SETTLEMENT DISCUSSIONS.—The settlement discussions described in item (aa) shall include each—

''(AA) plaintiff;

''(BB) defendant agency; and

''(CC) intervenor.'';

(2) by striking paragraph (4) and inserting the following:

''(4) LITIGATION COSTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the court, in issuing any final order in any suit brought under paragraph (1), may award costs of litigation (including reasonable attorney and expert witness fees) to any party, whenever the court determines such award is appropriate.

''(B) COVERED SETTLEMENT.—

''(i) CONSENT DECREES.—The court shall not award costs of litigation in any proposed covered settlement that is a consent decree.

''(ii) OTHER COVERED SETTLEMENTS.—

''(I) IN GENERAL.—For a proposed covered settlement other than a consent decree, the court shall ensure that the covered settlement does not include payment to any plaintiff for the costs of litigation.

''(II) MOTIONS.—The court shall not grant any motion, including a motion to dismiss, based on the proposed covered settlement described in subclause (I) if the covered settlement includes payment to any plaintiff for the costs of litigation.''; and

(3) by adding at the end the following:

''(6) APPROVAL OF COVERED SETTLEMENT.—

''(A) DEFINITION OF SPECIES.—In this paragraph, the term 'species' means a species that is the subject of an action brought under paragraph (1)(C).

''(B) IN GENERAL.—

''(i) CONSENT DECREES.—The court shall not approve a proposed covered settlement that is a consent decree unless each State and county in which the Secretary of the Interior believes a species occurs approves the covered settlement.

''(ii) OTHER COVERED SETTLEMENTS.—

''(I) IN GENERAL.—For a proposed covered settlement other than a consent decree, the court shall ensure that the covered settlement is approved by each State and county in which the Secretary of the Interior believes a species occurs.

''(II) MOTIONS.—The court shall not grant any motion, including a motion to dismiss, based on the proposed covered settlement described in subclause (I) unless the covered settlement is approved by each State and county in which the Secretary of the Interior believes a species occurs.

''(C) NOTICE.—

''(i) IN GENERAL.—The Secretary of the Interior shall provide each State and county in which the Secretary of the Interior believes a species occurs notice of a proposed covered settlement.

''(ii) DETERMINATION OF RELEVANT STATES AND COUNTIES.—The defendant in a covered settlement shall consult with each State described in clause (i) to determine each county in which the Secretary of the Interior believes a species occurs.

''(D) FAILURE TO RESPOND.—The court may approve a covered settlement or grant a motion described in subparagraph (B)(ii)(II) if, not later than 45 days after the date on which a State or county is notified under subparagraph (C)—

''(i)(I) a State or county fails to respond; and

''(II) of the States or counties that respond, each State or county approves the covered settlement; or

''(ii) all of the States and counties fail to respond.

''(E) PROOF OF APPROVAL.—The defendant in a covered settlement shall prove any State or county approval described in this paragraph in a form—

''(i) acceptable to the State or county, as applicable; and

''(ii) signed by the State or county official authorized to approve the covered settlement.''.

SA 3028. Mr. COATS submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. RELIEF PENDING REVIEW.

Section 705 of title 5, United States Code, is amended—

(1) by striking ''When'' and inserting the following:

''(a) IN GENERAL.—When''; and

(2) by adding at the end the following:

''(b) HIGH-IMPACT RULES.—

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

''(A) the term 'Administrator' means the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget; and

''(B) the term 'high-impact rule' means any rule that the Administrator determines may impose an annual cost on the economy of not less than $1,000,000,000.

''(2) RELIEF.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), an agency shall postpone the effective date of a high-impact rule of the agency pending judicial review.

''(B) FAILURE TO TIMELY SEEK JUDICIAL REVIEW.—Notwithstanding section 553(d), if no person seeks judicial review of a high-impact rule during the 60-day period beginning on the date on which the high-impact rule is published in the Federal Register, the high-impact rule shall take effect on the date that is 60 days after the date on which the high-impact rule is published.''.

SA 3029. Mr. BARRASSO (for himself and Mr. TESTER) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VI—INDIAN TRIBAL ENERGY DEVELOPMENT AND SELF-DETERMINATION

SECTION 6001. SHORT TITLE.

This title may be cited as the ''Indian Tribal Energy Development and Self-Determination Act Amendments of 2016''.

Subtitle A—Indian Tribal Energy Development and Self-determination Act Amendments

SEC. 6011. INDIAN TRIBAL ENERGY RESOURCE DEVELOPMENT.

(a) IN GENERAL.—Section 2602(a) of the Energy Policy Act of 1992 (25 U.S.C. 3502(a)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (C), by striking ''and'' after the semicolon;

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

(C) by adding at the end the following:

''(E) consult with each applicable Indian tribe before adopting or approving a well spacing program or plan applicable to the energy resources of that Indian tribe or the members of that Indian tribe.''; and

(2) by adding at the end the following:

''(4) PLANNING.—

''(A) IN GENERAL.—In carrying out the program established by paragraph (1), the Secretary shall provide technical assistance to interested Indian tribes to develop energy plans, including—

''(i) plans for electrification;

''(ii) plans for oil and gas permitting, renewable energy permitting, energy efficiency, electricity generation, transmission

planning, water planning, and other planning relating to energy issues;

''(iii) plans for the development of energy resources and to ensure the protection of natural, historic, and cultural resources; and

''(iv) any other plans that would assist an Indian tribe in the development or use of energy resources.

''(B) COOPERATION.—In establishing the program under paragraph (1), the Secretary shall work in cooperation with the Office of Indian Energy Policy and Programs of the Department of Energy.''.

(b) DEPARTMENT OF ENERGY INDIAN ENERGY EDUCATION PLANNING AND MANAGEMENT ASSISTANCE PROGRAM.—Section 2602(b)(2) of the Energy Policy Act of 1992 (25 U.S.C. 3502(b)(2)) is amended—

(1) in the matter preceding subparagraph (A), by inserting '', intertribal organization,'' after ''Indian tribe'';

(2) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(3) by inserting after subparagraph (B) the following:

''(C) activities to increase the capacity of Indian tribes to manage energy development and energy efficiency programs;''.

(c) DEPARTMENT OF ENERGY LOAN GUARANTEE PROGRAM.—Section 2602(c) of the Energy Policy Act of 1992 (25 U.S.C. 3502(c)) is amended—

(1) in paragraph (1), by inserting ''or a tribal energy development organization'' after ''Indian tribe'';

(2) in paragraph (3)—

(A) in the matter preceding subparagraph (A), by striking ''guarantee'' and inserting ''guaranteed'';

(B) in subparagraph (A), by striking ''or'';

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

(D) by adding at the end the following:

''(C) a tribal energy development organization, from funds of the tribal energy development organization.''; and

(3) in paragraph (5), by striking ''The Secretary of Energy may'' and inserting ''Not later than 1 year after the date of enactment of the Indian Tribal Energy Development and Self-Determination Act Amendments of 2016, the Secretary of Energy shall''.

SEC. 6012. INDIAN TRIBAL ENERGY RESOURCE REGULATION.

Section 2603(c) of the Energy Policy Act of 1992 (25 U.S.C. 3503(c)) is amended—

(1) in paragraph (1), by striking ''on the request of an Indian tribe, the Indian tribe'' and inserting ''on the request of an Indian tribe or a tribal energy development organization, the Indian tribe or tribal energy development organization''; and

(2) in paragraph (2)(B), by inserting ''or tribal energy development organization'' after ''Indian tribe''.

SEC. 6013. TRIBAL ENERGY RESOURCE AGREEMENTS.

(a) AMENDMENT.—Section 2604 of the Energy Policy Act of 1992 (25 U.S.C. 3504) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''or'' after the semicolon at the end;

(ii) in subparagraph (B)—

(I) by striking clause (i) and inserting the following:

''(i) an electric production, generation, transmission, or distribution facility (including a facility that produces electricity from renewable energy resources) located on tribal land; or''; and

(II) in clause (ii)—

(aa) by inserting '', at least a portion of which have been'' after ''energy resources'';

(bb) by inserting ''or produced from'' after ''developed on''; and

(cc) by striking ''and'' after the semicolon at the end and inserting ''or''; and

(iii) by adding at the end the following:

''(C) pooling, unitization, or communitization of the energy mineral resources of the Indian tribe located on tribal land with any other energy mineral resource (including energy mineral resources owned by the Indian tribe or an individual Indian in fee, trust, or restricted status or by any other persons or entities) if the owner, or, if appropriate, lessee, of the resources has consented or consents to the pooling, unitization, or communitization of the other resources under any lease or agreement; and''; and

(B) by striking paragraph (2) and inserting the following:

''(2) a lease or business agreement described in paragraph (1) shall not require review by, or the approval of, the Secretary under section 2103 of the Revised Statutes (25 U.S.C. 81), or any other provision of law (including regulations), if the lease or business agreement—

''(A) was executed—

''(i) in accordance with the requirements of a tribal energy resource agreement in effect under subsection (e) (including the periodic review and evaluation of the activities of the Indian tribe under the agreement, to be conducted pursuant to subparagraphs (D) and (E) of subsection (e)(2)); or

''(ii) by the Indian tribe and a tribal energy development organization for which the Indian tribe has obtained a certification pursuant to subsection (h); and

''(B) has a term that does not exceed—

''(i) 30 years; or

''(ii) in the case of a lease for the production of oil resources, gas resources, or both, 10 years and as long thereafter as oil or gas is produced in paying quantities.'';

(2) by striking subsection (b) and inserting the following:

''(b) RIGHTS-OF-WAY.—An Indian tribe may grant a right-of-way over tribal land without review or approval by the Secretary if the right-of-way—

''(1) serves—

''(A) an electric production, generation, transmission, or distribution facility (including a facility that produces electricity from renewable energy resources) located on tribal land;

''(B) a facility located on tribal land that extracts, produces, processes, or refines energy resources; or

''(C) the purposes, or facilitates in carrying out the purposes, of any lease or agreement entered into for energy resource development on tribal land;

''(2) was executed—

''(A) in accordance with the requirements of a tribal energy resource agreement in effect under subsection (e) (including the periodic review and evaluation of the activities of the Indian tribe under the agreement, to be conducted pursuant to subparagraphs (D) and (E) of subsection (e)(2)); or

''(B) by the Indian tribe and a tribal energy development organization for which the Indian tribe has obtained a certification pursuant to subsection (h); and

''(3) has a term that does not exceed 30 years.'';

(3) by striking subsection (d) and inserting the following:

''(d) VALIDITY.—No lease or business agreement entered into, or right-of-way granted, pursuant to this section shall be valid unless the lease, business agreement, or right-of-way is authorized by subsection (a) or (b).'';

(4) in subsection (e)—

(A) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—

''(A) AUTHORIZATION.—On or after the date of enactment of the Indian Tribal Energy Development and Self-Determination Act Amendments of 2016, a qualified Indian tribe may submit to the Secretary a tribal energy resource agreement governing leases, business agreements, and rights-of-way under this section.

''(B) NOTICE OF COMPLETE PROPOSED AGREEMENT.—Not later than 60 days after the date on which the tribal energy resource agreement is submitted under subparagraph (A), the Secretary shall—

''(i) notify the Indian tribe as to whether the agreement is complete or incomplete;

''(ii) if the agreement is incomplete, notify the Indian tribe of what information or documentation is needed to complete the submission; and

''(iii) identify and notify the Indian tribe of the financial assistance, if any, to be provided by the Secretary to the Indian tribe to assist in the implementation of the tribal energy resource agreement, including the environmental review of individual projects.

''(C) EFFECT.—Nothing in this paragraph precludes the Secretary from providing any financial assistance at any time to the Indian tribe to assist in the implementation of the tribal energy resource agreement.'';

(B) in paragraph (2)—

(i) by striking ''(2)(A)'' and all that follows through the end of subparagraph (A) and inserting the following:

''(2) PROCEDURE.—

''(A) EFFECTIVE DATE.—

''(i) IN GENERAL.—On the date that is 271 days after the date on which the Secretary receives a tribal energy resource agreement from a qualified Indian tribe under paragraph (1), the tribal energy resource agreement shall take effect, unless the Secretary disapproves the tribal energy resource agreement under subparagraph (B).

