amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3136. Mr. MENENDEZ (for himself, Ms. COLLINS, and Ms. KLOBUCHAR) 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 3137. Mr. UDALL (for himself and Mr. HEINRICH) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3138. Mrs. SHAHEEN (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3139. Mr. COATS (for himself, Mr. MANCHIN, and Mrs. CAPITO) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3140. Ms. COLLINS (for herself, Ms. KLOBUCHAR, and Mr. KING) 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 3141. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3142. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3042. Mr. ISAKSON (for himself, Mr. BENNET, 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:

At the end of title I, add the following:

Subtitle F—Housing

SEC. 1501. DEFINITIONS.

In this subtitle, the following definitions shall apply:

(1) COVERED LOAN.—The term ''covered loan'' means a loan secured by a home that is insured by the Federal Housing Administration.

(2) HOMEOWNER.—The term ''homeowner'' means the mortgagor under a covered loan.

(3) MORTGAGEE.—The term ''mortgagee'' means—

(A) an original lender under a covered loan or the holder of a covered loan at the time at which that mortgage transaction is consummated;

(B) any affiliate, agent, subsidiary, successor, or assignee of an original lender under a covered loan or the holder of a covered loan at the time at which that mortgage transaction is consummated;

(C) any servicer of a covered loan; and

(D) any subsequent purchaser, trustee, or transferee of any covered loan issued by an original lender.

(4) SERVICER.—The term ''servicer'' means the person or entity responsible for the servicing of a covered loan, including the person or entity who makes or holds a covered loan if that person or entity also services the covered loan.

(5) SERVICING.—The term ''servicing'' has the meaning given the term in section 6(i) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2605(i)).

SEC. 1502. ENHANCED ENERGY EFFICIENCY UNDERWRITING CRITERIA.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Housing and Urban Development shall, in consultation with the advisory group established in section 1505(b), develop and issue guidelines for the Federal Housing Administration to implement enhanced loan eligibility requirements, for use when testing the ability of a loan applicant to repay a covered loan, that account for the expected energy cost savings for a loan applicant at a subject property, in the manner set forth in subsections (b) and (c).

(b) REQUIREMENTS TO ACCOUNT FOR ENERGY COST SAVINGS.—The enhanced loan eligibility requirements under subsection (a) shall require that, for all covered loans for which an energy efficiency report is voluntarily provided to the mortgagee by the mortgagor, the Federal Housing Administration and the mortgagee shall take into consideration the estimated energy cost savings expected for the owner of the subject property in determining whether the loan applicant has sufficient income to service the mortgage debt plus other regular expenses. To the extent that the Federal Housing Administration uses a test such as a debt-to-income test that includes certain regular expenses, such as hazard insurance and property taxes, the expected energy cost savings shall be included as an offset to these expenses. Energy costs to be assessed include the cost of electricity, natural gas, oil, and any other fuel regularly used to supply energy to the subject property.

(c) DETERMINATION OF ESTIMATED ENERGY COST SAVINGS.—

(1) IN GENERAL.—The guidelines to be issued under subsection (a) shall include instructions for the Federal Housing Administration to calculate estimated energy cost savings using—

(A) the energy efficiency report;

(B) an estimate of baseline average energy costs; and

(C) additional sources of information as determined by the Secretary of Housing and Urban Development.

(2) REPORT REQUIREMENTS.—For the purposes of paragraph (1), an energy efficiency report shall—

(A) estimate the expected energy cost savings specific to the subject property, based on specific information about the property;

(B) be prepared in accordance with the guidelines to be issued under subsection (a); and

(C) be prepared—

(i) in accordance with the Residential Energy Service Network's Home Energy Rating System (commonly known as ''HERS'') by an individual certified by the Residential Energy Service Network, unless the Secretary of Housing and Urban Development finds that the use of HERS does not further the purposes of this subtitle;

(ii) in accordance with the Alaska Housing Finance Corporation energy rating system by an individual certified by the Alaska Housing Finance Corporation as an authorized Energy Rater; or

(iii) by other methods approved by the Secretary of Housing and Urban Development, in consultation with the Secretary and the advisory group established in section 1505(b), for use under this subtitle, which shall include a third-party quality assurance procedure.

(3) USE BY APPRAISER.—If an energy efficiency report is used under subsection (b), the energy efficiency report shall be provided to the appraiser to estimate the energy efficiency of the subject property and for potential adjustments for energy efficiency.

(d) REQUIRED DISCLOSURE TO CONSUMER FOR A HOME WITH AN ENERGY EFFICIENCY REPORT.—If an energy efficiency report is used under subsection (b), the guidelines to be issued under subsection (a) shall require the mortgagee to—

(1) inform the loan applicant of the expected energy costs as estimated in the energy efficiency report, in a manner and at a time as prescribed by the Secretary of Housing and Urban Development, and if practicable, in the documents delivered at the time of loan application; and

(2) include the energy efficiency report in the documentation for the loan provided to the borrower.

(e) REQUIRED DISCLOSURE TO CONSUMER FOR A HOME WITHOUT AN ENERGY EFFICIENCY REPORT.—If an energy efficiency report is not used under subsection (b), the guidelines to be issued under subsection (a) shall require the mortgagee to inform the loan applicant in a manner and at a time as prescribed by the Secretary of Housing and Urban Development, and if practicable, in the documents delivered at the time of loan application of—

(1) typical energy cost savings that would be possible from a cost-effective energy upgrade of a home of the size and in the region of the subject property;

(2) the impact the typical energy cost savings would have on monthly ownership costs of a typical home;

(3) the impact on the size of a mortgage that could be obtained if the typical energy cost savings were reflected in an energy efficiency report; and

(4) resources for improving the energy efficiency of a home.

(f) PRICING OF LOANS.—

(1) IN GENERAL.—The Federal Housing Administration may price covered loans originated under the enhanced loan eligibility requirements required under this section in accordance with the estimated risk of the loans.

(2) IMPOSITION OF CERTAIN MATERIAL COSTS, IMPEDIMENTS, OR PENALTIES.—In the absence of a publicly disclosed analysis that demonstrates significant additional default risk or prepayment risk associated with the loans, the Federal Housing Administration shall not impose material costs, impediments, or penalties on covered loans merely because the loan uses an energy efficiency report or the enhanced loan eligibility requirements required under this section.

(g) LIMITATIONS.—

(1) IN GENERAL.—The Federal Housing Administration may price covered loans originated under the enhanced loan eligibility requirements required under this section in accordance with the estimated risk of those loans.

(2) PROHIBITED ACTIONS.—The Federal Housing Administration shall not—

(A) modify existing underwriting criteria or adopt new underwriting criteria that intentionally negate or reduce the impact of the requirements or resulting benefits that are set forth or otherwise derived from the enhanced loan eligibility requirements required under this section; or

(B) impose greater buy back requirements, credit overlays, or insurance requirements, including private mortgage insurance, on covered loans merely because the loan uses an energy efficiency report or the enhanced loan eligibility requirements required under this section.

(h) APPLICABILITY AND IMPLEMENTATION DATE.—Not later than 3 years after the date of enactment of this Act, and before December 31, 2019, the enhanced loan eligibility requirements required under this section shall

be implemented by the Federal Housing Administration to—

(1) apply to any covered loan for the sale, or refinancing of any loan for the sale, of any home;

(2) be available on any residential real property (including individual units of condominiums and cooperatives) that qualifies for a covered loan; and

(3) provide prospective mortgagees with sufficient guidance and applicable tools to implement the required underwriting methods.

SEC. 1503. ENHANCED ENERGY EFFICIENCY UNDERWRITING VALUATION GUIDELINES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Housing and Urban Development shall—

(1) in consultation with the Federal Financial Institutions Examination Council and the advisory group established in section 1505(b), develop and issue guidelines for the Federal Housing Administration to determine the maximum permitted loan amount based on the value of the property for all covered loans made on properties with an energy efficiency report that meets the requirements of section 1502(c)(2); and

(2) in consultation with the Secretary, issue guidelines for the Federal Housing Administration to determine the estimated energy savings under subsection (c) for properties with an energy efficiency report.

(b) REQUIREMENTS.—The enhanced energy efficiency underwriting valuation guidelines required under subsection (a) shall include—

(1) a requirement that if an energy efficiency report that meets the requirements of section 1502(c)(2) is voluntarily provided to the mortgagee, such report shall be used by the mortgagee or the Federal Housing Administration to determine the estimated energy savings of the subject property; and

(2) a requirement that the estimated energy savings of the subject property be added to the appraised value of the subject property by a mortgagee or the Federal Housing Administration for the purpose of determining the loan-to-value ratio of the subject property, unless the appraisal includes the value of the overall energy efficiency of the subject property, using methods to be established under the guidelines issued under subsection (a).

(c) DETERMINATION OF ESTIMATED ENERGY SAVINGS.—

(1) AMOUNT OF ENERGY SAVINGS.—The amount of estimated energy savings shall be determined by calculating the difference between the estimated energy costs for the average comparable houses, as determined in guidelines to be issued under subsection (a), and the estimated energy costs for the subject property based upon the energy efficiency report.

(2) DURATION OF ENERGY SAVINGS.—The duration of the estimated energy savings shall be based upon the estimated life of the applicable equipment, consistent with the rating system used to produce the energy efficiency report.

(3) PRESENT VALUE OF ENERGY SAVINGS.—The present value of the future savings shall be discounted using the average interest rate on conventional 30-year mortgages, in the manner directed by guidelines issued under subsection (a).

(d) ENSURING CONSIDERATION OF ENERGY EFFICIENT FEATURES.—Section 1110 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3339) is amended—

(1) in paragraph (2), by striking ''; and'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting ''; and''; and

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

''(4) that State certified and licensed appraisers have timely access, whenever practicable, to information from the property owner and the lender that may be relevant in developing an opinion of value regarding the energy- and water-saving improvements or features of a property, such as—

''(A) labels or ratings of buildings;

''(B) installed appliances, measures, systems or technologies;

''(C) blueprints;

''(D) construction costs;

''(E) financial or other incentives regarding energy- and water-efficient components and systems installed in a property;

''(F) utility bills;

''(G) energy consumption and benchmarking data; and

''(H) third-party verifications or representations of energy and water efficiency performance of a property, observing all financial privacy requirements adhered to by certified and licensed appraisers, including section 501 of the Gramm-Leach-Bliley Act (15 U.S.C. 6801).

Unless a property owner consents to a lender, an appraiser, in carrying out the requirements of paragraph (4), shall not have access to the commercial or financial information of the owner that is privileged or confidential.''.

(e) TRANSACTIONS REQUIRING STATE CERTIFIED APPRAISERS.—Section 1113 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3342) is amended—

(1) in paragraph (1), by inserting before the semicolon the following: '', or any real property on which the appraiser makes adjustments using an energy efficiency report''; and

(2) in paragraph (2), by inserting after before the period at the end the following: '', or an appraisal on which the appraiser makes adjustments using an energy efficiency report''.

(f) PROTECTIONS.—

(1) AUTHORITY TO IMPOSE LIMITATIONS.—The guidelines to be issued under subsection (a) shall include such limitations and conditions as determined by the Secretary of Housing and Urban Development to be necessary to protect against meaningful under or over valuation of energy cost savings or duplicative counting of energy efficiency features or energy cost savings in the valuation of any subject property that is used to determine a loan amount.

(2) ADDITIONAL AUTHORITY.—At the end of the 7-year period following the implementation of enhanced eligibility and underwriting valuation requirements under this subtitle, the Secretary of Housing and Urban Development may modify or apply additional exceptions to the approach described in subsection (b), where the Secretary of Housing and Urban Development finds that the unadjusted appraisal will reflect an accurate market value of the efficiency of the subject property or that a modified approach will better reflect an accurate market value.

(g) APPLICABILITY AND IMPLEMENTATION DATE.—Not later than 3 years after the date of enactment of this Act, and before December 31, 2019, the Federal Housing Administration shall implement the guidelines required under this section, which shall—

(1) apply to any covered loan for the sale, or refinancing of any loan for the sale, of any home; and

(2) be available on any residential real property, including individual units of condominiums and cooperatives, that qualifies for a covered loan.

SEC. 1504. MONITORING.

Not later than 1 year after the date on which the enhanced eligibility and underwriting valuation requirements are implemented under this subtitle, and every year thereafter, the Federal Housing Administration shall issue and make available to the public a report that—

(1) enumerates the number of covered loans of the Federal Housing Administration for which there was an energy efficiency report, and that used energy efficiency appraisal guidelines and enhanced loan eligibility requirements;

(2) includes the default rates and rates of foreclosures for each category of loans; and

(3) describes the risk premium, if any, that the Federal Housing Administration has priced into covered loans for which there was an energy efficiency report.

SEC. 1505. RULEMAKING.

(a) IN GENERAL.—The Secretary of Housing and Urban Development shall prescribe regulations to carry out this subtitle, in consultation with the Secretary and the advisory group established in subsection (b), which may contain such classifications, differentiations, or other provisions, and may provide for such proper implementation and appropriate treatment of different types of transactions, as the Secretary of Housing and Urban Development determines are necessary or proper to effectuate the purposes of this subtitle, to prevent circumvention or evasion thereof, or to facilitate compliance therewith.

(b) ADVISORY GROUP.—To assist in carrying out this subtitle, the Secretary of Housing and Urban Development shall establish an advisory group, consisting of individuals representing the interests of—

(1) mortgage lenders;

(2) appraisers;

(3) energy raters and residential energy consumption experts;

(4) energy efficiency organizations;

(5) real estate agents;

(6) home builders and remodelers;

(7) State energy officials; and

(8) others as determined by the Secretary of Housing and Urban Development.

SEC. 1506. ADDITIONAL STUDY.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary of Housing and Urban Development shall reconvene the advisory group established in section 1505(b), in addition to water and locational efficiency experts, to advise the Secretary of Housing and Urban Development on the implementation of the enhanced energy efficiency underwriting criteria established in sections 1502 and 1503.

(b) RECOMMENDATIONS.—The advisory group established in section 1505(b) shall provide recommendations to the Secretary of Housing and Urban Development on any revisions or additions to the enhanced energy efficiency underwriting criteria deemed necessary by the group, which may include alternate methods to better account for home energy costs and additional factors to account for substantial and regular costs of homeownership such as location-based transportation costs and water costs. The Secretary of Housing and Urban Development shall forward any legislative recommendations from the advisory group to Congress for its consideration.

SA 3043. Mr. HELLER (for himself, Mr. HEINRICH, Mr. RISCH, Mr. WYDEN, Mr. UDALL, Mr. TESTER, Mr. BENNET, Mr. DAINES, 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:

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

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

CHAPTER 1—EXTENSION OF FUNDING FOR GEOTHERMAL STEAM ACT OF 1970

SEC. 3011A. EXTENSION OF FUNDING FOR IMPLEMENTATION OF GEOTHERMAL STEAM ACT OF 1970.

(a) IN GENERAL.—Section 234(a) of the Energy Policy Act of 2005 (42 U.S.C. 15873(a)) is amended by striking ''in the first 5 fiscal years beginning after the date of enactment of this Act'' and inserting ''through fiscal year 2020''.

(b) AUTHORIZATION.—Section 234(b) of the Energy Policy Act of 2005 (42 U.S.C. 15873(b)) is amended—

(1) by striking ''Amounts'' and inserting the following:

''(1) IN GENERAL.—Amounts''; and

(2) by adding at the end the following:

''(2) AUTHORIZATION.—Effective for fiscal year 2017 and each fiscal year thereafter, amounts deposited under subsection (a) shall be available to the Secretary of the Interior for expenditure, subject to appropriation and without fiscal year limitation, to implement the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) and this Act.''.

CHAPTER 2—DEVELOPMENT OF GEOTHERMAL, SOLAR, AND WIND ENERGY ON PUBLIC LAND

Subchapter A—Environmental Reviews and Permitting

SEC. 3011B. DEFINITIONS.

In this subchapter:

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

(A) public land administered by the Secretary; and

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

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

(ii) other Federal law.

(2) DIRECTOR.—The term ''Director'' means the Director of the Bureau of Land Management.

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

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

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

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

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

(A) not an exclusion area; and

(B) not a priority area.

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

(a) PRIORITY AREAS.—

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

(2) DEADLINE.—

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

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

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

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

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

(B) based on the review carried out under subparagraph (A), add, modify, or eliminate priority, variance, and exclusion areas.

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

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

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

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

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

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

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

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

(3) consistent with local planning efforts.

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

SEC. 3011D. ENVIRONMENTAL REVIEW ON COVERED LAND.

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

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

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

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

(b) MEMORANDUM OF UNDERSTANDING.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall enter into a memorandum of understanding for purposes of this section with—

(A) the Secretary of Agriculture;

(B) the Administrator of the Environmental Protection Agency; and

(C) the Chief of Engineers.

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

(c) INTRADEPARTMENTAL COORDINATION.—The Secretary shall establish an ombudsperson in the Office of the Secretary, who shall be responsible for resolving intradepartmental disputes between 2 or more of the following agencies:

(1) The United States Fish and Wildlife Service.

(2) The National Park Service.

(3) The Bureau of Land Management.

(d) VARIANCE AREAS.—

(1) IN GENERAL.—In carrying out subsections (b) and (c), the heads of the Federal agencies described in those subsections shall consider entering into agreements and memoranda of understanding to expedite the environmental analysis of applications for projects proposed on covered land determined by the Secretary to be a variance area under section 3011C.

(2) AVAILABILITY FOR RENEWABLE ENERGY PROJECT DEVELOPMENT.—To the maximum extent practicable, the variance areas described in paragraph (1) shall be made available for renewable energy project development, after completion of an environmental impact statement or similar analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), including an environmental assessment or finding of no significant impact under that Act, and subject to the policies and procedures set forth by the Secretary for evaluating variance applications in the programmatic environmental impact statement described in section 3011C(b).

(e) DESIGNATION OF QUALIFIED STAFF.—

(1) IN GENERAL.—Not later than 30 days after the date on which the memorandum of understanding under subsection (b) is executed, all Federal signatories, as appropriate, shall assign to each of the field offices described in subsection (f) an employee who has expertise in the regulatory issues relating to the office in which the employee is employed, including, as applicable, particular expertise in—

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

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

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

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

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

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

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

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

(A) not later than 90 days after the date of assignment, report to field managers of the Bureau of Land Management in the office to which the employee is assigned;

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

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

(f) FIELD OFFICES.—The field offices referred to in subsection (e)(1) shall include field offices of the Bureau of Land Management in, at a minimum, the States of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

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

(h) REPORT TO CONGRESS.—

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

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

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

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

Subchapter B—Revenues and Enforcement

SEC. 3011F. DEFINITIONS.

In this subchapter:

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

(A)(i) public land administered by the Secretary; or

(ii) National Forest System land administered by the Secretary of Agriculture; and

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

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

(ii) a final land use plan established under the National Forest Management Act of 1976 (16 U.S.C. 1600 et seq.); or

(iii) other Federal law.

(2) FEDERAL LAND.—The term ''Federal land'' means—

(A) 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))); or

(B) public land.

(3) FUND.—The term ''Fund'' means the Renewable Energy Resource Conservation Fund established by section 3011G(c)(1).

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

(5) SECRETARIES.—The term ''Secretaries'' means—

(A) in the case of public land administered by the Secretary, the Secretary; and

(B) in the case of National Forest System land administered by the Secretary of Agriculture, the Secretary of Agriculture.

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

SEC. 3011G. DISPOSITION OF REVENUES.

(a) DISPOSITION OF REVENUES.—Beginning on January 1, 2017, subject to the availability of appropriations, and without fiscal year limitation, of the amounts collected as bonus bids, rentals, fees, or other payments under a right-of-way, permit, lease, or other authorization (other than under section 504(g) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1764(g))) for the development of wind or solar energy on covered land—

(1) 25 percent shall be paid by the Secretary of the Treasury to the State within the boundaries of which the revenue is derived;

(2) 25 percent shall be paid by the Secretary of the Treasury to the 1 or more counties within the boundaries of which the revenue is derived, to be allocated among the counties based on the percentage of land from which the revenue is derived;

(3) to be deposited in the Treasury and be made available to the Secretary to carry out the program established by section 3011E, including the transfer of the funds by the Bureau of Land Management to other Federal agencies and State agencies to facilitate the processing of renewable energy permits on Federal land, with priority given to using the amounts, to the maximum extent practicable, to reducing the backlog of renewable energy permits that have not been processed in the State from which the revenues are derived—

(A) 25 percent for each of fiscal years 2016 through 2030;

(B) 22 percent for fiscal year 2031;

(C) 19 percent for fiscal year 2032;

(D) 16 percent for fiscal year 2033;

(E) 13 percent for fiscal year 2034; and

(F) 10 percent for fiscal year 2035 and each fiscal year thereafter; and

(4) to be deposited in the Renewable Energy Resource Conservation Fund established by subsection (c)—

(A) 25 percent for each of fiscal years 2016 through 2030;

(B) 28 percent for fiscal year 2031;

(C) 31 percent for fiscal year 2032;

(D) 34 percent for fiscal year 2033;

(E) 37 percent for fiscal year 2034; and

(F) 40 percent for fiscal year 2035 and each fiscal year thereafter.

(b) PAYMENTS TO STATES AND COUNTIES.—

(1) IN GENERAL.—Amounts paid to States and counties under subsection (a) shall be used consistent with section 35 of the Mineral Leasing Act (30 U.S.C. 191).

(2) PAYMENTS IN LIEU OF TAXES.—A payment to a county under paragraph (1) shall be in addition to a payment in lieu of taxes received by the county under chapter 69 of title 31, United States Code.

(c) RENEWABLE ENERGY RESOURCE CONSERVATION FUND.—

(1) IN GENERAL.—There is established in the Treasury a fund, to be known as the ''Renewable Energy Resource Conservation Fund'', to be administered by the Secretary, in consultation with the Secretary of Agriculture, who may make funds available to Secretary of Agriculture, Federal or State agencies, or qualified third parties, to be distributed in a region in which a renewable energy project is located on Federal land, for the purposes of—

(A) restoring and protecting—

(i) fish and wildlife habitat for affected species;

(ii) fish and wildlife corridors for affected species; and

(iii) water resources in areas affected by wind or solar energy development; and

(B) preserving and improving recreational access to Federal land and water in an affected region through an easement, right-of-way, or other instrument from willing landowners for the purpose of enhancing public access to existing Federal land and water that is inaccessible or significantly restricted.

(2) INVESTMENT OF FUND.—

(A) IN GENERAL.—Any amounts deposited in the Fund shall earn interest in an amount determined by the Secretary of the Treasury on the basis of the current average market yield on outstanding marketable obligations of the United States of comparable maturities.

(B) USE.—Any interest earned under subparagraph (A) may be expended in accordance with this subsection.

(3) INTENT OF CONGRESS.—It is the intent of Congress that the revenues deposited and used in the Fund shall supplement and not supplant annual appropriations for conservation activities described in subparagraphs (A) and (B) of paragraph (1).

SEC. 3011H. REPORT TO CONGRESS.

(a) IN GENERAL.—Not later than 10 years after the date of enactment of this Act and every 10 years thereafter, the Secretary, in consultation with the Secretary of Agriculture, shall—

(1) complete a review of collections and impacts of the rents and fees provided under this subchapter; and

(2) submit to the Committees on Energy and Natural Resources and Agriculture, Nutrition, and Forestry of the Senate and the Committees on Natural Resources and Agriculture of the House of Representatives a report describing the results of the review.

(b) TOPICS.—The report shall address—

(1) the total revenues received (by category) on an annual basis as rents from wind, solar, and geothermal development and production (specified by energy source) on covered land;

(2) whether the revenues received for the development of wind, solar, and geothermal development—

(A) ensure a fair return to the public comparable to the revenues received for similar development on State and private land;

(B) encourage production of solar or wind energy; and

(C) encourage the maximum energy generation while disturbing the least quantity of covered land and other natural resources, including water;

(3) any impact on the development of wind, solar, and geothermal development and production on covered land as a result of the rents; and

(4) any recommendations with respect to changes in Federal law (including regulations) relating to the amount or method of collection (including auditing, compliance, and enforcement) of the rents.

SEC. 3011I. ENFORCEMENT OF PAYMENT PROVISIONS.

(a) DUTIES OF THE SECRETARY.—The Secretary shall establish a comprehensive inspection, collection, fiscal, and production accounting and auditing system—

(1) to accurately determine rents, interest, fines, penalties, fees, deposits, and other payments owed under this subchapter; and

(2) to collect and account for the payments in a timely manner.

(b) ENFORCEMENT.—

(1) IN GENERAL.—Sections 302(c) and 303 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732(c), 1733) shall apply to activities conducted on covered land under this subchapter.

(2) APPLICABILITY OF OTHER ENFORCEMENT PROVISIONS.—Nothing in this subchapter reduces or limits the enforcement authority vested in the Secretary or the Attorney General by any other law.

SEC. 3011J. SEGREGATION FROM APPROPRIATION UNDER MINING AND FEDERAL LAND LAWS.

(a) IN GENERAL.—On covered land identified by the Secretary or the Secretary of Agriculture for the development of renewable energy projects under this subchapter or other applicable law, the Secretary or the Secretary of Agriculture may temporarily segregate the identified land from appropriation under the mining and public land laws.

(b) ADMINISTRATION.—Segregation of covered land under this section—

(1) may only be made for a period not to exceed 10 years; and

(2) shall be subject to valid existing rights as of the date of the segregation.

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

SA 3044. 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:

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

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

''SEC. 962. COAL TECHNOLOGY PROGRAM.

''(a) DEFINITIONS.—In this section:

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

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

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

''(C) is large enough—

''(i) to validate scaling factors; and

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

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

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

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

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

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

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

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

''(4) TRANSFORMATIONAL TECHNOLOGY.—

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

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

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

''(I) oxygen combustion;

''(II) chemical looping; and

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

''(ii) improvements in turbine technology;

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

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

''(b) COAL TECHNOLOGY PROGRAM.—

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

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

''(A) a research and development program;

''(B) large-scale pilot projects;

''(C) demonstration projects; and

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

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

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

''(B) Achieve high conversion efficiencies.

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

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

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

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

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

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

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

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

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

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

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

''(i) coal producers;

''(ii) industries that use coal;

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

''(iv) environmental organizations;

''(v) organizations representing workers; and

''(vi) organizations representing consumers.

''(c) REPORT.—

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

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

''(d) FUNDING.—

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

''(A) $632,000,000 for each of fiscal years 2017 through 2020; and

''(B) $582,000,000 for fiscal year 2021.

''(2) ALLOCATIONS.—The amounts made available under paragraph (1) shall be allocated as follows:

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

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

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

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

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

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

''(C) Subject to paragraph (3), for activities under the large-scale pilot projects program component described in subsection (b)(2)(B), $285,000,000 for each of fiscal years 2017 through 2021.

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

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

SA 3045. Mr. ENZI (for himself, Mr. HATCH, and Mr. BARRASSO) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

Subtitle __—States

SEC. 3_____. STATE MINERAL REVENUE PROTECTION.

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

(1) in the first sentence of subsection (a), by striking ''shall be paid into the Treasury''

and inserting ''shall, except as provided in subsection (e), be paid into the Treasury'';

(2) in subsection (c)(1), by inserting ''and except as provided in subsection (e)'' before '', any rentals''; and

(3) by adding at the end the following:

''(e) CONVEYANCE TO STATES OF PROPERTY INTEREST IN STATE SHARE.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, on request of a State and in lieu of any payments to the State under subsection (a), the Secretary of the Interior shall convey to the State all right, title, and interest in and to the percentage specified in that subsection for that State of all amounts otherwise required to be paid into the Treasury under that subsection from sales, bonuses, royalties (including interest charges), and rentals for all public land or deposits located in the State.

''(2) AMOUNT.—Notwithstanding any other provision of law, after a conveyance to a State under paragraph (1), any person shall pay directly to the State any amount owed by the person for which the right, title, and interest has been conveyed to the State under this subsection.

''(3) NOTICE.—The Secretary of the Interior shall promptly provide to each holder of a lease of public land to which subsection (a) applies that are located in a State to which right, title, and interest is conveyed under this subsection notice that—

''(A) the Secretary of the Interior has conveyed to the State all right, title, and interest in and to the amounts referred to in paragraph (1); and

''(B) the leaseholder is required to pay the amounts directly to the State.''.

SA 3046. 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 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.—

''(I) DEPOSIT.—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—

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

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

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

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

''(II) USE OF FUNDS.—Funds deposited under subclause (I) shall only be available subject to appropriations.

''(ii) DESCRIPTION OF AMOUNT.—The amount referred to in clause (i)(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)(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)(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 3047. 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 part IV of subtitle A of title III, add the following:

SEC. 3018. PROHIBITION ON USE OF CERTAIN FUNDS FOR RENEWABLE FUEL BLENDER PUMPS.

Notwithstanding any other provision of law, the Secretary of Agriculture may not use any funds of the Commodity Credit Corporation or any other funds to provide grants or otherwise support or assist the construction, maintenance, or use of renewable fuel blender pumps, including through the Biofuels Infrastructure Partnership.

SA 3048. 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 appropriate place, insert the following:

SEC. _____. NATIONAL AMBIENT AIR QUALITY STANDARDS.