''(ii) REVISED TRIBAL ENERGY RESOURCE AGREEMENT.—On the date that is 91 days after the date on which the Secretary receives a revised tribal energy resource agreement from a qualified Indian tribe under paragraph (4)(B), the revised tribal energy resource agreement shall take effect, unless the Secretary disapproves the revised tribal energy resource agreement under subparagraph (B).'';

(ii) in subparagraph (B)—

(I) by striking ''(B)'' and all that follows through clause (ii) and inserting the following:

''(B) DISAPPROVAL.—The Secretary shall disapprove a tribal energy resource agreement submitted pursuant to paragraph (1) or (4)(B) only if—

''(i) a provision of the tribal energy resource agreement violates applicable Federal law (including regulations) or a treaty applicable to the Indian tribe;

''(ii) the tribal energy resource agreement does not include 1 or more provisions required under subparagraph (D); or''; and

(II) in clause (iii)—

(aa) in the matter preceding subclause (I), by striking ''includes'' and all that follows through ''section—'' and inserting ''does not include provisions that, with respect to any lease, business agreement, or right-of-way to which the tribal energy resource agreement applies—'';

(bb) by striking subclauses (I), (II), (V), (VIII), and (XV);

(cc) by redesignating clauses (III), (IV), (VI), (VII), (IX) through (XIV), and (XVI) as clauses (I), (II), (III), (IV), (V) through (X), and (XI), respectively;

(dd) in item (bb) of subclause (XI) (as redesignated by item (cc))—

(AA) by striking ''or tribal''; and

(BB) by striking the period at the end and inserting a semicolon; and

(ee) by adding at the end the following:

''(XII) include a certification by the Indian tribe that the Indian tribe has—

''(aa) carried out a contract or compact under title I or IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) for a period of not less than 3 consecutive years ending on the date on which the Indian tribe submits the application without material audit exception (or without any material audit exceptions that were not corrected within the 3-year period) relating to the management of tribal land or natural resources; or

''(bb) substantial experience in the administration, review, or evaluation of energy resource leases or agreements or has otherwise substantially participated in the administration, management, or development of energy resources located on the tribal land of the Indian tribe; and

''(XIII) at the option of the Indian tribe, identify which functions, if any, authorizing any operational or development activities pursuant to a lease, right-of-way, or business agreement approved by the Indian tribe, that the Indian tribe intends to conduct.'';

(iii) in subparagraph (C)—

(I) by striking clauses (i) and (ii);

(II) by redesignating clauses (iii) through (v) as clauses (ii) through (iv), respectively; and

(III) by inserting before clause (ii) (as redesignated by subclause (II)) the following:

''(i) a process for ensuring that—

''(I) the public is informed of, and has reasonable opportunity to comment on, any significant environmental impacts of the proposed action; and

''(II) the Indian tribe provides responses to relevant and substantive public comments on any impacts described in subclause (I) before the Indian tribe approves the lease, business agreement, or right-of-way.'';

(iv) in subparagraph (D)(ii), by striking ''subparagraph (B)(iii)(XVI)'' and inserting ''subparagraph (B)(iv)(XI)''; and

(v) by adding at the end the following:

''(F) EFFECTIVE PERIOD.—A tribal energy resource agreement that takes effect pursuant to this subsection shall remain in effect to the extent any provision of the tribal energy resource agreement is consistent with applicable Federal law (including regulations), unless the tribal energy resource agreement is—

''(i) rescinded by the Secretary pursuant to paragraph (7)(D)(iii)(II); or

''(ii) voluntarily rescinded by the Indian tribe pursuant to the regulations promulgated under paragraph (8)(B) (or successor regulations).'';

(C) in paragraph (4), by striking ''date of disapproval'' and all that follows through the end of subparagraph (C) and inserting the following: ''date of disapproval, provide the Indian tribe with—

''(A) a detailed, written explanation of—

''(i) each reason for the disapproval; and

''(ii) the revisions or changes to the tribal energy resource agreement necessary to address each reason; and

''(B) an opportunity to revise and resubmit the tribal energy resource agreement.'';

(D) in paragraph (6)—

(i) in subparagraph (B)—

(I) by striking ''(B) Subject to'' and inserting the following:

''(B) Subject only to''; and

(II) by striking ''subparagraph (D)'' and inserting ''subparagraphs (C) and (D)'';

(ii) in subparagraph (C), in the matter preceding clause (i), by inserting ''to perform the obligations of the Secretary under this section and'' before ''to ensure''; and

(iii) in subparagraph (D), by adding at the end the following:

''(iii) Nothing in this section absolves, limits, or otherwise affects the liability, if any, of the United States for any—

''(I) term of any lease, business agreement, or right-of-way under this section that is not a negotiated term; or

''(II) losses that are not the result of a negotiated term, including losses resulting from the failure of the Secretary to perform an obligation of the Secretary under this section.'';

(E) in paragraph (7)—

(i) in subparagraph (A), by striking ''has demonstrated'' and inserting ''the Secretary determines has demonstrated with substantial evidence'';

(ii) in subparagraph (B), by striking ''any tribal remedy'' and inserting ''all remedies (if any) provided under the laws of the Indian tribe'';

(iii) in subparagraph (D)—

(I) in clause (i), by striking ''determine'' and all that follows through the end of the clause and inserting the following: ''determine—

''(I) whether the petitioner is an interested party; and

''(II) if the petitioner is an interested party, whether the Indian tribe is not in compliance with the tribal energy resource agreement as alleged in the petition.'';

(II) in clause (ii), by striking ''determination'' and inserting ''determinations''; and

(III) in clause (iii), in the matter preceding subclause (I) by striking ''agreement'' the first place it appears and all that follows through '', including'' and inserting ''agreement pursuant to clause (i), the Secretary shall only take such action as the Secretary determines necessary to address the claims of noncompliance made in the petition, including'';

(iv) in subparagraph (E)(i), by striking ''the manner in which'' and inserting '', with respect to each claim made in the petition, how''; and

(v) by adding at the end the following:

''(G) Notwithstanding any other provision of this paragraph, the Secretary shall dismiss any petition from an interested party that has agreed with the Indian tribe to a resolution of the claims presented in the petition of that party.'';

(F) in paragraph (8)—

(i) by striking subparagraph (A);

(ii) by redesignating subparagraphs (B) through (D) as subparagraphs (A) through (C), respectively; and

(iii) in subparagraph (A) (as redesignated by clause (ii))—

(I) in clause (i), by striking ''and'' at the end;

(II) in clause (ii), by adding ''and'' after the semicolon; and

(III) by adding at the end the following:

''(iii) amend an approved tribal energy resource agreement to assume authority for approving leases, business agreements, or rights-of-way for development of another energy resource that is not included in an approved tribal energy resource agreement without being required to apply for a new tribal energy resource agreement;'' and

(G) by adding at the end the following:

''(9) EFFECT.—Nothing in this section authorizes the Secretary to deny a tribal energy resource agreement or any amendment to a tribal energy resource agreement, or to limit the effect or implementation of this section, due to lack of promulgated regulations.'';

(5) by redesignating subsection (g) as subsection (j); and

(6) by inserting after subsection (f) the following:

''(g) FINANCIAL ASSISTANCE IN LIEU OF ACTIVITIES BY THE SECRETARY.—

''(1) IN GENERAL.—Any amounts that the Secretary would otherwise expend to operate or carry out any program, function, service, or activity (or any portion of a program, function, service, or activity) of the Department that, as a result of an Indian tribe carrying out activities under a tribal energy resource agreement, the Secretary does not expend, the Secretary shall, at the request of the Indian tribe, make available to the Indian tribe in accordance with this subsection.

''(2) ANNUAL FUNDING AGREEMENTS.—The Secretary shall make the amounts described in paragraph (1) available to an Indian tribe through an annual written funding agreement that is negotiated and entered into with the Indian tribe that is separate from the tribal energy resource agreement.

''(3) EFFECT OF APPROPRIATIONS.—Notwithstanding paragraph (1)—

''(A) the provision of amounts to an Indian tribe under this subsection is subject to the availability of appropriations; and

''(B) the Secretary shall not be required to reduce amounts for programs, functions, services, or activities that serve any other Indian tribe to make amounts available to an Indian tribe under this subsection.

''(4) DETERMINATION.—

''(A) IN GENERAL.—The Secretary shall calculate the amounts under paragraph (1) in accordance with the regulations adopted under section 6013(b) of the Indian Tribal Energy Development and Self-Determination Act Amendments of 2016.

''(B) APPLICABILITY.—The effective date or implementation of a tribal energy resource agreement under this section shall not be delayed or otherwise affected by—

''(i) a delay in the promulgation of regulations under section 6013(b) of the Indian Tribal Energy Development and Self-Determination Act Amendments of 2016;

''(ii) the period of time needed by the Secretary to make the calculation required under paragraph (1); or

''(iii) the adoption of a funding agreement under paragraph (2).

''(h) CERTIFICATION OF TRIBAL ENERGY DEVELOPMENT ORGANIZATION.—

''(1) IN GENERAL.—Not later than 90 days after the date on which an Indian tribe submits an application for certification of a tribal energy development organization in accordance with regulations promulgated under section 6013(b) of the Indian Tribal Energy Development and Self-Determination Act Amendments of 2016, the Secretary shall approve or disapprove the application.

''(2) REQUIREMENTS.—The Secretary shall approve an application for certification if—

''(A)(i) the Indian tribe has carried out a contract or compact under title I or IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.); and

''(ii) for a period of not less than 3 consecutive years ending on the date on which the Indian tribe submits the application, the contract or compact—

''(I) has been carried out by the Indian tribe without material audit exceptions (or without any material audit exceptions that were not corrected within the 3-year period); and

''(II) has included programs or activities relating to the management of tribal land; and

''(B)(i) the tribal energy development organization is organized under the laws of the Indian tribe;

''(ii)(I) the majority of the interest in the tribal energy development organization is owned and controlled by the Indian tribe (or the Indian tribe and 1 or more other Indian tribes) the tribal land of which is being developed; and

''(II) the organizing document of the tribal energy development organization requires that the Indian tribe with jurisdiction over the land maintain at all times the controlling interest in the tribal energy development organization;

''(iii) the organizing document of the tribal energy development organization requires that the Indian tribe (or the Indian tribe and 1 or more other Indian tribes) the tribal land of which is being developed own and control at all times a majority of the interest in the tribal energy development organization; and

''(iv) the organizing document of the tribal energy development organization includes a statement that the organization shall be subject to the jurisdiction, laws, and authority of the Indian tribe.

''(3) ACTION BY SECRETARY.—If the Secretary approves an application for certification pursuant to paragraph (2), the Secretary shall, not more than 10 days after making the determination—

''(A) issue a certification stating that—

''(i) the tribal energy development organization is organized under the laws of the Indian tribe and subject to the jurisdiction, laws, and authority of the Indian tribe;

''(ii) the majority of the interest in the tribal energy development organization is owned and controlled by the Indian tribe (or the Indian tribe and 1 or more other Indian tribes) the tribal land of which is being developed;

''(iii) the organizing document of the tribal energy development organization requires that the Indian tribe with jurisdiction over the land maintain at all times the controlling interest in the tribal energy development organization;

''(iv) the organizing document of the tribal energy development organization requires that the Indian tribe (or the Indian tribe and 1 or more other Indian tribes the tribal land of which is being developed) own and control at all times a majority of the interest in the tribal energy development organization; and

''(v) the certification is issued pursuant this subsection;

''(B) deliver a copy of the certification to the Indian tribe; and

''(C) publish the certification in the Federal Register.

''(i) SOVEREIGN IMMUNITY.—Nothing in this section waives the sovereign immunity of an Indian tribe.''.

(b) REGULATIONS.—Not later than 1 year after the date of enactment of the Indian Tribal Energy Development and Self-Determination Act Amendments of 2016, the Secretary shall promulgate or update any regulations that are necessary to implement this section, including provisions to implement—

(1) section 2604(e)(8) of the Energy Policy Act of 1992 (25 U.S.C. 3504(e)(8)), including the process to be followed by an Indian tribe amending an existing tribal energy resource agreement to assume authority for approving leases, business agreements, or rights-of-way for development of an energy resource that is not included in the tribal energy resource agreement;

(2) section 2604(g) of the Energy Policy Act of 1992 (25 U.S.C. 3504(g)) including the manner in which the Secretary, at the request of an Indian tribe, shall—

(A) identify the programs, functions, services, and activities (or any portions of programs, functions, services, or activities) that the Secretary will not have to operate or carry out as a result of the Indian tribe carrying out activities under a tribal energy resource agreement;

(B) identify the amounts that the Secretary would have otherwise expended to operate or carry out each program, function, service, and activity (or any portion of a program, function, service, or activity) identified pursuant to subparagraph (A); and

(C) provide to the Indian tribe a list of the programs, functions, services, and activities (or any portions of programs, functions, services, or activities) identified pursuant subparagraph (A) and the amounts associated with each program, function, service, and activity (or any portion of a program, function, service, or activity) identified pursuant to subparagraph (B); and

(3) section 2604(h) of the Energy Policy Act of 1992 (25 U.S.C. 3504(h)), including the process to be followed by, and any applicable criteria and documentation required for, an Indian tribe to request and obtain the certification described in that section.

SEC. 6014. TECHNICAL ASSISTANCE FOR INDIAN TRIBAL GOVERNMENTS.

Section 2602(b) of the Energy Policy Act of 1992 (25 U.S.C. 3502(b)) is amended—

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

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

''(3) TECHNICAL AND SCIENTIFIC RESOURCES.—In addition to providing grants to Indian tribes under this subsection, the Secretary shall collaborate with the Directors of the National Laboratories in making the full array of technical and scientific resources of the Department of Energy available for tribal energy activities and projects.''.

SEC. 6015. CONFORMING AMENDMENTS.

(a) DEFINITION OF TRIBAL ENERGY DEVELOPMENT ORGANIZATION.—Section 2601 of the Energy Policy Act of 1992 (25 U.S.C. 3501) is amended—

(1) by redesignating paragraphs (9) through (12) as paragraphs (10) through (13), respectively;

(2) by inserting after paragraph (8) the following:

''(9) The term 'qualified Indian tribe' means an Indian tribe that has—

''(A) carried out a contract or compact under title I or IV of the Indian Self Determination and Education Assistance Act (25 U.S.C. 450 et seq.) for a period of not less than 3 consecutive years ending on the date on which the Indian tribe submits the application without material audit exception (or without any material audit exceptions that were not corrected within the 3-year period) relating to the management of tribal land or natural resources; or

''(B) substantial experience in the administration, review, or evaluation of energy resource leases or agreements or has otherwise substantially participated in the administration, management, or development of energy resources located on the tribal land of the Indian tribe.''; and

(3) by striking paragraph (12) (as redesignated by paragraph (1)) and inserting the following:

''(12) The term 'tribal energy development organization' means—

''(A) any enterprise, partnership, consortium, corporation, or other type of business organization that is engaged in the development of energy resources and is wholly owned by an Indian tribe (including an organization incorporated pursuant to section 17 of the Indian Reorganization Act of 1934 (25 U.S.C. 477) or section 3 of the Act of June 26, 1936 (25 U.S.C. 503) (commonly known as the 'Oklahoma Indian Welfare Act')); and

''(B) any organization of 2 or more entities, at least 1 of which is an Indian tribe, that has the written consent of the governing bodies of all Indian tribes participating in the organization to apply for a grant, loan, or other assistance under section 2602 or to enter into a lease or business agreement with, or acquire a right-of-way from, an Indian tribe pursuant to subsection (a)(2)(A)(ii) or (b)(2)(B) of section 2604.''.

(b) INDIAN TRIBAL ENERGY RESOURCE DEVELOPMENT.—Section 2602 of the Energy Policy Act of 1992 (25 U.S.C. 3502) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''tribal energy resource development organizations'' and inserting ''tribal energy development organizations''; and

(B) in paragraph (2), by striking ''tribal energy resource development organizations'' each place it appears and inserting ''tribal energy development organizations''; and

(2) in subsection (b)(2), by striking ''tribal energy resource development organization'' and inserting ''tribal energy development organization''.

(c) WIND AND HYDROPOWER FEASIBILITY STUDY.—Section 2606(c)(3) of the Energy Policy Act of 1992 (25 U.S.C. 3506(c)(3)) is amended by striking ''energy resource development'' and inserting ''energy development''.

(d) CONFORMING AMENDMENTS.—Section 2604(e) of the Energy Policy Act of 1992 (25 U.S.C. 3504(e)) is amended—

(1) in paragraph (3)—

(A) by striking ''(3) The Secretary'' and inserting the following:

''(3) NOTICE AND COMMENT; SECRETARIAL REVIEW.—The Secretary''; and

(B) by striking ''for approval'';

(2) in paragraph (4), by striking ''(4) If the Secretary'' and inserting the following:

''(4) ACTION IN CASE OF DISAPPROVAL.—If the Secretary'';

(3) in paragraph (5)—

(A) by striking ''(5) If an Indian tribe'' and inserting the following:

''(5) PROVISION OF DOCUMENTS TO SECRETARY.—If an Indian tribe''; and

(B) in the matter preceding subparagraph (A), by striking ''approved'' and inserting ''in effect'';

(4) in paragraph (6)—

(A) by striking ''(6)(A) In carrying out'' and inserting the following:

''(6) SECRETARIAL OBLIGATIONS AND EFFECT OF SECTION.—

''(A) In carrying out'';

(B) in subparagraph (A), by indenting clauses (i) and (ii) appropriately;

(C) in subparagraph (B), by striking ''approved'' and inserting ''in effect''; and

(D) in subparagraph (D)—

(i) in clause (i), by striking ''an approved tribal energy resource agreement'' and inserting ''a tribal energy resource agreement in effect under this section''; and

(ii) in clause (ii), by striking ''approved by the Secretary'' and inserting ''in effect''; and

(5) in paragraph (7)—

(A) by striking ''(7)(A) In this paragraph'' and inserting the following:

''(7) PETITIONS BY INTERESTED PARTIES.—

''(A) In this paragraph'';

(B) in subparagraph (A), by striking ''approved by the Secretary'' and inserting ''in effect'';

(C) in subparagraph (B), by striking ''approved by the Secretary'' and inserting ''in effect''; and

(D) in subparagraph (D)(iii)—

(i) in subclause (I), by striking ''approved''; and

(ii) in subclause (II)—

(I) by striking ''approval of'' in the first place it appears; and

(II) by striking ''subsection (a) or (b)'' and inserting ''subsection (a)(2)(A)(i) or (b)(2)(A)''.

SEC. 6016. REPORT.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary of the Interior shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of

the House of Representatives a report that details with respect to activities for energy development on Indian land, how the Department of the Interior—

(1) processes and completes the reviews of energy-related documents in a timely and transparent manner;

(2) monitors the timeliness of agency review for all energy-related documents;

(3) maintains databases to track and monitor the review and approval process for energy-related documents associated with conventional and renewable Indian energy resources that require Secretarial approval prior to development, including—

(A) any seismic exploration permits;

(B) permission to survey;

(C) archeological and cultural surveys;

(D) access permits;

(E) environmental assessments;

(F) oil and gas leases;

(G) surface leases;

(H) rights-of-way agreements; and

(I) communitization agreements;

(4) identifies in the databases—

(A) the date lease applications and permits are received by the agency;

(B) the status of the review;

(C) the date the application or permit is considered complete and ready for review;

(D) the date of approval; and

(E) the start and end dates for any significant delays in the review process;

(5) tracks in the databases, for all energy-related leases, agreements, applications, and permits that involve multiple agency review—

(A) the dates documents are transferred between agencies;

(B) the status of the review;

(C) the date the required reviews are completed; and

(D) the date interim or final decisions are issued.

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

(1) a description of any intermediate and final deadlines for agency action on any Secretarial review and approval required for Indian conventional and renewable energy exploration and development activities;

(2) a description of the existing geographic database established by the Bureau of Indian Affairs, explaining—

(A) how the database identifies—

(i) the location and ownership of all Indian oil and gas resources held in trust;

(ii) resources available for lease; and

(iii) the location of—

(I) any lease of land held in trust or restricted fee on behalf of any Indian tribe or individual Indian; and

(II) any rights-of-way on that land in effect;

(B) how the information from the database is made available to—

(i) the officials of the Bureau of Indian Affairs with responsibility over the management and development of Indian resources; and

(ii) resource owners; and

(C) any barriers to identifying the information described in subparagraphs (A) and (B) or any deficiencies in that information; and

(3) an evaluation of—

(A) the ability of each applicable agency to track and monitor the review and approval process of the agency for Indian energy development; and

(B) the extent to which each applicable agency complies with any intermediate and final deadlines.

Subtitle B—Miscellaneous Amendments

SEC. 6201. ISSUANCE OF PRELIMINARY PERMITS OR LICENSES.

(a) IN GENERAL.—Section 7(a) of the Federal Power Act (16 U.S.C. 800(a)) is amended by striking ''States and municipalities'' and inserting ''States, Indian tribes, and municipalities''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall not affect—

(1) any preliminary permit or original license issued before the date of enactment of the Indian Tribal Energy Development and Self-Determination Act Amendments of 2016; or

(2) an application for an original license, if the Commission has issued a notice accepting that application for filing pursuant to section 4.32(d) of title 18, Code of Federal Regulations (or successor regulations), before the date of enactment of the Indian Tribal Energy Development and Self-Determination Act Amendments of 2016.

(c) DEFINITION OF INDIAN TRIBE.—For purposes of section 7(a) of the Federal Power Act (16 U.S.C. 800(a)) (as amended by subsection (a)), the term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

SEC. 6202. TRIBAL BIOMASS DEMONSTRATION PROJECT.

(a) PURPOSE.—The purpose of this section is to establish a biomass demonstration project for federally recognized Indian tribes and Alaska Native corporations to promote biomass energy production.

(b) TRIBAL BIOMASS DEMONSTRATION PROJECT.—The Tribal Forest Protection Act of 2004 (Public Law 108–278; 118 Stat. 868) is amended—

(1) in section 2(a), by striking ''In this section'' and inserting ''In this Act''; and

(2) by adding at the end the following:

''SEC. 3. TRIBAL BIOMASS DEMONSTRATION PROJECT.

''(a) STEWARDSHIP CONTRACTS OR SIMILAR AGREEMENTS.—For each of fiscal years 2017 through 2021, the Secretary shall enter into stewardship contracts or similar agreements (excluding direct service contracts) with Indian tribes to carry out demonstration projects to promote biomass energy production (including biofuel, heat, and electricity generation) on Indian forest land and in nearby communities by providing reliable supplies of woody biomass from Federal land.

''(b) DEMONSTRATION PROJECTS.—In each fiscal year for which projects are authorized, at least 4 new demonstration projects that meet the eligibility criteria described in subsection (c) shall be carried out under contracts or agreements described in subsection (a).

''(c) ELIGIBILITY CRITERIA.—To be eligible to enter into a contract or agreement under this section, an Indian tribe shall submit to the Secretary an application—

''(1) containing such information as the Secretary may require; and

''(2) that includes a description of—

''(A) the Indian forest land or rangeland under the jurisdiction of the Indian tribe; and

''(B) the demonstration project proposed to be carried out by the Indian tribe.

''(d) SELECTION.—In evaluating the applications submitted under subsection (c), the Secretary shall—

''(1) take into consideration—

''(A) the factors set forth in paragraphs (1) and (2) of section 2(e); and

''(B) whether a proposed project would—

''(i) increase the availability or reliability of local or regional energy;

''(ii) enhance the economic development of the Indian tribe;

''(iii) result in or improve the connection of electric power transmission facilities serving the Indian tribe with other electric transmission facilities;

''(iv) improve the forest health or watersheds of Federal land or Indian forest land or rangeland;

''(v) demonstrate new investments in infrastructure; or

''(vi) otherwise promote the use of woody biomass; and

''(2) exclude from consideration any merchantable logs that have been identified by the Secretary for commercial sale.

''(e) IMPLEMENTATION.—The Secretary shall—

''(1) ensure that the criteria described in subsection (c) are publicly available by not later than 120 days after the date of enactment of this section; and

''(2) to the maximum extent practicable, consult with Indian tribes and appropriate intertribal organizations likely to be affected in developing the application and otherwise carrying out this section.