(a) IN GENERAL.—Section 109(d) of the Clean Air Act (42 U.S.C. 7409(d)) is amended—

(1) in paragraph (1)—

(A) in the first sentence, by striking ''(d)(1) Not later than December 31, 1980, and at five-year intervals'' and inserting the following:

''(d) REVIEW AND REVISION OF CRITERIA AND STANDARDS; INDEPENDENT SCIENTIFIC REVIEW COMMITTEE; APPOINTMENT; ADVISORY FUNCTIONS.—

''(1) REVIEW AND REVISION OF CRITERIA AND STANDARDS.—

''(A) IN GENERAL.—Not later than December 31, 1980, and at 10-year intervals''; and

(B) in the second sentence, by striking ''The Administrator'' and inserting the following:

''(B) EARLY AND FREQUENT REVIEW AND REVISION.—The Administrator''; and

(2) in paragraph (2)(B), by striking ''(B) Not later than January 1, 1980, and at five-year intervals'' and inserting the following:

''(B) REVIEW.—Not later than January 1, 1980, and at 10-year intervals''.

(b) NATIONAL AMBIENT AIR QUALITY STANDARDS FOR OZONE.—Notwithstanding any other provision of law (including the amendments made by subsection (a)), the final rule entitled ''National Ambient Air Quality Standards for Ozone'' (80 Fed. Reg. 65292 (October 26, 2015)) shall not take effect until February 1, 2018.

SA 3049. 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 appropriate place, insert the following:

SEC. ___. INSTALLATION RENEWABLE ENERGY PROJECT REPORT.

(a) LIMITATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report on installation renewable energy projects undertaken since 2011.

(b) ELEMENTS.—The report required under subsection (a) shall include, for each installation energy project with an output equal to or greater than one (1) megawatt—

(1) the estimated project costs;

(2) estimated power generation;

(3) estimated total cost savings;

(4) estimated payback period;

(5) total project costs;

(6) actual power generation;

(7) actual cost savings to date;

(8) current operational status; and

(9) any other matters the Secretary determines appropriate.

(c) NON-DISCLOSURE OF CERTAIN INFORMATION.—

(1) IN GENERAL.—The Secretary of Defense may, on a case-by-case basis, withhold from inclusion in the report submitted under subsection (a) information pertaining to individual projects if the Secretary determines that the disclosure of such information would jeopardize operational security.

(2) REQUIRED DISCLOSURE.—In the event the Secretary withholds information related to one or more renewable energy projects under paragraph (1), the Secretary shall include in the report—

(A) a statement that information has been withheld; and

(B) an aggregate amount for each of paragraphs (1), (2), (3), (5), (6), and (7) of subsection (b) that includes amounts for all renewable energy projects described under subsection (a), including those with respect to which information has been withheld under paragraph (1) of this subsection.

(d) UPDATED REPORT.—Not later than one year after the date the report is submitted under subsection (a), the Secretary of Defense shall submit an update to the report to the appropriate congressional committees.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term

''appropriate congressional committees'' means—

(1) the congressional defense committees (as that term is defined in section 101(a) of title 10, United States Code;

(2) the Committee on Energy and Natural Resources of the Senate; and

(3) the Committee on Energy and Commerce of the House of Representatives.

SA 3050. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 4405. RESEARCH GRANTS DATABASE.

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

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

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

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

SA 3051. 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 appropriate place, insert the following:

SEC. ___. EXTENSION OF COMPLIANCE DEADLINE FOR CARBON DIOXIDE EMISSIONS RULE.

(a) DEFINITION OF COMPLIANCE DATE.—

(1) IN GENERAL.—In this section, the term ''compliance date'' means the date by which any State, local, or tribal government or other person is required to comply with any requirement in—

(A) the final rule entitled ''Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units'' (80 Fed. Reg. 64662 (October 23, 2015)); or

(B) a final rule that succeeds the proposed rule entitled ''Carbon Pollution Emission Guidelines for Existing Stationary Sources: EGUs in Indian Country and U.S. Territories; Multi-Jurisdictional Partnerships'' (79 Fed. Reg. 65482 (November 4, 2014)).

(2) INCLUSION.—The term ''compliance date'' includes the date by which State plans are required to be submitted to the Administrator of the Environmental Protection Agency under any final rule described in paragraph (1).

(b) EXTENSIONS.—If any person files a petition for review to challenge a final rule described in subsection (a)(1), each compliance date shall be extended by the time period equal to the period of days that—

(1) begins on the date that is 60 days after October 23, 2015, the date on which notice of promulgation of a final rule described in subsection (a)(1) appeared in the Federal Register; and

(2) ends on the date that is 60 days after the date on which judgment becomes final, and no longer subject to further appeal or review, in all actions (including any action filed pursuant to section 307 of the Clean Air Act (42 U.S.C. 7607)) that—

(A) are filed during the time period described in paragraph (1); and

(B) seek review of any aspect of the rule.

SA 3052. Mr. FLAKE (for himself, Mr. MCCAIN, Mr. LANKFORD, and Mr. SESSIONS) 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. ___. SUSPENSION OF SPECIFIED ENERGY GRANTS.

Section 1603 of division B of the American Recovery and Reinvestment Act of 2009 is amended by adding at the end the following new subsection:

''(k) SPECIAL RULE.—The Secretary of the Treasury shall not make any grant to any person under this section after the date of the enactment of this subsection and before the date that both the Inspector General of the Department of the Treasury and the Treasury Inspector General for Tax Administration have completed and submitted to Congress a comprehensive investigation relating to fraud with respect to the grants allowed under this section, including fraud—

''(1) through overestimating the cost bases of property for purposes of collecting such grants, and

''(2) through claiming both tax benefits and grants with respect to the same property.''.

SA 3053. 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 appropriate place, insert the following:

SEC. ____. CROSS-SUBSIDIZATION OF CUSTOMER-SIDE TECHNOLOGY.

(a) CONSIDERATION OF IMPACT FROM CROSS-SUBSIDIZATION OF CUSTOMER-SIDE TECHNOLOGY.—Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end the following:

''(20) CONSIDERATION OF IMPACT FROM CROSS-SUBSIDIZATION OF CUSTOMER-SIDE TECHNOLOGY.—

''(A) DEFINITION OF CUSTOMER-SIDE TECHNOLOGY.—In this paragraph, the term 'customer-side technology' means a device connected to the electricity distribution system—

''(i) at, or on the customer side of, the meter; or

''(ii) that, if owned or operated by, or on behalf of, an electric utility, would otherwise be at, or on the customer side of, the meter.

''(B) CONSIDERATION.—Each State regulatory authority (with respect to each electric utility for which it has ratemaking authority) and each nonregulated electric utility shall consider, to the extent a State regulatory authority or nonregulated electric utility allows rates charged by any electric utility to include any cost, fee, or charge that directly or indirectly subsidizes the deployment, construction, maintenance, or operation of customer-side technology, whether subsidizing the deployment, construction, maintenance, or operation of a customer-side technology would—

''(i) result in benefits predominately enjoyed by only the users of the customer-side technology;

''(ii) shift costs of a customer-side technology to electricity consumers that do not use the customer-side technology, particularly in cases in which disparate economic or resource conditions exist among the electricity consumers cross-subsidizing the customer-side technology;

''(iii) negatively affect resource utilization, fuel diversity, grid reliability, or grid security;

''(iv) provide any unfair competitive advantage to market the customer-side technology, including an analysis of whether the State regulatory authority or other State authority has uncovered any fraudulent customer-side technology marketing practices within the State; and

''(v) be necessary to fulfill an obligation to serve electric consumers.

''(C) PUBLIC NOTICE.—At least 90 days before the date on which a State regulatory authority or nonregulated electric utility holds a proceeding that would consider the cross-subsidization of a customer-side technology, the State regulatory authority or nonregulated electric utility shall make available to the public the results of the evaluation conducted under subparagraph (B).''.

(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 1 year after the date of enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which it has ratemaking authority), and each nonregulated electric utility shall, with respect to the standard established by paragraph (20) of section 111(d)—

''(i) commence the consideration referred to in section 111; or

''(ii) set a hearing date for the consideration.

''(B) Not later than 2 years after the date of enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which it has ratemaking authority), and each nonregulated electric utility, shall—

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

''(ii) make the determination referred to in section 111 with respect to the standard established by paragraph (20) of section 111(d).''.

(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 the standard established by paragraph (20) of section 111(d), the reference contained in this subsection to the date of enactment of this Act shall be deemed to be a reference to the date of enactment of that paragraph.''.

SA 3054. Mr. FLAKE (for himself, Mr. BENNET, Mr. MCCAIN, and 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 appropriate place, insert the following:

SEC. _____. REFUND OF FUNDS USED BY STATES TO OPERATE NATIONAL PARKS DURING SHUTDOWN.

(a) IN GENERAL.—The Director of the National Park Service shall refund to each State all funds of the State that were used to reopen and temporarily operate a unit of the National Park System during the period in October 2013 in which there was a lapse in appropriations for the unit.

(b) FUNDING.—Funds of the National Park Service that are appropriated after the date of enactment of this Act shall be used to carry out this section.

SA 3055. Mr. FLAKE (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. WESTERN AREA POWER ADMINISTRATION PILOT PROJECT.

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

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

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

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

(A) overhead costs;

(B) the number of contractors; and

(C) the number of full-time equivalents.

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

(A) overhead costs;

(B) the number of contractors;

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

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

(i) overhead costs;

(ii) the number of contractors; and

(iii) the number of full-time equivalents.

(5) Capital expenditures, including—

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

(B) the sources of capital for each investment.

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

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

(2) includes a certification from the Administrator that—

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

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

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

SA 3056. Mr. FLAKE (for himself, Mrs. MCCASKILL, 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:

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

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

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATIVE EXPENSES.—

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

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

(i) costs incurred by—

(I) the agency; or

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

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

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

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

(B) administered by—

(i) the Secretary;

(ii) the Secretary of Agriculture;

(iii) the Secretary of Defense;

(iv) the Secretary of Education;

(v) the Secretary of Health and Human Services;

(vi) the Secretary of Housing and Urban Development;

(vii) the Secretary of Transportation;

(viii) the Secretary of the Treasury;

(ix) the Administrator of the Environmental Protection Agency;

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

(xi) the Administrator of the Small Business Administration.

(3) SERVICE.—

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

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

(i) the provision of technical assistance;

(ii) assistance for housing or tuition; or

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

(b) REPORT.—

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

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

(A) determine the approximate annual total administrative expenses of each applicable program;

(B) determine the approximate annual expenditures for services for each applicable program;

(C) describe the intended market for each applicable program, including the—

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

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

(D) estimate—

(i) the number of full-time employees who administer each applicable program; and

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

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

(F) identify the type of recipient who is intended to benefit from the services or information provided under the applicable program, such as individual property owners or renters, local governments, businesses, nonprofit organizations, or State governments; and

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

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

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

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

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

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

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

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

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

SA 3057. Mr. FLAKE (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. HYDROPOWER RESERVOIR OPERATION IMPROVEMENT.

(a) DEFINITIONS.—In this section:

(1) RESERVED WORKS.—The term ''reserved works'' means any Bureau of Reclamation project facility at which the Secretary of the Interior carries out the operation and maintenance of the project facility.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Army.

(3) TRANSFERRED WORKS.—The term ''transferred works'' means a Bureau of Reclamation project facility, the operation and maintenance of which is carried out by a non-Federal entity, under the provisions of a formal operation and maintenance transfer contract.

(4) TRANSFERRED WORKS OPERATING ENTITY.—The term ''transferred works operating entity'' means the organization that is contractually responsible for operation and maintenance of transferred works.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report including, for any State in which a county designated by the Secretary of Agriculture as a drought disaster area during water year 2015 is located, a list of projects, including Corps of Engineers projects, non-Federal projects, and transferred works, operated for flood control in accordance with rules prescribed by the Secretary pursuant to section 7 of the Act of December 22, 1944 (commonly known as the ''Flood Control Act of 1944'') (58 Stat. 890, chapter 665), including, as applicable—

(1) the year the original water control manual was approved;

(2) the year for any subsequent revisions to the water control plan and manual of the project;

(3) a list of projects for which—

(A) operational deviations for drought contingency have been requested;

(B) the status of the request; and

(C) a description of how water conservation and water quality improvements were addressed; and

(4) a list of projects for which permanent or seasonal changes to storage allocations have been requested, and the status of the request.

(c) PROJECT IDENTIFICATION.—Not later than 60 days after the date of completion of the report under subsection (b), the Secretary shall identify any projects described in the report—

(1) for which the modification of the water operations manuals, including flood control rule curve, would be likely to enhance existing authorized project purposes for water supply benefits and flood control operations;

(2) for which the water control manual and hydrometeorological information establishing the flood control rule curves of the project have not been substantially revised during the 15-year period ending on the date of review by the Secretary; and

(3) for which the non-Federal sponsor or sponsors of a Corps of Engineers project, the owner of a non-Federal project, or the non-Federal transferred works operating entity, as applicable, has submitted to the Secretary a written request to revise water operations manuals, including flood control rule curves, based on the use of improved weather forecasting or run-off forecasting methods, new watershed data, changes to project operations, or structural improvements.

(d) PILOT PROJECTS.—

(1) IN GENERAL.—Not later than 1 year after the date of identification of projects under subsection (c), if any, the Secretary shall carry out not more than 15 pilot projects, which shall include not less than 6 non-Federal projects, to implement revisions of water operations manuals, including flood control rule curves, based on the best available science, which may include—

(A) forecast-informed operations;

(B) new watershed data; and

(C) if applicable, in the case of non-Federal projects, structural improvements.

(2) CONSULTATION.—In implementing a pilot project under this subsection, the Secretary shall consult with all affected interests, including—

(A) non-Federal entities responsible for operations and maintenance costs of a Federal facility;

(B) individuals and entities with storage entitlements; and

(C) local agencies with flood control responsibilities downstream of a facility.

(e) COORDINATION WITH NON-FEDERAL PROJECT ENTITIES.—If a project identified under subsection (c) is—

(1) a non-Federal project, the Secretary, prior to carrying out an activity under this section, shall—

(A) consult with the non-Federal project owner; and

(B) enter into a cooperative agreement, memorandum of understanding, or other agreement with the non-Federal project owner describing the scope and goals of the activity and the coordination among the parties; and

(2) a Federal project, the Secretary, prior to carrying out an activity under this section, shall—

(A) consult with each Federal and non-Federal entity (including a municipal water district, irrigation district, joint powers authority, transferred works operating entity, or other local governmental entity) that currently—

(i) manages (in whole or in part) a Federal dam or reservoir; or

(ii) is responsible for operations and maintenance costs; and

(B) enter into a cooperative agreement, memorandum of understanding, or other agreement with each such entity describing the scope and goals of the activity and the coordination among the parties.

(f) CONSIDERATION.—In designing and implementing a forecast-informed reservoir operations plan, the Secretary may consider—

(1) the relationship between ocean and atmospheric conditions, including—

(A) the El Niño and La Niña cycles; and

(B) the potential for above-normal, normal, and below-normal rainfall for the coming water year, including consideration of atmospheric river forecasts;

(2) the precipitation and runoff index specific to the basin and watershed of the relevant dam or reservoir, including incorporating knowledge of hydrological and meteorological conditions that influence the timing and quantity of runoff;

(3) improved hydrologic forecasting for precipitation, snowpack, and soil moisture conditions;

(4) an adjustment of operational flood control rule curves to optimize water supply storage and reliability, hydropower production, environmental benefits for flows and temperature, and other authorized project benefits, without a reduction in flood safety; and

(5) proactive management in response to changes in forecasts.

(g) FUNDING.—The Secretary may accept and expend amounts from non-Federal entities to fund all or a portion of the cost of carrying out a review or revision of operational documents, including water control plans, water control manuals, water control diagrams, release schedules, rule curves, operational agreements with non-Federal entities, and any associated environmental documentation for—

(1) a Corps of Engineers project;

(2) a non-Federal project regulated for flood control by the Secretary; or

(3) a Bureau of Reclamation transferred works regulated for flood control by the Secretary.

(h) EFFECT.—

(1) MANUAL REVISIONS.—A revision of a manual shall not interfere with the authorized purposes of a Federal project or the existing purposes of a non-Federal project regulated for flood control by the Secretary.

(2) EFFECT OF SECTION.—

(A) Nothing in this section authorizes the Secretary to carry out, at a Federal dam or reservoir, any project or activity for a purpose not otherwise authorized as of the date of enactment of this Act.

(B) Nothing in this section affects or modifies any obligation of the Secretary under State law.

(3) BUREAU OF RECLAMATION RESERVED WORKS EXCLUDED.—This section—

(A) shall not apply to any dam or reservoir operated by the Bureau of Reclamation as a reserved work, unless all non-Federal project sponsors of a reserved work jointly provide to the Secretary a written request for application of this section to the project; and

(B) shall apply only to Bureau of Reclamation transferred works at the written request of the transferred works operating entity.

(i) MODIFICATIONS TO MANUALS AND CURVES.—Not later than 180 days after the date of completion of a modification to an operations manual or flood control rule curve, the Secretary shall submit to Congress a report regarding the components of the forecast-based reservoir operations plan incorporated into the change.

SA 3058. Mr. BLUNT (for himself, Mr. INHOFE, and Mr. LANKFORD) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE ____—SOCIAL COST OF CARBON

SEC. ___01. FINDINGS.

Congress finds that—

(1) the social cost of carbon is an estimate, used by Federal agencies in regulatory impact analyses, of damage caused by a 1-metric-ton increase in carbon dioxide emissions;

(2) between January 2008 and November 2015, various Federal agencies have cited the

social cost of carbon in 125 different proposed rules, final rules, and other actions;

(3) between January 2008 and November 2015, by citing the social cost of carbon in 73 different proposed rules, final rules, and other actions, the Department has cited the social cost of carbon more than any other Federal agency;

(4) the social cost of carbon estimate was developed in a closed interagency working group without notice or public participation;

(5) the Administrator of the Office of Information and Regulatory Affairs agreed to public comment on the social cost of carbon estimate in 2013, only after written requests from Congress and the public; and

(6) the National Academy of Sciences recommended that the interagency working group that developed the social cost of carbon estimate increase transparency on the ways in which the social cost of carbon estimate is used in the formulation of regulations.

SEC. ___02. SUBMISSION OF RESULTS OF MODELING.

(a) IN GENERAL.—Not later than 60 days after date of enactment of this Act, the Director of the Office of Management and Budget (referred to in this section as the ''Director'') shall submit to the Speaker of the House of Representatives and the President pro tempore of the Senate, at a minimum, the results of modeling that examines and determines the social cost carbon using the guidelines and discount rates described in Executive Order 12866 (5 U.S.C. 601 note; relating to regulatory planning and review) so as to conform with the base case analysis recommendations in Office of Management and Budget Circulars A-4 (as in effect on September 17, 2003) and A-94.

(b) ADDITIONAL INFORMATION.—The Director may include in the submission described in subsection (a) such other information as the Director considers to be appropriate.

SA 3059. Mr. BOOZMAN (for himself and Mr. COTTON) 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____. REPEAL OF THIRD-PARTY FINANCE PROVISIONS.

Section 1222 of the Energy Policy Act of 2005 (42 U.S.C. 16421) is repealed.

SA 3060. Mr. BOOZMAN (for himself, Mr. COTTON, Mr. BLUNT, and 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 of subtitle D of title II, add the following:

SEC. 23____. PROHIBITION ON EMINENT DOMAIN FOR CERTAIN PROJECTS.

Section 1222 of the Energy Policy Act of 2005 (42 U.S.C. 16421) is amended—

(1) by redesignating subsections (d) through (g) as subsections (f) through (i), respectively; and

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

''(d) PROHIBITION ON EMINENT DOMAIN.—Notwithstanding any other provision of law (including regulations), the Secretary, SWPA, and WAPA may not carry out any Project under this section through the use of eminent domain, unless the use of eminent domain is explicitly authorized by—

''(1) the Governor and the head of each applicable public utility commission, public service commission, or other equivalent State agency exercising jurisdiction over electric transmission lines of the affected State; and

''(2) the head of the governing body of each Indian tribe the land of which would be affected.

''(e) SITING REQUIREMENT.—To the maximum extent practicable, a Project carried out under this section shall be sited on—

''(1) an existing Federal right-of-way; or

''(2) Federal land managed by—

''(A) the Bureau of Land Management;

''(B) the Forest Service;

''(C) the Bureau of Reclamation; or

''(D) the Corps of Engineers.''.

SA 3061. Mrs. CAPITO (for herself 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:

SEC. ___. EXTENSION OF COMPLIANCE DATES.

(a) DEFINITIONS.—In this section:

(1) COMPLIANCE DATE.—

(A) IN GENERAL.—The term ''compliance date'' means, with respect to any requirement of a final rule, the date by which any State, local, or tribal government or other person is first required to comply with the requirement.

(B) INCLUSION.—The term ''compliance date'' includes the date by which State plans are required to be submitted to the Administrator of the Environmental Protection Agency under any final rule.

(2) FINAL RULE.—

(A) IN GENERAL.—The term ''final rule'' means any proposed or final rule to address carbon dioxide emissions from existing sources that are fossil fuel-fired electric utility generating units under section 111 of the Clean Air Act (42 U.S.C. 7411).

(B) INCLUSIONS.—The term ''final rule'' includes—

(i) the rule entitled ''Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units'' (80 Fed. Reg. 64662 (October 23, 2015)); or

(ii) any final rule that succeeds—

(I) the proposed rule entitled ''Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units'' (79 Fed. Reg. 34830 (June 18, 2014)); or

(II) the supplemental proposed rule entitled ''Carbon Pollution Emission Guidelines for Existing Stationary Sources: EGUs in Indian Country and U.S. Territories; Multi-Jurisdictional Partnerships'' (79 Fed. Reg. 65482 (November 4, 2014)).

(b) EXTENSIONS.—Each compliance date of any final rule is deemed to be extended by the time period equal to the time period described in subsection (c).

(c) PERIOD DESCRIBED.—The time period described in this subsection is the period of days that—

(1) begins on the date that is 60 days after the day on which notice of promulgation of a final rule appears in the Federal Register; and

(2) ends on the date on which judgement becomes final, and no longer subject to further appeal or review, in all actions (including any action filed pursuant to section 307 of the Clean Air Act (42 U.S.C. 7607)) that—

(A) are filed during the 60 days described in paragraph (1); and

(B) seek review of any aspect of the final rule.

SA 3062. Mrs. CAPITO submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. __002. DEFINITIONS.

In this title:

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

(2) 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).

(3) 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).

(4) MAJOR EMITTING FACILITY; MAJOR STATIONARY SOURCE.—The terms ''major emitting facility'' and ''major stationary source'' have the meaning given those terms in section 302 of the Clean Air Act (42 U.S.C. 7602).

(5) NATIONAL AMBIENT AIR QUALITY STANDARD.—The term ''national ambient air quality standard'' means a national ambient air quality standard for an air pollutant under section 109 of the Clean Air Act (42 U.S.C. 7409) that is finalized on or after the date of enactment of this Act.

(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) INCLUSIONS.—The term ''preconstruction permit'' includes any permit described in subparagraph (A) that is issued by—

(i) the Environmental Protection Agency; or

(ii) a State, local, or tribal permitting authority.

(7) RACT/BACT/LAER CLEARINGHOUSE DATABASE.—The term ''RACT/BACT/LAER Clearinghouse database'' means the central database of air pollution technology information that is posted on the Internet website of the Environmental Protection Agency.

SEC. __003. BUILDING AND MANUFACTURING PROJECTS DASHBOARD.

(a) IN GENERAL.—For fiscal year 2008 and each fiscal year thereafter, the Administrator shall publish in a readily accessible location on the Internet website of the Environmental Protection Agency an estimate by the Administrator of, with respect to the applicable fiscal year—

(1) the total number of preconstruction permits issued by the Environmental Protection Agency;

(2) the percentage of those preconstruction permits issued by the date that is 1 year after the date of filing of completed applications for the permits; and

(3) the average length of time required for the Environmental Appeals Board of the Environmental Protection Agency to issue a final decision regarding petitions appealing

decisions to grant or deny a preconstruction permit application.

(b) INITIAL PUBLICATION; UPDATES.—The Administrator shall—

(1) make the publication required by subsection (a) for fiscal years 2008 through 2014 by not later than 60 days after the date of enactment of this Act; and

(2) update that publication not less frequently than annually.

(c) SOURCES OF INFORMATION.—

(1) FISCAL YEARS 2008 THROUGH 2014.—In carrying out this section with respect to the information required to be published for fiscal years 2008 through 2014, the estimates of the Administrator shall be based on information in the possession of the Administrator as of the date of enactment of this Act, including information in the RACT/BACT/LAER Clearinghouse database.

(2) NO REQUIREMENT TO COLLECT ADDITIONAL INFORMATION.—Nothing in this section requires the Administrator to seek or collect any information in addition to the information that is voluntarily provided by States and local air agencies for the RACT/BACT/LAER Clearinghouse database with respect to the information required to be published under this section for any fiscal year.

SEC. __004. TIMELY ISSUANCE OF REGULATIONS AND GUIDANCE TO ADDRESS NEW OR REVISED NATIONAL AMBIENT AIR QUALITY STANDARDS IN PRECONSTRUCTION PERMITTING.

(a) PROPOSED REGULATIONS.—In publishing any final rule establishing or revising a national ambient air quality standard, the Administrator shall, as the Administrator determines to be necessary and appropriate to assist States, permitting authorities, and permit applicants, concurrently publish proposed regulations and guidance for implementing the standard, including information relating to submission and consideration of a preconstruction permit application under the new or revised standard.

(b) APPLICABILITY OF STANDARD TO PRECONSTRUCTION PERMITTING.—A new or revised national ambient air quality standard shall not apply to the review and disposition of a preconstruction permit application until the Administrator publishes final implementation regulations and guidance that include information relating to submission and consideration of a preconstruction permit application under the standard.

(c) EFFECT OF SECTION.—

(1) IN GENERAL.—After publishing regulations and guidance for implementing national ambient air quality standards under subsection (a), nothing in this section precludes the Administrator from issuing subsequent regulations or guidance to assist States and facilities in implementing those standards.

(2) REQUIREMENTS OF APPLICANTS.—Nothing in this section eliminates the obligation of a preconstruction permit applicant to install best available control technology and lowest achievable emission rate technology, as applicable.

(3) STATE, LOCAL, AND TRIBAL AUTHORITY.—Nothing in this section limits the authority of a State, local, or tribal permitting authority to impose emission requirements pursuant to State, local, or tribal law that are more stringent than the applicable Federal national ambient air quality standards established by the Environmental Protection Agency.

SEC. __005. REPORT TO CONGRESS REGARDING ACTIONS TO EXPEDITE REVIEW OF PRECONSTRUCTION PERMITS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Administrator shall submit to Congress a report that, with respect to the period covered by the report—

(1) identifies the activities carried out by the Environmental Protection Agency to increase the efficiency of the preconstruction permitting process;

(2) identifies the specific reasons for delays in issuing—

(A) preconstruction permits required under part C of the Clean Air Act (42 U.S.C. 7470 et seq.) beyond the 1-year deadline mandated by section 165(c) of that Act (42 U.S.C. 7475(c)); or

(B) preconstruction permits required under part D of the Clean Air Act (42 U.S.C. 7501 et seq.) beyond the 1-year period beginning on the date on which the permit application is determined to be complete;

(3) describes the means by which the Administrator is resolving—

(A) delays in making completeness determinations for preconstruction permit applications; and

(B) processing delays for preconstruction permits, including any increases in communication with State and local permitting authorities; and

(4) summarizes and responds to public comments received under subsection (b) concerning the report.

(b) PUBLIC COMMENT.—Before submitting a report required by subsection (a), the Administrator shall—

(1) publish on the Internet website of the Environmental Protection Agency a draft of the report; and

(2) provide to the public a period of not less than 30 days to submit comments regarding the draft report.

(c) SOURCES OF INFORMATION.—Nothing in this section compels the Environmental Protection Agency to seek or collect any information in addition to the information that is voluntarily provided by States and local air agencies for the RACT/BACT/LAER Clearinghouse database.

SA 3063. Mrs. CAPITO (for herself 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; as follows:

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

SEC. 310___. ETHANE STORAGE STUDY.

(a) IN GENERAL.—The Secretary and the Secretary of Commerce, in consultation with other relevant Federal departments and agencies and stakeholders, shall conduct a study of the feasibility of establishing an ethane storage and distribution hub in the Marcellus, Utica, and Rogersville shale plays in the United States.

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

(1) an examination of, with respect to the proposed ethane storage and distribution hub—

(A) potential locations;

(B) economic feasibility;

(C) economic benefits;

(D) geological storage capacity capabilities;

(E) above-ground storage capabilities;

(F) infrastructure needs; and

(G) other markets and trading hubs, particularly hubs relating to ethane; and

(2) the identification of potential additional benefits of the proposed hub to energy security.

(c) PUBLICATION OF RESULTS.—Not later than 2 years after the date of enactment of this Act, the Secretary and the Secretary of Commerce shall—

(1) submit to the Committee on Energy and Commerce of the House of Representatives and the Committees on Energy and Natural Resources and Commerce, Science, and Transportation of the Senate a report describing the results of the study under subsection (a); and

(2) publish those results on the Internet websites of the Departments of Energy and Commerce, respectively.

SA 3064. Ms. HIRONO submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

SA 3065. Ms. HIRONO submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

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

SA 3066. Ms. HIRONO submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

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

SA 3067. Ms. HIRONO submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; as follows:

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

SEC. 47___. MODERNIZATION OF TERMS RELATING TO MINORITIES.

(a) OFFICE OF MINORITY ECONOMIC IMPACT.—Section 211(f)(1) of the Department of Energy Organization Act (42 U.S.C. 7141(f)(1)) is amended by striking ''a Negro, Puerto Rican, American Indian, Eskimo, Oriental, or Aleut or is a Spanish speaking individual of Spanish descent'' and inserting ''Asian American, Native Hawaiian, a Pacific Islander, African-American, Hispanic, Puerto Rican, Native American, or an Alaska Native''.