''(f) REPORT.—Not later than September 20, 2019, the Secretary shall submit to Congress a report that describes, with respect to the reporting period—

''(1) each individual tribal application received under this section; and

''(2) each contract and agreement entered into pursuant to this section.

''(g) INCORPORATION OF MANAGEMENT PLANS.—In carrying out a contract or agreement under this section, on receipt of a request from an Indian tribe, the Secretary shall incorporate into the contract or agreement, to the maximum extent practicable, management plans (including forest management and integrated resource management plans) in effect on the Indian forest land or rangeland of the respective Indian tribe.

''(h) TERM.—A contract or agreement entered into under this section—

''(1) shall be for a term of not more than 20 years; and

''(2) may be renewed in accordance with this section for not more than an additional 10 years.''.

(c) ALASKA NATIVE BIOMASS DEMONSTRATION PROJECT.—

(1) DEFINITIONS.—In this subsection:

(A) FEDERAL LAND.—The term ''Federal land'' means—

(i) land of the National Forest System (as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)) administered by the Secretary of Agriculture, acting through the Chief of the Forest Service; and

(ii) public lands (as defined in section 103 of the Federal Land Policy Management Act of 1976 (43 U.S.C. 1702)), the surface of which is administered by the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(B) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(C) SECRETARY.—The term ''Secretary'' means—

(i) the Secretary of Agriculture, with respect to land under the jurisdiction of the Forest Service; and

(ii) the Secretary of the Interior, with respect to land under the jurisdiction of the Bureau of Land Management.

(D) TRIBAL ORGANIZATION.—The term ''tribal organization'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(2) AGREEMENTS.—For each of fiscal years 2017 through 2021, the Secretary shall enter into an agreement or contract with an Indian tribe or a tribal organization to carry out a demonstration project to promote biomass energy production (including biofuel, heat, and electricity generation) by providing reliable supplies of woody biomass from Federal land.

(3) DEMONSTRATION PROJECTS.—In each fiscal year for which projects are authorized, at

least 1 new demonstration project that meets the eligibility criteria described in paragraph (4) shall be carried out under contracts or agreements described in paragraph (2).

(4) ELIGIBILITY CRITERIA.—To be eligible to enter into a contract or agreement under this subsection, an Indian tribe or tribal organization shall submit to the Secretary an application—

(A) containing such information as the Secretary may require; and

(B) that includes a description of the demonstration project proposed to be carried out by the Indian tribe or tribal organization.

(5) SELECTION.—In evaluating the applications submitted under paragraph (4), the Secretary shall—

(A) take into consideration whether a proposed project would—

(i) increase the availability or reliability of local or regional energy;

(ii) enhance the economic development of the Indian tribe;

(iii) result in or improve the connection of electric power transmission facilities serving the Indian tribe with other electric transmission facilities;

(iv) improve the forest health or watersheds of Federal land or non-Federal land;

(v) demonstrate new investments in infrastructure; or

(vi) otherwise promote the use of woody biomass; and

(B) exclude from consideration any merchantable logs that have been identified by the Secretary for commercial sale.

(6) IMPLEMENTATION.—The Secretary shall—

(A) ensure that the criteria described in paragraph (4) are publicly available by not later than 120 days after the date of enactment of this subsection; and

(B) to the maximum extent practicable, consult with Indian tribes and appropriate tribal organizations likely to be affected in developing the application and otherwise carrying out this subsection.

(7) REPORT.—Not later than September 20, 2019, the Secretary shall submit to Congress a report that describes, with respect to the reporting period—

(A) each individual application received under this subsection; and

(B) each contract and agreement entered into pursuant to this subsection.

(8) TERM.—A contract or agreement entered into under this subsection—

(A) shall be for a term of not more than 20 years; and

(B) may be renewed in accordance with this subsection for not more than an additional 10 years.

SEC. 6203. WEATHERIZATION PROGRAM.

Section 413(d) of the Energy Conservation and Production Act (42 U.S.C. 6863(d)) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) RESERVATION OF AMOUNTS.—

''(A) IN GENERAL.—Subject to subparagraph (B) and notwithstanding any other provision of this part, the Secretary shall reserve from amounts that would otherwise be allocated to a State under this part not less than 100 percent, but not more than 150 percent, of an amount which bears the same proportion to the allocation of that State for the applicable fiscal year as the population of all low-income members of an Indian tribe in that State bears to the population of all low-income individuals in that State.

''(B) RESTRICTIONS.—Subparagraph (A) shall apply only if—

''(i) the tribal organization serving the low-income members of the applicable Indian tribe requests that the Secretary make a grant directly; and

''(ii) the Secretary determines that the low-income members of the applicable Indian tribe would be equally or better served by making a grant directly than a grant made to the State in which the low-income members reside.

''(C) PRESUMPTION.—If the tribal organization requesting the grant is a tribally designated housing entity (as defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103)) that has operated without material audit exceptions (or without any material audit exceptions that were not corrected within a 3-year period), the Secretary shall presume that the low-income members of the applicable Indian tribe would be equally or better served by making a grant directly to the tribal organization than by a grant made to the State in which the low-income members reside.'';

(2) in paragraph (2)—

(A) by striking ''The sums'' and inserting ''ADMINISTRATION.—The amounts'';

(B) by striking ''on the basis of his determination'';

(C) by striking ''individuals for whom such a determination has been made'' and inserting ''low-income members of the Indian tribe''; and

(D) by striking ''he'' and inserting ''the Secretary''; and

(3) in paragraph (3), by striking ''In order'' and inserting ''APPLICATION.—In order''.

SEC. 6204. APPRAISALS.

(a) IN GENERAL.—Title XXVI of the Energy Policy Act of 1992 (25 U.S.C. 3501 et seq.) is amended by adding at the end the following:

''SEC. 2607. APPRAISALS.

''(a) IN GENERAL.—For any transaction that requires approval of the Secretary and involves mineral or energy resources held in trust by the United States for the benefit of an Indian tribe or by an Indian tribe subject to Federal restrictions against alienation, any appraisal relating to fair market value of those resources required to be prepared under applicable law may be prepared by—

''(1) the Secretary;

''(2) the affected Indian tribe; or

''(3) a certified, third-party appraiser pursuant to a contract with the Indian tribe.

''(b) SECRETARIAL REVIEW AND APPROVAL.—Not later than 45 days after the date on which the Secretary receives an appraisal prepared by or for an Indian tribe under paragraph (2) or (3) of subsection (a), the Secretary shall—

''(1) review the appraisal; and

''(2) approve the appraisal unless the Secretary determines that the appraisal fails to meet the standards set forth in regulations promulgated under subsection (d).

''(c) NOTICE OF DISAPPROVAL.—If the Secretary determines that an appraisal submitted for approval under subsection (b) should be disapproved, the Secretary shall give written notice of the disapproval to the Indian tribe and a description of—

''(1) each reason for the disapproval; and

''(2) how the appraisal should be corrected or otherwise cured to meet the applicable standards set forth in the regulations promulgated under subsection (d).

''(d) REGULATIONS.—The Secretary shall promulgate regulations to carry out this section, including standards the Secretary shall use for approving or disapproving the appraisal described in subsection (a).''.

SEC. 6205. LEASES OF RESTRICTED LANDS FOR NAVAJO NATION.

(a) IN GENERAL.—Subsection (e)(1) of the first section of the Act of August 9, 1955 (commonly known as the ''Long-Term Leasing Act'') (25 U.S.C. 415(e)(1)), is amended—

(1) by striking '', except a lease for'' and inserting '', including a lease for'';

(2) by striking subparagraph (A) and inserting the following:

''(A) in the case of a business or agricultural lease, 99 years;'';

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

(4) by adding at the end the following:

''(C) in the case of a lease for the exploration, development, or extraction of any mineral resource (including geothermal resources), 25 years, except that—

''(i) any such lease may include an option to renew for 1 additional term of not to exceed 25 years; and

''(ii) any such lease for the exploration, development, or extraction of an oil or gas resource shall be for a term of not to exceed 10 years, plus such additional period as the Navajo Nation determines to be appropriate in any case in which an oil or gas resource is produced in a paying quantity.''.

(b) GAO REPORT.—Not later than 5 years after the date of enactment of this Act, the Comptroller General of the United States shall prepare and submit to Congress a report describing the progress made in carrying out the amendment made by subsection (a).

SEC. 6206. EXTENSION OF TRIBAL LEASE PERIOD FOR THE CROW TRIBE OF MONTANA.

Subsection (a) of the first section of the Act of August 9, 1955 (25 U.S.C. 415(a)), is amended in the second sentence by inserting '', land held in trust for the Crow Tribe of Montana'' after ''Devils Lake Sioux Reservation''.

SEC. 6207. TRUST STATUS OF LEASE PAYMENTS.

(a) DEFINITION OF SECRETARY.—In this section, the term ''Secretary'' means the Secretary of the Interior.

(b) TREATMENT OF LEASE PAYMENTS.—

(1) IN GENERAL.—Except as provided in paragraph (2) and at the request of the Indian tribe or individual Indian, any advance payments, bid deposits, or other earnest money received by the Secretary in connection with the review and Secretarial approval under any other Federal law (including regulations) of a sale, lease, permit, or any other conveyance of any interest in any trust or restricted land of any Indian tribe or individual Indian shall, upon receipt and prior to Secretarial approval of the contract or conveyance instrument, be held in the trust fund system for the benefit of the Indian tribe and individual Indian from whose land the funds were generated.

(2) RESTRICTION.—If the advance payment, bid deposit, or other earnest money received by the Secretary results from competitive bidding, upon selection of the successful bidder, only the funds paid by the successful bidder shall be held in the trust fund system.

(c) USE OF FUNDS.—

(1) IN GENERAL.—On the approval of the Secretary of a contract or other instrument for a sale, lease, permit, or any other conveyance described in subsection (b)(1), the funds held in the trust fund system and described in subsection (b), along with all income generated from the investment of those funds, shall be disbursed to the Indian tribe or individual Indian landowners.

(2) ADMINISTRATION.—If a contract or other instrument for a sale, lease, permit, or any other conveyance described in subsection (b)(1) is not approved by the Secretary, the funds held in the trust fund system and described in subsection (b), along with all income generated from the investment of those funds, shall be paid to the party identified in, and in such amount and on such terms as set out in, the applicable regulations, advertisement, or other notice governing the proposed conveyance of the interest in the land at issue.

(d) APPLICABILITY.—This section shall apply to any advance payment, bid deposit,

or other earnest money received by the Secretary in connection with the review and Secretarial approval under any other Federal law (including regulations) of a sale, lease, permit, or any other conveyance of any interest in any trust or restricted land of any Indian tribe or individual Indian on or after the date of enactment of this Act.

SA 3030. Mr. BARRASSO (for himself, Ms. HEITKAMP, Mr. ENZI, and Mr. HOEVEN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. NATURAL GAS GATHERING ENHANCEMENT.

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

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

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

''(a) DEFINITIONS.—In this section:

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

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

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

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

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

''(2) FEDERAL LAND.—

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

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

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

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

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

''(iv) Indian land.

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

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

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

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

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

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

''(B) located adjacent to or within—

''(i) any existing disturbed area; or

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

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

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

''(1) relating to prior consent under—

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

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

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

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

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

"SEC. 1842. NATURAL GAS GATHERING SYSTEM ASSESSMENTS.

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

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

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

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

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

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

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

(3) TECHNICAL AMENDMENTS.—

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

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

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

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

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

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

SA 3031. Mr. BARRASSO (for himself, Ms. HEITKAMP, Mr. CASSIDY, Mr. ENZI, and Mr. HOEVEN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 44_____. AUTHORITY TO APPROVE NATURAL GAS PIPELINES IN UNITS OF THE NATIONAL PARK SYSTEM.

Section 100902 of title 54, United States Code, is amended—

(1) in subsection (a)(1)—

(A) in the matter preceding subparagraph (A), by striking ''Under regulations'' and inserting ''Notwithstanding section 28 of the Mineral Leasing Act (30 U.S.C. 185), under regulations'';

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

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

(D) by adding at the end the following:

''(D) natural gas pipelines.''; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking ''and'' at the end;

(ii) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(D) natural gas pipelines.'';

(B) in paragraph (2), in the matter preceding subparagraph (A), by striking ''A right of way under'' and inserting ''Except as provided in paragraph (5), a right-of-way granted under''; and

(C) by adding at the end the following:

''(5) RIGHT-OF-WAY FOR NATURAL GAS PIPELINES.—Notwithstanding paragraph (2), a right-of-way granted under paragraph (1)(D) shall—

''(A) be for a term of not more than 30 years; and

''(B) not exceed 50 feet in width after construction of the natural gas pipeline.''.