(b) MINORITY BUSINESS ENTERPRISES.—Section 106(f)(2) of the Local Public Works Capital Development and Investment Act of 1976

(42 U.S.C. 6705(f)(2)) is amended in the third sentence by striking ''Negroes, Spanish-speaking, Orientals, Indians, Eskimos, and Aleuts'' and inserting ''Asian American, Native Hawaiian, Pacific Islanders, African-American, Hispanic, Native American, or Alaska ⩾Natives''.

SA 3068. Ms. HIRONO (for herself and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1022. CONTRACTS FOR FEDERAL PURCHASES OF ENERGY.

Part 3 of title V of the National Energy Conservation Policy Act is amended by adding after section 553 (42 U.S.C. 8259b) the following:

''SEC. 554. LONG-TERM CONTRACTS FOR ENERGY.

''(a) IN GENERAL.—Notwithstanding section 501(b)(1)(B) of title 40, United States Code, a contract for the acquisition of renewable energy or energy from cogeneration facilities for the Federal Government may be made for a period not to exceed 30 years.

''(b) STANDARDIZED ENERGY PURCHASE AGREEMENT.—Not later than 90 days after the date of enactment of this section, the Secretary, acting through the Federal Energy Management Program, shall publish a standardized energy purchase agreement setting forth commercial terms and conditions that agencies may use to acquire renewable energy or energy from cogeneration facilities.

''(c) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to assist agencies in implementing this section.''.

SA 3069. Mr. HEINRICH (for himself and Mr. UDALL) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

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

(a) FINDINGS.—Congress finds that—

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

(2) the purposes of LDRD are—

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

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

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

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

(A) are selected competitively; and

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

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

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

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

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

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

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

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

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

(b) GENERAL AND ADMINISTRATIVE OVERHEAD FOR LABORATORY DIRECTED RESEARCH AND DEVELOPMENT.—The Secretary shall ensure that laboratory operating contractors do not allocate costs of general and administrative overhead to laboratory directed research and development.

SA 3070. Mr. MORAN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 44_____. EQUUS BEDS DIVISION EXTENSION.

Section 10(h) of Public Law 86–787 (74 Stat. 1026; 120 Stat. 1474) is amended by striking ''10 years'' and inserting ''20 years''.

SA 3071. Mr. MORAN (for himself, Mr. COONS, Mr. GARDNER, Ms. STABENOW, 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. _____. EXTENSION OF PUBLICLY TRADED PARTNERSHIP OWNERSHIP STRUCTURE TO ENERGY POWER GENERATION PROJECTS, TRANSPORTATION FUELS, AND RELATED ENERGY ACTIVITIES.

(a) IN GENERAL.—Subparagraph (E) of section 7704(d)(1) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''income and gains derived from the exploration'' and inserting ''income and gains derived from the following:

''(i) MINERALS, NATURAL RESOURCES, ETC.—The exploration'',

(2) by inserting ''or'' before ''industrial source'',

(3) by inserting a period after ''carbon dioxide'', and

(4) by striking '', or the transportation or storage'' and all that follows and inserting the following:

''(ii) RENEWABLE ENERGY.—The generation of electric power (including the leasing of tangible personal property used for such generation) exclusively utilizing any resource described in section 45(c)(1) or energy property described in section 48 (determined without regard to any termination date), or in the case of a facility described in paragraph (3) or (7) of section 45(d) (determined without regard to any placed in service date or date by which construction of the facility is required to begin), the accepting or processing of such resource.

''(iii) ELECTRICITY STORAGE DEVICES.—The receipt and sale of electric power that has been stored in a device directly connected to the grid.

''(iv) COMBINED HEAT AND POWER.—The generation, storage, or distribution of thermal energy exclusively utilizing property described in section 48(c)(3) (determined without regard to subparagraphs (B) and (D) thereof and without regard to any placed in service date).

''(v) RENEWABLE THERMAL ENERGY.—The generation, storage, or distribution of thermal energy exclusively using any resource described in section 45(c)(1) or energy property described in clause (i) or (iii) of section 48(a)(3)(A).

''(vi) WASTE HEAT TO POWER.—The use of recoverable waste energy, as defined in section 371(5) of the Energy Policy and Conservation Act (42 U.S.C. 6341(5)) (as in effect on the date of the enactment of the Energy Policy Modernization Act of 2015).

''(vii) RENEWABLE FUEL INFRASTRUCTURE.—The storage or transportation of any fuel described in subsection (b), (c), (d), or (e) of section 6426.

''(viii) RENEWABLE FUELS.—The production, storage, or transportation of any renewable fuel described in section 211(o)(1)(J) of the Clean Air Act (42 U.S.C. 7545(o)(1)(J)) (as in effect on the date of the enactment of the Energy Policy Modernization Act of 2015) or section 40A(d)(1).

''(ix) RENEWABLE CHEMICALS.—The production, storage, or transportation of any qualifying renewable chemical (as defined in paragraph (6)).

''(x) ENERGY EFFICIENT BUILDINGS.—The audit and installation through contract or other agreement of any energy efficient building property described in section 179D(c)(1).

''(xi) GASIFICATION WITH SEQUESTRATION.—The production of any product or the generation of electric power from a project that meets the requirements of subparagraphs (A) and (B) of section 48B(c)(1) and that separates and sequesters in secure geological storage (as determined under section 45Q(d)(2)) at least 75 percent of such project's total qualified carbon dioxide (as defined in section 45Q(b)).

''(xii) CARBON CAPTURE AND SEQUESTRATION.—

''(I) POWER GENERATION FACILITIES.—The generation or storage of electric power (including associated income from the sale or marketing of energy, capacity, resource adequacy, and ancillary services) produced from any power generation facility which is, or from any power generation unit within, a qualified facility described in section 45Q(c) which—

''(aa) in the case of a power generation facility or power generation unit placed in service after January 8, 2013, captures 50 percent or more of the qualified carbon dioxide (as defined in section 45Q(b)) of such facility and disposes of such captured qualified carbon dioxide in secure geological storage (as determined under section 45Q(d)(2)), and

''(bb) in the case of a power generation facility or power generation unit placed in service before January 9, 2013, captures 30

percent or more of the qualified carbon dioxide (as defined in section 45Q(b)) of such facility and disposes of such captured qualified carbon dioxide in secure geological storage (as determined under section 45Q(d)(2)).

''(II) OTHER FACILITIES.—The sale of any good or service from any facility (other than a power generation facility) which is a qualified facility described in section 45Q(c) and the captured qualified carbon dioxide (as so defined) of which is disposed of in secure geological storage (as determined under section 45Q(d)(2)).''.

(b) RENEWABLE CHEMICAL.—

(1) IN GENERAL.—Section 7704(d) of such Code is amended by adding at the end the following new paragraph:

''(6) QUALIFYING RENEWABLE CHEMICAL.—

''(A) IN GENERAL.—The term 'qualifying renewable chemical' means any renewable chemical (as defined in section 9001 of the Agriculture Act of 2014)—

''(i) which is produced by the taxpayer in the United States or in a territory or possession of the United States,

''(ii) which is the product of, or reliant upon, biological conversion, thermal conversion, or a combination of biological and thermal conversion, of renewable biomass (as defined in section 9001(13) of the Farm Security and Rural Investment Act of 2002),

''(iii) the biobased content of which is 95 percent or higher,

''(iv) which is sold or used by the taxpayer—

''(I) for the production of chemical products, polymers, plastics, or formulated products, or

''(II) as chemicals, polymers, plastics, or formulated products,

''(v) which is not sold or used for the production of any food, feed, or fuel, and

''(vi) which is—

''(I) acetic acid, acrylic acid, acyl glutamate, adipic acid, algae oils, algae sugars, 1,4-butanediol (BDO), iso-butanol, n-butanol, C10 and higher hydrocarbons produced from olefin metathesis, carboxylic acids produced from olefin metathesis, cellulosic sugar, diethyl methylene malonate, dodecanedioic acid (DDDA), esters produced from olefin metathesis, ethyl acetate, ethylene glycol, farnesene, 2,5-furandicarboxylic acid, gamma-butyrolactone, glucaric acid, hexamethylenediamine (HMD), 3-hydroxy propionic acid, isoprene, itaconic acid, levulinic acid, polyhydroxyalkonate (PHA), polylactic acid (PLA), polyethylene furanoate (PEF), polyethylene terephthalate (PET), polyitaconic acid, polyols from vegetable oils, poly(xylitan levulinate ketal), 1,3-propanediol, 1,2-propanediol, rhamnolipids, succinic acid, terephthalic acid, or *p*-Xylene, or

''(II) any chemical not described in clause (i) which is a chemical listed by the Secretary for purposes of this paragraph.

''(B) BIOBASED CONTENT.—For purposes of subparagraph (A)(iii), the term 'biobased content percentage' means, with respect to any renewable chemical, the biobased content of such chemical (expressed as a percentage) determined by testing representative samples using the American Society for Testing and Materials (ASTM) D6866.''.

(2) LIST OF OTHER QUALIFYING RENEWABLE CHEMICALS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury (or the Secretary's delegate), in consultation with the Secretary of Agriculture, shall establish a program to consider applications from taxpayers for the listing of chemicals under section 7874(d)(6)(A)(vi)(II) (as added by paragraph (1)).

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, in taxable years ending after such date.

SA 3072. Mr. DONNELLY (for himself, Mr. GRASSLEY, Mrs. FISCHER, Mr. THUNE, Mrs. MCCASKILL, Ms. BALDWIN, Mr. KIRK, Ms. HEITKAMP, Ms. KLOBUCHAR, and Mr. FRANKEN) 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. _____. ETHANOL WAIVER.

Section 211(h)(4) of the Clean Air Act (42 U.S.C. 7545(h)(4)) is amended—

(1) in the matter preceding subparagraph (A), by inserting ''or more'' after ''10 percent''; and

(2) in subparagraph (C), by striking ''additional alcohol or''.

SA 3073. Mr. KING (for himself, Ms. STABENOW, and Mr. FRANKEN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 22_____. LIMITATION ON AUTHORITY OF SECRETARY OF ENERGY TO APPROVE CERTAIN LNG TERMINAL PROPOSALS.

(a) IN GENERAL.—Section 3(e) of the Natural Gas Act (15 U.S.C. 717b(e)) is amended by adding at the end the following:

''(5) AUTHORITY OF SECRETARY OF ENERGY OVER CERTAIN PROPOSALS.—

''(A) DEFINITIONS.—In this paragraph:

''(i) ADDITIONAL EXPORT PROPOSAL.—The term 'additional export proposal' means any proposal submitted to the Secretary by a new or existing LNG terminal—

''(I) to initiate the export of natural gas to a foreign country, with respect to a LNG terminal that does not so export natural gas as of the date of submission of the proposal; or

''(II) to increase the quantity of natural gas exported to a foreign country by the LNG terminal, with respect to a LNG terminal that exports natural gas as of the date of submission of the proposal.

''(ii) FOREIGN COUNTRY.—The term 'foreign country' means a nation in which there is not in effect a free trade agreement requiring national treatment for trade in natural gas.

''(iii) SECRETARY.—The term 'Secretary' means the Secretary of Energy, acting pursuant to sections 301(b) and 402(f) of the Department of Energy Organization Act (42 U.S.C. 7151(b), 7172(f)).

''(B) LIMITATION.—

''(i) IN GENERAL.—Notwithstanding part 590 of title 10, Code of Federal Regulations (or successor regulations), or any other provision of law (including regulations), the Secretary may not take into consideration or approve any additional export proposal if approving the additional export proposal would raise the total quantity of natural gas cumulatively approved for export to foreign countries from United States facilities above a level included in a study conducted under clause (ii).

''(ii) STUDY.—The Secretary shall conduct an economic impact study that includes an analysis of the impact of exporting natural gas on—

''(I) domestic natural gas prices;

''(II) regional domestic natural gas prices;

''(III) natural gas prices for domestic consumers, manufacturers, and other industries; and

''(IV) the global economic competitiveness of domestic manufacturers and other domestic industries.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall not apply to any export proposal that received final approval from the Secretary before or on the date of enactment of this Act.

SA 3074. Mr. BLUNT (for himself and Mrs. CAPITO) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE ____—WITHDRAWAL OF CLEAN POWER PLAN

SEC. ___01. FINDINGS.

Congress finds that—

(1) on October 23, 2015, the Administrator of the Environmental Protection Agency (referred to in this title as the ''Administrator'') published in the Federal Register rules that are inextricably linked and collectively known as the ''Clean Power Plan'', including—

(A) the final rule entitled ''Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units'' (80 Fed. Reg. 64662 (October 23, 2015));

(B) the final rule entitled ''Standards of Performance for Greenhouse Gas Emissions from New, Modified, and Reconstructed Stationary Sources: Electric Utility Generating Units'' (80 Fed. Reg. 64510 (October 23, 2015)); and

(C) the proposed rule entitled ''Federal Plan Requirements for Greenhouse Gas Emissions from Electric Utility Generating Units Constructed on or Before January 8, 2014; Model Trading Rules; Amendments to Framework Regulations'' (80 Fed. Reg. 64966 (October 23, 2015)); and

(2) the final rules described in subparagraphs (A) and (B) of paragraph (1)—

(A) materially depart from the proposed versions of those final rules and are not logical outgrowths of the proposed versions; and

(B) are legally deficient because the Administrator did not allow for adequate notice and opportunity for comment on the proposed rules that preceded those final rules.

SEC. ___02. WITHDRAWAL OF CLEAN POWER PLAN.

The Administrator shall—

(1) withdraw each of the rules described in section ___01(1); and

(2) reissue any of those rules only as a new proposed rule with a new notice and comment period.

SA 3075. 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. ___. REVIEW OF ECONOMIC IMPACT OF BSEE RULE ON SMALL ENTITIES.

(a) DEFINITIONS.—In this section—

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

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

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

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

(b) REQUIREMENT TO CONDUCT REVIEW.—

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

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

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

SA 3076. 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. _____. GROUND-LEVEL OZONE STANDARDS.

Notwithstanding any other provision of law (including regulations), in promulgating a national primary or secondary ambient air quality standard for ozone, the Administrator of the Environmental Protection Agency shall only consider all or part of a county to be a nonattainment area under the standard on the basis of direct air quality monitoring.

SA 3077. Mr. ROBERTS (for himself and Mr. BOOZMAN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Strike sections 4501 through 4503.

SA 3078. Mr. ROBERTS 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.

SA 3079. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. WAIVER OF JONES ACT REQUIREMENTS FOR OIL AND GASOLINE TANKERS.

(a) IN GENERAL.—Section 12112 of title 46, United States Code, is amended—

(1) in subsection (a), by striking ''A coastwise'' and inserting ''Except as provided in subsection (b), a coastwise'';

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following:

''(b) WAIVER FOR OIL AND GASOLINE TANKERS.—The requirements of subsection (a) shall not apply to an oil or gasoline tanker vessel and a coastwise endorsement may be issued for any such tanker vessel that otherwise qualifies under the laws of the United States to engage in the coastwise trade.''.

(b) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Commandant of the United States Coast Guard shall issue regulations to implement the amendments made by subsection (a). Such regulations shall require that an oil or gasoline tanker vessel permitted to engaged in the coastwise trade pursuant to subsection (b) of section 12112 of title 46, United States Code, as amended by subsection (a), meets all appropriate safety and security requirements.

SA 3080. 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. ___. ARTIFICIAL REEF PROMOTION ACT OF 2016.

(a) SHORT TITLE.—This section may be cited as the ''Artificial Reef Promotion Act of 2016''.

(b) PERMITS FOR CONSTRUCTION AND MANAGEMENT OF ARTIFICIAL REEFS.—Section 205 of the National Fishing Enhancement Act of 1984 (33 U.S.C. 2104) is amended—

(1) by redesignating subsections (b) through (e) as subsections (d) through (g), respectively; and

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

''(a) ACTION ON PERMITS.—

''(1) IN GENERAL.—In issuing a permit for an artificial reef under section 10 of the Act entitled 'An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes', approved March 3, 1899 (commonly known as the 'Rivers and Harbors Appropriation Act of 1899') (33 U.S.C. 403), section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344), or section 4(e) of the Outer Continental Shelf Lands Act (43 U.S.C. 1333(e)), the Secretary shall—

''(A) consult with and consider the views of appropriate Federal agencies, States, local governments, and other interested parties;

''(B) ensure that the provisions for siting, constructing, monitoring, and managing the artificial reef are consistent with the criteria and standards established under this Act;

''(C) ensure that the title to the artificial reef construction material is unambiguous, and that responsibility for maintenance and the financial ability to assume liability for future damages are clearly established;

''(D) ensure that a State assuming liability under subparagraph (C) has established an artificial reef maintenance fund; and

''(E) consider the plan developed under section 204 and notify the Secretary of Commerce of any need to deviate from that plan.

''(2) REGULATIONS.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of this paragraph, the Directors shall promulgate regulations that expedite the review of a final application such that a decision is rendered not later than 150 days after the date on which the application is submitted.

''(B) REGULATIONS PROMULGATED BY THE COMMANDING GENERAL.—Not later than 180 days after the date of enactment of the Artificial Reef Promotion Act of 2016, the Commanding General shall promulgate regulations that expedite the review of a final application by the Secretary such that a decision is rendered not later than 120 days after the date on which the application is submitted.

''(b) SITING.—

''(1) NUMBER.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Artificial Reef Promotion Act of 2016, the Commanding General shall, in consultation with the Directors and appropriate State agencies, designate not fewer than 20 artificial reef planning areas.

''(B) GULF STATES.—Of the artificial reef planning areas described in subparagraph (A)—

''(i) 6 shall be located outside the seaward boundary of the State of Texas;

''(ii) 6 shall be located outside the seaward boundary of the State of Louisiana;

''(iii) 3 shall be located outside the seaward boundaries of the State of Alabama and State of Mississippi; and

''(iv) 5 shall be located outside the seaward boundary of the State of Florida.

''(C) INCLUSIONS.—The sites described in subparagraph (A) include any artificial reef planning area existing on the day before the date of enactment of the Artificial Reef Promotion Act of 2016 if the boundaries and area of the site are modified to meet the requirements of this Act.

''(2) BOUNDARIES AND PROXIMITY TO SHORELINE.—

''(A) IN GENERAL.—The Directors shall, in consultation with the Commanding General and appropriate State agencies—

''(i) ensure that each artificial reef planning area described in paragraph (1)(A)—

''(I) is sited a reasonable proximity to the shoreline, as determined by the Directors; and

''(II) includes as many platforms as practical, as determined by the Directors; and

''(ii) determine the appropriate size and boundaries for each site.

''(B) MINIMUM AREA.—

''(i) IN GENERAL.—Each artificial reef planning area described in paragraph (1)(A) shall be not smaller than 12 contiguous lease blocks.

''(ii) APPLICATION.—Clause (i) shall apply to any artificial reef planning area existing before, on, or after the date of enactment of the Artificial Reef Promotion Act of 2016.

''(3) DISTANCE BETWEEN SITES.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of the Artificial Reef Promotion Act of 2016, the Director of the Bureau of Safety and Environmental Enforcement shall promulgate a regulation that regulates the distance between platforms used as artificial reefs.

''(B) MAXIMUM.—The distance contained in the regulation described in subparagraph (A) shall be not greater than 2 miles.

''(4) DEPTH.—

''(A) IN GENERAL.—Of the artificial reef planning areas described in paragraph (1)(A)—

''(i) not fewer than 10 shall be located at a water depth of—

''(I) not less than 100 feet; and

''(II) not greater than 200 feet; and

''(ii) not fewer than 10 shall be located at a water depth of greater than 200 feet.

''(B) SITES IN WATER DEPTH OF NOT GREATER THAN 100 FEET.—The Commanding General shall, in consultation with the Directors and appropriate State agencies, designate artificial reef planning areas, where practicable, at a water depth of not greater than 100 feet.

''(5) REQUIREMENTS FOR PERMITTEES.—

''(A) IN GENERAL.—A person to whom a permit is issued under subsection (a)(1) shall—

''(i) construct the artificial reef in an artificial reef site located in an artificial reef planning area described in paragraph (1)(A);

''(ii) comply with—

''(I) any regulation promulgated by the Director of the Bureau of Safety and Environmental Enforcement relating to reef planning;

''(II) the plan developed under section 204; and

''(III) any applicable plan developed by a State; and

''(iii) if the person owns platforms, not later than 180 days after the date on which the Commanding General designates the artificial reef planning areas under paragraph (1), submit to the Director of the Bureau of Safety and Environmental Enforcement and appropriate State agencies notice that identifies 20 percent of the platforms to be used as artificial reefs.

''(B) DONATED PLATFORMS.—

''(i) IN GENERAL.—A person described in subparagraph (A)(iii) shall include in a final application the artificial reef planning area and the artificial reef site in which the platforms described in subparagraph (A)(iii) will be located.

''(ii) DEPTH.—The area and site described in clause (i) shall be consistent with the depth requirements in paragraph (4).

''(iii) AREA OR SITE FILLED TO CAPACITY.—If the Director of the Bureau of Safety and Environmental Enforcement or appropriate State agency determines that the area or site chosen by the person under clause (i) is filled to capacity, the person shall choose a different area or site.

''(6) REGULATIONS.—

''(A) CAPACITY OF REEF SITES.—No regulation shall require that an artificial reef planning area described in paragraph (1)(A) be filled to capacity with platforms before another artificial reef planning area is established.

''(B) MINIMUM WATER DEPTH.—

''(i) IN GENERAL.—The Secretary shall, in consultation with the Secretary of the department in which the Coast Guard is operating, promulgate regulations for the minimum water depth required to cover an artificial reef.

''(ii) DEPTH NOT GREATER THAN 85 FEET.—If the minimum water depth described in clause (i) is not greater than 85 feet, the Secretary of the department in which the Coast Guard is operating shall—

''(I) evaluate each artificial reef site to ensure that the site is properly marked to reduce any navigational hazard;

''(II) not later than 30 days on which a final application is submitted, review the application to ensure that the artificial reef site will contain the markings described in subclause (I);

''(III) indicate on appropriate nautical charts the location of each artificial reef planning area and artificial reef site; and

''(IV) provide mariners with notice of the location of each artificial reef site in a manner that the Secretary of the department in which the Coast Guard is operating determines is appropriate.

''(7) REVIEW.—Not later than 3 years after the date of enactment of the Artificial Reef Promotion Act of 2016, the Director of the Bureau of Safety and Environmental Enforcement, shall review the artificial reef planning areas described in paragraph (1)(A) to determine the effectiveness of using decommissioned platforms as artificial reefs.

''(c) PREFERENCE GIVEN TO APPLICATIONS SEEKING TO USE DECOMMISSIONED PLATFORMS AS ARTIFICIAL REEFS.—The Regional Supervisor shall give preference to a final application.

''(d) REGULATIONS GOVERNING DECOMMISSIONED PLATFORMS.—Any regulation in effect on the date of enactment of the Artificial Reef Promotion Act of 2016 that governs the decommissioning or removal of a platform that is not being decommissioned for use as an artificial reef shall continue to govern the decommissioning or removal of the platform.''.

(c) DEFINITIONS.—Section 206 of the National Fishing Enhancement Act of 1984 (33 U.S.C. 2105) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (11) and (12), respectively; and

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

''(2) ARTIFICIAL REEF.—The term 'artificial reef' means a structure that is constructed or placed in the Gulf of Mexico for the purpose of enhancing fishery resources and commercial and recreational fishing opportunities.

''(3) ARTIFICIAL REEF PLANNING AREA.—The term 'artificial reef planning area' means a designated area within which artificial reef sites may be located when—

''(A) a person obtains all appropriate permits; and

''(B) each platform located in the artificial reef site is appropriately prepared.

''(4) ARTIFICIAL REEF SITE.—The term 'artificial reef site' means an area within an artificial reef planning area that has been cleared to have decommissioned platforms placed in the boundaries of the artificial reef planning area to be used as an artificial reef.

''(5) COMMANDING GENERAL.—The term 'Commanding General' means the Commanding General of the Corps of Engineers.

''(6) DECOMMISSIONING.—The term 'decommission' includes removing and moving a platform to an artificial reef site.

''(7) DIRECTORS.—The term 'Directors' means—

''(A) the Director of the Bureau of Safety and Environmental Enforcement; and

''(B) the Director of the Bureau of Ocean Energy Management.

''(8) FINAL APPLICATION.—The term 'final application' means a final application submitted to dispose of or remove a platform for use as an artificial reef under section 250.1727(g) of title 30, Code of Federal Regulations (or successor regulations).

''(9) PLATFORM.—The term 'platform' means an offshore oil and gas platform in the Gulf of Mexico.

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

(d) SAVINGS CLAUSES.—Section 208 of the National Fishing Enhancement Act of 1984 (33 U.S.C. 2106) is amended by adding after subsection (b) the following:

''(c) MISCELLANEOUS.—Nothing in this Act shall—

''(1) hinder or invalidate—

''(A) the transfer of liability to the person to whom title of a platform is transferred when the platform is donated or becomes an artificial reef; and

''(B) any term or condition of any existing lease; and

''(2) require that—

''(A) a platform be left standing above the surface of the water; and

''(B) an owner of a platform notify any party, other than the Directors and the appropriate State agencies that coordinate with the Commanding General, of any plan to decommission a platform before abandonment operations commence.''.

SA 3081. 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 title V, add the following:

SEC. 5004. PAYMENTS IN LIEU OF TAXES.

Section 6903 of title 31, United States Code, is amended—

(1) in subsection (b)(1), in the matter preceding subparagraph (A), by striking ''A payment'' and inserting ''Except as provided in subsection (e), a payment''; and

(2) by adding at the end the following:

''(e) ALTERNATE PAYMENT.—

''(1) IN GENERAL.—A unit of general local government may opt out of the payment calculation that would otherwise apply under subsection (b)(1), by notifying the Secretary of the Interior, by the deadline established by the Secretary of the Interior, of the election of the unit of general local government to receive an alternate payment amount, as calculated in accordance with the formula established under paragraph (2).

''(2) FORMULA.—As soon as practicable after the date of enactment of this subsection, the Secretary of the Interior shall establish an alternate payment formula that is based on the estimated forgone property taxes, using a fair market valuation, due to the presence of Federal land within the unit of general local government.''.

SA 3082. Mr. BARRASSO (for himself, Mr. ENZI, Mr. INHOFE, Mr. DAINES, Mr. BLUNT, Mr. GARDNER, Mr. HATCH, 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 subtitle E of title III, add the following:

SEC. 34___. CERTIFICATION PRIOR TO ROYALTY RATE INCREASE.

Section 7 of the Mineral Leasing Act (30 U.S.C. 207) is amended by adding at the end the following:

''(d) CERTIFICATION PRIOR TO ROYALTY RATE INCREASE.—The Secretary of the Interior may not increase the royalty rate on coal under subsection (a) until the Secretary of the Interior, in consultation with the Secretary of Energy and the Federal Energy Regulatory Commission, certifies that the increased royalty rate would not—

''(1) contribute to higher electricity prices for consumers and businesses in the United States; and

''(2) adversely impact the reliability of the bulk-power system of the United States.''.

SA 3083. Mr. BARRASSO (for himself, Mr. ENZI, Mr. INHOFE, Mr. DAINES, Mr. BLUNT, Mr. GARDNER, Mr. HATCH, 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 subtitle E of title III, add the following:

SEC. 34___. EXPIRATION OF SECRETARIAL ORDER 3338.

The Secretary of the Interior may not implement or enforce Secretarial Order 3338, issued by the Secretary of the Interior on January 15, 2016 (or a substantially similar order), after January 20, 2017.

SA 3084. Mr. MERKLEY (for himself and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3703 (relating to eligible projects) and insert the following:

SEC. 3703. ELIGIBLE PROJECTS.

Sec 1703(b) of the Energy Policy Act of 2005 (42 U.S.C. 16513(b)) is amended—

(1) in paragraph (1), by inserting ''(excluding the burning of commonly recycled paper that has been segregated from solid waste to generate electricity)'' after ''systems''; and

(2) by adding at the end the following:

''(11) Electric and advanced technology vehicle fleets.

''(12) Electricity storage technologies.''.

SA 3085. Mr. WARNER (for himself and Mr. KAINE) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VI—MISCELLANEOUS

SEC. 6001. PETERSBURG NATIONAL BATTLEFIELD BOUNDARY MODIFICATION.

(a) IN GENERAL.—The boundary of the Petersburg National Battlefield is modified to include the land and interests in land as generally depicted on the map titled ''Petersburg National Battlefield Boundary Expansion'', numbered 325/80,080, and dated June 2007. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(b) ACQUISITION OF PROPERTIES.—The Secretary of the Interior (referred to in this section as the ''Secretary'') is authorized to acquire the land and interests in land, described in subsection (a), from willing sellers only, by donation, purchase with donated or appropriated funds, exchange, or transfer.

(c) ADMINISTRATION.—The Secretary shall administer any land or interests in land acquired under subsection (b) as part of the Petersburg National Battlefield in accordance with applicable laws and regulations.

(d) ADMINISTRATIVE JURISDICTION TRANSFER.—

(1) IN GENERAL.—There is transferred—

(A) from the Secretary to the Secretary of the Army administrative jurisdiction over the approximately 1.170-acre parcel of land depicted as ''Area to be transferred to Fort Lee Military Reservation'' on the map described in paragraph (2); and

(B) from the Secretary of the Army to the Secretary administrative jurisdiction over the approximately 1.171-acre parcel of land depicted as ''Area to be transferred to Petersburg National Battlefield'' on the map described in paragraph (2).