SA 3032. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

In section 5002, strike subsections (a) and (b) and insert the following:

(a) REAUTHORIZATION.—Section 200302 of title 54, United States Code, is amended—

(1) in subsection (b), in the matter preceding paragraph (1), by striking ''September 30, 2018'' and inserting ''September 30, 2028''; and

(2) in subsection (c)(1), by striking ''September 30, 2018'' and inserting ''September 30, 2028''.

(b) ALLOCATION OF FUNDS.—Section 200304 of title 54, United States Code, is amended—

(1) by striking ''There'' and inserting ''(a) IN GENERAL.—There''; and

(2) by striking the second sentence and inserting the following:

''(b) ALLOCATION.—Of the appropriations from the Fund—

''(1) not more than 40 percent shall be used collectively for Federal purposes under section 200306;

''(2) not less than 60 percent shall be used collectively—

''(A) to provide financial assistance to States under section 200305;

''(B) for the Forest Legacy Program established under section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c);

''(C) for cooperative endangered species grants authorized under section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1535); and

''(D) for the American Battlefield Protection Program established under chapter 3081; and

''(3) not less than 1.5 percent or $10,000,000, whichever is greater, shall be used for projects that secure recreational public access to Federal public land for hunting, fishing, or other recreational purposes.''.

SA 3033. Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REISSUANCE OF FINAL RULES REGARDING GRAY WOLVES IN THE WESTERN GREAT LAKES AND WYOMING.

(a) IN GENERAL.—Notwithstanding any other provision of law, not later than 60 days after the date of enactment of this Act, the Secretary of the Interior shall reissue—

(1) the final rule entitled ''Endangered and Threatened Wildlife and Plants; Revising the Listing of the Gray Wolf (Canis lupus) in the Western Great Lakes'' (76 Fed. Reg. 81666 (December 28, 2011)); and

(2) the final rule entitled ''Endangered and Threatened Wildlife and Plants; Removal of the Gray Wolf in Wyoming from the Federal List of Endangered and Threatened Wildlife and Removal of the Wyoming Wolf Population's Status as an Experimental Population'' (77 Fed. Reg. 55530 (September 10, 2012)).

(b) NO JUDICIAL REVIEW.—The reissuance of the final rules described in subsection (a) shall not be subject to judicial review.

SA 3034. Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PROHIBITION ON LISTING THE NORTHERN LONG-EARED BAT AS AN ENDANGERED SPECIES.

Notwithstanding any other provision of law, the Director of the United States Fish and Wildlife Service shall not list the northern long-eared bat as an endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

SA 3035. Mr. MURPHY (for himself and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 168, strike line 16 and insert the following:

year limitation.

''(4) USE OF AMERICAN IRON, STEEL, AND MANUFACTURED GOODS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), amounts in the Account may not be obligated by the Secretary of Energy for purposes of paragraph (1)(D) unless all of the iron, steel, and manufactured goods used for the construction, maintenance, repair, or replacement project are produced in the United States.

''(B) EXCEPTION.—Subparagraph (A) shall not apply in any case or category of cases in which the Secretary of Energy finds that—

''(i) applying subparagraph (A) would be inconsistent with the public interest;

''(ii) iron, steel, and the relevant manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

''(iii) inclusion of iron, steel, and manufactured goods produced in the United States will increase the cost of the overall project by more than 25 percent.

''(C) JUSTIFICATION.—If the Secretary of Energy determines that it is necessary to waive the application of subparagraph (A) based on a finding under subparagraph (B), the Secretary of Energy shall publish in the Federal Register a detailed written justification as to why the provision is being waived.

''(D) RELATIONSHIP TO OTHER LAW.—This paragraph shall be applied in a manner consistent with United States obligations under international agreements.''.

SA 3036. Mr. ROUNDS submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

In section 5002, strike subsection (c) and insert the following:

(c) CONSERVATION EASEMENTS.—Section 200306 of title 54, United States Code, is amended by adding at the end the following:

''(c) CONSERVATION EASEMENTS.—

''(1) IN GENERAL.—The Secretary and the Secretary of Agriculture shall consider the acquisition of conservation easements and other similar interests in land where appropriate and feasible.

''(2) REQUIREMENT.—Any conservation easement or other similar interest in land acquired under paragraph (1) shall be subject to terms and conditions that ensure that—

''(A) the grantor of the conservation easement or other similar interest in land has been provided with information relating to all available conservation options, including conservation options that involve the conveyance of a real property interest for a limited period of time; and

''(B) the provision of the information described in subparagraph (A) has been documented.''.

SA 3037. Mr. HOEVEN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 31___. REGULATION OF OIL OR NATURAL GAS DEVELOPMENT ON FEDERAL LAND IN STATES.

(a) IN GENERAL.—The Mineral Leasing Act is amended—

(1) by redesignating section 44 (30 U.S.C. 181 note) as section 45; and

(2) by inserting after section 43 (30 U.S.C. 226–3) the following:

''SEC. 44. REGULATION OF OIL OR NATURAL GAS DEVELOPMENT ON FEDERAL LAND IN STATES.

''(a) IN GENERAL.—Subject to subsection (b), the Secretary of the Interior shall not issue or promulgate any guideline or regulation relating to oil or gas exploration or production on Federal land in a State if the State has otherwise met the requirements under this Act or any other applicable Federal law.

''(b) EXCEPTION.—The Secretary may issue or promulgate guidelines and regulations relating to oil or gas exploration or production on Federal land in a State if the Secretary of the Interior determines that as a result of the oil or gas exploration or production there is an imminent and substantial danger to the public health or environment.''.

(b) REGULATIONS.—Part E of the Safe Drinking Water Act (42 U.S.C. 300j et seq.) is amended by adding at the end the following:

''SEC. 1459. REGULATIONS.

''(a) COMMENTS RELATING TO OIL AND GAS EXPLORATION AND PRODUCTION.—Before issuing or promulgating any guideline or regulation relating to oil and gas exploration and production on Federal, State, tribal, or fee land pursuant to this Act, the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), the Act entitled 'An Act to regulate the leasing of certain Indian lands for mining purposes', approved May 11, 1938 (commonly known as the 'Indian Mineral Leasing Act of 1938') (25 U.S.C. 396a et seq.), the Mineral Leasing Act (30 U.S.C. 181 et seq.), or any other provision of law or Executive order, the head of a Federal department or agency shall seek comments from and consult with the head of each affected State, State agency, and Indian tribe at a location within the jurisdiction of the State or Indian tribe, as applicable.

''(b) STATEMENT OF ENERGY AND ECONOMIC IMPACT.—Each Federal department or agency described in subsection (a) shall develop a

Statement of Energy and Economic Impact, which shall consist of a detailed statement and analysis supported by credible objective evidence relating to—

''(1) any adverse effects on energy supply, distribution, or use, including a shortfall in supply, price increases, and increased use of foreign supplies; and

''(2) any impact on the domestic economy if the action is taken, including the loss of jobs and decrease of revenue to each of the general and educational funds of the State or affected Indian tribe.

''(c) REGULATIONS.—

''(1) IN GENERAL.—A Federal department or agency shall not impose any new or modified regulation unless the head of the applicable Federal department or agency determines—

''(A) that the rule is necessary to prevent imminent substantial danger to the public health or the environment; and

''(B) by clear and convincing evidence, that the State or Indian tribe does not have an existing reasonable alternative to the proposed regulation.

''(2) DISCLOSURE.—Any Federal regulation promulgated on or after the date of enactment of the Energy Policy Modernization Act of 2016 that requires disclosure of hydraulic fracturing chemicals shall refer to the database managed by the Ground Water Protection Council and the Interstate Oil and Gas Compact Commission (as in effect on the date of enactment of the Energy Policy Modernization Act of 2016).

''(d) JUDICIAL REVIEW.—

''(1) IN GENERAL.—With respect to any regulation described in this section, a State or Indian tribe adversely affected by an action carried out under the regulation shall be entitled to review by a United States district court located in the State or the District of Columbia of compliance by the applicable Federal department or agency with the requirements of this section.

''(2) ACTION BY COURT.—

''(A) IN GENERAL.—A district court providing review under this subsection may enjoin or mandate any action by a relevant Federal department or agency until the district court determines that the department or agency has complied with the requirements of this section.

''(B) DAMAGES.—The court shall not order money damages.

''(3) SCOPE AND STANDARD OF REVIEW.—In reviewing a regulation under this subsection—

''(A) the court shall not consider any evidence outside of the record that was before the agency; and

''(B) the standard of review shall be de novo.''.

SA 3038. Mr. HOEVEN (for himself and Mr. MANCHIN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—COAL COMBUSTION RESIDUALS

SEC. ___01. SHORT TITLE.

(a) SHORT TITLE.—This title may be cited as the ''Improving Coal Combustion Residuals Regulation Act of 2016''.

SEC. ___02. MANAGEMENT AND DISPOSAL OF COAL COMBUSTION RESIDUALS.

(a) IN GENERAL.—Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) is amended by adding at the end the following:

''SEC. 4011. MANAGEMENT AND DISPOSAL OF COAL COMBUSTION RESIDUALS.

''(a) STATE PERMIT PROGRAMS FOR COAL COMBUSTION RESIDUALS.—Each State may adopt and implement a coal combustion residuals permit program in accordance with this section.

''(b) STATE ACTIONS.—

''(1) NOTIFICATION.—Not later than 6 months after the date of enactment of this section, the Governor of each State shall notify the Administrator, in writing, whether such State will adopt and implement a coal combustion residuals permit program.

''(2) APPLICATION FOR, AND APPROVAL OF, STATE COAL COMBUSTION RESIDUALS PERMIT PROGRAM.—

''(A) IN GENERAL.—Not later than 24 months after the date of enactment of this section, each State that has notified the Administrator that it will adopt and implement a coal combustion residuals permit program under paragraph (1) shall submit to the Administrator an application for such coal combustion residuals permit program for review and approval by the Administrator.

''(B) CONTENTS OF APPLICATION.—An application submitted under this paragraph shall include—

''(i) a letter identifying the lead State implementing agency, signed by the head of such agency;

''(ii) identification of any other State agencies to be involved with the implementation of the coal combustion residuals permit program;

''(iii) an explanation of how the State coal combustion residuals permit program will meet the requirements of this section, including—

''(I) a description of the State's—

''(aa) process to inspect or otherwise determine compliance with such permit program;

''(bb) process to enforce the requirements of such permit program, including any enforcement of the requirements of subsection (c)(3)(A);

''(cc) public participation process for the promulgation, amendment, or repeal of regulations for, and the issuance of permits under, such permit program;

''(dd) process for judicial review;

''(ee) proposed or existing statutes, regulations, or policies pertaining to public access to information, including information on groundwater monitoring data, structural stability assessments, emergency action plans, fugitive dust control plans, notifications of closure (including any certification of closure by a qualified professional engineer), and corrective action remedies; and

''(ff) proposed coordination plan under subsection (c)(1)(C); and

''(II) if a State proposes to apply a definition different from a definition included in section 257.53 of title 40, Code of Federal Regulations, for purposes of the State coal combustion residuals permit program, an explanation of such application, including an explanation of the reasonable basis for applying such different definition, in accordance with subsection (i)(4);

''(iv) a statement that the State has in effect, at the time of application, statutes or regulations necessary to implement a coal combustion residuals permit program that meets the requirements described in subsection (c);

''(v) copies of State statutes and regulations described in clause (iv);

''(vi) copies of any proposed forms used to administer the coal combustion residuals permit program; and

''(vii) such other information as the Administrator may require.

''(C) APPROVAL.—

''(i) IN GENERAL.—The Administrator may approve an application for a State coal combustion residuals permit program only if the Administrator determines that such application demonstrates that the coal combustion residuals permit program meets the requirements described in subsection (c).