(2) MAP.—The land transferred is depicted on the map titled ''Petersburg National Battlefield Proposed Transfer of Administrative Jurisdiction'', numbered 325/80,801A, dated May 2011. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(3) CONDITIONS OF TRANSFER.—The transfer of administrative jurisdiction under paragraph (1) is subject to the following conditions:

(A) NO REIMBURSEMENT OR CONSIDERATION.—The transfer is without reimbursement or consideration.

(B) MANAGEMENT.—The land conveyed to the Secretary under paragraph (1) shall be included within the boundary of the Petersburg National Battlefield and shall be administered as part of that park in accordance with applicable laws and regulations.

SA 3086. Mr. MURPHY (for himself and 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 of subtitle E of title IV, add the following:

SEC. 44___. LOWER FARMINGTON RIVER AND SALMON BROOK, CONNECTICUT.

(a) DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

''(213) LOWER FARMINGTON RIVER AND SALMON BROOK, CONNECTICUT.—Segments of the main stem and its tributary, Salmon Brook, totaling approximately 62 miles, to be administered by the Secretary of the Interior as follows:

''(A) The approximately 27.2-mile segment of the Farmington River beginning 0.2 miles below the tailrace of the Lower Collinsville Dam and extending to the site of the Spoonville Dam in Bloomfield and East Granby as a recreational river.

''(B) The approximately 8.1-mile segment of the Farmington River extending from 0.5 miles below the Rainbow Dam to the confluence with the Connecticut River in Windsor as a recreational river.

''(C) The approximately 2.4-mile segment of the main stem of Salmon Brook extending from the confluence of the East and West Branches to the confluence with the Farmington River as a recreational river.

''(D) The approximately 12.6-mile segment of the West Branch of Salmon Brook extending from its headwaters in Hartland, Connecticut to its confluence with the East Branch of Salmon Brook as a recreational river.

''(E) The approximately 11.4-mile segment of the East Branch of Salmon Brook extending from the Massachusetts-Connecticut State line to the confluence with the West Branch of Salmon Brook as a recreational river.''.

(b) MANAGEMENT.—

(1) IN GENERAL.—The river segments designated by subsection (a) shall be managed in accordance with the Lower Farmington River and Salmon Brook Management Plan, June 2011, prepared by the Lower Farmington River and Salmon Brook Wild and Scenic Study Committee (referred to in this section as the ''management plan'') and such amendments to the management plan as the Secretary of the Interior (referred to in this section as the ''Secretary'') determines are consistent with this subsection. The management plan shall be deemed to satisfy the requirements for a comprehensive management plan pursuant to section 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).

(2) COMMITTEE.—The Secretary shall coordinate the management responsibilities of the Secretary under this subsection with the Lower Farmington River and Salmon Brook Wild and Scenic Committee, as specified in the management plan.

(3) COOPERATIVE AGREEMENTS.—

(A) IN GENERAL.—In order to provide for the long-term protection, preservation, and enhancement of the river segment designated by subsection (a), the Secretary is authorized to enter into cooperative agreements pursuant to sections 10(e) and 11(b)(1) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e), 1282(b)(1)) with—

(i) the State of Connecticut;

(ii) the towns of Avon, Bloomfield, Burlington, East Granby, Farmington, Granby, Hartland, Simsbury, and Windsor in Connecticut; and

(iii) appropriate local planning and environmental organizations.

(B) CONSISTENCY.—All cooperative agreements provided for under this paragraph shall be consistent with the management plan and may include provisions for financial or other assistance from the United States.

(4) LAND MANAGEMENT.—

(A) ZONING ORDINANCES.—For the purposes of the segments designated by subsection (a), the zoning ordinances adopted by the towns in Avon, Bloomfield, Burlington, East Granby, Farmington, Granby, Hartland, Simsbury, and Windsor in Connecticut, including provisions for conservation of floodplains, wetlands and watercourses associated with the segments, shall be deemed to satisfy the standards and requirements of section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)).

(B) ACQUISITION OF LAND.—The provisions of section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)) that prohibit Federal acquisition of lands by condemnation shall apply to the segments designated by subsection (a). The authority of the Secretary to acquire lands for the purposes of the segments designated by subsection (a) shall be limited to acquisition by donation or acquisition with the consent of the owner of the lands, and shall be subject to the additional criteria set forth in the management plan.

(5) RAINBOW DAM.—The designation made by subsection (a) shall not be construed to—

(A) prohibit, pre-empt, or abridge the potential future licensing of the Rainbow Dam and Reservoir (including any and all aspects of its facilities, operations and transmission lines) by the Federal Energy Regulatory Commission as a federally licensed hydroelectric generation project under the Federal Power Act, provided that the Commission may, in the discretion of the Commission and consistent with this subsection, establish such reasonable terms and conditions in a hydropower license for Rainbow Dam as are necessary to reduce impacts identified by the Secretary as invading or unreasonably diminishing the scenic, recreational, and fish and wildlife values of the segments designated by subsection (a); or

(B) affect the operation of, or impose any flow or release requirements on, the unlicensed hydroelectric facility at Rainbow Dam and Reservoir.

(6) RELATION TO NATIONAL PARK SYSTEM.—Notwithstanding section 10(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(c)), the Lower Farmington River shall not be administered as part of the National Park System

or be subject to regulations which govern the National Park System.

(c) FARMINGTON RIVER, CONNECTICUT, DESIGNATION REVISION.—Section 3(a)(156) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended in the first sentence—

(1) by striking ''14-mile'' and inserting ''15.1-mile''; and

(2) by striking ''to the downstream end of the New Hartford-Canton, Connecticut town line'' and inserting ''to the confluence with the Nepaug River''.

SA 3087. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 2201 (relating to action on applications to export liquefied natural gas).

SA 3088. Ms. KLOBUCHAR (for herself, Mr. SCHUMER, Mr. CASEY, Mr. BLUMENTHAL, Mr. MENENDEZ, and Mr. FRANKEN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 427, after line 4, add the following:

TITLE VI—CARBON MONOXIDE POISONING PREVENTION

SEC. 6001. SHORT TITLE.

This title may be cited as the ''Nicholas and Zachary Burt Memorial Carbon Monoxide Poisoning Prevention Act of 2015''.

SEC. 6002. FINDINGS AND SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds the following:

(1) Carbon monoxide is a colorless, odorless gas produced by burning any fuel. Exposure to unhealthy levels of carbon monoxide can lead to carbon monoxide poisoning, a serious health condition that could result in death.

(2) Unintentional carbon monoxide poisoning from motor vehicles and improper operation of fuel-burning appliances, such as furnaces, water heaters, portable generators, and stoves, kills more than 400 people each year and sends approximately 15,000 to hospital emergency rooms for treatment.

(3) Research shows that installing carbon monoxide alarms close to the sleeping areas in residential homes and other dwelling units can help avoid fatalities.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Congress should promote the installation of carbon monoxide alarms in residential homes and dwelling units nationwide in order to promote the health and public safety of citizens throughout the United States.

SEC. 6003. DEFINITIONS.

In this title:

(1) CARBON MONOXIDE ALARM.—The term ''carbon monoxide alarm'' means a device or system that—

(A) detects carbon monoxide; and

(B) is intended to alarm at carbon monoxide concentrations below those that could cause a loss of ability to react to the dangers of carbon monoxide exposure.

(2) COMMISSION.—The term ''Commission'' means the Consumer Product Safety Commission.

(3) COMPLIANT CARBON MONOXIDE ALARM.—The term ''compliant carbon monoxide alarm'' means a carbon monoxide alarm that complies with the most current version of—

(A) the Standard for Single and Multiple Station Carbon Monoxide Alarms of the American National Standards Institute and UL (ANSI/UL 2034) or successor standard; and

(B) the Standard for Gas and Vapor Detectors and Sensors of the American National Standards Institute and UL (ANSI/UL 2075) or successor standard.

(4) DWELLING UNIT.—The term ''dwelling unit'' means a room or suite of rooms used for human habitation, and includes a single family residence as well as each living unit of a multiple family residence (including apartment buildings) and each living unit in a mixed use building.

(5) FIRE CODE ENFORCEMENT OFFICIALS.—The term ''fire code enforcement officials'' means officials of the fire safety code enforcement agency of a State or local government or tribal organization.

(6) NFPA 720.—The term ''NFPA 720'' means—

(A) the Standard for the Installation of Carbon Monoxide Detection and Warning Equipment issued by the National Fire Protection Association in 2012; and

(B) any amended or similar successor standard pertaining to the proper installation of carbon monoxide alarms in dwelling units.

(7) STATE.—The term ''State'' has the meaning given such term in section 3 of the Consumer Product Safety Act (15 U.S.C. 2052) and includes the Northern Mariana Islands and any political subdivision of a State.

(8) TRIBAL ORGANIZATION.—The term ''tribal organization'' has the meaning given such term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

SEC. 6004. GRANT PROGRAM FOR CARBON MONOXIDE POISONING PREVENTION.

(a) IN GENERAL.—Subject to the availability of appropriations authorized under subsection (f), the Commission shall establish a grant program to provide assistance to eligible States and tribal organizations to carry out the carbon monoxide poisoning prevention activities described in subsection (e).

(b) ELIGIBILITY.—For purposes of this section, an eligible State or tribal organization is any State or tribal organization that—

(1) demonstrates to the satisfaction of the Commission that the State or tribal organization has adopted a statute or a rule, regulation, or similar measure with the force and effect of law, requiring compliant carbon monoxide alarms to be installed in dwelling units in accordance with NFPA 720; and

(2) submits an application to the Commission at such time, in such form, and containing such additional information as the Commission may require, which application may be filed on behalf of the State or tribal organization by the fire code enforcement officials for such State or tribal organization.

(c) GRANT AMOUNT.—The Commission shall determine the amount of the grants awarded under this section.

(d) SELECTION OF GRANT RECIPIENTS.—In selecting eligible States and tribal organizations for the award of grants under this section, the Commission shall give favorable consideration to an eligible State or tribal organization that—

(1) requires the installation of compliant carbon monoxide alarms in new or existing educational facilities, childcare facilities, health care facilities, adult dependent care facilities, government buildings, restaurants, theaters, lodging establishments, or dwelling units—

(A) within which a fuel-burning appliance is installed, including a furnace, boiler, water heater, fireplace, or any other apparatus, appliance, or device that burns fuel; or

(B) which has an attached garage; and

(2) has developed a strategy to protect vulnerable populations such as children, the elderly, or low-income households.

(e) USE OF GRANT FUNDS.—

(1) IN GENERAL.—An eligible State or tribal organization receiving a grant under this section may use such grant—

(A) to purchase and install compliant carbon monoxide alarms in the dwelling units of low-income families or elderly persons, facilities that commonly serve children or the elderly, including childcare facilities, public schools, and senior centers, or student dwelling units owned by public universities;

(B) to train State, tribal organization, or local fire code enforcement officials in the proper enforcement of State, tribal, or local laws concerning compliant carbon monoxide alarms and the installation of such alarms in accordance with NFPA 720;

(C) for the development and dissemination of training materials, instructors, and any other costs related to the training sessions authorized by this subsection; or

(D) to educate the public about the risk associated with carbon monoxide as a poison and the importance of proper carbon monoxide alarm use.

(2) LIMITATIONS.—

(A) ADMINISTRATIVE COSTS.—Not more than 5 percent of any grant amount received under this section may be used to cover administrative costs not directly related to training described in paragraph (1)(B).

(B) PUBLIC OUTREACH.—Not more than 25 percent of any grant amount received under this section may be used to cover costs of activities described in paragraph (1)(D).

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), there is authorized to be appropriated to the Commission, for each of the fiscal years 2015 through 2019, $2,000,000, which shall remain available until expended to carry out this Act.

(2) LIMITATION ON ADMINISTRATIVE EXPENSES.—Not more than 10 percent of the amounts appropriated or otherwise made available to carry out this section may be used for administrative expenses.

(3) RETENTION OF AMOUNTS.—Any amounts appropriated pursuant to this subsection that remain unexpended and unobligated on September 30, 2019, shall be retained by the Commission and credited to the appropriations account that funds the enforcement of the Consumer Product Safety Act (15 U.S.C. 2051).

(g) REPORT.—Not later than 1 year after the last day of each fiscal year for which grants are awarded under this section, the Commission shall submit to Congress a report that evaluates the implementation of the grant program required by this section.

SA 3089. Ms. KLOBUCHAR (for herself, Mr. HOEVEN, and Ms. BALDWIN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 44____. NORTH COUNTRY NATIONAL SCENIC TRAIL.

(a) ROUTE ADJUSTMENT.—Section 5(a)(8) of the National Trails System Act (16 U.S.C. 1244(a)(8)) is amended in the first sentence—

(1) by striking ''thirty two hundred miles, extending from eastern New York State'' and inserting ''4,600 miles, extending from the Appalachian Trail in Vermont''; and

(2) by striking ''Proposed North Country Trail'' and all that follows through ''June 1975.'' and inserting '''North Country National Scenic Trail, Authorized Route' dated February 2014, and numbered 649/116870.''.

(b) NO CONDEMNATION.—Section 5(a)(8) of the National Trails System Act (16 U.S.C. 1244(a)(8)) is amended by adding at the end the following: ''No land or interest in land outside of the exterior boundary of any Federally administered area may be acquired by the Federal Government for the trail by condemnation.''.

SA 3090. Ms. KLOBUCHAR (for herself and Mr. TILLIS) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 123, between lines 19 and 20, insert the following:

SEC. 1107. INCLUSION OF SMART GRID CAPABILITY ON ENERGY GUIDE LABELS.

Section 324(a)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6294(a)(2)) is amended by adding at the end the following:

''(J) SPECIAL NOTES ON SMART GRID CAPABILITIES.—

''(i) INITIATION OF RULEMAKING.—Not later than 1 year after the date of the enactment of this subparagraph, the Commission shall initiate a rulemaking to consider making a special note in a prominent manner on any Energy Guide label for any product that includes Smart Grid capability that—

''(I) Smart Grid capability is a feature of that product;

''(II) the use and value of that feature depend on the Smart Grid capability of the utility system in which the product is installed and the active utilization of that feature by the customer; and

''(III) on a utility system with Smart Grid capability, the use of the product's Smart Grid capability could reduce the customer's cost of the product's annual operation by an estimated dollar amount range representing the result of incremental energy and electricity cost savings that would result from the customer taking full advantage of such Smart Grid capability.

''(ii) COMPLETION OF RULEMAKING.—Not later than 3 years after the date of the enactment of this subparagraph, the Commission shall complete the rulemaking initiated under clause (i).''.

SA 3091. Ms. KLOBUCHAR 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 175, strike lines 7 through 12 and insert the following:

(9) standards for storage device performance, control interface, grid interconnection, and interoperability;

(10) maintaining a public database of energy storage projects, policies, codes, standards, and regulations; and

(11) electric thermal storage research.

SA 3092. Mrs. GILLIBRAND 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 ACTION PLAN FOR PUERTO RICO.

Section 9 of the Consolidated and Further Continuing Appropriations Act, 2015 (48 U.S.C. 1492a), is amended—

(1) in subsection (a), by striking paragraph (5) and inserting the following:

''(5) SECRETARY.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term Secretary means the Secretary of the Interior.

''(B) APPLICATION TO PUERTO RICO.—With respect to Puerto Rico, the term 'Secretary' means the Secretary of Energy.''; and

(2) in subsection (b)—

(A) by inserting '', or, in the case of Puerto Rico, not later than 180 days after the date of enactment of the Energy Policy Modernization Act of 2015,'' after ''of this Act''; and

(B) by inserting ''(except in the case of Puerto Rico)'' after ''Empowering Insular Communities activity''.

SA 3093. Mr. NELSON submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 3105. EXTENSION OF MORATORIUM ON OIL AND GAS LEASING IN CERTAIN AREAS OF GULF OF MEXICO.

Section 104(a) of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432) is amended in the matter preceding paragraph (1) by striking ''June 30, 2022'' and inserting ''June 30, 2027''.

SA 3094. Mr. NELSON submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 3105. MORATORIUM ON OIL- AND GAS-RELATED SEISMIC ACTIVITIES IN THE EXCLUSIVE ECONOMIC ZONE OFF THE COAST OF FLORIDA.

(a) IN GENERAL.—Except as provided in subsection (b) and notwithstanding any other provision of law, no person may conduct geological or geophysical activities (as those terms are described in the final programmatic environmental impact statement of the Bureau of Ocean Energy Management entitled ''Atlantic OCS Proposed Geological and Geophysical Activities, Mid-Atlantic and South Atlantic Planning Areas'' and completed February 2014) in support of oil or gas exploration and development in any area located within the exclusive economic zone (as defined in section 107 of title 46, United States Code) located off the coastline of the State of Florida.

(b) TERMINATION OF MORATORIUM.—The moratorium described in subsection (a) shall only be terminated if the Administrator of the National Oceanic and Atmospheric Administration determines that the reasonably foreseeable impacts of the geological or geophysical activities described in subsection (a) to individuals or populations of marine mammals, sea turtles, or fish are minimal.

SA 3095. Mr. DURBIN (for himself and 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:

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

''(8) $5,423,000,000 for fiscal year 2016;

''(9) $5,808,000,000 for fiscal year 2017;

''(10) $6,220,000,000 for fiscal year 2018;

''(11) $6,661,000,000 for fiscal year 2019; and

''(12) $7,134,000,000 for fiscal year 2020.''.

SA 3096. Mr. COONS submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 359, strike line 7 and insert the following:

SEC. 4204. FUNDING COMPETITIVENESS FOR INSTITUTIONS OF HIGHER EDUCATION AND OTHER NONPROFIT INSTITUTIONS.

Section 988(b) of the Energy Policy Act of 2005 (42 U.S.C. 16352(b)) is amended—

(1) in paragraph (1), by striking ''Except as provided in paragraphs (2) and (3)'' and inserting ''Except as provided in paragraphs (2), (3), and (4)''; and

(2) by adding at the end the following:

''(4) EXEMPTION FOR INSTITUTIONS OF HIGHER EDUCATION AND OTHER NONPROFIT INSTITUTIONS.—

''(A) IN GENERAL.—Paragraph (1) shall not apply to a research or development activity performed by an institution of higher education or nonprofit institution (as defined in section 4 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3703)).

''(B) TERMINATION DATE.—The exemption under subparagraph (A) shall apply during the 6-year period beginning on the date of enactment of this paragraph.''.

SEC. 4205. MICROLAB TECHNOLOGY COMMERCIALIZATION.

SA 3097. Mr. COONS submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 359, strike line 7 and insert the following:

SEC. 4204. PUBLIC-PRIVATE PARTNERSHIPS FOR COMMERCIALIZATION.

(a) DEFINITION OF NATIONAL LABORATORY.—

(1) IN GENERAL.—In this section, the term ''National Laboratory'' means a nonmilitary national laboratory owned by the Department.

(2) INCLUSIONS.—The term ''National Laboratory'' includes—

(A) Ames Laboratory;

(B) Argonne National Laboratory;

(C) Brookhaven National Laboratory;

(D) Fermi National Accelerator Laboratory;

(E) Idaho National Laboratory;

(F) Lawrence Berkeley National Laboratory;

(G) National Energy Technology Laboratory;

(H) National Renewable Energy Laboratory;
(I) Oak Ridge National Laboratory;
(J) Pacific Northwest National Laboratory;
(K) Princeton Plasma Physics Laboratory;
(L) Savannah River National Laboratory;
(M) Stanford Linear Accelerator Center;
(N) Thomas Jefferson National Accelerator Facility; and
(O) any laboratory operated by the National Nuclear Security Administration, with respect to the civilian energy activities conducted at the laboratory.

(b) PUBLIC-PRIVATE PARTNERSHIPS FOR COMMERCIALIZATION.—

(1) IN GENERAL.—Subject to paragraphs (2) through (4), the Secretary shall delegate to directors of the National Laboratories signature authority with respect to any agreement described in paragraph (2) the total cost of which (including the National Laboratory contributions and project recipient cost share) is less than $1,000,000, if the agreement falls within the scope of—

(A) a strategic plan for the National Laboratory that has been approved by the Department; or

(B) the most recent congressionally approved budget for Department activities to be carried out by the National Laboratory.

(2) AGREEMENTS.—Paragraph (1) applies to—

(A) a cooperative research and development agreement;

(B) a non-Federal work-for-others agreement; and

(C) any other agreement determined to be appropriate by the Secretary, in collaboration with the directors of the National Laboratories.

(3) LIMITATION.—Paragraph (1) does not apply to an agreement with a majority-foreign-owned company.

(4) ADMINISTRATION.—

(A) ACCOUNTABILITY.—The director of the affected National Laboratory and the affected contractor shall carry out an agreement under this subsection in accordance with applicable policies of the Department, including by ensuring that the agreement does not compromise any national security, economic, or environmental interest of the United States.

(B) CERTIFICATION.—The director of the affected National Laboratory and the affected contractor shall certify that each activity carried out under a project for which an agreement is entered into under this subsection does not present, or minimizes, any apparent conflict of interest, and avoids or neutralizes any actual conflict of interest, as a result of the agreement under this subsection.

(C) AVAILABILITY OF RECORDS.—On entering an agreement under this subsection, the director of a National Laboratory shall submit to the Secretary for monitoring and review all records of the National Laboratory relating to the agreement.

(D) RATES.—The director of a National Laboratory may charge higher rates for services performed under a partnership agreement entered into pursuant to this subsection, regardless of the full cost of recovery, if the funds are exclusively used to support further research and development activities at the applicable National Laboratory.

(5) CONFORMING AMENDMENT.—Section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a) is amended—

(A) in subsection (a)—

(i) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting the subparagraphs appropriately;

(ii) by striking ''Each Federal agency'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraph (2), each Federal agency''; and

(iii) by adding at the end the following:

''(2) EXCEPTION.—Notwithstanding paragraph (1), in accordance with section 4204(b)(1) of the Energy Policy Modernization Act of 2015, approval by the Secretary of Energy shall not be required for any technology transfer agreement proposed to be entered into by a National Laboratory of the Department of Energy, the total cost of which (including the National Laboratory contributions and project recipient cost share) is less than $1,000,000.''; and

(B) in subsection (b), by striking ''subsection (a)(1)'' each place it appears and inserting ''subsection (a)(1)(A)''.

(c) SAVINGS CLAUSE.—Nothing in this section abrogates or otherwise affects the primary responsibilities of any National Laboratory to the Department.

SEC. 4205. MICROLAB TECHNOLOGY COMMERCIALIZATION.

SA 3098. Mr. COONS submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 359, strike line 7 and insert the following:

SEC. 4204. AGREEMENTS FOR COMMERCIALIZING TECHNOLOGY PILOT PROGRAM.

(a) DEFINITION OF NATIONAL LABORATORY.—In this section:

(1) IN GENERAL.—The term ''National Laboratory'' means a nonmilitary national laboratory owned by the Department.

(2) INCLUSIONS.—The term ''National Laboratory'' includes—

(A) Ames Laboratory;
(B) Argonne National Laboratory;
(C) Brookhaven National Laboratory;
(D) Fermi National Accelerator Laboratory;
(E) Idaho National Laboratory;
(F) Lawrence Berkeley National Laboratory;
(G) National Energy Technology Laboratory;
(H) National Renewable Energy Laboratory;
(I) Oak Ridge National Laboratory;
(J) Pacific Northwest National Laboratory;
(K) Princeton Plasma Physics Laboratory;
(L) Savannah River National Laboratory;
(M) Stanford Linear Accelerator Center;
(N) Thomas Jefferson National Accelerator Facility; and
(O) any laboratory operated by the National Nuclear Security Administration, with respect to the civilian energy activities conducted at the laboratory.

(b) AGREEMENTS FOR COMMERCIALIZING TECHNOLOGY PILOT PROGRAM.—

(1) IN GENERAL.—The Secretary shall carry out the Agreements for Commercializing Technology pilot program of the Department, as announced by the Secretary on December 8, 2011, in accordance with this subsection.

(2) TERMS.—Each agreement entered into pursuant to the pilot program referred to in paragraph (1) shall provide to the contractor of the applicable National Laboratory, to the maximum extent determined to be appropriate by the Secretary, increased authority to negotiate contract terms, such as intellectual property rights, indemnification, payment structures, performance guarantees, and multiparty collaborations.

(3) ELIGIBILITY.—

(A) IN GENERAL.—Notwithstanding any other provision of law (including regulations), any National Laboratory may enter into an agreement pursuant to the pilot program referred to in paragraph (1).

(B) AGREEMENTS WITH NON-FEDERAL ENTITIES.—To carry out subparagraph (A) and subject to subparagraph (C), the Secretary shall permit the directors of the National Laboratories to execute agreements with non-Federal entities, including non-Federal entities already receiving Federal funding that will be used to support activities under agreements executed pursuant to subparagraph (A).

(C) RESTRICTION.—The requirements of chapter 18 of title 35, United States Code (commonly known as the ''Bayh-Dole Act'') shall apply if—

(i) the agreement is a funding agreement (as that term is defined in section 201 of that title); and

(ii) at least 1 of the parties to the funding agreement is eligible to receive rights under that chapter.

(4) SUBMISSION TO SECRETARY.—Each affected director of a National Laboratory shall submit to the Secretary, with respect to each agreement entered into under this subsection—

(A) a summary of information relating to the relevant project;

(B) the total estimated costs of the project;

(C) estimated commencement and completion dates of the project; and

(D) other documentation determined to be appropriate by the Secretary.

(5) CERTIFICATION.—The Secretary shall require the contractor of the affected National Laboratory to certify that each activity carried out under a project for which an agreement is entered into under this subsection—

(A) is not in direct competition with the private sector; and

(B) does not present, or minimizes, any apparent conflict of interest, and avoids or neutralizes any actual conflict of interest, as a result of the agreement under this subsection.

(6) EXTENSION.—The pilot program referred to in paragraph (1) shall be extended for a term of 3 years after the date of enactment of this Act.

(7) REPORTS.—

(A) INITIAL REPORT.—Not later than 60 days after the date described in paragraph (6), the Secretary, in coordination with directors of the National Laboratories, 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 report that—

(i) assesses the overall effectiveness of the pilot program referred to in paragraph (1);

(ii) identifies opportunities to improve the effectiveness of the pilot program;

(iii) assesses the potential for program activities to interfere with the responsibilities of the National Laboratories to the Department; and

(iv) provides a recommendation regarding the future of the pilot program.

(B) ANNUAL REPORTS.—Annually, the Secretary, in coordination with the directors of the National Laboratories, 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 report that accounts for all incidences of, and provides a justification for, non-Federal entities using funds derived from a Federal contract or award to carry out agreements entered into under this subsection.

(c) SAVINGS CLAUSE.—Nothing in this section abrogates or otherwise affects the primary responsibilities of any National Laboratory to the Department.

SEC. 4205. MICROLAB TECHNOLOGY COMMERCIALIZATION.

SA 3099. Mr. COONS submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 359, strike line 7 and insert the following:

SEC. 4204. IMPLEMENTING NEW NATIONAL OPPORTUNITIES TO VIGOROUSLY ACCELERATE TECHNOLOGY, ENERGY, AND SCIENCE.

(a) DEFINITION OF NATIONAL LABORATORY.—

(1) IN GENERAL.—In this section, the term ''National Laboratory'' means a nonmilitary national laboratory owned by the Department.

(2) INCLUSIONS.—The term ''National Laboratory'' includes—

(A) Ames Laboratory;

(B) Argonne National Laboratory;

(C) Brookhaven National Laboratory;

(D) Fermi National Accelerator Laboratory;

(E) Idaho National Laboratory;

(F) Lawrence Berkeley National Laboratory;

(G) National Energy Technology Laboratory;

(H) National Renewable Energy Laboratory;

(I) Oak Ridge National Laboratory;

(J) Pacific Northwest National Laboratory;

(K) Princeton Plasma Physics Laboratory;

(L) Savannah River National Laboratory;

(M) Stanford Linear Accelerator Center;

(N) Thomas Jefferson National Accelerator Facility; and

(O) any laboratory operated by the National Nuclear Security Administration, with respect to the civilian energy activities conducted at the laboratory.

(b) AGREEMENTS FOR COMMERCIALIZING TECHNOLOGY PILOT PROGRAM.—

(1) IN GENERAL.—The Secretary shall carry out the Agreements for Commercializing Technology pilot program of the Department, as announced by the Secretary on December 8, 2011, in accordance with this subsection.

(2) TERMS.—Each agreement entered into pursuant to the pilot program referred to in paragraph (1) shall provide to the contractor of the applicable National Laboratory, to the maximum extent determined to be appropriate by the Secretary, increased authority to negotiate contract terms, such as intellectual property rights, indemnification, payment structures, performance guarantees, and multiparty collaborations.

(3) ELIGIBILITY.—

(A) IN GENERAL.—Notwithstanding any other provision of law (including regulations), any National Laboratory may enter into an agreement pursuant to the pilot program referred to in paragraph (1).

(B) AGREEMENTS WITH NON-FEDERAL ENTITIES.—To carry out subparagraph (A) and subject to subparagraph (C), the Secretary shall permit the directors of the National Laboratories to execute agreements with non-Federal entities, including non-Federal entities already receiving Federal funding that will be used to support activities under agreements executed pursuant to subparagraph (A).

(C) RESTRICTION.—The requirements of chapter 18 of title 35, United States Code (commonly known as the ''Bayh-Dole Act'') shall apply if—

(i) the agreement is a funding agreement (as that term is defined in section 201 of that title); and

(ii) at least 1 of the parties to the funding agreement is eligible to receive rights under that chapter.

(4) SUBMISSION TO SECRETARY.—Each affected director of a National Laboratory shall submit to the Secretary, with respect to each agreement entered into under this subsection—

(A) a summary of information relating to the relevant project;

(B) the total estimated costs of the project;

(C) estimated commencement and completion dates of the project; and

(D) other documentation determined to be appropriate by the Secretary.