''(ii) EVIDENCE OF ADEQUACY.—In evaluating an application for a State coal combustion residuals permit program under this paragraph, the Administrator shall consider a State's approved permit program or other system of prior approval and conditions under section 4005(c) or authorized program under section 3006 as evidence regarding the State's ability to effectively implement a coal combustion residuals program.

''(iii) ADOPTION BY STATE.—A State may adopt and implement a coal combustion residuals permit program if, not later than 90 days after receipt of a complete application under this paragraph (including a revised application under subparagraph (D))—

''(I) the Administrator publishes in the Federal Register a notice of the Administrator's decision to approve such application; or

''(II) the Administrator does not publish in the Federal Register a notice of the Administrator's decision to approve or deny such application, in which case such application shall be deemed approved.

''(D) REVISED APPLICATION.—If the Administrator denies an initial application for a State coal combustion residuals program under this paragraph—

''(i) the Administrator shall notify the State of the reasons for such denial; and

''(ii) the State may, not later than 60 days after the date of such notification, submit to the Administrator a revised application for such coal combustion residuals permit program for review and approval by the Administrator.

''(c) REQUIREMENTS FOR A COAL COMBUSTION RESIDUALS PERMIT PROGRAM.—A coal combustion residuals permit program shall consist of the following:

''(1) GENERAL REQUIREMENTS.—

''(A) PERMITS.—The implementing agency shall require that owners or operators of structures apply for and obtain permits incorporating the applicable requirements of the coal combustion residuals permit program.

''(B) PUBLIC AVAILABILITY OF INFORMATION.—The implementing agency shall ensure that—

''(i) documents for permit determinations are made publicly available for review and comment under the public participation process of the coal combustion residuals permit program;

''(ii) final determinations on permit applications are made publicly available; and

''(iii) information regarding the exercise by the implementing agency of any discretionary authority granted under this section and not provided for in the rule described in subsection (i)(1) is made publicly available.

''(C) COORDINATION PLAN.—The implementing agency shall develop and maintain a plan for coordination among States in the event of a release that crosses State lines.

''(2) CRITERIA.—The implementing agency shall apply the following criteria with respect to structures:

''(A) DESIGN REQUIREMENTS.—For new structures, including lateral expansions of existing structures, the criteria regarding design requirements described in sections 257.70 through 257.72 of title 40, Code of Federal Regulations, as applicable.

''(B) GROUNDWATER MONITORING AND CORRECTIVE ACTION.—

''(i) IN GENERAL.—Except as provided in clause (ii), for all structures, the criteria regarding groundwater monitoring and corrective action requirements described in sections 257.90 through 257.98 of title 40, Code of Federal Regulations, including—

''(I) for the purposes of detection monitoring, the constituents described in appendix III to part 257 of such title; and

''(II) for the purposes of assessment monitoring, establishing a groundwater protection standard, and assessment of corrective measures, the constituents described in appendix IV to part 257 of such title.

''(ii) EXCEPTIONS AND ADDITIONAL AUTHORITY.—

''(I) ALTERNATIVE POINT OF COMPLIANCE.—Notwithstanding section 257.91(a)(2) of title 40, Code of Federal Regulations, the implementing agency may establish the relevant point of compliance for the down-gradient monitoring system as provided in section 258.51(a)(2) of such title.

''(II) ALTERNATIVE GROUNDWATER PROTECTION STANDARDS.—Notwithstanding section 257.95(h) of title 40, Code of Federal Regulations, the implementing agency may establish an alternative groundwater protection standard as provided in section 258.55(i) of such title.

''(III) ABILITY TO DETERMINE THAT CORRECTIVE ACTION IS NOT NECESSARY OR TECHNICALLY FEASIBLE.—Notwithstanding section 257.97 of title 40, Code of Federal Regulations, the implementing agency may determine that remediation of a release to groundwater from a structure is not necessary as provided in section 258.57(e) of such title.

''(C) CLOSURE.—For all structures, the criteria for closure described in sections 257.101, 257.102, and 257.103 of title 40, Code of Federal Regulations, except the criteria described in section 257.101(b)(1) of such title shall not apply to existing structures that comply with the criteria described in section 257.60 of such title by making a demonstration in accordance with subparagraph (E) of this paragraph.

''(D) POST-CLOSURE.—For all structures, the criteria for post-closure care described in section 257.104 of title 40, Code of Federal Regulations.

''(E) LOCATION RESTRICTIONS.—For all structures, the criteria for location restrictions described in sections 257.60 through 257.64 of title 40, Code of Federal Regulations, except—

''(i) for existing structures that are landfills, sections 257.60 through 257.63 shall not apply; and

''(ii) the owner or operator of an existing structure that is a surface impoundment may comply with the criteria described in section 257.60 of such title by demonstrating that—

''(I) the design and construction of the existing structure that is a surface impoundment will prevent an intermittent, recurring, or sustained hydraulic connection between any portion of the base of the structure and the upper limit of the uppermost aquifer; and

''(II) the existing structure that is a surface impoundment is designed and constructed to prevent the release of the constituents listed in appendices III and IV to part 257 of such title at levels above the groundwater protection standards established under this section.

''(F) AIR CRITERIA.—For all structures, the criteria for air quality described in section 257.80 of title 40, Code of Federal Regulations.

''(G) FINANCIAL ASSURANCE.—For all structures, the criteria for financial assurance described in subpart G of part 258 of title 40, Code of Federal Regulations.

''(H) RECORDKEEPING.—For all structures, the criteria for recordkeeping described in section 257.105 of title 40, Code of Federal Regulations.

''(I) RUN-ON AND RUN-OFF CONTROLS.—For all structures that are landfills, sand or gravel pits, or quarries, the criteria for run-on and run-off control described in section 257.81 of title 40, Code of Federal Regulations.

''(J) HYDROLOGIC AND HYDRAULIC CAPACITY REQUIREMENTS.—For all structures that are surface impoundments, the criteria for inflow design flood control systems described in section 257.82 of title 40, Code of Federal Regulations.

''(K) STRUCTURAL INTEGRITY.—For structures that are surface impoundments, the criteria for structural integrity described in sections 257.73 and 257.74 of title 40, Code of Federal Regulations.

''(L) INSPECTIONS.—For all structures, the criteria described in sections 257.83 and 257.84 of title 40, Code of Federal Regulations.

''(M) PUBLIC AVAILABILITY OF INFORMATION.—For all structures, the criteria described in section 257.107 of title 40, Code of Federal Regulations.

''(N) NOTIFICATION.—For all structures, the criteria described in section 257.106 of title 40, Code of Federal Regulations.

''(3) PERMIT PROGRAM IMPLEMENTATION FOR EXISTING STRUCTURES.—

''(A) COMPLIANCE WITH CERTAIN REQUIREMENTS.—

''(i) INITIAL DEADLINES.—The State, in the case of a State that has notified the Administrator under subsection (b)(1) that it will adopt and implement a coal combustion residuals permit program, or the Administrator, in the case of each other State, shall require owners or operators of existing structures to comply with—

''(I) as of October 19, 2015, the requirements under paragraphs (2)(F), (2)(H), and (2)(L);

''(II) not later than 6 months after the date of enactment of this section, the requirement under paragraph (2)(G); and

''(III) not later than 12 months after the date of enactment of this section, the requirements under paragraphs (2)(A), (2)(I), (2)(J), (2)(K), and the requirement for a written closure plan under the criteria described in paragraph 2(C).

''(ii) SUBSEQUENT DEADLINES.—The implementing agency shall require owners or operators of existing structures to comply with—

''(I) not later than 24 months after the date of enactment of this section, the requirements under paragraph (2)(B); and

''(II) not later than 36 months after the date of enactment of this section, the requirements under paragraph (2)(E).

''(B) PERMITS.—Not later than 72 months after the date of enactment of this section, the implementing agency shall issue, with respect to an existing structure, a final permit incorporating the applicable requirements of the coal combustion residuals permit program, or a final denial of an application submitted requesting such a permit.

''(C) EFFECT OF COMPLIANCE.—

''(i) INTERIM REQUIREMENTS.—Prior to the date on which a final permit or final denial is issued under subparagraph (B), compliance with the requirements of subparagraph (A), as determined by the State or Administrator, as applicable, shall constitute compliance with the requirements of this section and the rule described in subsection (i)(1) for the purpose of enforcement.

''(ii) FINAL PERMIT.—Compliance with a final permit issued by the implementing agency, as determined by the implementing agency, shall constitute compliance with this section and the rule described in subsection (i)(1) for the purpose of enforcement.

''(4) REQUIREMENTS FOR INACTIVE COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS.—

''(A) NOTICE.—Not later than 2 months after the date of enactment of this section, each owner or operator of an inactive coal combustion residuals surface impoundment shall submit to the Administrator and the State in which such inactive coal combustion residuals surface impoundment is located a notice stating whether such inactive coal combustion residuals surface impoundment will—

''(i) not later than 3 years after the date of enactment of this section, complete closure in accordance with section 257.100 of title 40, Code of Federal Regulations; or

''(ii) comply with the requirements of the coal combustion residuals permit program applicable to existing structures that are surface impoundments (except as provided in subparagraph (C)(ii)).

''(B) FINANCIAL ASSURANCE.—The implementing agency shall require the owner or operator of an inactive surface impoundment that has closed pursuant to this paragraph to perform post-closure care in accordance with the criteria described in section 257.104(b)(1) of title 40, Code of Federal Regulations, and to provide financial assurance for such post-closure care in accordance with the criteria described in section 258.72 of such title.

''(C) TREATMENT AS STRUCTURE.—

''(i) IN GENERAL.—An inactive coal combustion residuals surface impoundment shall be treated as an existing structure that is a surface impoundment for the purposes of this section, including with respect to the requirements of paragraphs (1) and (2), if—

''(I) the owner or operator does not submit a notice in accordance with subparagraph (A); or

''(II) the owner or operator submits a notice described in subparagraph (A)(ii).

''(ii) INACTIVE COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS THAT FAIL TO CLOSE.—An inactive coal combustion residuals surface impoundment for which the owner or operator submits a notice described in subparagraph (A)(i) that does not close by the deadline provided under subparagraph (A)(i) shall be treated as an existing structure for purposes of this section beginning on the date that is the day after such applicable deadline, including by—

''(I) being required to comply with the requirements of paragraph (1), as applicable; and

''(II) being required to comply, beginning on such date, with each requirement of paragraph (2).

''(d) IMPLEMENTATION BY ADMINISTRATOR.—

''(1) FEDERAL BACKSTOP AUTHORITY.—The Administrator shall implement a coal combustion residuals permit program for a State if—

''(A) the Governor of the State notifies the Administrator under subsection (b)(1) that the State will not adopt and implement a coal combustion residuals permit program;

''(B) the State fails to submit a notification or an application by the applicable deadline under subsection (b);

''(C) the Administrator denies an application submitted by a State under subsection (b)(2) and, if applicable, any revised application submitted by the State under subparagraph (E) of such subsection;

''(D) the State informs the Administrator, in writing, that such State will no longer implement such a permit program; or

''(E) the Administrator withdraws approval of a State coal combustion residuals program after the Administrator—

''(i) determines that the State is not implementing a coal combustion residuals permit program approved under this section in accordance with the requirements of this section;

''(ii) notifies the State of such determination, including the reasons for such determination and the particular deficiencies that need to be remedied; and

''(iii) after allowing the State to take actions to remedy such deficiencies within a

reasonable time, not to exceed 90 days, the Administrator determines that the State has not remedied such deficiencies.

''(2) REVIEW.—A State may obtain a review of a determination by the Administrator under paragraph (1)(E)(iii) as if the determination were a final regulation for purposes of section 7006.

''(3) INDIAN COUNTRY.—The Administrator shall implement a coal combustion residuals permit program in Indian country.

''(4) REQUIREMENTS.—If the Administrator implements a coal combustion residuals permit program under paragraph (1) or (3), the permit program shall consist of the requirements described in subsection (c).

''(5) ENFORCEMENT.—If the Administrator implements a coal combustion residuals permit program for a State under paragraph (1) or in Indian country under paragraph (3)—

''(A) the authorities referred to in section 4005(c)(2)(A) shall apply with respect to coal combustion residuals, structures, and inactive coal combustion residuals surface impoundments for which the Administrator is implementing the coal combustion residuals permit program; and

''(B) the Administrator may use those authorities to inspect, gather information, and enforce the requirements of this section in the State or Indian country.

''(6) PUBLIC PARTICIPATION PROCESS.—If the Administrator implements a coal combustion residuals permit program under this subsection, the Administrator shall provide a 30-day period for the public participation process required under subsection (c)(1)(B)(i).

''(e) STATE CONTROL AFTER IMPLEMENTATION BY ADMINISTRATOR.—

''(1) NEW ADOPTION BY STATE.—For a State for which the Administrator is implementing a coal combustion residuals permit program under subparagraphs (A) through (D) of subsection (d), the State may adopt and implement such a permit program through the application process described in subsection (b)(2) (notwithstanding the deadline described in subparagraph (A) of such subsection). An application submitted pursuant to this paragraph shall include a timeline for transition to the State coal combustion residuals permit program.

''(2) RESUMPTION AFTER REMEDYING DEFICIENT PERMIT PROGRAM.—

''(A) PROCESS.—For a State for which the Administrator is implementing a coal combustion residuals permit program under subparagraph (E) of subsection (d)(1), the State may adopt and implement such a permit program if—

''(i) the State remedies only the deficiencies included in the notice described in such subparagraph; and

''(ii) by the date that is 90 days after the date on which the State notifies the Administrator that the deficiencies have been remedied—

''(I) the Administrator publishes in the Federal Register—

''(aa) a determination, after providing a 30-day period for notice and public comment, that the deficiencies included in such notice have been remedied; and

''(bb) a timeline for transition to the State coal combustion residuals permit program; or

''(II) the Administrator does not publish in the Federal Register a determination regarding whether the deficiencies included in such notice been remedied, in which case such deficiencies shall be deemed remedied.

''(B) REVIEW.—A State may obtain a review of a determination by the Administrator under this paragraph as if such determination were a final regulation for purposes of section 7006.

''(f) IMPLEMENTATION DURING TRANSITION.—

''(1) EFFECT ON ACTIONS AND ORDERS.—Program requirements of, and actions taken or orders issued pursuant to, a coal combustion residuals permit program shall remain in effect if—

''(A) a State takes control of its coal combustion residuals permit program from the Administrator under subsection (e); or

''(B) the Administrator takes control of a coal combustion residuals permit program from a State under subsection (d).

''(2) CHANGE IN REQUIREMENTS.—Paragraph (1) shall apply to such program requirements, actions, and orders until such time as—

''(A) the implementing agency that took control of the coal combustion residuals permit program changes the requirements of the coal combustion residuals permit program with respect to the basis for the action or order; or

''(B) with respect to an ongoing corrective action, the State or the Administrator, whichever took the action or issued the order, certifies the completion of the corrective action that is the subject of the action or order.

''(3) SINGLE PERMIT PROGRAM.—Except as otherwise provided in this subsection—

''(A) if a State adopts and implements a coal combustion residuals permit program under subsection (e), the Administrator shall cease to implement the coal combustion residuals permit program implemented under subsection (d) for such State; and

''(B) if the Administrator implements a coal combustion residuals permit program for a State under subsection (d)(1), the State shall cease to implement its coal combustion residuals permit program.

''(g) AUTHORITY.—

''(1) STATE AUTHORITY.—Nothing in this section shall preclude or deny any right of any State to adopt or enforce any regulation or requirement respecting coal combustion residuals that is more stringent or broader in scope than a regulation or requirement under this section.

''(2) AUTHORITY OF THE ADMINISTRATOR.—

''(A) IN GENERAL.—Except as provided in subsections (d) and (f) of this section and section 6005, the Administrator shall, with respect to the regulation of coal combustion residuals under this Act, defer to the States pursuant to this section.

''(B) IMMINENT HAZARD.—Nothing in this section shall be construed as affecting the authority of the Administrator under section 7003 with respect to coal combustion residuals.

''(C) ENFORCEMENT ASSISTANCE ONLY UPON REQUEST.—Upon request from the head of a lead State implementing agency, the Administrator may, including through the use of the authorities referred to in section 4005(c)(2)(A), provide to such State agency only the enforcement assistance requested.

''(D) CONCURRENT ENFORCEMENT.—Except as provided in subparagraph (C) of this paragraph and subsection (f), the Administrator shall not have concurrent enforcement authority when a State is implementing a coal combustion residuals permit program, including during any period of interim operation described in subsection (c)(3)(C).

''(3) CITIZEN SUITS.—Nothing in this section shall be construed to affect the authority of a person to commence a civil action in accordance with section 7002.

''(h) USE OF COAL COMBUSTION RESIDUALS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), use of coal combustion residuals in any of the following ways, and storage prior to such use, shall not be considered to be receipt of coal combustion residuals for the purposes of this section:

''(A) Use as—

''(i) engineered structural fill constructed in accordance with—

''(I) ASTM E2277 entitled 'Standard Guide for Design and Construction of Coal Ash Structural Fills', including any amendment or revision to that guidance;

''(II) any other published national standard determined appropriate by the implementing agency, including standards issued by the American Association of State and Highway Transportation Officials and the Federal Highway Administration; or

''(III) a State standard or program relating to—

''(aa) fill operations for coal combustion residuals; or

''(bb) the management of coal combustion residuals for beneficial use; or

''(ii) engineered structural fill for—

''(I) a building site or foundation;

''(II) a base or embankment for a bridge, roadway, runway, or railroad; or

''(III) a dike, levee, berm, or dam that is not part of a structure.

''(B) Beneficial use—

''(i) that provides a functional benefit;

''(ii) that is a substitute for the use of a virgin material; and

''(iii) that meets relevant product specifications and regulatory or design standards, if any, including standards issued by voluntary consensus standards bodies such as ASTM International and the American Concrete Institute.

''(2) EXCEPTION.—With respect to a use described in paragraph (1) that involves placement on the land of coal combustion residuals in non-roadway and non-highway applications, the implementing agency may, on a case-by-case basis, determine that long-term storage of coal combustion residuals at the generating facility for such a use or permanent unencapsulated use of very large volumes of coal combustion residuals constitutes receipt of coal combustion residuals for the purposes of this section if the storage or use results in releases of hazardous constituents to groundwater, surface water, soil, or air—

''(A) in greater amounts than those that would occur from long-term storage or use of a material that would be used instead of coal combustion residuals; or

''(B) that exceed relevant regulatory and health-based benchmarks, as determined by the implementing agency.

''(i) EFFECT OF RULE.—

''(1) IN GENERAL.—With respect to the final rule entitled 'Hazardous and Solid Waste Management System; Disposal of Coal Combustion Residuals from Electric Utilities' and published in the Federal Register on April 17, 2015 (80 Fed. Reg. 21302)—

''(A) such rule shall be implemented only through a coal combustion residuals permit program under this section; and

''(B) to the extent that any provision or requirement of such rule conflicts, or is inconsistent, with a provision or requirement of this section, the provision or requirement of this section shall control.

''(2) EFFECTIVE DATE.—For purposes of this section, any reference in part 257 of title 40, Code of Federal Regulations, to the effective date of such part shall be considered to be a reference to the date of enactment of this section, except that, in the case of any deadline established by such a reference that is in conflict with a deadline established by this section, the deadline established by this section shall control.

''(3) APPLICABILITY OF OTHER REGULATIONS.—The application of section 257.52 of title 40, Code of Federal Regulations, is not affected by this section.

''(4) DEFINITIONS.—The definitions under section 257.53 of title 40, Code of Federal Regulations, shall apply with respect to any criteria described in subsection (c) the requirements of which are incorporated into a coal combustion residuals permit program under this section, except—

''(A) as provided in paragraph (1); and

''(B) a lead State implementing agency may apply different definitions if—

''(i) the different definitions do not conflict with the definitions in subsection (j); and

''(ii) the lead State implementing agency—

''(I) identifies the different definitions in the explanation included with the application submitted under subsection (b)(2); and

''(II) provides in such explanation a reasonable basis for the application of the different definitions.

''(j) DEFINITIONS.—In this section:

''(1) COAL COMBUSTION RESIDUALS.—The term 'coal combustion residuals' means the following wastes generated by electric utilities and independent power producers:

''(A) The solid wastes listed in section 3001(b)(3)(A)(i) that are generated primarily from the combustion of coal, including recoverable materials from such wastes.

''(B) Coal combustion wastes that are comanaged with wastes produced in conjunction with the combustion of coal, provided that such wastes are not segregated and disposed of separately from the coal combustion wastes and comprise a relatively small proportion of the total wastes being disposed in the structure.

''(C) Fluidized bed combustion wastes that are generated primarily from the combustion of coal.

''(D) Wastes from the co-burning of coal with non-hazardous secondary materials, provided that coal makes up at least 50 percent of the total fuel burned.

''(E) Wastes from the co-burning of coal with materials described in subparagraph (A) that are recovered from monofills.

''(2) COAL COMBUSTION RESIDUALS PERMIT PROGRAM.—The term 'coal combustion residuals permit program' means all of the authorities, activities, and procedures that comprise a system of prior approval and conditions implemented under this section to regulate the management and disposal of coal combustion residuals.

''(3) ELECTRIC UTILITY; INDEPENDENT POWER PRODUCER.—The terms 'electric utility' and 'independent power producer' include only electric utilities and independent power producers that produce electricity on or after the date of enactment of this section.

''(4) EXISTING STRUCTURE.—The term 'existing structure' means a structure the construction of which commenced before the date of enactment of this section.

''(5) IMPLEMENTING AGENCY.—The term 'implementing agency' means the agency responsible for implementing a coal combustion residuals permit program, which shall either be the lead State implementing agency identified under subsection (b)(2)(B)(i) or the Administrator pursuant to subsection (d).

''(6) INACTIVE COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENT.—The term 'inactive coal combustion residuals surface impoundment' means a surface impoundment, located at an electric utility or independent power producer, that, as of the date of enactment of this section—

''(A) does not receive coal combustion residuals;

''(B) contains coal combustion residuals; and

''(C) contains liquid.

''(7) INDIAN COUNTRY.—The term 'Indian country' has the meaning given that term in section 1151 of title 18, United States Code.

''(8) STRUCTURE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'structure' means a landfill, surface impoundment, sand or gravel pit, or quarry that receives coal combustion residuals on or after the date of enactment of this section.

''(B) EXCEPTIONS.—

''(i) MUNICIPAL SOLID WASTE LANDFILLS.—The term 'structure' does not include a municipal solid waste landfill meeting the revised criteria promulgated under section 4010(c).

''(ii) COAL MINES.—The term 'structure' does not include the location of surface coal mining and reclamation operations or surface coal mining operations (as those terms are defined in section 701 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1291)) or an active or abandoned underground coal mine.

''(iii) DE MINIMIS RECEIPT.—The term 'structure' does not include any landfill or surface impoundment that receives only de minimis quantities of coal combustion residuals if the presence of coal combustion residuals is incidental to the material managed in the landfill or surface impoundment.

''(9) UNLINED SURFACE IMPOUNDMENT.—The term 'unlined surface impoundment' means a surface impoundment that does not have a liner system described in section 257.71 of title 40, Code of Federal Regulations.''.

(b) CONFORMING AMENDMENT.—The table of contents contained in section 1001 of the Solid Waste Disposal Act is amended by inserting after the item relating to section 4010 the following:

''Sec. 4011. Management and disposal of coal combustion residuals.''.

SEC. ___03. EFFECT ON REGULATORY DETERMINATIONS.

Nothing in this title, or the amendments made by this title, shall be construed to alter in any manner the effect on coal combustion residuals (as defined in section 4011 of the Solid Waste Disposal Act, as added by this title) of the Environmental Protection Agency's regulatory determinations entitled—

(1) ''Notice of Regulatory Determination on Wastes From the Combustion of Fossil Fuels'', published at 65 Fed. Reg. 32214 (May 22, 2000); and

(2) ''Final Regulatory Determination on Four Large-Volume Wastes From the Combustion of Coal by Electric Utility Power Plants'', published at 58 Fed. Reg. 42466 (August 9, 1993).

SEC. 4. TECHNICAL ASSISTANCE.

Nothing in this title, or the amendments made by this title, shall be construed to affect the authority of a State to request, or the Administrator of the Environmental Protection Agency to provide, technical assistance under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

SEC. 5. FEDERAL POWER ACT.