(5) CERTIFICATION.—The Secretary shall require the contractor of the affected National Laboratory to certify that each activity carried out under a project for which an agreement is entered into under this subsection—

(A) is not in direct competition with the private sector; and

(B) does not present, or minimizes, any apparent conflict of interest, and avoids or neutralizes any actual conflict of interest, as a result of the agreement under this subsection.

(6) EXTENSION.—The pilot program referred to in paragraph (1) shall be extended for a term of 3 years after the date of enactment of this Act.

(7) REPORTS.—

(A) INITIAL REPORT.—Not later than 60 days after the date described in paragraph (6), the Secretary, in coordination with directors of the National Laboratories, 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 report that—

(i) assesses the overall effectiveness of the pilot program referred to in paragraph (1);

(ii) identifies opportunities to improve the effectiveness of the pilot program;

(iii) assesses the potential for program activities to interfere with the responsibilities of the National Laboratories to the Department; and

(iv) provides a recommendation regarding the future of the pilot program.

(B) ANNUAL REPORTS.—Annually, the Secretary, in coordination with the directors of the National Laboratories, 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 report that accounts for all incidences of, and provides a justification for, non-Federal entities using funds derived from a Federal contract or award to carry out agreements entered into under this subsection.

(c) PUBLIC-PRIVATE PARTNERSHIPS FOR COMMERCIALIZATION.—

(1) IN GENERAL.—Subject to paragraphs (2) through (4), the Secretary shall delegate to directors of the National Laboratories signature authority with respect to any agreement described in paragraph (2) the total cost of which (including the National Laboratory contributions and project recipient cost share) is less than $1,000,000, if the agreement falls within the scope of—

(A) a strategic plan for the National Laboratory that has been approved by the Department; or

(B) the most recent congressionally approved budget for Department activities to be carried out by the National Laboratory.

(2) AGREEMENTS.—Paragraph (1) applies to—

(A) a cooperative research and development agreement;

(B) a non-Federal work-for-others agreement; and

(C) any other agreement determined to be appropriate by the Secretary, in collaboration with the directors of the National Laboratories.

(3) LIMITATION.—Paragraph (1) does not apply to an agreement with a majority-foreign-owned company.

(4) ADMINISTRATION.—

(A) ACCOUNTABILITY.—The director of the affected National Laboratory and the affected contractor shall carry out an agreement under this subsection in accordance with applicable policies of the Department, including by ensuring that the agreement does not compromise any national security, economic, or environmental interest of the United States.

(B) CERTIFICATION.—The director of the affected National Laboratory and the affected contractor shall certify that each activity carried out under a project for which an agreement is entered into under this subsection does not present, or minimizes, any apparent conflict of interest, and avoids or neutralizes any actual conflict of interest, as a result of the agreement under this subsection.

(C) AVAILABILITY OF RECORDS.—On entering an agreement under this subsection, the director of a National Laboratory shall submit to the Secretary for monitoring and review all records of the National Laboratory relating to the agreement.

(D) RATES.—The director of a National Laboratory may charge higher rates for services performed under a partnership agreement entered into pursuant to this subsection, regardless of the full cost of recovery, if the funds are exclusively used to support further research and development activities at the applicable National Laboratory.

(5) CONFORMING AMENDMENT.—Section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a) is amended—

(A) in subsection (a)—

(i) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting the subparagraphs appropriately;

(ii) by striking ''Each Federal agency'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraph (2), each Federal agency''; and

(iii) by adding at the end the following:

''(2) EXCEPTION.—Notwithstanding paragraph (1), in accordance with section 4204(c)(1) of the Energy Policy Modernization Act of 2015, approval by the Secretary of Energy shall not be required for any technology transfer agreement proposed to be entered into by a National Laboratory of the Department of Energy, the total cost of which (including the National Laboratory contributions and project recipient cost share) is less than $1,000,000.''; and

(B) in subsection (b), by striking ''subsection (a)(1)'' each place it appears and inserting ''subsection (a)(1)(A)''.

(d) FUNDING COMPETITIVENESS FOR INSTITUTIONS OF HIGHER EDUCATION AND OTHER NONPROFIT INSTITUTIONS.—

Section 988(b) of the Energy Policy Act of 2005 (42 U.S.C. 16352(b)) is amended—

(1) in paragraph (1), by striking ''Except as provided in paragraphs (2) and (3)'' and inserting ''Except as provided in paragraphs (2), (3), and (4)''; and

(2) by adding at the end the following:

''(4) EXEMPTION FOR INSTITUTIONS OF HIGHER EDUCATION AND OTHER NONPROFIT INSTITUTIONS.—

''(A) IN GENERAL.—Paragraph (1) shall not apply to a research or development activity performed by an institution of higher education or nonprofit institution (as defined in

section 4 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3703)).

''(B) TERMINATION DATE.—The exemption under subparagraph (A) shall apply during the 6-year period beginning on the date of enactment of this paragraph.''.

(e) SAVINGS CLAUSE.—Nothing in this section abrogates or otherwise affects the primary responsibilities of any National Laboratory to the Department.

SEC. 4205. MICROLAB TECHNOLOGY COMMERCIALIZATION.

SA 3100. Ms. WARREN (for herself, Mr. BLUMENTHAL, Mr. SCHUMER, Mr. MENENDEZ, Mr. MURPHY, Mr. NELSON, and Mrs. GILLIBRAND) 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—PUERTO RICO EMERGENCY FINANCIAL STABILITY

SEC. 6001. SHORT TITLE.

This title may be cited as the ''Puerto Rico Emergency Financial Stability Act of 2016''.

SEC. 6002. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The Commonwealth Government is confronted with a dire fiscal emergency and liquidity crisis that imminently threatens the welfare of the people of the Commonwealth, affecting the provision of essential public services including public safety, health care, and education that are needed both to sustain the welfare of the people and the economic ability of the Commonwealth to address any future resolution of debts and legal obligations.

(2) A temporary stay on litigation with respect to debt holders for the Commonwealth is essential to provide breathing space to the Commonwealth, creditors, and the Congress to determine an orderly process for the Commonwealth to address any future resolution of legal obligations and to provide the Commonwealth a path to sustainable growth; and thereby, protect the lives of more than 3,500,000 citizens of the United States living in the Commonwealth.

(3) The Commonwealth is in a state of fiscal emergency brought on by, among other things, a combination of accumulated operating deficits, cash shortages, management inefficiencies, and excessive borrowing.

(4) The Commonwealth Government's debt is unusually complex, with 18 different but inter-related issuers.

(A) There is an even larger number of creditor groups, each of which may have divergent interests.

(B) The debt's unusual complexity will substantially complicate any potential consensual restructuring in the absence of Federal legislation to facilitate the negotiations.

(5) This legislation, which includes a stay on litigation by debt holders, can protect essential government services and help the Commonwealth address its liabilities in an orderly fashion, benefitting all stakeholders.

(A) A temporary stay on litigation is essential to facilitate an orderly process for stabilizing, evaluating, and comprehensively resolving the Commonwealth's fiscal crisis.

(B) Avoiding a disorderly race to the courthouse will benefit creditors as well as other stakeholders.

(C) Furthermore, the stay is only temporary.

(b) PURPOSES.—The purposes of this title are to—

(1) provide a limited period of time to permit Congress to enact comprehensive relief for the Commonwealth, providing it the necessary tools to address its economic and fiscal crisis; and

(2) provide the Commonwealth Government with a tool it needs to address an immediate and imminent crisis that is unprecedented in the history of the United States.

SEC. 6003. EFFECTIVE DATE.

This title shall take effect as though enacted on December 18, 2015.

SEC. 6004. SEVERABILITY.

If any provision of this title or the application thereof to any person or circumstance is held invalid, the remainder of this title, or the application of that provision to persons or circumstances other than those as to which it is held invalid, is not affected thereby.

SEC. 6005. DEFINITIONS.

In this title:

(1) BOND.—The term ''Bond'' means a bond, loan, line of credit, note, or other borrowing title, in physical or dematerialized form, of which—

(A) the issuer, borrower, or guarantor is the Commonwealth Government; and

(B) the date of issuance or incurrence of debt precedes the date of enactment of this Act.

(2) COMMONWEALTH.—The term ''Commonwealth'' means the Commonwealth of Puerto Rico.

(3) COMMONWEALTH GOVERNMENT.—The term ''Commonwealth Government'' means the government of the Commonwealth, including all its political subdivisions, public agencies, instrumentalities, and public corporations.

(4) COURT.—The term ''court'' means the United States District Court for the District of Puerto Rico.

(5) OTHER TERMS.—Any other term that is used in section 6006 and is defined in title 11, United States Code, has the meaning given that term under title 11, United States Code.

SEC. 6006. AUTOMATIC STAY.

(a) Except as otherwise provided in this section, the enactment of this title operates with respect to any claim, debt, or cause of action related to a Bond as a stay, applicable to all entities (as such term is defined in section 101 of title 11, United States Code), of—

(1) the commencement or continuation, including the issuance or employment of process, of a judicial, administrative, or other action or proceeding against the Commonwealth Government or to recover a claim against the Commonwealth Government;

(2) the enforcement, against the Commonwealth Government or against property of the Commonwealth Government, of a judgment;

(3) any act to obtain possession of property of the Commonwealth Government or of property from the Commonwealth Government or to exercise control over property of the Commonwealth Government;

(4) any act to create, perfect, or enforce any lien against property of the Commonwealth Government;

(5) any act to create, perfect, or enforce against property of the Commonwealth Government any lien to the extent that such lien secures a claim;

(6) any act to collect, assess, or recover a claim against the Commonwealth Government; and

(7) the setoff of any debt owing to the Commonwealth Government against any claim against the Commonwealth Government.

(b) The enactment of this title does not operate as a stay under subsection (a) of this section of the continuation of, including the issuance or employment of process, a judicial, administrative, or other action or proceeding against the Commonwealth Government that was commenced on or before the date of enactment of this Act.

(c) Except as provided in subsection (d), (e), or (f), a stay of an act under subsection (a) shall cease to have effect as of April 1, 2016.

(d) On motion of a party in interest and after notice and a hearing, the court may grant relief from a stay under subsection (a)—

(1) for cause, including the lack of adequate protection of a security interest in property of such party in interest; or

(2) with respect to a stay of an act against property under subsection (a), if—

(A) the debtor does not have an equity in such property; and

(B) such property is not necessary for the Commonwealth to provide essential services;

(e) Thirty days after a request under subsection (d) of this section for relief from the stay of any act against property of the Commonwealth Government under subsection (a) of this section, such stay is terminated with respect to the party in interest making such request, unless the court, after notice and a hearing, orders such stay continued in effect pending the conclusion of, or as a result of, a final hearing and determination under subsection (d) of this section. A hearing under this subsection may be a preliminary hearing, or may be consolidated with the final hearing under subsection (d) of this section. The court shall order such stay continued in effect pending the conclusion of the final hearing under subsection (d) of this section if there is a reasonable likelihood that the party opposing relief from such stay will prevail at the conclusion of such final hearing. If the hearing under this subsection is a preliminary hearing, then such final hearing shall be concluded not later than 30 days after the conclusion of such preliminary hearing, unless the 30-day period is extended with the consent of the parties in interest or for a specific time which the court finds is required by compelling circumstances.

(f) Upon request of a party in interest, the court, with or without a hearing, shall grant such relief from the stay provided under subsection (a) of this section as is necessary to prevent irreparable damage to the secured interest of an entity in property, if such interest will suffer such damage before there is an opportunity for notice and a hearing under subsection (d) or (e) of this section.

(g) No order, judgment, or decree entered in violation of this section shall have any force or effect.

(h) In any hearing under subsection (d) or (e) concerning relief from a stay—

(1) the party requesting such relief has the burden of proof on the issue of the debtor's equity in property; and

(2) the party opposing such relief has the burden of proof on all other issues.

SA 3101. Mr. UDALL (for himself, Mr. BENNET, Mr. HEINRICH, Ms. HIRONO, Mr. MARKEY, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

PART V—RENEWABLE ELECTRICITY STANDARD

SEC. 3021. RENEWABLE ELECTRICITY STANDARD.

(a) IN GENERAL.—Title VI of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.) is amended by adding at the end the following:

"SEC. 610. RENEWABLE ELECTRICITY STANDARD.

''(a) DEFINITIONS.—In this section:

''(1) BASE QUANTITY OF ELECTRICITY.—

''(A) IN GENERAL.—The term 'base quantity of electricity' means the total quantity of electric energy sold by a retail electric supplier, expressed in terms of kilowatt hours, to electric customers for purposes other than resale during the most recent calendar year for which information is available.

''(B) EXCLUSIONS.—The term 'base quantity of electricity' does not include—

''(i) electric energy that is not incremental hydropower generated by a hydroelectric facility; and

''(ii) electricity generated through the incineration of municipal solid waste.

''(2) BIOMASS.—

''(A) IN GENERAL.—The term 'biomass' means—

''(i) cellulosic (plant fiber) organic materials from a plant that is planted for the purpose of being used to produce energy;

''(ii) nonhazardous plant or algal matter that is derived from—

''(I) an agricultural crop, crop byproduct, or residue resource; or

''(II) waste, such as landscape or right-of-way trimmings (but not including municipal solid waste, recyclable postconsumer waste paper, painted, treated, or pressurized wood, wood contaminated with plastic, or metals);

''(iii) animal waste or animal byproducts; and

''(iv) landfill methane.

''(B) NATIONAL FOREST LAND AND CERTAIN OTHER PUBLIC LAND.—In the case of organic material removed from National Forest System land or from public land administered by the Secretary of the Interior, the term 'biomass' means only organic material from—

''(i) ecological forest restoration;

''(ii) precommercial thinnings;

''(iii) brush;

''(iv) mill residues; or

''(v) slash.

''(C) EXCLUSION OF CERTAIN FEDERAL LAND.—Notwithstanding subparagraph (B), the term 'biomass' does not include material or matter that would otherwise qualify as biomass if the material or matter is located on the following Federal land:

''(i) Federal land containing old growth forest or late successional forest unless the Secretary of the Interior or the Secretary of Agriculture determines that the removal of organic material from the land—

''(I) is appropriate for the applicable forest type; and

''(II) maximizes the retention of—

''(aa) late-successional and large and old growth trees;

''(bb) late-successional and old growth forest structure; and

''(cc) late-successional and old growth forest composition.

''(ii) Federal land on which the removal of vegetation is prohibited, including components of the National Wilderness Preservation System.

''(iii) Wilderness study areas.

''(iv) Inventoried roadless areas.

''(v) Components of the National Landscape Conservation System.

''(vi) National Monuments.

''(3) EXISTING FACILITY.—The term 'existing facility' means a facility for the generation of electric energy from a renewable energy resource that is not an eligible facility.

''(4) INCREMENTAL HYDROPOWER.—The term 'incremental hydropower' means additional generation that is achieved from increased efficiency or additions of capacity made on or after—

''(A) the date of enactment of this section; or

''(B) the effective date of an existing applicable State renewable portfolio standard program at a hydroelectric facility that was placed in service before that date.

''(5) INDIAN LAND.—The term 'Indian land' means—

''(A) any land within the limits of any Indian reservation, pueblo, or rancheria;

''(B) any land not within the limits of any Indian reservation, pueblo, or rancheria title to which on the date of enactment of this section was held by—

''(i) the United States for the benefit of any Indian tribe or individual; or

''(ii) any Indian tribe or individual subject to restriction by the United States against alienation;

''(C) any dependent Indian community; or

''(D) any land conveyed to any Alaska Native corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

''(6) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaskan Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

''(7) RENEWABLE ENERGY.—The term 'renewable energy' means electric energy generated by a renewable energy resource.

''(8) RENEWABLE ENERGY RESOURCE.—The term 'renewable energy resource' means solar, wind, ocean, tidal, geothermal energy, biomass, landfill gas, incremental hydropower, or hydrokinetic energy.

''(9) REPOWERING OR COFIRING INCREMENT.—The term 'repowering or cofiring increment' means—

''(A) the additional generation from a modification that is placed in service on or after the date of enactment of this section, to expand electricity production at a facility used to generate electric energy from a renewable energy resource;

''(B) the additional generation above the average generation during the 3-year period ending on the date of enactment of this section at a facility used to generate electric energy from a renewable energy resource or to cofire biomass that was placed in service before the date of enactment of this section; or

''(C) the portion of the electric generation from a facility placed in service on or after the date of enactment of this section, or a modification to a facility placed in service before the date of enactment of this section made on or after January 1, 2001, associated with cofiring biomass.

''(10) RETAIL ELECTRIC SUPPLIER.—

''(A) IN GENERAL.—The term 'retail electric supplier' means a person that sells electric energy to electric consumers that sold not less than 1,000,000 megawatt hours of electric energy to electric consumers for purposes other than resale during the preceding calendar year.

''(B) INCLUSION.—The term 'retail electric supplier' includes a person that sells electric energy to electric consumers that, in combination with the sales of any affiliate organized after the date of enactment of this section, sells not less than 1,000,000 megawatt hours of electric energy to consumers for purposes other than resale.

''(C) SALES TO PARENT COMPANIES OR AFFILIATES.—For purposes of this paragraph, sales by any person to a parent company or to other affiliates of the person shall not be treated as sales to electric consumers.

''(D) GOVERNMENTAL AGENCIES.—

''(i) IN GENERAL.—Except as provided in clause (ii), the term 'retail electric supplier' does not include—

''(I) the United States, a State, any political subdivision of a State, or any agency, authority, or instrumentality of the United States, State, or political subdivision; or

''(II) a rural electric cooperative.

''(ii) INCLUSION.—The term 'retail electric supplier' includes an entity that is a political subdivision of a State, or an agency, authority, or instrumentality of the United States, a State, a political subdivision of a State, a rural electric cooperative that sells electric energy to electric consumers, or any other entity that sells electric energy to electric consumers that would not otherwise qualify as a retail electric supplier if the entity notifies the Secretary that the entity voluntarily agrees to participate in the Federal renewable electricity standard program.

''(b) COMPLIANCE.—For calendar year 2016 and each calendar year thereafter, each retail electric supplier shall meet the requirements of subsection (c) by submitting to the Secretary, not later than April 1 of the following calendar year, 1 or more of the following:

''(1) Federal renewable energy credits issued under subsection (e).

''(2) Certification of the renewable energy generated and electricity savings pursuant to the funds associated with State compliance payments as specified in subsection (e)(4)(G).

''(3) Alternative compliance payments pursuant to subsection (h).

''(c) REQUIRED ANNUAL PERCENTAGE.—For each of calendar years 2016 through 2039, the required annual percentage of the base quantity of electricity of a retail electric supplier that shall be generated from renewable energy resources, or otherwise credited towards the percentage requirement pursuant to subsection (d), shall be the applicable percentage specified in the following table:

"Calendar Years	Required Amount Percentage
2016	7.5
2017	8.0
2018	9.0
2019	10.5
2020	12.0
2021	13.5
2022	15.0
2023	16.5
2024	18.0
2025	20.0
2026	22.0
2027	24.0
2028	26.0
2029	28.0
2030 and thereafter through 2039	30.0.

''(d) RENEWABLE ENERGY CREDITS.—

''(1) IN GENERAL.—A retail electric supplier may satisfy the requirements of subsection (b)(1) through the submission of Federal renewable energy credits—

''(A) issued to the retail electric supplier under subsection (e);

''(B) obtained by purchase or exchange under subsection (f); or

''(C) borrowed under subsection (g).

''(2) FEDERAL RENEWABLE ENERGY CREDITS.—A Federal renewable energy credit may be counted toward compliance with subsection (b)(1) only once.

''(e) ISSUANCE OF FEDERAL RENEWABLE ENERGY CREDITS.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section,

the Secretary shall establish by rule a program—

''(A) to verify and issue Federal renewable energy credits to generators of renewable energy;

''(B) to track the sale, exchange, and retirement of the credits; and

''(C) to enforce the requirements of this section.

''(2) EXISTING NON-FEDERAL TRACKING SYSTEMS.—To the maximum extent practicable, in establishing the program, the Secretary shall rely on existing and emerging State or regional tracking systems that issue and track non-Federal renewable energy credits.

''(3) APPLICATION.—

''(A) IN GENERAL.—An entity that generates electric energy through the use of a renewable energy resource may apply to the Secretary for the issuance of renewable energy credits.

''(B) ELIGIBILITY.—To be eligible for the issuance of the credits, the applicant shall demonstrate to the Secretary that—

''(i) the electric energy will be transmitted onto the grid; or

''(ii) in the case of a generation offset, the electric energy offset would have otherwise been consumed onsite.

''(C) CONTENTS.—The application shall indicate—

''(i) the type of renewable energy resource that is used to produce the electricity;

''(ii) the location at which the electric energy will be produced; and

''(iii) any other information the Secretary determines appropriate.

''(4) QUANTITY OF FEDERAL RENEWABLE ENERGY CREDITS.—

''(A) IN GENERAL.—Except as otherwise provided in this paragraph, the Secretary shall issue to a generator of electric energy 1 Federal renewable energy credit for each kilowatt hour of electric energy generated by the use of a renewable energy resource at an eligible facility.

''(B) INCREMENTAL HYDROPOWER.—

''(i) IN GENERAL.—For purpose of compliance with this section, Federal renewable energy credits for incremental hydropower shall be based on the increase in average annual generation resulting from the efficiency improvements or capacity additions.

''(ii) WATER FLOW INFORMATION.—The incremental generation shall be calculated using the same water flow information that is—

''(I) used to determine a historic average annual generation baseline for the hydroelectric facility; and

''(II) certified by the Secretary or the Federal Energy Regulatory Commission.

''(iii) OPERATIONAL CHANGES.—The calculation of the Federal renewable energy credits for incremental hydropower shall not be based on any operational changes at the hydroelectric facility that is not directly associated with the efficiency improvements or capacity additions.

''(C) INDIAN LAND.—

''(i) IN GENERAL.—The Secretary shall issue 2 renewable energy credits for each kilowatt hour of electric energy generated and supplied to the grid in a calendar year through the use of a renewable energy resource at an eligible facility located on Indian land.

''(ii) BIOMASS.—For purposes of this paragraph, renewable energy generated by biomass cofired with other fuels is eligible for 2 credits only if the biomass was grown on the land.

''(D) ON-SITE ELIGIBLE FACILITIES.—

''(i) IN GENERAL.—In the case of electric energy generated by a renewable energy resource at an on-site eligible facility that is not larger than 1 megawatt in capacity and is used to offset all or part of the requirements of a customer for electric energy, the Secretary shall issue 3 renewable energy credits to the customer for each kilowatt hour generated.

''(ii) INDIAN LAND.—In the case of an on-site eligible facility on Indian land, the Secretary shall issue not more than 3 credits per kilowatt hour.

''(E) COMBINATION OF RENEWABLE AND NONRENEWABLE ENERGY RESOURCES.—If both a renewable energy resource and a nonrenewable energy resource are used to generate the electric energy, the Secretary shall issue the Federal renewable energy credits based on the proportion of the renewable energy resources used.

''(F) RETAIL ELECTRIC SUPPLIERS.—If a generator has sold electric energy generated through the use of a renewable energy resource to a retail electric supplier under a contract for power from an existing facility and the contract has not determined ownership of the Federal renewable energy credits associated with the generation, the Secretary shall issue the Federal renewable energy credits to the retail electric supplier for the duration of the contract.

''(G) COMPLIANCE WITH STATE RENEWABLE PORTFOLIO STANDARD PROGRAMS.—Payments made by a retail electricity supplier, directly or indirectly, to a State for compliance with a State renewable portfolio standard program, or for an alternative compliance mechanism, shall be valued at 1 credit per kilowatt hour for the purpose of subsection (b)(2) based on the quantity of electric energy generation from renewable resources that results from the payments.

''(f) RENEWABLE ENERGY CREDIT TRADING.—

''(1) IN GENERAL.—A Federal renewable energy credit may be sold, transferred, or exchanged by the entity to whom the credit is issued or by any other entity that acquires the Federal renewable energy credit, other than renewable energy credits from existing facilities.

''(2) CARRYOVER.—A Federal renewable energy credit for any year that is not submitted to satisfy the minimum renewable generation requirement of subsection (c) for that year may be carried forward for use pursuant to subsection (b)(1) within the next 3 years.

''(3) DELEGATION.—The Secretary may delegate to an appropriate market-making entity the administration of a national tradeable renewable energy credit market for purposes of creating a transparent national market for the sale or trade of renewable energy credits.

''(g) RENEWABLE ENERGY CREDIT BORROWING.—

''(1) IN GENERAL.—Not later than December 31, 2016, a retail electric supplier that has reason to believe the retail electric supplier will not be able to fully comply with subsection (b) may—

''(A) submit a plan to the Secretary demonstrating that the retail electric supplier will earn sufficient Federal renewable energy credits within the next 3 calendar years that, when taken into account, will enable the retail electric supplier to meet the requirements of subsection (b) for calendar year 2016 and the subsequent calendar years involved; and

''(B) on the approval of the plan by the Secretary, apply Federal renewable energy credits that the plan demonstrates will be earned within the next 3 calendar years to meet the requirements of subsection (b) for each calendar year involved.

''(2) REPAYMENT.—The retail electric supplier shall repay all of the borrowed Federal renewable energy credits by submitting an equivalent number of Federal renewable energy credits, in addition to the credits otherwise required under subsection (b), by calendar year 2023 or any earlier deadlines specified in the approved plan.

''(h) ALTERNATIVE COMPLIANCE PAYMENTS.—As a means of compliance under subsection (b)(4), the Secretary shall accept payment equal to the lesser of—

''(1) 200 percent of the average market value of Federal renewable energy credits and Federal energy efficiency credits for the applicable compliance period; or

''(2) 3 cents per kilowatt hour (as adjusted on January 1 of each year following calendar year 2006 based on the implicit price deflator for the gross national product).

''(i) INFORMATION COLLECTION.—The Secretary may collect the information necessary to verify and audit—

''(1)(A) the annual renewable energy generation of any retail electric supplier; and

''(B) Federal renewable energy credits submitted by a retail electric supplier pursuant to subsection (b)(1);

''(2) the validity of Federal renewable energy credits submitted for compliance by a retail electric supplier to the Secretary; and

''(3) the quantity of electricity sales of all retail electric suppliers.

''(j) ENVIRONMENTAL SAVINGS CLAUSE.—Incremental hydropower shall be subject to all applicable environmental laws and licensing and regulatory requirements.

''(k) STATE PROGRAMS.—

''(1) IN GENERAL.—Nothing in this section diminishes any authority of a State or political subdivision of a State—

''(A) to adopt or enforce any law (including regulations) respecting renewable energy, including programs that exceed the required quantity of renewable energy under this section; or

''(B) to regulate the acquisition and disposition of Federal renewable energy credits by retail electric suppliers.

''(2) COMPLIANCE WITH SECTION.—No law or regulation referred to in paragraph (1)(A) shall relieve any person of any requirement otherwise applicable under this section.

''(3) COORDINATION WITH STATE PROGRAM.—The Secretary, in consultation with States that have in effect renewable energy programs, shall—

''(A) preserve the integrity of the State programs, including programs that exceed the required quantity of renewable energy under this section; and

''(B) facilitate coordination between the Federal program and State programs.

''(4) EXISTING RENEWABLE ENERGY PROGRAMS.—In the regulations establishing the program under this section, the Secretary shall incorporate common elements of existing renewable energy programs, including State programs, to ensure administrative ease, market transparency and effective enforcement.

''(5) MINIMIZATION OF ADMINISTRATIVE BURDENS AND COSTS.—In carrying out this section, the Secretary shall work with the States to minimize administrative burdens and costs to retail electric suppliers.

''(l) RECOVERY OF COSTS.—An electric utility that has sales of electric energy that are subject to rate regulation (including any utility with rates that are regulated by the Commission and any State regulated electric utility) shall not be denied the opportunity to recover the full amount of the prudently incurred incremental cost of renewable energy obtained to comply with the requirements of subsection (b).

''(m) PROGRAM REVIEW.—

''(1) IN GENERAL.—The Secretary shall enter into an arrangement with the National Academy of Sciences under which the Academy shall conduct a comprehensive evaluation of all aspects of the program established under this section.

''(2) EVALUATION.—The study shall include an evaluation of—

''(A) the effectiveness of the program in increasing the market penetration and lowering the cost of the eligible renewable energy technologies;

''(B) the opportunities for any additional technologies and sources of renewable energy emerging since the date of enactment of this section;

''(C) the impact on the regional diversity and reliability of supply sources, including the power quality benefits of distributed generation;

''(D) the regional resource development relative to renewable potential and reasons for any investment in renewable resources; and

''(E) the net cost/benefit of the renewable electricity standard to the national and State economies, including—

''(i) retail power costs;

''(ii) the economic development benefits of investment;

''(iii) avoided costs related to environmental and congestion mitigation investments that would otherwise have been required;

''(iv) the impact on natural gas demand and price; and

''(v) the effectiveness of green marketing programs at reducing the cost of renewable resources.

''(3) REPORT.—Not later than January 1, 2019, the Secretary shall transmit to Congress a report describing the results of the evaluation and any recommendations for modifications and improvements to the program.

''(n) STATE RENEWABLE ENERGY ACCOUNT.—

''(1) IN GENERAL.—There is established in the Treasury a State renewable energy account.

''(2) DEPOSITS.—All money collected by the Secretary from the alternative compliance payments under subsection (h) shall be deposited into the State renewable energy account established under paragraph (1).

''(3) GRANTS.—

''(A) IN GENERAL.—Proceeds deposited in the State renewable energy account shall be used by the Secretary, subject to annual appropriations, for a program to provide grants—

''(i) to the State agency responsible for administering a fund to promote renewable energy generation for customers of the State or an alternative agency designated by the State; or

''(ii) if no agency described in clause (i), to the State agency developing State energy conservation plans under section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322).

''(B) USE.—The grants shall be used for the purpose of—

''(i) promoting renewable energy production; and

''(ii) providing energy assistance and weatherization services to low-income consumers.

''(C) CRITERIA.—The Secretary may issue guidelines and criteria for grants awarded under this paragraph.

''(D) STATE-APPROVED FUNDING MECHANISMS.—At least 75 percent of the funds provided to each State for each fiscal year shall be used to promote renewable energy production through grants, production incentives, or other State-approved funding mechanisms.

''(E) ALLOCATION.—The funds shall be allocated to the States on the basis of retail electric sales subject to the renewable electricity standard under this section or through voluntary participation.

''(F) RECORDS.—State agencies receiving grants under this paragraph shall maintain such records and evidence of compliance as the Secretary may require.''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. prec. 2601) is amended by adding at the end of the items relating to title VI the following:

''Sec. 609. Rural and remote communities electrification grants.

''Sec. 610. Renewable electricity standard.''.

SA 3102. Mr. UDALL submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. CLEAN ENERGY VICTORY BONDS.

(a) IN GENERAL.—Not later than July 1, 2016, the Secretary of the Treasury, in coordination with the Secretary of Energy and the Secretary of Defense, shall submit a report to Congress that provides recommendations for the establishment, issuance, and promotion of Clean Energy Victory Bonds by the Department of the Treasury (referred to in this section as the ''Clean Energy Victory Bonds Program'').

(b) REQUIREMENTS.—For purposes of subsection (a), the Clean Energy Victory Bonds Program shall be designed to—

(1) ensure that any available proceeds from the issuance of Clean Energy Victory Bonds are used to finance clean energy projects (as defined in subsection (c)) at the Federal, State, and local level, which may include—

(A) providing additional support to existing Federal financing programs available to States for energy efficiency upgrades and clean energy deployment, and

(B) providing funding for clean energy investments by the Department of Defense and other Federal agencies,

(2) provide for payment of interest to persons holding Clean Energy Victory Bonds through such methods as are determined appropriate by the Secretary of the Treasury, including amounts—

(A) recaptured from savings achieved through reduced energy spending by entities receiving any funding or financial assistance described in paragraph (1), and

(B) collected as interest on loans financed or guaranteed under the Clean Energy Victory Bonds Program,

(3) issue bonds in denominations of not less than $25 or such amount as is determined appropriate by the Secretary of the Treasury to make them generally accessible to the public, and

(4) collect not more than $50,000,000,000 in revenue from the issuance of Clean Energy Victory Bonds for purposes of financing clean energy projects described in paragraph (1).

(c) CLEAN ENERGY PROJECT.—The term ''clean energy project'' means a project which provides—

(1) performance-based energy efficiency improvements, or

(2) clean energy improvements, including—

(A) electricity generated from solar, wind, geothermal, micro-hydropower, and hydrokinetic energy sources,

(B) fuel cells using non-fossil fuel sources,

(C) advanced batteries,

(D) next generation biofuels from non-food feedstocks, and

(E) electric vehicle infrastructure.

SA 3103. 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REMOVAL OF LIMITS ON LIABILITY FOR OFFSHORE FACILITIES.

Section 1004(a)(3) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(3)) is amended by striking ''plus $75,000,000'' and inserting ''and the liability of the responsible party under section 1002''.

SA 3104. Mr. MENENDEZ (for himself, Ms. WARREN, Mr. BOOKER, Ms. MIKULSKI, Mr. MARKEY, Mr. BLUMENTHAL, Mr. SANDERS, Mr. WHITEHOUSE, Mr. NELSON, 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 of subtitle B of title III, add the following:

SEC. 31____. PROHIBITION OF OIL AND GAS LEASING IN CERTAIN AREAS OF THE OUTER CONTINENTAL SHELF.

Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by adding at the end the following:

''(q) PROHIBITION OF OIL AND GAS LEASING IN CERTAIN AREAS OF THE OUTER CONTINENTAL SHELF.—Notwithstanding any other provision of this section or any other law, the Secretary of the Interior shall not issue a lease or any other authorization for the exploration, development, or production of oil, natural gas, or any other mineral in—

''(1) the Mid-Atlantic planning area;

''(2) the South Atlantic planning area; or

''(3) the North Atlantic planning area.''.

SA 3105. Mr. MENENDEZ (for himself, Mr. MARKEY, Ms. MIKULSKI, Mr. WHITEHOUSE, Mr. MERKLEY, Mrs. MURRAY, Mr. NELSON, Mr. LEAHY, Mr. CARDIN, Mrs. BOXER, Ms. KLOBUCHAR, and Mr. FRANKEN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE VI—ELIMINATING TAX LOOPHOLES FOR BIG OIL

SEC. 6001. SHORT TITLE.

This title may be cited as the ''Close Big Oil Tax Loopholes Act''.

Subtitle A—Close Big Oil Tax Loopholes

SEC. 6011. MODIFICATIONS OF FOREIGN TAX CREDIT RULES APPLICABLE TO MAJOR INTEGRATED OIL COMPANIES WHICH ARE DUAL CAPACITY TAXPAYERS.

(a) IN GENERAL.—Section 901 of the Internal Revenue Code of 1986 is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

''(n) SPECIAL RULES RELATING TO MAJOR INTEGRATED OIL COMPANIES WHICH ARE DUAL CAPACITY TAXPAYERS.—

''(1) GENERAL RULE.—Notwithstanding any other provision of this chapter, any amount paid or accrued by a dual capacity taxpayer which is a major integrated oil company

(within the meaning of section 167(h)(5)) to a foreign country or possession of the United States for any period shall not be considered a tax—

''(A) if, for such period, the foreign country or possession does not impose a generally applicable income tax, or

''(B) to the extent such amount exceeds the amount (determined in accordance with regulations) which—

''(i) is paid by such dual capacity taxpayer pursuant to the generally applicable income tax imposed by the country or possession, or

''(ii) would be paid if the generally applicable income tax imposed by the country or possession were applicable to such dual capacity taxpayer.

Nothing in this paragraph shall be construed to imply the proper treatment of any such amount not in excess of the amount determined under subparagraph (B).

''(2) DUAL CAPACITY TAXPAYER.—For purposes of this subsection, the term 'dual capacity taxpayer' means, with respect to any foreign country or possession of the United States, a person who—

''(A) is subject to a levy of such country or possession, and

''(B) receives (or will receive) directly or indirectly a specific economic benefit (as determined in accordance with regulations) from such country or possession.

''(3) GENERALLY APPLICABLE INCOME TAX.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'generally applicable income tax' means an income tax (or a series of income taxes) which is generally imposed under the laws of a foreign country or possession on income derived from the conduct of a trade or business within such country or possession.

''(B) EXCEPTIONS.—Such term shall not include a tax unless it has substantial application, by its terms and in practice, to—

''(i) persons who are not dual capacity taxpayers, and

''(ii) persons who are citizens or residents of the foreign country or possession.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxes paid or accrued in taxable years beginning after the date of the enactment of this Act.

(2) CONTRARY TREATY OBLIGATIONS UPHELD.—The amendments made by this section shall not apply to the extent contrary to any treaty obligation of the United States.

SEC. 6012. LIMITATION ON SECTION 199 DEDUCTION ATTRIBUTABLE TO OIL, NATURAL GAS, OR PRIMARY PRODUCTS THEREOF.

(a) DENIAL OF DEDUCTION.—Paragraph (4) of section 199(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(E) SPECIAL RULE FOR CERTAIN OIL AND GAS INCOME.—In the case of any taxpayer who is a major integrated oil company (within the meaning of section 167(h)(5)) for the taxable year, the term 'domestic production gross receipts' shall not include gross receipts from the production, refining, processing, transportation, or distribution of oil, gas, or any primary product (within the meaning of subsection (d)(9)) thereof.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2015.

SEC. 6013. LIMITATION ON DEDUCTION FOR INTANGIBLE DRILLING AND DEVELOPMENT COSTS; AMORTIZATION OF DISALLOWED AMOUNTS.

(a) IN GENERAL.—Section 263(c) of the Internal Revenue Code of 1986 is amended to read as follows:

''(c) INTANGIBLE DRILLING AND DEVELOPMENT COSTS IN THE CASE OF OIL AND GAS WELLS AND GEOTHERMAL WELLS.—

''(1) IN GENERAL.—Notwithstanding subsection (a), and except as provided in subsection (i), regulations shall be prescribed by the Secretary under this subtitle corresponding to the regulations which granted the option to deduct as expenses intangible drilling and development costs in the case of oil and gas wells and which were recognized and approved by the Congress in House Concurrent Resolution 50, Seventy-ninth Congress. Such regulations shall also grant the option to deduct as expenses intangible drilling and development costs in the case of wells drilled for any geothermal deposit (as defined in section 613(e)(2)) to the same extent and in the same manner as such expenses are deductible in the case of oil and gas wells. This subsection shall not apply with respect to any costs to which any deduction is allowed under section 59(e) or 291.

''(2) EXCLUSION.—

''(A) IN GENERAL.—This subsection shall not apply to amounts paid or incurred by a taxpayer in any taxable year in which such taxpayer is a major integrated oil company (within the meaning of section 167(h)(5)).

''(B) AMORTIZATION OF AMOUNTS NOT ALLOWABLE AS DEDUCTIONS UNDER SUBPARAGRAPH (A).—The amount not allowable as a deduction for any taxable year by reason of subparagraph (A) shall be allowable as a deduction ratably over the 60-month period beginning with the month in which the costs are paid or incurred. For purposes of section 1254, any deduction under this subparagraph shall be treated as a deduction under this subsection.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2015.

SEC. 6014. LIMITATION ON PERCENTAGE DEPLETION ALLOWANCE FOR OIL AND GAS WELLS.

(a) IN GENERAL.—Section 613A of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(f) APPLICATION WITH RESPECT TO MAJOR INTEGRATED OIL COMPANIES.—In the case of any taxable year in which the taxpayer is a major integrated oil company (within the meaning of section 167(h)(5)), the allowance for percentage depletion shall be zero.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2015.

SEC. 6015. LIMITATION ON DEDUCTION FOR TERTIARY INJECTANTS.

(a) IN GENERAL.—Section 193 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(d) APPLICATION WITH RESPECT TO MAJOR INTEGRATED OIL COMPANIES.—

''(1) IN GENERAL.—This section shall not apply to amounts paid or incurred by a taxpayer in any taxable year in which such taxpayer is a major integrated oil company (within the meaning of section 167(h)(5)).

''(2) AMORTIZATION OF AMOUNTS NOT ALLOWABLE AS DEDUCTIONS UNDER PARAGRAPH (1).—The amount not allowable as a deduction for any taxable year by reason of paragraph (1) shall be allowable as a deduction ratably over the 60-month period beginning with the month in which the costs are paid or incurred.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2015.

SEC. 6016. MODIFICATION OF DEFINITION OF MAJOR INTEGRATED OIL COMPANY.

(a) IN GENERAL.—Paragraph (5) of section 167(h) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(C) CERTAIN SUCCESSORS IN INTEREST.—For purposes of this paragraph, the term 'major integrated oil company' includes any successor in interest of a company that was described in subparagraph (B) in any taxable year, if such successor controls more than 50 percent of the crude oil production or natural gas production of such company.''.

(b) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Subparagraph (B) of section 167(h)(5) of the Internal Revenue Code of 1986 is amended by inserting ''except as provided in subparagraph (C),'' after ''For purposes of this paragraph,''.

(2) TAXABLE YEARS TESTED.—Clause (iii) of section 167(h)(5)(B) of such Code is amended—

(A) by striking ''does not apply by reason of paragraph (4) of section 613A(d)'' and inserting ''did not apply by reason of paragraph (4) of section 613A(d) for any taxable year after 2004'', and

(B) by striking ''does not apply'' in subclause (II) and inserting ''did not apply for the taxable year''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2015.

Subtitle B—Outer Continental Shelf Oil and Natural Gas

SEC. 6021. REPEAL OF OUTER CONTINENTAL SHELF DEEP WATER AND DEEP GAS ROYALTY RELIEF.

(a) IN GENERAL.—Sections 344 and 345 of the Energy Policy Act of 2005 (42 U.S.C. 15904, 15905) are repealed.

(b) ADMINISTRATION.—The Secretary of the Interior shall not be required to provide for royalty relief in the lease sale terms beginning with the first lease sale held on or after the date of enactment of this Act for which a final notice of sale has not been published.

Subtitle C—Miscellaneous

SEC. 6031. DEFICIT REDUCTION.

The net amount of any savings realized as a result of the enactment of this title and the amendments made by this title (after any expenditures authorized by this title and the amendments made by this title) shall be deposited in the Treasury and used for Federal budget deficit reduction or, if there is no Federal budget deficit, for reducing the Federal debt in such manner as the Secretary of the Treasury considers appropriate.

SEC. 6032. BUDGETARY EFFECTS.

The budgetary effects of this title, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SA 3106. 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) PROPOSED RULE.—The term ''proposed rule'' means the proposed rule of the BSEE entitled ''Oil and Gas and Sulphur Operations in the Outer Continental Shelf – Blowout Preventer Systems and Well Control'' (80 Fed. Reg. 21504 (April 17, 2015)).

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

(b) REPORT REQUIRED.—Not later than the later of 90 days after the date of enactment of this Act or the day before the date of publication of the final version of the proposed rule, 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 the proposed rule—

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

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

(3) to identify and provide justification for any improvements to safety claimed in the proposed regulations and rules.

SA 3107. 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:

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

SEC. 44___. NATIONAL SCENIC TRAILS.

(a) NORTH COUNTRY NATIONAL SCENIC TRAIL.—Section 5(a)(8) of the National Trails System Act (16 U.S.C. 1244(a)(8)) is amended, in the third sentence, by inserting ''as a unit of the National Park System'' before the period at the end.

(b) ICE AGE NATIONAL SCENIC TRAIL.—Section 5(a)(10) of the National Trails System Act (16 U.S.C. 1244(a)(10)) is amended by striking the third and fourth sentences and inserting ''The trail shall be administered by the Secretary of the Interior as a unit of the National Park System.''.

(c) NEW ENGLAND NATIONAL SCENIC TRAIL.—Section 5(a)(28) of the National Trails System Act (16 U.S.C. 1244(a)(28)) is amended, in the third sentence, by inserting ''as a unit of the National Park System'' after ''administer the trail''.

SA 3108. Mr. WYDEN (for himself and Mr. CRAPO) 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—FOREST WILDFIRE FUNDING AND FOREST MANAGEMENT

Subtitle A—Major Disaster for Wildfire on Federal Land

SEC. 6001. WILDFIRE ON FEDERAL LAND.

Section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) is amended—

(1) by striking ''(2)'' and all that follows through ''means'' and inserting the following:

''(2) MAJOR DISASTER.—

''(A) MAJOR DISASTER.—The term 'major disaster' means''; and

(2) by adding at the end the following:

''(B) MAJOR DISASTER FOR WILDFIRE ON FEDERAL LAND.—The term 'major disaster for wildfire on Federal land' means any wildfire or wildfires, which in the determination of the President under section 802 warrants assistance under section 803 to supplement the efforts and resources of the Department of the Interior or the Department of Agriculture—

''(i) on Federal land; or

''(ii) on non-Federal land pursuant to a fire protection agreement or cooperative agreement.''.

SEC. 6002. DECLARATION OF A MAJOR DISASTER FOR WILDFIRE ON FEDERAL LAND.

The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.) is amended by adding at the end the following:

''TITLE VIII—MAJOR DISASTER FOR WILDFIRE ON FEDERAL LAND

''SEC. 801. DEFINITIONS.

''In this title:

''(1) FEDERAL LAND.—The term 'Federal land' means—

''(A) any land under the jurisdiction of the Department of the Interior; and

''(B) any land under the jurisdiction of the United States Forest Service.

''(2) FEDERAL LAND MANAGEMENT AGENCIES.—The term 'Federal land management agencies' means—

''(A) the Bureau of Land Management;

''(B) the National Park Service;

''(C) the Bureau of Indian Affairs;

''(D) the United States Fish and Wildlife Service; and

''(E) the United States Forest Service.

''(3) WILDFIRE SUPPRESSION OPERATIONS.—The term 'wildfire suppression operations' means the emergency and unpredictable aspects of wildland firefighting, including support, response, emergency stabilization activities, and other emergency management activities of wildland firefighting on Federal land (or on non-Federal land pursuant to a fire protection agreement or cooperative agreement) by the Federal land management agencies covered by the wildfire suppression subactivity of the Wildland Fire Management accounts or the FLAME Wildfire Suppression Reserve Fund account of the Federal land management agencies.

''SEC. 802. PROCEDURE FOR DECLARATION OF A MAJOR DISASTER FOR WILDFIRE ON FEDERAL LAND.

''(a) IN GENERAL.—The Secretary of the Interior or the Secretary of Agriculture may submit a request to the President consistent with the requirements of this title for a declaration by the President that a major disaster for wildfire on Federal land exists.

''(b) REQUIREMENTS.—A request for a declaration by the President that a major disaster for wildfire on Federal land exists shall—

''(1) be made in writing by the respective Secretary;

''(2) certify that, in the current fiscal year, the amount appropriated for wildfire suppression operations of the Federal land management agencies under the jurisdiction of the respective Secretary, net of any concurrently enacted rescissions of wildfire suppression funds, increases the total unobligated balance of amounts available for wildfire suppression by an amount equal to at least 70 percent of the average total costs incurred by the Federal land management agencies per year for wildfire suppression operations, including the suppression costs in excess of appropriated amounts, over the previous ten fiscal years;

''(3) certify that, in the current fiscal year, an amount equal to at least 30 percent of the average total costs incurred by the Federal land management agencies per year for wildfire suppression operations, including the suppression costs in excess of appropriated amounts, over the previous ten fiscal years, has been appropriated for the Federal land management agencies under the jurisdiction of the respective Secretary for the purpose funding—

''(A) projects and activities on Federal land that improve the fire regime of areas that meet the desired future conditions of the applicable land and resource management plan or land use plan; or

''(B) restoration and resiliency projects and activities on Federal land that meet the desired future conditions of the applicable land and resource management plan or land use plan;

''(4) certify that, in the current fiscal year—

''(A) the total of the amounts certified under paragraphs (2) and (3) are equal to at least 100 percent of the average total costs incurred by the Federal land management agencies per year for wildfire suppression operations, including the suppression costs in excess of appropriated amounts, over the previous ten fiscal years; and

''(B) the amount certified under paragraph (3) is in addition to and supplements other appropriations for the Federal land management agencies for projects and activities of the type described in subparagraphs (A) and (B) of paragraph (3) that equal or exceed the total amount appropriated for such projects and activities for fiscal year 2015, subject to the condition that such 2015 threshold amount shall be adjusted annually beginning with fiscal year 2017 to reflect changes over the preceding fiscal year in the Consumer Price Index for all-urban consumers published by the Secretary of Labor;

''(5) certify that the amount available for wildfire suppression operations of the Federal land management agencies under the jurisdiction of the respective Secretary will be obligated not later than 30 days after such Secretary notifies the President that wildfire suppression funds will be exhausted to fund ongoing and anticipated wildfire suppression operations related to the wildfire on which the request for the declaration of a major disaster for wildfire on Federal land pursuant to this title is based; and

''(6) specify the amount required in the current fiscal year to fund wildfire suppression operations related to the wildfire on which the request for the declaration of a major disaster for wildfire on Federal land pursuant to this title is based.

''(c) DECLARATION.—Based on the request of the respective Secretary under this title, the President may declare that a major disaster for wildfire on Federal land exists.

''(d) LIST OF PROJECTS REPORTING REQUIREMENT.—Not later than November 1 of each fiscal year, the Secretary of Agriculture and the Secretary of the Interior shall each submit to the Committees on Agriculture, Appropriations, and Natural Resources of the House of Representatives and the Committees on Agriculture, Nutrition, and Forestry, Appropriations, and Natural Resources of the Senate a list of projects and activities of the type described in subparagraphs (A) and (B) of subsection (b)(3) to be conducted using funds described in subsection (b)(3).

''SEC. 803. WILDFIRE ON FEDERAL LAND ASSISTANCE.

''(a) IN GENERAL.—In a major disaster for wildfire on Federal land, the President may direct the transfer of funds, only from the account established pursuant to subsection (b), to the Secretary of the Interior or the Secretary of Agriculture to conduct wildfire suppression operations on Federal land (and non-Federal land pursuant to a fire protection agreement or cooperative agreement).

''(b) WILDFIRE SUPPRESSION OPERATIONS DISASTER ACCOUNT.—

''(1) IN GENERAL.—There is established a specific account for the assistance available pursuant to a declaration under section 802.

''(2) USE.—The account established by paragraph (1) may only be used to fund assistance pursuant to this title.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the account established by paragraph (1) such sums as are necessary to carry out the purposes of a declaration under section 802, but not to exceed the limitations specified in subsection (c)(2).

''(c) LIMITATIONS.—

''(1) LIMITATIONS RELATED TO REQUEST AND ACCOUNT AMOUNTS.—The assistance available pursuant to a declaration under section 802 is limited to the transfer of the amount requested pursuant to section 802(b)(6). The assistance available for transfer shall not exceed the amount contained in the wildfire suppression operations account established pursuant to subsection (b).

''(2) MAXIMUM TRANSFER AMOUNT LIMITATION.—If a bill or joint resolution making appropriations for a fiscal year is enacted that specifies an amount for wildfire suppression operations in the Wildland Fire Management accounts of the Department of Agriculture or the Department of the Interior, then the total amount of assistance appropriated to and transferred from the account established pursuant to subsection (b) and pursuant to a declaration under section 802 for wildfire suppression operations, to the Wildland Fire Management accounts of the Department of Agriculture and the Department of the Interior, for that fiscal year, shall not exceed $1,647,000,000.

''(3) TRANSFER OF FUNDS.—Funds under this section shall be transferred from the wildfire suppression operations account to the wildfire suppression subactivity of the Wildland Fire Management Accounts. The transferred funds shall remain available until expended.

''(d) PROHIBITION OF OTHER TRANSFERS.—Except as provided in this section, no funds may be transferred to or from the account established pursuant to subsection (b) to or from any other fund or account.

''(e) REIMBURSEMENT FOR WILDFIRE SUPPRESSION OPERATIONS ON NON-FEDERAL LAND.—If amounts transferred under subsection (c) are used to conduct wildfire suppression operations on non-Federal land, the respective Secretary shall—

''(1) secure reimbursement for the cost of such wildfire suppression operations conducted on the non-Federal land; and

''(2) transfer the amounts received as reimbursement to the wildfire suppression operations disaster account established pursuant to subsection (b).

''(f) ANNUAL ACCOUNTING AND REPORTING REQUIREMENTS.—Not later than 90 days after the end of each fiscal year for which assistance is received pursuant to this section, the respective Secretary shall submit to the Committees on Agriculture, Appropriations, the Budget, Natural Resources, and Transportation and Infrastructure of the House of Representatives and the Committees on Agriculture, Nutrition, and Forestry, Appropriations, the Budget, Energy and Natural Resources, Homeland Security and Governmental Affairs, and Indian Affairs of the Senate, and make available to the public, a report that includes the following:

''(1) The risk-based factors that influenced management decisions regarding wildfire suppression operations of the Federal land management agencies under the jurisdiction of the Secretary concerned.

''(2) Specific discussion of a statistically significant sample of large fires, in which each fire is analyzed for cost drivers, effectiveness of risk management techniques, resulting positive or negative impacts of fire on the landscape, impact of investments in preparedness, suggested corrective actions, and such other factors as the respective Secretary considers appropriate.

''(3) Total expenditures for wildfire suppression operations of the Federal land management agencies under the jurisdiction of the respective Secretary, broken out by fire sizes, cost, regional location, and such other factors as such Secretary considers appropriate.

''(4) Lessons learned.

''(5) Such other matters as the respective Secretary considers appropriate.

''(g) SAVINGS PROVISION.—Except as provided in subsections (c) and (d), nothing in this title shall limit the Secretary of the Interior, the Secretary of Agriculture, Indian tribe, or a State from receiving assistance through a declaration made by the President under this Act when the criteria for such declaration have been met.''.

SEC. 6003. PROHIBITION ON TRANSFERS.

No funds may be transferred to or from the Federal land management agencies' wildfire suppression operations accounts referred to in section 801(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act to or from any account or subactivity of the Federal land management agencies, as defined in section 801(2) of such Act, that is not used to cover the cost of wildfire suppression operations.

SEC. 6004. EFFECTIVE DATE.

The amendments made by this subtitle shall take effect on October 1, 2016.

Subtitle B—Forest Management

SEC. 6011. EXPEDITED COLLABORATIVE FOREST MANAGEMENT ACTIVITIES.

(a) DEFINITIONS.—In this section:

(1) COLLABORATIVE PROCESS.—The term ''collaborative process'' means a process that relates to the management of National Forest System land or public land, by which a forest management activity is proposed—

(A) by a resource advisory committee through collaboration with interested persons, as described in section 603(b)(1)(C) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591b(b)(1)(C));

(B) by a collaborative that meets the requirements under section 4003 of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7303); or

(C) by a group not covered by subparagraph (A) or (B), but that—

(i) includes multiple individuals who provide balanced and broad representation of diverse interests, including, if relevant and interested, but not limited to—

(I) environmental organizations;

(II) timber and forest products industry representatives;

(III) State agencies;

(IV) units of local government;

(V) tribal governments; and

(VI) outdoor recreational representatives; and

(ii) operates—

(I) in a transparent and nonexclusive manner; and

(II) by consensus or in accordance with voting procedures to ensure a high degree of agreement among participants and across various interests.

(2) FOREST MANAGEMENT ACTIVITY.—The term ''forest management activity'' means a project or activity carried out by the Secretary concerned on National Forest System land or public land in conjunction with the resource management plan covering the National Forest System land or public land.

(3) RESOURCE ADVISORY COMMITTEE.—The term ''resource advisory committee'' has the meaning given that term in section 201 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7121).

(4) RESOURCE MANAGEMENT PLAN.—The term ''resource management plan'' has the meaning given that term in section 101(13) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511(13)).

(5) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) the Secretary of Agriculture, with respect to National Forest System land; and

(B) the Secretary of the Interior, with respect to public land.

(b) COLLABORATIVE MANAGEMENT ACTIVITIES.—

(1) APPLICABILITY.—This subsection may apply in any case in which the Secretary concerned prepares an environmental assessment or an environmental impact statement pursuant to section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)) for a project for a forest management activity described in paragraph (2).

(2) DESCRIPTION OF PROJECTS.—A project for a forest management activity referred to in paragraph (1) is a project to carry out forest restoration treatments that—

(A) maximizes the retention of old-growth and large trees, as appropriate for the forest type, to the extent that the trees promote stands that are resilient to uncharacteristic wildfire, insects, and disease;

(B) considers the best available scientific information to maintain or restore the ecological integrity, including maintaining or restoring structure, function, composition, and connectivity; and

(C) is developed and implemented through a collaborative process.

(3) CONSIDERATION OF ALTERNATIVES.—In an environmental assessment or environmental impact statement described in paragraph (1), the Secretary concerned shall study, develop, and describe not more than the following alternatives:

(A) Carrying out the project for a forest management activity, as proposed under paragraph (1).

(B) The alternative of no action.

(4) LIMITATIONS.—Except as provided in this subsection, nothing in this subsection preempts or interferes with any obligation to comply with the provisions of any Federal law, including—

(A) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(B) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); or

(C) any other Federal environmental law.

(c) CATEGORICAL EXCLUSION TO EXPEDITE CERTAIN CRITICAL RESPONSE ACTIONS.—

(1) AVAILABILITY OF CATEGORICAL EXCLUSION.—A categorical exclusion is available to the Secretary concerned to develop and carry out a forest management activity on National Forest System land or public land in any case in which—

(A) the forest management activity is developed and recommended through a collaborative process; and

(B) the primary purpose of the forest management activity is—

(i) to reduce hazardous fuel loads on land in, or related to, a wildland-urban interface;

(ii) to protect a municipal water source, if the municipality is within 100 miles of the area to be treated; or

(iii) any combination of the purposes specified in clauses (i) and (ii).

(2) REQUIREMENTS.—A forest management activity covered by the categorical exclusion granted by paragraph (1) is a project to carry out forest restoration treatments that—

(A) may not contain harvest units exceeding a total of 3,000 acres;

(B) maximizes the retention of old-growth and large trees, as appropriate for the forest type, to the extent that the trees promote stands that are resilient to uncharacteristic wildfire; and

(C) considers the best available scientific information to maintain or restore the ecological integrity, including maintaining or restoring structure, function, composition, and connectivity.

(d) CATEGORICAL EXCLUSION TO MEET RESOURCE MANAGEMENT PLAN GOALS FOR EARLY SUCCESSIONAL FORESTS.—

(1) AVAILABILITY OF CATEGORICAL EXCLUSION.—A categorical exclusion is available to the Secretary concerned to develop and carry out a forest management activity on National Forest System land or public land in any case in which—

(A) the forest management activity is developed and recommended through a collaborative process; and

(B) the primary purpose of the forest management activity is to modify, improve, enhance, or create early successional forests for wildlife habitat improvement and other purposes, consistent with the applicable resource management plan.

(2) PROJECT GOALS.—To the maximum extent practicable, the Secretary concerned shall design a forest management activity under this subsection to meet early successional forest goals in such a manner so as to maximize production and regeneration of priority species, as identified in the resource management plan and consistent with the capability of the activity site.

(3) REQUIREMENTS.—A forest management activity covered by the categorical exclusion granted by paragraph (1) is a project that—

(A) consists of not more than 250 acres, comprised of noncontiguous units to create a mosaic of age classes in accordance with the resource management plan;

(B) contains harvest units, consistent with the applicable resource management plan;

(C) creates early seral habitat, consistent with the applicable resource management plan;

(D) assists in meeting resource management plan objectives for retention of old-growth stands and retention of old-growth trees, consistent with resource management plan objectives; and

(E) considers the best available scientific information to maintain or restore early seral habitat.

(e) ROADS.—

(1) PERMANENT ROADS.—A project carried out under this section shall not include the construction of new permanent roads.

(2) EXISTING ROADS.—The Secretary concerned may carry out necessary maintenance of, repairs to, or reconstruction of an existing permanent road for the purposes of this section.

(3) TEMPORARY ROADS.—The Secretary concerned shall decommission any temporary road constructed under a project under this section not later than 3 years after the date on which the project is completed.

(f) EXCLUSIONS.—This section does not apply to—

(1) a component of the National Wilderness Preservation System;

(2) any Federal land on which, by Act of Congress or Presidential proclamation, the removal of vegetation prohibited;

(3) a congressionally designated wilderness study area;

(4) an inventoried roadless area; or

(5) an area in which the activities authorized under this section would be inconsistent with the applicable resource management plan.

(g) RESOURCE MANAGEMENT PLANS.—All projects and activities carried out under this subsection shall be consistent with the resource management plan applicable to the National Forest System land or public land containing the projects and activities.

(h) PUBLIC NOTICE AND SCOPING.—The Secretary concerned shall conduct public notice and scoping for any project or action proposed in accordance with this section.

SEC. 6012. STATE-SUPPORTED PLANNING OF FOREST MANAGEMENT ACTIVITIES.

(a) DEFINITIONS.—In this section:

(1) COLLABORATIVE PROCESS.—The term ''collaborative process'' means a process that relates to the management of National Forest System land or public land, by which a forest management activity is proposed—

(A) by a resource advisory committee through collaboration with interested persons, as described in section 603(b)(1)(C) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591b(b)(1)(C));

(B) by a collaborative that meets the requirements under section 4003 of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7303); or

(C) by a group not covered by subparagraph (A) or (B), but that—

(i) includes multiple individuals who provide balanced and broad representation of diverse interests, including, if relevant and interested, but not limited to—

(I) environmental organizations;

(II) timber and forest products industry representatives;

(III) State agencies;

(IV) units of local government;

(V) tribal governments; and

(VI) outdoor recreational representatives; and

(ii) operates—

(I) in a transparent and nonexclusive manner; and

(II) by consensus or in accordance with voting procedures to ensure a high degree of agreement among participants and across various interests.

(2) COMMUNITY WILDFIRE PROTECTION PLAN.—The term ''community wildfire protection plan'' has the meaning given that term in section 101(3) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511(3)).

(3) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a State or political subdivision of a State containing National Forest System land or public land;

(B) a publicly chartered utility serving one or more States or a political subdivision thereof;

(C) a rural electric company; and

(D) any other entity determined by the Secretary concerned to be appropriate for participation in the Fund.

(4) FUND.—The term ''Fund'' means the State-Supported Forest Management Fund established by subsection (b).

(5) RESOURCE ADVISORY COMMITTEE.—The term ''resource advisory committee'' has the meaning given that term in section 201 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7121).

(6) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) the Secretary of Agriculture, with respect to National Forest System land; and

(B) the Secretary of the Interior, with respect to public land.

(b) STATE-SUPPORTED FOREST MANAGEMENT FUND.—There is established in the Treasury of the United States a fund, to be known as the ''State-Supported Forest Management Fund'', to cover the cost of planning (especially as relating to compliance with section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2))), carrying out, and monitoring certain forest management activities on National Forest System land or public land.

(c) CONTENTS.—The Fund shall consist of such amounts as may be—

(1) contributed by an eligible entity for deposit in the Fund;

(2) appropriated to the Fund; or

(3) generated by forest management activities carried out using amounts in the Fund.

(d) GEOGRAPHICAL AND USE LIMITATIONS.—In making a contribution under subsection (c)(1), an eligible entity may—

(1) specify the National Forest System land or public land for which the contribution may be expended; and

(2) limit the types of forest management activities for which the contribution may be expended.

(e) AUTHORIZED FOREST MANAGEMENT ACTIVITIES.—In such amounts as may be provided in advance in appropriations Acts, the Secretary concerned may use the Fund to plan, carry out, and monitor a forest management activity that is—

(1) developed through a collaborative process; or

(2) covered by a community wildfire protection plan.

(f) IMPLEMENTATION METHODS.—

(1) IN GENERAL.—A forest management activity carried out using amounts in the Fund may be carried out pursuant to—

(A) a contract or agreement under section 604 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591c);

(B) the good neighbor authority provided under section 8206 of the Agricultural Act of 2014 (16 U.S.C. 2113a);

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

(D) any other authority available to the Secretary concerned.

(2) USE OF REVENUES.—Any revenue generated by a forest management activity described in paragraph (1) shall be used to reimburse the Fund for planning costs covered using amounts in the Fund.

(g) RELATION TO OTHER LAWS.—

(1) REVENUE SHARING.—Subject to subsection (f), revenues generated by a forest management activity carried out using amounts from the Fund shall be considered monies received from the National Forest System.

(2) KNUTSON-VANDENBERG ACT.—The Act of June 9, 1930 (commonly known as the ''Knutson-Vandenberg Act'') (16 U.S.C. 576 et seq.), shall apply to any forest management activity carried out using amounts in the Fund.

(h) TERMINATION OF FUND.—

(1) TERMINATION.—The Fund shall terminate on the date that is 10 years after the date of enactment of this Act.

(2) EFFECT OF TERMINATION.—On termination of the Fund under paragraph (1) or pursuant to any other provision of law, any unobligated contribution remaining in the Fund shall be returned to the eligible entity that made the contribution.

SEC. 6013. FOREST SERVICE LEGACY ROADS AND TRAILS REMEDIATION PROGRAM.

(a) IN GENERAL.—The Secretary of Agriculture shall establish and maintain a Forest Service Legacy Roads and Trails Remediation Program within the National Forest System—

(1) to carry out critical maintenance and urgent repairs and improvements on National Forest System roads, trails, and bridges;

(2) to restore fish and other aquatic organism passage by removing or replacing unnatural barriers to the passage of fish and other aquatic organisms;

(3) to decommission unneeded roads and trails; and

(4) to carry out associated activities.

(b) PRIORITY.—In implementing the Forest Service Legacy Roads and Trails Remediation Program, the Secretary of Agriculture shall give priority to projects that protect or restore—

(1) water quality;

(2) watersheds that feed public drinking water systems; or

(3) habitat for threatened, endangered, and sensitive fish and wildlife species.

(c) NATIONAL FOREST SYSTEM.—Except as authorized under section 323 of title III of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 1011a), all projects carried out under the Forest Service Legacy Roads and Trails Remediation Program shall be on National Forest System roads.

(d) NATIONAL PROGRAM STRATEGY.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall develop a national strategy for implementing the Forest Service Legacy Roads and Trails Remediation Program.

SEC. 6014. WATER SOURCE PROTECTION PROGRAM AND WATERSHED CONDITION FRAMEWORK.

Subtitle A of title III of the Omnibus Public Land Management Act of 2009 (Public Law 111–11) is amended by adding at the end the following:

"SEC. 3002. WATER SOURCE PROTECTION PROGRAM FOR NATIONAL FOREST SYSTEM LAND.

''(a) IN GENERAL.—The Secretary of Agriculture, acting through the Chief of the Forest Service (referred to in this section as the 'Secretary'), shall establish and maintain a Water Source Protection Program for National Forest System land derived from the public domain.

''(b) WATER SOURCE INVESTMENT PARTNERSHIPS.—

''(1) IN GENERAL.—In carrying out the Water Source Protection Program, the Secretary may enter into water source investment partnerships with end water users (including States, political subdivisions, Indian tribes, utilities, municipal water systems, irrigation districts, nonprofit organizations, and corporations) to protect and restore the condition of National Forest watersheds that provide water to the non-Federal partners.

''(2) FORM.—A partnership described in paragraph (1) may take the form of memoranda of understanding, cost-share or collection agreements, long-term match funding commitments, or other appropriate instruments.

''(c) WATER SOURCE MANAGEMENT PLAN.—

''(1) IN GENERAL.—In carrying out the Water Source Protection Program, the Secretary may produce a water source management plan in cooperation with the water source investment partnership participants and State, local, and tribal governments.

''(2) FIREWOOD.—A water source management plan may give priority to projects that facilitate the gathering of firewood for personal use pursuant to section 223.5 of title 36, Code of Federal Regulations (or successor regulations).

''(3) ENVIRONMENTAL ANALYSIS.—The Secretary may conduct—

''(A) a single environmental impact statement or similar analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for all or part of the restoration projects in the water source management plan; and

''(B) a statement or analysis described in subparagraph (A) as part of the development of the water source management plan or after the finalization of the plan.

''(4) ENDANGERED SPECIES ACT.—In carrying out the Water Source Protection Program, the Secretary may use the Manual on Adaptive Management of the Department of the Interior, including any associated guidance, for purposes of fulfilling any requirements under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

''(5) FUNDS AND SERVICES.—

''(A) IN GENERAL.—In carrying out the Water Source Protection Program, the Secretary may accept and use funding, services, and other forms of investment and assistance from water source investment partnership participants to implement the water source management plan.

''(B) MANNER OF USE.—The Secretary may accept and use investments described in subparagraph (A) directly or indirectly through the National Forest Foundation.

''(C) WATER SOURCE PROTECTION FUND.—

''(i) IN GENERAL.—Subject to the availability of appropriations, the Secretary may establish a Water Source Protection Fund to match funds or in-kind support contributed by water source investment partnership participants under subparagraph (A).

''(ii) USE OF APPROPRIATED FUNDS.—The Secretary may use funds appropriated to carry out this subparagraph to make multiyear commitments, if necessary, to implement 1 or more water source investment partnership agreements.

"SEC. 3003. WATERSHED CONDITION FRAMEWORK FOR NATIONAL FOREST SYSTEM LAND.

''(a) IN GENERAL.—The Secretary of Agriculture, acting through the Chief of the Forest Service (referred to in this section as the 'Secretary'), shall establish and maintain a Watershed Condition Framework for National Forest System land derived from the public domain—

''(1) to evaluate and classify the condition of watersheds, taking into consideration—

''(A) water quality and quantity;

''(B) aquatic habitat and biota;

''(C) riparian and wetland vegetation;

''(D) the presence of roads and trails;

''(E) soil type and condition;

''(F) groundwater-dependent ecosystems;

''(G) relevant terrestrial indicators, such as fire regime, risk of catastrophic fire, forest and rangeland vegetation, invasive species, and insects and disease; and

''(H) other significant factors, as determined by the Secretary;

''(2) to identify for restoration up to 5 priority watersheds in each National Forest, and up to 2 priority watersheds in each national grassland, taking into consideration the impact of the condition of the watershed condition on—

''(A) wildfire behavior;

''(B) flood risk;

''(C) fish and wildlife;

''(D) drinking water supplies;

''(E) irrigation water supplies;

''(F) forest-dependent communities; and

''(G) other significant impacts, as determined by the Secretary;

''(3) to develop a watershed restoration action plan for each priority watershed that—

''(A) takes into account existing restoration activities being implemented in the watershed; and

''(B) includes, at a minimum—

''(i) the major stressors responsible for the impaired condition of the watershed;

''(ii) a set of essential projects that, once completed, will address the identified stressors and improve watershed conditions;

''(iii) a proposed implementation schedule;

''(iv) potential partners and funding sources; and

''(v) a monitoring and evaluation program;

''(4) to prioritize restoration activities for each watershed restoration action plan;

''(5) to implement each watershed restoration action plan; and

''(6) to monitor the effectiveness of restoration actions and indicators of watershed health.

''(b) COORDINATION.—Throughout the process described in subsection (a), the Secretary shall—

''(1) coordinate with interested non-Federal landowners and with State, tribal, and local governments within the relevant watershed; and

''(2) provide for an active and ongoing public engagement process.

''(c) EMERGENCY DESIGNATION.—Notwithstanding subsection (a)(2), the Secretary may identify a watershed as a priority for rehabilitation in the Watershed Condition Framework without using the process described in subsection (a), if a Forest Supervisor determines that—

''(1) a wildfire has significantly diminished the condition of the watershed; and

''(2) the emergency stabilization activities of the Burned Area Emergency Response Team are insufficient to return the watershed to proper function.''.

SEC. 6015. COLLABORATIVE FOREST LANDSCAPE RESTORATION PROGRAM.

(a) SELECTION PROCESS.—Section 4003(f)(4) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7303(f)(4)) is amended by adding at the end the following:

''(C) PREQUALIFICATION.—

''(i) IN GENERAL.—Before awarding a contract funded by the Fund, the Secretary shall determine whether the contractor has the ability to complete the proposed restoration activities, including—

''(I) the financial ability to raise the funds necessary for the proposed restoration activities; and

''(II) sufficient capacity to perform the type and scope of the proposed restoration activities.

''(ii) CRITERIA.—If the Department does not have sufficient expertise to develop and evaluate criteria to make a determination under clause (i), the Secretary shall seek the assistance of other agencies or third-party consultants for purposes of developing and evaluating the criteria.''.

(b) REAUTHORIZATION OF COLLABORATIVE FOREST LANDSCAPE RESTORATION FUND.—Section 4003(f)(6) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7303(f)(6)) is amended by striking ''2019, to remain available until expended'' and inserting ''2014, and $60,000,000 for each of fiscal years 2016 through 2024, to remain available until expended''.

SA 3109. Mr. FRANKEN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 171, between lines 15 and 16, insert the following:

(d) CONSIDERATION OF EFFECT ON AMERICAN CONSUMER PRICES.—Notwithstanding any other provision in this section, the Secretary may only approve an application for the exportation of natural gas as described in subsection (a) if the Secretary makes a determination that the exportation of natural gas will not cause an increase in the price of natural gas for American consumers.

SA 3110. Mr. FRANKEN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 34___. SEVERE FUEL SUPPLY EMERGENCY RESPONSE.

The Federal Power Act is amended by inserting after section 215 (16 U.S.C. 824o) the following:

''SEC. 215A. EMERGENCY RESPONSE TO COAL SUPPLY DEFICIENCIES.

''(a) DEFINITIONS.—In this section:

''(1) BOARD.—The term 'Board' means the Surface Transportation Board.

''(2) BULK-POWER SYSTEM.—The term 'bulk-power system' has the meaning given the term in section 215.

''(3) ELECTRIC RELIABILITY ORGANIZATION.—The term 'Electric Reliability Organization' has the meaning given the term in section 215.

''(4) FORM OE-417.—The term 'Form OE-417' means the form entitled 'Electric Emergency Incident and Disturbance Report' and filed in accordance with the Federal Energy Administration Act of 1974 (15 U.S.C. 761 et seq.).

''(5) REGIONAL ENTITY.—The term 'Regional Entity' means an entity delegated authority by the Electric Reliability Organization to propose and enforce reliability standards in the region of the entity.

''(6) RELIABILITY COORDINATOR.—The term 'Reliability Coordinator' means an entity recognized by the Electric Reliability Organization as responsible for continually assessing transmission reliability and coordinating emergency operations to ensure the reliable operation of the bulk-power system.

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

''(8) SEVERE FUEL SUPPLY EMERGENCY.—The term 'severe fuel supply emergency' means a coal supply deficiency reported to the Department of Energy on Form OE-417.

''(b) COORDINATED RESPONSE TO EMERGENCIES.—

''(1) IN GENERAL.—The Secretary shall lead the Federal response to severe fuel supply emergencies.

''(2) DUTIES OF THE SECRETARY.—On the filing of a Form OE-417 that reports a severe fuel supply emergency, the Secretary shall—

''(A) promptly investigate the circumstances of the severe fuel supply emergency;

''(B) notify the Board and the Federal Energy Regulatory Commission of the existence of the severe fuel supply emergency;

''(C) convene a meeting with the Board, the Federal Energy Regulatory Commission, and, as appropriate, the Electric Reliability Organization and affected Regional Entities and Reliability Coordinators; and

''(D) submit in writing to the Board and the Federal Energy Regulatory Commission, and post publicly on the website of the Department of Energy, recommendations for actions the Board or Federal Energy Regulatory Commission should consider to alleviate the severe fuel supply emergency and prevent recurrences of the severe fuel supply emergency.

''(c) EFFECT ON OTHER LAWS.—Nothing in this section limits any existing authority of any Federal agency.''.

SA 3111. Mr. FRANKEN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

In section 2301, strike subsection (c) and insert the following:

(c) TECHNICAL ASSISTANCE AND GRANT PROGRAM.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—The Secretary, in consultation with the Assistant Secretary for Electricity Delivery and Energy Reliability, shall establish a technical assistance and grant program (referred to in this subsection as the ''program'')—

(i) to disseminate information and provide technical assistance directly to eligible entities so the eligible entities can identify, evaluate, plan, and design energy storage systems; and

(ii) to make grants to eligible entities so that the eligible entities may contract to obtain technical assistance to identify, evaluate, plan, and design energy storage systems.

(B) TECHNICAL ASSISTANCE.—The technical assistance described in subparagraph (A) shall include assistance with 1 or more of the following activities relating to energy storage systems:

(i) Identification of opportunities to use energy storage systems.

(ii) Assessment of technical and economic characteristics.

(iii) Utility interconnection.

(iv) Permitting and siting issues.

(v) Business planning and financial analysis.

(vi) Engineering design.

(C) INFORMATION DISSEMINATION.—The information disseminated under subparagraph (A)(i) shall include—

(i) information relating to the topics described in subparagraph (B), including case studies of successful examples;

(ii) computer software for assessment, design, and operation and maintenance of energy storage systems; and

(iii) public databases that track the operation and deployment of existing and planned energy storage systems.

(2) ELIGIBILITY.—Any nonprofit or for-profit entity shall be eligible to receive technical assistance and grants under the program.

(3) APPLICATIONS.—

(A) IN GENERAL.—An eligible entity desiring technical assistance or grants under the program shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(B) APPLICATION PROCESS.—The Secretary shall seek applications for technical assistance and grants under the program—

(i) on a competitive basis; and

(ii) on a periodic basis, but not less frequently than once every 12 months.

(C) PRIORITIES.—In selecting eligible entities for technical assistance and grants under the program, the Secretary shall give priority to eligible entities with projects that have the greatest potential for—

(i) facilitating the use of renewable energy resources;

(ii) strengthening the reliability and resiliency of energy infrastructure to the impact of extreme weather events, power grid failures, and interruptions in supply of fossil fuels;

(iii) improving the feasibility of microgrids or islanding, particularly in rural areas, including high energy cost rural areas;

(iv) minimizing environmental impact, including regulated air pollutants and greenhouse gas emissions; and

(v) maximizing local job creation.

(4) GRANTS.—On application by an eligible entity, the Secretary may award grants to the eligible entity to provide funds to cover not more than—

(A) 100 percent of the costs of the initial assessment to identify energy storage system opportunities;

(B) 75 percent of the cost of feasibility studies to assess the potential for the implementation of energy storage systems;

(C) 60 percent of the cost of guidance on overcoming barriers to the implementation of energy storage systems, including financial, contracting, siting, and permitting issues; and

(D) 45 percent of the cost of detailed engineering of energy storage systems.

(5) RULES AND PROCEDURES.—

(A) RULES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall adopt rules and procedures for carrying out the program.

(B) GRANTS.—Not later than 120 days after the date of issuance of the rules and procedures for the program, the Secretary shall issue grants under this subsection.

(6) REPORTS.—The Secretary shall submit to Congress and make available to the public—

(A) not less frequently than once every 2 years, a report describing the performance of the program under this subsection; and

(B) on termination of the program under this subsection, an assessment of the success of, and education provided by, the measures carried out by eligible entities under the program.

SA 3112. Mr. FRANKEN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

PART V—WIND

SEC. 30___. DISTRIBUTED WIND ENERGY SYSTEMS.

(a) DEFINITIONS.—In this section:

(1) MEDIUM-SIZED SYSTEM.—The term ''medium-sized system'' means a wind energy system that produces—

(A) greater than 100 kilowatts; and

(B) not greater than 1,000 kilowatts.

(2) SMALL SYSTEM.—The term ''small system'' means a wind energy system that produces not greater than 100 kilowatts.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish within the Wind Program of the Department an initiative to promote the development of distributed wind energy systems.

(2) REQUIREMENTS.—The initiative established under paragraph (1) shall—

(A) make grants available for research and development on—

(i) small systems; and

(ii) medium-sized systems; and

(B) provide technical assistance to, and serve as a clearinghouse of information for, Federal agencies and private sector entities seeking alternative means to produce energy.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section—

(1) for fiscal year 2017, $15,000,000;

(2) for fiscal year 2018, $20,000,000;

(3) for fiscal year 2019, $25,000,000;

(4) for fiscal year 2020, $30,000,000; and

(5) for fiscal year 2021, $35,000,000.

SA 3113. Mr. FRANKEN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

Subtitle I—Distributed Generation

SEC. 3801. DEFINITIONS.

In this subtitle:

(1) COMBINED HEAT AND POWER SYSTEM.—The term ''combined heat and power system'' means 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) DEMAND RESPONSE.—The term ''demand response'' means changes in electric usage by electric utility customers from the normal consumption patterns of the customers in response to—

(A) changes in the price of electricity over time; or

(B) incentive payments designed to induce lower electricity use at times of high wholesale market prices or when system reliability is jeopardized.

(3) DISTRIBUTED ENERGY.—The term ''distributed energy'' means energy sources and systems that—

(A) produce electric or thermal energy close to the point of use using renewable energy resources or waste thermal energy;

(B) generate electricity using a combined heat and power system;

(C) distribute electricity in microgrids;

(D) store electric or thermal energy; or

(E) distribute thermal energy or transfer thermal energy to building heating and cooling systems through a district energy system.

(4) DISTRICT ENERGY SYSTEM.—The term ''district energy system'' means a system that provides thermal energy to buildings and other energy consumers from 1 or more plants to individual buildings to provide space heating, air conditioning, domestic hot water, industrial process energy, and other end uses.

(5) ISLANDING.—The term ''islanding'' means a distributed generator or energy storage device continuing to power a location in the absence of electric power from the primary source.

(6) LOAN.—The term ''loan'' has the meaning given the term ''direct loan'' in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

(7) MICROGRID.—The term ''microgrid'' means an integrated energy system consisting of interconnected loads and distributed energy resources, including generators and energy storage devices, within clearly defined electrical boundaries that—

(A) acts as a single controllable entity with respect to the grid; and

(B) can connect and disconnect from the grid to operate in both grid-connected mode and island mode.

(8) RENEWABLE ENERGY SOURCE.—The term ''renewable energy source'' includes—

(A) biomass;

(B) geothermal energy;

(C) hydropower;

(D) landfill gas;

(E) municipal solid waste;

(F) ocean (including tidal, wave, current, and thermal) energy;

(G) organic waste;

(H) photosynthetic processes;

(I) photovoltaic energy;

(J) solar energy; and

(K) wind.

(9) RENEWABLE THERMAL ENERGY.—The term ''renewable thermal energy'' means heating or cooling energy derived from a renewable energy resource.

(10) THERMAL ENERGY.—The term ''thermal energy'' means—

(A) heating energy in the form of hot water or steam that is used to provide space heating, domestic hot water, or process heat; or

(B) cooling energy in the form of chilled water, ice, or other media that is used to provide air conditioning, or process cooling.

(11) WASTE THERMAL ENERGY.—The term ''waste thermal energy'' means energy that—

(A) is contained in—

(i) exhaust gases, exhaust steam, condenser water, jacket cooling heat, or lubricating oil in power generation systems;

(ii) exhaust heat, hot liquids, or flared gas from any industrial process;

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

(iv) a pressure drop in any gas, excluding any pressure drop to a condenser that subsequently vents the resulting heat;

(v) condenser water from chilled water or refrigeration plants; or

(vi) any other form of waste energy, as determined by the Secretary; and

(B)(i) in the case of an existing facility, is not being used; or

(ii) in the case of a new facility, is not conventionally used in comparable systems.

SEC. 3802. DISTRIBUTED ENERGY LOAN PROGRAM.

(a) LOAN PROGRAM.—

(1) IN GENERAL.—Subject to the provisions of this subsection and subsections (b) and (c), the Secretary shall establish a program to provide to eligible entities—

(A) loans for the deployment of distributed energy systems in a specific project; and

(B) loans to provide funding for programs to finance the deployment of multiple distributed energy systems through a revolving loan fund, credit enhancement program, or other financial assistance program.

(2) ELIGIBILITY.—Entities eligible to receive a loan under paragraph (1) include—

(A) a State, territory, or possession of the United States;

(B) a State energy office;

(C) a tribal organization (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b));

(D) an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)); and

(E) an electric utility, including—

(i) a rural electric cooperative;

(ii) a municipally-owned electric utility; and

(iii) an investor-owned utility.

(3) SELECTION REQUIREMENTS.—In selecting eligible entities to receive loans under this section, the Secretary shall, to the maximum extent practicable, ensure—

(A) regional diversity among eligible entities to receive loans under this section, including participation by rural States and small States; and

(B) that specific projects selected for loans—

(i) expand on the existing technology deployment program of the Department; and

(ii) are designed to achieve 1 or more of the objectives described in paragraph (4).

(4) OBJECTIVES.—Each deployment selected for a loan under paragraph (1) shall include 1 or more of the following objectives:

(A) Improved security and resiliency of energy supply in the event of disruptions caused by extreme weather events, grid equipment or software failure, or terrorist acts.

(B) Implementation of distributed energy in order to increase use of local renewable energy resources and waste thermal energy sources.

(C) Enhanced feasibility of microgrids, demand response, or islanding.

(D) Enhanced management of peak loads for consumers and the grid.

(E) Enhanced reliability in rural areas, including high energy cost rural areas.

(5) RESTRICTION ON USE OF FUNDS.—Any eligible entity that receives a loan under paragraph (1) may only use the loan to fund programs relating to the deployment of distributed energy systems.

(b) LOAN TERMS AND CONDITIONS.—

(1) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, in providing a loan under this section, the Secretary shall provide the loan on such terms and conditions as the Secretary determines, after consultation with the Secretary of the Treasury, in accordance with this section.

(2) SPECIFIC APPROPRIATION.—No loan shall be made unless an appropriation for the full amount of the loan has been specifically provided for that purpose.

(3) REPAYMENT.—No loan shall be made unless the Secretary determines that there is reasonable prospect of repayment of the principal and interest by the borrower of the loan.

(4) INTEREST RATE.—A loan provided under this section shall bear interest at a fixed rate that is equal or approximately equal, in the determination of the Secretary, to the interest rate for Treasury securities of comparable maturity.

(5) TERM.—The term of the loan shall require full repayment over a period not to exceed the lesser of—

(A) 20 years; or

(B) 90 percent of the projected useful life of the physical asset to be financed by the loan (as determined by the Secretary).

(6) USE OF PAYMENTS.—Payments of principal and interest on the loan shall—

(A) be retained by the Secretary to support energy research and development activities; and

(B) remain available until expended, subject to such conditions as are contained in annual appropriations Acts.

(7) NO PENALTY ON EARLY REPAYMENT.—The Secretary may not assess any penalty for early repayment of a loan provided under this section.

(8) RETURN OF UNUSED PORTION.—In order to receive a loan under this section, an eligible entity shall agree to return to the general fund of the Treasury any portion of the loan amount that is unused by the eligible entity within a reasonable period of time after the date of the disbursement of the loan, as determined by the Secretary.

(9) COMPARABLE WAGE RATES.—Each laborer and mechanic employed by a contractor or subcontractor in performance of construction work financed, in whole or in part, by the loan shall be paid wages at rates not less than the rates prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code.

(c) RULES AND PROCEDURES; DISBURSEMENT OF LOANS.—

(1) RULES AND PROCEDURES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall adopt rules and procedures for carrying out the loan program under subsection (a).

(2) DISBURSEMENT OF LOANS.—Not later than 1 year after the date on which the rules and procedures under paragraph (1) are established, the Secretary shall disburse the initial loans provided under this section.

(d) REPORTS.—Not later than 2 years after the date of receipt of the loan, and annually thereafter for the term of the loan, an eligible entity that receives a loan under this section shall submit to the Secretary a report describing the performance of each program and activity carried out using the loan, including itemized loan performance data.

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

SEC. 3803. TECHNICAL ASSISTANCE AND GRANT PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a technical assistance and grant program (referred to in this section as the ''program'')—

(A) to disseminate information and provide technical assistance directly to eligible entities so the eligible entities can identify, evaluate, plan, and design distributed energy systems; and

(B) to make grants to eligible entities so that the eligible entities may contract to obtain technical assistance to identify, evaluate, plan, and design distributed energy systems.

(2) TECHNICAL ASSISTANCE.—The technical assistance described in paragraph (1) shall include assistance with 1 or more of the following activities relating to distributed energy systems:

(A) Identification of opportunities to use distributed energy systems.

(B) Assessment of technical and economic characteristics.

(C) Utility interconnection.

(D) Permitting and siting issues.

(E) Business planning and financial analysis.

(F) Engineering design.

(3) INFORMATION DISSEMINATION.—The information disseminated under paragraph (1)(A) shall include—

(A) information relating to the topics described in paragraph (2), including case studies of successful examples;

(B) computer software and databases for assessment, design, and operation and maintenance of distributed energy systems; and

(C) public databases that track the operation and deployment of existing and planned distributed energy systems.

(b) ELIGIBILITY.—Any nonprofit or for-profit entity shall be eligible to receive technical assistance and grants under the program.

(c) APPLICATIONS.—

(1) IN GENERAL.—An eligible entity desiring technical assistance or grants under the program shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(2) APPLICATION PROCESS.—The Secretary shall seek applications for technical assistance and grants under the program—

(A) on a competitive basis; and

(B) on a periodic basis, but not less frequently than once each year.

(3) PRIORITIES.—In selecting eligible entities for technical assistance and grants under the program, the Secretary shall give priority to eligible entities with projects that have the greatest potential for—

(A) facilitating the use of renewable energy resources;

(B) strengthening the reliability and resiliency of energy infrastructure to the impact of extreme weather events, power grid failures, and interruptions in supply of fossil fuels;

(C) improving the feasibility of microgrids or islanding, particularly in rural areas, including high energy cost rural areas;

(D) minimizing environmental impact, including regulated air pollutants and greenhouse gas emissions; and

(E) maximizing local job creation.

(d) GRANTS.—On application by an eligible entity, the Secretary may award grants to the eligible entity to provide funds to cover not more than—

(1) 100 percent of the costs of the initial assessment to identify opportunities;

(2) 75 percent of the cost of feasibility studies to assess the potential for the implementation;

(3) 60 percent of the cost of guidance on overcoming barriers to implementation, including financial, contracting, siting, and permitting issues; and

(4) 45 percent of the cost of detailed engineering.

(e) RULES AND PROCEDURES.—

(1) RULES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall adopt rules and procedures for carrying out the program.

(2) GRANTS.—Not later than 120 days after the date of issuance of the rules and procedures for the program, the Secretary shall issue grants under this subtitle.

(f) REPORTS.—The Secretary shall submit to Congress and make available to the public—

(1) not less frequently than once every 2 years, a report describing the performance of the program under this section, including a synthesis and analysis of the information provided in the reports submitted to the Secretary under section 3802(d); and

(2) on termination of the program under this section, an assessment of the success of, and education provided by, the measures carried out by eligible entities during the term of the program.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $250,000,000 for the period of fiscal years 2017 through 2021, to remain available until expended.

SA 3114. Mr. FRANKEN submitted an amendment intended to be proposed by him to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1022. GRANTS TO UTILITIES FOR PROGRAMS TO PROVIDE AGGREGATED WHOLE BUILDING ENERGY CONSUMPTION INFORMATION TO MULTITENANT BUILDING OWNERS.

(a) GRANTS TO UTILITIES.—Based on the results of the research for the portion of the study described in section 301(b)(1)(A)(ii) of the Energy Efficiency Improvement Act of 2015 (42 U.S.C. 17063(b)(1)(A)(ii)) , and with criteria developed following public notice and comment, the Secretary may make competitive awards to utilities, utility regulators, and utility partners to develop and implement effective and promising programs to provide aggregated whole building energy consumption information to multitenant building owners.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2017 through 2021, to remain available until expended.

SEC. 1023. GRANTS TO STATES AND UNITS OF LOCAL GOVERNMENT TO DEVELOP BENCHMARKING AND DISCLOSURE POLICIES FOR COMMERCIAL AND MULTIFAMILY BUILDINGS.

(a) GRANTS TO STATES AND UNITS OF LOCAL GOVERNMENT.—Based on the results of the research for the portion of the study described in section 301(b)(1)(A)(ii) of the Energy Efficiency Improvement Act of 2015 (42 U.S.C. 17063(b)(1)(A)(ii)), and with criteria developed following public notice and comment, the Secretary may make competitive awards to States and units of local government to develop and implement effective and promising benchmarking and disclosure policies, and any associated building efficiency policies, for commercial and multifamily buildings.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2017 through 2021, to remain available until expended.

SA 3115. Mr. FRANKEN (for himself, Mr. HEINRICH, Ms. WARREN, and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Strike subtitle E of title I and insert the following:

Subtitle E—Energy Efficiency Resource Standard

SEC. 1401. ENERGY EFFICIENCY RESOURCE STANDARD FOR RETAIL ELECTRICITY AND NATURAL GAS SUPPLIERS.

(a) IN GENERAL.—Title VI of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.) is amended by adding at the end the following:

"SEC. 610. FEDERAL ENERGY EFFICIENCY RESOURCE STANDARD FOR RETAIL ELECTRICITY AND NATURAL GAS SUPPLIERS.

''(a) DEFINITIONS.—In this section:

''(1) BASE QUANTITY.—

''(A) IN GENERAL.—The term 'base quantity', with respect to a retail electricity supplier or retail natural gas supplier, means, for each calendar year for which a performance standard is established under subsection (c), the average annual quantity of electricity or natural gas delivered by the retail electricity supplier or retail natural gas supplier to retail customers during the 3 calendar years immediately preceding the first year that compliance is required under subsection (c)(1).

''(B) EXCLUSION.—The term 'base quantity', with respect to a retail natural gas supplier, does not include natural gas delivered for purposes of electricity generation.

''(2) CUSTOMER FACILITY SAVINGS.—The term 'customer facility savings' means a reduction in end-use electricity or natural gas consumption (including waste heat energy savings) at a facility of an end-use consumer of electricity or natural gas served by a retail electricity supplier or natural gas supplier, as compared to—

''(A) in the case of a new facility, consumption at a reference facility of average efficiency;

''(B) in the case of an existing facility, consumption at the facility during a base period of not less than 1 year;

''(C) in the case of new equipment that replaces existing equipment at the end of the useful life of the existing equipment, consumption by new equipment of average efficiency of the same equipment type, except that customer savings under this subparagraph shall not be counted towards customer savings under subparagraph (A) or (B); and

''(D) in the case of new equipment that replaces existing equipment with remaining useful life—

''(i) consumption of the existing equipment for the remaining useful life of the equipment; and

''(ii) thereafter, consumption of new equipment of average efficiency.

''(3) ELECTRICITY SAVINGS.—The term 'electricity savings' means reductions in electricity consumption achieved through measures implemented after the date of enactment of this section, as determined in accordance with regulations promulgated by the Secretary, that are limited to—

''(A) customer facility savings of electricity, adjusted to reflect any associated increase in fuel consumption at the facility;

''(B) reductions in distribution system losses of electricity achieved by a retail electricity supplier, as compared to losses attributable to new or replacement distribution

system equipment of average efficiency, as defined in regulations promulgated by the Secretary;

''(C) CHP savings;

''(D) codes and standards savings of electricity; and

''(E) fuel switching energy savings that results in net savings of source energy.

''(4) NATURAL GAS SAVINGS.—The term 'natural gas savings' means reductions in natural gas consumption from measures implemented after the date of enactment of this section, as determined in accordance with regulations promulgated by the Secretary, that are limited to—

''(A) customer facility savings of natural gas, adjusted to reflect any associated increase in electricity consumption or consumption of other fuels at the facility;

''(B) reductions in leakage, operational losses, and consumption of natural gas fuel to operate a gas distribution system, achieved by a retail natural gas supplier, as compared to similar leakage, losses, and consumption during a base period of not less than 1 year;

''(C) codes and standards savings of natural gas; and

''(D) fuel switching energy savings that results in net savings of source energy.

''(5) RETAIL ELECTRICITY SUPPLIER.—

''(A) IN GENERAL.—The term 'retail electricity supplier' means, for any given calendar year, an electric utility that sells not less than 1,000,000 megawatt hours of electric energy to electric consumers for purposes other than resale during the preceding calendar year.

''(B) INCLUSIONS AND LIMITATIONS.—For purposes of determining whether an electric utility qualifies as a retail electricity supplier under subparagraph (A)—

''(i) deliveries by any affiliate of an electric utility to electric consumers for purposes other than resale shall be considered to be deliveries by the electric utility; and

''(ii) deliveries by any electric utility to a lessee, tenant, or affiliate of the electric utility shall not be considered to be deliveries to electric consumers.

''(6) RETAIL NATURAL GAS SUPPLIER.—

''(A) IN GENERAL.—The term 'retail natural gas supplier' means, for any given calendar year, a local distribution company (as defined in section 2 of the Natural Gas Policy Act of 1978 (15 U.S.C. 3301)), that delivered to natural gas consumers more than 5,000,000,000 cubic feet of natural gas for purposes other than resale during the preceding calendar year.

''(B) INCLUSIONS AND LIMITATIONS.—For purposes of determining whether a person qualifies as a retail natural gas supplier under subparagraph (A)—

''(i) deliveries of natural gas by any affiliate of a local distribution company to consumers for purposes other than resale shall be considered to be deliveries by the local distribution company; and

''(ii) deliveries of natural gas to a lessee, tenant, or affiliate of a local distribution company shall not be considered to be deliveries to natural gas consumers.

''(b) ESTABLISHMENT OF PROGRAM.—

''(1) REGULATIONS.—Not later than 1 year after the date of enactment of this section, the Secretary shall, by regulation, establish a program to implement and enforce the requirements of this section, including by—

''(A) defining the terms 'CHP savings', 'code and standards savings', 'combined heat and power system', 'cost-effective', 'fuel switching energy savings', 'reporting period', 'third-party efficiency provider', and 'waste heat energy savings';

''(B) establishing measurement and verification procedures and standards that count only measures and savings that are additional to business-as-usual customer purchase practices;

''(C) establishing requirements under which retail electricity suppliers and retail natural gas suppliers shall—

''(i) demonstrate, document, and report the compliance of the retail electricity suppliers and retail natural gas suppliers with the performance standards under subsection (c); and

''(ii) estimate the impact of the standards on current and future electricity and natural gas use in the service territories of the suppliers;

''(D) establishing requirements governing applications for, and implementation of, delegated State administration under subsection (e); and

''(E) establishing rules to govern transfers of electricity or natural gas savings between suppliers and third-party efficiency providers serving the same State and between suppliers and third-party efficiency providers serving different States.

''(2) COORDINATION WITH STATE PROGRAMS.—In establishing and implementing this section, the Secretary shall, to the maximum extent practicable, preserve the integrity and incorporate best practices of existing State energy efficiency programs.

''(c) PERFORMANCE STANDARDS.—

''(1) COMPLIANCE OBLIGATION.—Not later than May 1 of the calendar year immediately following each reporting period—

''(A) each retail electricity supplier shall submit to the Secretary a report, in accordance with regulations promulgated by the Secretary, demonstrating that the retail electricity supplier has achieved cumulative electricity savings (adjusted to account for any attrition of savings measures implemented in prior years) in each calendar year that are equal to the applicable percentage of the base quantity of the retail electricity supplier; and

''(B) each retail natural gas supplier shall submit to the Secretary a report, in accordance with regulations promulgated by the Secretary, demonstrating that it has achieved cumulative natural gas savings (adjusted to account for any attrition of savings measures implemented in prior years) in each calendar year that are equal to the applicable percentage of the base quantity of such retail natural gas supplier.

''(2) STANDARDS FOR 2017 THROUGH 2030.—For each of calendar years 2017 through 2030, the applicable percentages are as follows:

''Calendar Year	Cumulative Electricity Savings Percentage	Cumulative Natural Gas Savings Percentage
2017	1.00	0.50
2018	2.00	1.25
2019	3.00	2.00
2020	4.25	3.00
2021	5.50	4.00
2022	7.00	5.00
2023	8.50	6.00
2024	10.00	7.00
2025	11.50	8.00
2026	13.00	9.00
2027	14.75	10.00
2028	16.50	11.00
2029	18.25	12.00
2030	20.00	13.00.

''(3) SUBSEQUENT YEARS.—

''(A) CALENDAR YEARS 2031 THROUGH 2040.—Not later than December 31, 2028, the Secretary shall promulgate regulations establishing performance standards (expressed as applicable percentages of base quantity for both cumulative electricity savings and cumulative natural gas savings) for each of calendar years 2031 through 2040.

''(B) REQUIREMENTS.—The Secretary shall establish standards under this paragraph at levels reflecting the maximum achievable level of cost-effective energy efficiency potential, taking into account—

''(i) cost-effective energy savings achieved by leading retail electricity suppliers and retail natural gas suppliers;

''(ii) opportunities for new codes and standard savings;

''(iii) technology improvements; and

''(iv) other indicators of cost-effective energy efficiency potential including differences between States.

''(C) MINIMUM PERCENTAGE.—In no case shall the applicable percentages for any calendar year be less than the applicable percentages for calendar year 2030.

''(4) DELAY OF SUBMISSION FOR FIRST REPORTING PERIOD.—

''(A) IN GENERAL.—Notwithstanding paragraphs (1) and (2), for the 2017 reporting period, the Secretary may accept a request from a retail electricity supplier or a retail natural gas supplier to delay the required submission of documentation of all or part of the required savings for up to 2 years.

''(B) PLAN FOR COMPLIANCE.—The request for delay under subparagraph (A) shall include a plan for coming into full compliance by the end of the 2018–2019 reporting period.

''(5) APPLYING UNUSED SAVINGS TO FUTURE YEARS.—If savings achieved in a year exceed the performance standards specified in this subsection, any savings in excess of the performance standards may be applied toward performance standards specified for future years.

''(d) ENFORCEMENT AND JUDICIAL REVIEW.—

''(1) REVIEW OF RETAIL SUPPLIER REPORTS.—

''(A) IN GENERAL.—The Secretary shall review each report submitted to the Secretary by a retail electricity supplier or retail natural gas supplier under subsection (c) to verify that the applicable performance standards under subsection (c) have been met.

''(B) EXCLUSION.—In determining compliance with the applicable performance standards under subsection (c), the Secretary shall exclude reported electricity savings or natural gas savings that are not adequately demonstrated and documented, in accordance with the regulations promulgated under subsections (b) and (c).

''(2) PENALTY FOR FAILURE TO DOCUMENT ADEQUATE SAVINGS.—If a retail electricity supplier or a retail natural gas supplier fails to demonstrate compliance with an applicable performance standard under subsection (c), or to pay to the State an applicable alternative compliance payment under subsection (e)(3), the Secretary shall assess against the retail electricity supplier or retail natural gas supplier a civil penalty for each failure in an amount equal to, as adjusted for inflation in accordance with such regulations as the Secretary may promulgate—

''(A) $100 per megawatt hour of electricity savings or alternative compliance payment that the retail electricity supplier failed to achieve or make, respectively; or

''(B) $10 per million Btu of natural gas savings or alternative compliance payment that the retail natural gas supplier failed to achieve or make, respectively.

''(3) OFFSETTING STATE PENALTIES.—The Secretary shall reduce the amount of any penalty under paragraph (2) by the amount paid by the relevant retail electricity supplier or retail natural gas supplier to a State

for failure to comply with the requirements of a State energy efficiency resource standard during the same compliance period.

''(4) ENFORCEMENT PROCEDURES.—The Secretary shall assess a civil penalty, as provided under paragraph (2), in accordance with the procedures described in section 333(d) of the Energy Policy and Conservation Act of 1954 (42 U.S.C. 6303).

''(e) STATE ADMINISTRATION.—

''(1) IN GENERAL.—Upon receipt of an application from the Governor of a State (including the Mayor of the District of Columbia), the Secretary may delegate to the State responsibility for administering this section within the territory of the State if the Secretary determines that the State will implement an energy efficiency program that meets or exceeds the requirements of this section.

''(2) SECRETARIAL DETERMINATION.—Not later than 180 days after the date on which a complete application is received by the Secretary, the Secretary shall make a substantive determination approving or disapproving a State application, after public notice and comment.

''(3) ALTERNATIVE COMPLIANCE PAYMENTS.—

''(A) IN GENERAL.—As part of an application submitted under paragraph (1), a State may permit retail electricity suppliers or retail natural gas suppliers to pay to the State, by not later than May 1 of the calendar year immediately following the applicable reporting period, an alternative compliance payment in an amount equal to, as adjusted for inflation in accordance with such regulations as the Secretary may promulgate, not less than—

''(i) $50 per megawatt hour of electricity savings needed to make up any deficit with regard to a compliance obligation under the applicable performance standard; or

''(ii) $5 per million Btu of natural gas savings needed to make up any deficit with regard to a compliance obligation under the applicable performance standard.

''(B) USE OF PAYMENTS.—Alternative compliance payments collected by a State under subparagraph (A) shall be used by the State to administer the delegated authority of the State under this section and to implement cost-effective energy efficiency programs that—

''(i) to the maximum extent practicable, achieve electricity savings and natural gas savings in the State sufficient to make up the deficit associated with the alternative compliance payments; and

''(ii) can be measured and verified in accordance with the applicable procedures and standards under subsection (b)(1)(B).

''(4) REVIEW OF STATE IMPLEMENTATION.—

''(A) PERIODIC REVIEW.—Every 2 years, the Secretary shall review State implementation of this section for conformance with the requirements of this section in approximately ½ of the States that have received approval under this subsection to administer the program, so that each State shall be reviewed at least every 4 years.

''(B) REPORT.—To facilitate the review under subparagraph (A), the Secretary may require the State to submit a report demonstrating the conformance of the State with the requirements of this section.

''(C) DEFICIENCIES.—

''(i) IN GENERAL.—In completing a review under this paragraph, if the Secretary finds deficiencies, the Secretary shall—

''(I) notify the State of the deficiencies;

''(II) direct the State to correct the deficiencies; and

''(III) require the State to report to the Secretary on progress made by not later than 180 days after the date on which the State receives notice under subclause (I).

''(ii) SUBSTANTIAL DEFICIENCIES.—If the deficiencies are substantial, the Secretary shall—

''(I) disallow the reported electricity savings or natural gas savings that the Secretary determines are not credible due to deficiencies;

''(II) re-review the State not later than 2 years after the date on which the original review was completed; and

''(III) if substantial deficiencies remain uncorrected after the review provided for under subclause (II), revoke the authority of the State to administer the program established under this section.

''(f) INFORMATION AND REPORTS.—In accordance with section 13 of the Federal Energy Administration Act of 1974 (15 U.S.C. 772), the Secretary may require any retail electricity supplier, retail natural gas supplier, third-party efficiency provider, or any other entity that the Secretary determines appropriate, to provide any information the Secretary determines appropriate to carry out this section.

''(g) STATE LAW.—Nothing in this section diminishes or qualifies any authority of a State or political subdivision of a State to adopt or enforce any law or regulation respecting electricity savings or natural gas savings, including any law or regulation establishing energy efficiency requirements that are more stringent than those under this section, except that no State law or regulation shall relieve any person of any requirement otherwise applicable under this section.''.

(b) CONFORMING AMENDMENT.—The table of contents of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. prec. 2601) is amended by adding at the end of the items relating to title VI the following:

''Sec. 609. Rural and remote communities electrification grants.
''Sec. 610. Federal energy efficiency resource standard for retail electricity and natural gas suppliers.''.

Subtitle F—Short Title

SEC. 1501. SHORT TITLE.

This title may be cited as the ''Portman-Shaheen Energy Efficiency Improvement Act of 2016''.

SA 3116. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 314, strike 24 and all that follows through page 315, line 1 and insert the following:

(8) develops plans to support and retrain displaced and unemployed energy sector workers;

(9) provides opportunities for the existing workforce to receive adequate training needed to operate and manage the evolving energy infrastructure of the United States; and

(10) makes a Department priority to provide

On page 321, line 4, insert '', or continue to work,'' after ''plan to work''.

On page 322, line 8, insert '', or consortia of local governmental agencies,'' afer ''regional consortia''.

SA 3117. Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ENERGY CREDIT FOR QUALIFIED OFFSHORE WIND FACILITIES.

(a) IN GENERAL.—Section 48 of the Internal Revenue Code is amended—

(1) in subsection (a)—

(A) in paragraph (2)(A)(i)—

(i) in subclause (III), by striking ''and'' at the end, and

(ii) by adding at the end the following new subclause:

''(V) qualified offshore wind property, and'', and

(B) in paragraph (3)(A)—

(i) in clause (vi), by striking ''or'' at the end,

(ii) in clause (vii), by adding ''or'' at the end, and

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

''(viii) qualified offshore wind property, but only with respect to periods ending before January 1, 2026,''.

(2) in subsection (c), by adding at the end the following new paragraph:

''(5) QUALIFIED OFFSHORE WIND PROPERTY.—

''(A) IN GENERAL.—The term 'qualified offshore wind property' means an offshore facility using wind to produce electricity.

''(B) OFFSHORE FACILITY.—The term 'offshore facility' means any facility located in the inland navigable waters of the United States, including the Great Lakes, or in the coastal waters of the United States, including the territorial seas of the United States, the exclusive economic zone of United States, and the outer Continental Shelf of the United States.

''(C) EXCEPTION FOR QUALIFIED SMALL WIND ENERGY PROPERTY.—The term 'qualified offshore wind property' shall not include any property described in paragraph (4).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SA 3118. 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_____. STRATEGIC UNCONVENTIONAL FUELS.

(a) 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)).

(b) 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 3119. Mr. DAINES submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms.

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

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

SA 3120. Mr. KING (for himself and Mr. REID) 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—Residential Renewable Energy Generation

SEC. 3801. EXISTING ON-SITE GENERATING CUSTOMERS.

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

''(20) CONSUMER PROTECTIONS FOR ON-SITE GENERATING FACILITIES.—

''(A) STANDARD.—Once an electric consumer has been offered and has accepted net metering service as described in paragraph (11) from an electric utility, the State regulatory authority with ratemaking authority over the electric utility and the electric utility may not change the rate classification of the consumer unless the State regulatory authority or electric utility, as applicable, demonstrates, in an evidentiary hearing in a general rate case, that the current and future net benefits of the net metered system to the distribution, transmission, and generation systems of the electric utility are less than the full retail rate.

''(B) RESTRICTION.—A State regulatory authority or electric utility may not impose a new or higher rate (such as a new fee or demand charge) on an existing electric consumer taking net metering service as described in paragraph (11) from an electric utility unless the new or higher rate is also charged to all electric consumers in the same rate class of the electric utility.

''(C) EFFECT.—Nothing in this paragraph prevents an electric utility from charging rates to each rate class designed to recover all reasonable costs to the electric utility of providing service to the electric consumers in that class.''.

(b) COMPLIANCE.—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) Before changing the rate classification of, or imposing a new or higher rate on, an existing electric consumer taking net metering service as described in section 111(d)(11), a State regulatory authority (with respect to each electric utility for which the authority has ratemaking authority) or a nonregulated electric utility shall, with respect to the standard established by paragraph (20) of section 111(d)—

''(A) conduct a hearing and complete the consideration required under that paragraph; and

''(B) make the determination referred to in section 111 with respect to the standard established by paragraph (20) of section 111(d).''.

SEC. 3802. DISTRIBUTED ENERGY RESOURCES.

(a) IN GENERAL.—Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) (as amended by section 3801(a)) is amended by adding at the end the following:

''(21) DISTRIBUTED ENERGY RESOURCES.—

''(A) DEFINITION OF DISTRIBUTED ENERGY RESOURCE.—In this paragraph, the term 'distributed energy resource' means an electric energy supply resource, technology, or service that—

''(i) is interconnected to the distribution system of an electric utility; and

''(ii) supplies electric energy to the distribution system by generating or storing energy.

''(B) REQUIREMENT.—If a State regulatory authority considers, through a rate proceeding or another mechanism (such as consideration of fixed or minimum charges or any other mechanism described in subparagraph (C)), modifying the treatment of future net energy metering customers, the State regulatory authority shall take into account the considerations in subparagraph (C).

''(C) CONSIDERATIONS.—The considerations referred to in subparagraph (B) include—

''(i) pricing for energy—

''(I) sold to an electric utility; or

''(II) purchased from an electric utility;

''(ii) capacity;

''(iii) the provision of ancillary services;

''(iv) the societal value of distributed energy resources;

''(v) transmission and distribution losses; and

''(vi) any other benefits that the State regulatory authority considers to be appropriate.''.

(b) COMPLIANCE.—Section 112(b) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(b)) (as amended by section 3801(b)) is amended by adding at the end the following:

''(8) Before considering, through a rate proceeding or other mechanism, modifying the treatment of any future net metering customer, a State regulatory authority (with respect to each electric utility for which the authority has ratemaking authority) or a nonregulated electric utility shall, with respect to the standard established by paragraph (21) of section 111(d)—

''(A) conduct a hearing and complete the consideration required under that paragraph; and

''(B) make the determination referred to in section 111 with respect to the standard established by paragraph (21) of section 111(d).''.

SA 3121. Mr. HEINRICH (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 of subtitle C of title IV, add the following:

SEC. 4205. TECHNOLOGY MATURATION GRANT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) NATIONAL LABORATORY.—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).

(2) SMALL BUSINESS CONCERN.—The term ''small business concern'' has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 632).

(b) ESTABLISHMENT OF TECHNOLOGY MATURATION GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish the National Laboratory technology maturation program under which the Secretary shall make grants to National Laboratories for the purpose of increasing the successful transfer of technologies licensed from National Laboratories to small business concerns by providing a link between an innovative process or technology and a practical application with potential to be successful in commercial markets.

(2) APPLICATION FOR GRANT FROM THE SECRETARY.—

(A) IN GENERAL.—Each National Laboratory that elects to apply for a grant under paragraph (1) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

(B) CONTENTS.—In an application submitted under this paragraph, a National Laboratory shall describe how the National Laboratory will—

(i) manage a technology maturation program;

(ii) encourage small business concerns, with an emphasis on businesses in the region in which the National Laboratory is located, to participate in the technology maturation program;

(iii) select small business concerns and technologies to participate in the technology maturation program using a selection board (referred to in this subsection as the ''selection board'') made up of technical and business members, including venture capitalists and investors; and

(iv) measure the results of the program and the return on investment, including—

(I) the number of technologies licensed to small business concerns;

(II) the number of new small business concerns created;

(III) the number of jobs created or retained;

(IV) sales of the licensed technologies; and

(V) any additional external investment attracted by participating small business concerns.

(3) MAXIMUM GRANT.—The maximum amount of a grant received by a National Laboratory under paragraph (1) shall be $5,000,000 for each fiscal year.

(4) VOUCHERS TO SMALL BUSINESS CONCERNS FROM NATIONAL LABORATORIES.—

(A) IN GENERAL.—A National Laboratory receiving a grant under paragraph (1) shall use the grant funds to provide vouchers to small business concerns that hold a technology license from a National Laboratory to pay the cost of providing assistance from scientists and engineers at the National Laboratory to assist in the development of the licensed technology and further develop related products and services until the products and services are market-ready or sufficiently developed to attract private investment.

(B) USE OF VOUCHER FUNDS.—A small business concern receiving a voucher under subparagraph (A) may use the voucher—

(i) to gain access to special equipment or facilities at the National Laboratory that awarded the voucher;

(ii) to partner with the National Laboratory on a commercial prototype; and

(iii) to perform early-stage feasibility or later-stage field testing.

(C) ELIGIBLE PROJECTS.—A National Laboratory receiving a grant under paragraph (1) may provide a voucher to small business concerns and partnerships between a small business concern and an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) for projects—

(i) involving—

(I) commercial prototypes;

(II) scale-up and field demonstrations; or

(III) other activities that move the technology closer to successful commercialization; and

(ii) that do not exceed 1 year.

(D) APPLICATION FOR VOUCHER FROM NATIONAL LABORATORY.—Each small business concern that holds a technology license from a National Laboratory that elects to apply for a voucher under subparagraph (A) shall submit an application to the selection board at such time, in such manner, and containing such information as the selection board may reasonably require.

(E) CRITERIA.—The selection board may award vouchers based on—

(i) the viability of the technology for commercial success;

(ii) a robust commercialization business plan for transition of the technology into a marketplace success;

(iii) a significant opportunity for growth of an existing company;

(iv) access to a strong, experienced business and technical team;

(v) clear, market-driven milestones for the project;

(vi) the potential of the technology to enhance the economy of the region in which the National Laboratory is located;

(vii) availability and source of matching funds for the project, including in-kind contributions; and

(viii) compatibility with the mission of the National Laboratory.

(F) MAXIMUM VOUCHER.—The maximum amount of a voucher received by a small business concern under subparagraph (A) shall be $250,000.

(G) PROGRESS TRACKING.—

(i) IN GENERAL.—The National Laboratory that awards a voucher to carry out a project under subparagraph (A) shall establish a procedure to monitor interim progress of the project toward commercialization milestones.

(ii) TERMINATION OF VOUCHER.—If the National Laboratory determines that a project is not making adequate progress toward commercialization milestones under the procedure established pursuant to clause (i), the project shall not continue to receive funding or assistance under this paragraph.

(c) ANNUAL REPORT.—

(1) IN GENERAL.—Each National Laboratory receiving a grant under subsection (b) shall submit to the Secretary an annual report, at such time and in such manner as the Secretary may reasonably require.

(2) CONTENTS OF REPORT.—The report submitted under paragraph (1) shall—

(A) include a list of each recipient of a voucher and the amount of each voucher awarded; and

(B) provide an estimate of the return on investment, including—

(i) the increase in the number of technologies licensed to small business concerns;

(ii) the number of jobs created or retained;

(iii) sales of the licensed technologies; and

(iv) any additional external investment attracted by participating small business concerns.

(d) FINAL REPORT.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to the Committees on Armed Services and Energy and Natural Resources of the Senate and the Committees on Armed Services and Science, Space, and Technology of the House of Representatives a report on the results of the program established under subsection (b), including—

(1) the return on investment; and

(2) any recommendations for improvements to the program.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2016 through 2020.

SA 3122. Mr. HEINRICH (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 subtitle A of title III, add the following:

PART V—COMMUNITY SOLAR

SEC. 