Nothing in this title, or the amendments made by this title, shall be construed to affect the obligations of an owner or operator of a structure (as such term is defined in section 4011 of the Solid Waste Disposal Act, as added by this Act) under section 215(b)(1) of the Federal Power Act (16 U.S.C. 824o(b)(1)).

SA 3039. Mr. HOEVEN (for himself and Mr. DONNELLY) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

Subtitle F—North American Energy Infrastructure Act

SEC. 2501. DEFINITIONS.

In this subtitle:

(1) CROSS-BORDER SEGMENT.—The term ''cross-border segment'' means the portion of an oil or natural gas pipeline or electric transmission facility that is located at the national boundary of the United States with Canada or Mexico.

(2) ELECTRIC RELIABILITY ORGANIZATION.—The term ''Electric Reliability Organization'' has the meaning given the term in section 215(a) of the Federal Power Act (16 U.S.C. 824o(a)).

(3) INDEPENDENT SYSTEM OPERATOR.—The term ''Independent System Operator'' has the meaning given the term in section 3 of the Federal Power Act (16 U.S.C. 796).

(4) MODIFICATION.—The term ''modification'' includes—

(A) a change in ownership;

(B) a volume expansion;

(C) a downstream or upstream interconnection; or

(D) an adjustment to maintain flow (such as a reduction or increase in the number of pump or compressor stations).

(5) NATURAL GAS.—The term ''natural gas'' has the meaning given the term in section 2 of the Natural Gas Act (15 U.S.C. 717a).

(6) OIL.—The term ''oil'' means petroleum or a petroleum product.

(7) REGIONAL ENTITY.—The term ''regional entity'' has the meaning given the term in section 215(a) of the Federal Power Act (16 U.S.C. 824o(a)).

(8) REGIONAL TRANSMISSION ORGANIZATION.—The term ''Regional Transmission Organization'' has the meaning given the term in section 3 of the Federal Power Act (16 U.S.C. 796).

SEC. 2502. AUTHORIZATION OF CERTAIN ENERGY INFRASTRUCTURE PROJECTS AT THE NATIONAL BOUNDARY OF THE UNITED STATES.

(a) AUTHORIZATION.—Except as provided in subsection (c) and section 2506, no person may construct, connect, operate, or maintain a cross-border segment of an oil pipeline or electric transmission facility for the import or export of oil or the transmission of electricity to or from Canada or Mexico without obtaining a certificate of crossing for the construction, connection, operation, or maintenance of the cross-border segment under this section.

(b) CERTIFICATE OF CROSSING.—

(1) REQUIREMENT.—Not later than 120 days after final action is taken under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to a cross-border segment for which a request is received under this section, the relevant official identified under paragraph (2), in consultation with appropriate Federal agencies, shall issue a certificate of crossing for the cross-border segment unless the relevant official finds that the construction, connection, operation, or maintenance of the cross-border segment is not in the public interest of the United States.

(2) RELEVANT OFFICIAL.—The relevant official referred to in paragraph (1) is—

(A) the Secretary of State with respect to oil pipelines; and

(B) the Secretary of Energy with respect to electric transmission facilities.

(3) ADDITIONAL REQUIREMENT FOR ELECTRIC TRANSMISSION FACILITIES.—In the case of a request for a certificate of crossing for the construction, connection, operation, or maintenance of a cross-border segment of an electric transmission facility, the Secretary of Energy shall require, as a condition of issuing the certificate of crossing for the request under paragraph (1), that the cross-

border segment of the electric transmission facility be constructed, connected, operated, or maintained consistent with all applicable policies and standards of—

(A) the Electric Reliability Organization and the applicable regional entity; and

(B) any Regional Transmission Organization or Independent System Operator with operational or functional control over the cross-border segment of the electric transmission facility.

(c) EXCLUSIONS.—This section shall not apply to any construction, connection, operation, or maintenance of a cross-border segment of an oil pipeline or electric transmission facility for the import or export of oil or the transmission of electricity to or from Canada or Mexico—

(1) if the cross-border segment is operating for the import, export, or transmission as of the date of enactment of this Act;

(2) if a permit described in section 2505 for the construction, connection, operation, or maintenance has been issued;

(3) if a certificate of crossing for the construction, connection, operation, or maintenance has previously been issued under this section; or

(4) if an application for a permit described in section 2505 for the construction, connection, operation, or maintenance is pending on the date of enactment of this Act, until the earlier of—

(A) the date on which the application is denied; or

(B) July 1, 2016.

(d) EFFECT OF OTHER LAWS.—

(1) APPLICATION TO PROJECTS.—Nothing in this section or section 2506 affects the application of any other Federal law to a project for which a certificate of crossing for the construction, connection, operation, or maintenance of a cross-border segment is sought under this section.

(2) ENERGY POLICY AND CONSERVATION ACT.—Nothing in this section or section 2506 shall affect the authority of the President under section 103(a) of the Energy Policy and Conservation Act (42 U.S.C. 6212(a)).

SEC. 2503. IMPORTATION OR EXPORTATION OF NATURAL GAS TO CANADA AND MEXICO.

Section 3(c) of the Natural Gas Act (15 U.S.C. 717b(c)) is amended—

(1) by striking ''(c) For purposes'' and inserting the following:

''(c) EXPEDITED APPLICATION AND APPROVAL PROCESS.—

''(1) IN GENERAL.—For purposes''; and

(2) by adding at the end the following:

''(2) DEADLINE FOR APPROVAL OF APPLICATIONS RELATING TO CANADA AND MEXICO.—In the case of an application for the importation or exportation of natural gas to or from Canada or Mexico, the Commission shall approve the application not later than 30 days after the date of receipt of the application.''.

SEC. 2504. TRANSMISSION OF ELECTRIC ENERGY TO CANADA AND MEXICO.

(a) REPEAL OF REQUIREMENT TO SECURE ORDER.—Section 202 of the Federal Power Act (16 U.S.C. 824a) is amended—

(1) by striking subsection (e); and

(2) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(b) CONFORMING AMENDMENTS.—

(1) STATE REGULATIONS.—Subsection (e) of section 202 of the Federal Power Act (16 U.S.C. 824a) (as redesignated by subsection (a)(2)) is amended in the second sentence by striking ''insofar as such State regulation does not conflict with the exercise of the Commission's powers under or relating to subsection 202(e)''.

(2) SEASONAL DIVERSITY ELECTRICITY EXCHANGE.—Section 602(b) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 824a–4(b)) is amended by striking ''the Commission has conducted hearings and made the findings required under section 202(e) of the Federal Power Act'' and all that follows through the period at the end of the second sentence and inserting ''the Secretary has conducted hearings and finds that the proposed transmission facilities would not impair the sufficiency of electric supply within the United States or would not impede or tend to impede the coordination in the public interest of facilities subject to the jurisdiction of the Secretary.''.

SEC. 2505. NO PRESIDENTIAL PERMIT REQUIRED.

(a) IN GENERAL.—No Presidential permit (or similar permit) required under an applicable provision described in subsection (b) shall be necessary for the construction, connection, operation, or maintenance of an oil or natural gas pipeline or electric transmission facility, or any cross-border segment of the pipeline or facility.

(b) APPLICABLE PROVISIONS.—Subsection (a) applies to—

(1) section 301 of title 3, United States Code;

(2) Executive Order 11423 (3 U.S.C. 301 note);

(3) Executive Order 13337 (3 U.S.C. 301 note);

(4) Executive Order 10485 (15 U.S.C. 717b note);

(5) Executive Order 12038 (42 U.S.C. 7151 note); and

(6) any other Executive order.

SEC. 2506. MODIFICATIONS TO EXISTING PROJECTS.

No certificate of crossing under section 2502, or permit described in section 2505, shall be required for a modification to the construction, connection, operation, or maintenance of an oil or natural gas pipeline or electric transmission facility—

(1) that is operating for the import or export of oil or natural gas or the transmission of electricity to or from Canada or Mexico as of the date of enactment of the Act;

(2) for which a permit described in section 2505 for the construction, connection, operation, or maintenance has been issued; or

(3) for which a certificate of crossing for the cross-border segment of the pipeline or facility has previously been issued under section 2502.

SEC. 2507. EFFECTIVE DATE; RULEMAKING DEADLINES.

(a) EFFECTIVE DATE.—Sections 2502 through 2506, and the amendments made by those sections, take effect on July 1, 2016.

(b) RULEMAKING DEADLINES.—Each relevant official described in section 2502(b)(2) shall—

(1) not later than 180 days after the date of enactment of this Act, publish in the Federal Register notice of a proposed rulemaking to carry out the applicable requirements of section 2502; and

(2) not later than 1 year after the date of enactment of this Act, publish in the Federal Register a final rule to carry out the applicable requirements of section 2502.

SA 3040. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REGULATION OF TRANSPORTATION AND STORAGE OF PETROLEUM COKE.

This Act shall not take effect prior to the date that—

(1) the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Transportation, promulgates rules to ensure that all petroleum coke that results from the refining of oil transported by a pipeline in the United States is stored and transported in a manner that protects public and ecological health; and

(2) petroleum coke is no longer exempt from regulation under section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(14)), which may be established either by an Act of Congress or any regulations, rules, or guidance issued by the Administrator of the Environmental Protection Agency.

SA 3041. Ms. BALDWIN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 320, strike line 22 and all that follows through line 25 on page 322 and insert the following:

(C) secondary and postsecondary education organizations; and

(D) workforce development boards;

(2) demonstrates experience in implementing and operating job training and education programs;

(3) demonstrates the ability to recruit and support individuals who plan to work in the energy industry in the successful completion of relevant job training and education programs; and

(4) provides students who complete the job training and education program with an industry-recognized credential.

(c) APPLICATIONS.—Eligible entities desiring a grant under this section shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(d) PRIORITY.—In selecting eligible entities to receive grants under this section, the Secretary shall prioritize applicants that—

(1) house the job training and education programs in—

(A) a community college or institution of higher education that includes basic science and math education in the curriculum of the community college, institution of higher education; or

(B) an apprenticeship program registered with the Department of Labor or a State;

(2) work with the Secretary of Defense or veterans organizations to transition members of the Armed Forces and veterans to careers in the energy sector;

(3) work with Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b));

(4) apply as a State or regional consortia to leverage best practices already available in the State or region in which the community college or institution of higher education is located;

(5) have a State-supported entity included in the consortium applying for the grant;

(6) include an apprenticeship program registered with the Department of Labor or a State as part of the job training and education program;

(7) provide support services and career coaching;

(8) provide introductory energy workforce development training;

(9) work with not less than 1 local educational agency, area career and technical education school, or educational service agency (as such terms are defined in section 3 of the Carl D. Perkins Career and Technical

Education Act of 2006 (20 U.S.C. 2302)), that offers a relevant career and technical program of study (as described in section 122(c)(1)(A) of such Act (20 U.S.C. 2342(c)(1)(A)));

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

(11) provide job training for displaced and unemployed workers in the energy sector.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on January 27, 2016, at 9:30 a.m.

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

COMMITTEE ON THE JUDICIARY

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on January 27, 2016, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Attacking America's Epidemic on Heroin and Prescription Drug Abuse.''

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

COMMITTEE ON THE JUDICIARY

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on January 27, 2016, at 2 p.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Nominations.''

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

SUBCOMMITTEE ON STRATEGIC FORCES

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on January 27, 2016, at 2:30 p.m.

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

PRIVILEGES OF THE FLOOR

Mr. GARDNER. Mr. President, I ask unanimous consent that the following members of Senator DAINES' staff be granted floor privileges for the remainder of the 114th Congress: Ben Johnson, Amy Coffman, and James Fortner.

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

ORDERS FOR THURSDAY, JANUARY 28, 2016

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:45 a.m., Thursday, January 28; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; finally, that following leaders remarks, the Senate resume consideration of S. 2012.

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

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Ms. MURKOWSKI. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:26 p.m., adjourned until Thursday, January 28, 2016, at 9:45 a.m.

NOMINATIONS

Executive nomination received by the Senate:

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. JOHN W. NICHOLSON, JR.

CONFIRMATION

Executive nomination confirmed by the Senate January 27, 2016:

THE JUDICIARY

JOHN MICHAEL VAZQUEZ, OF NEW JERSEY, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY.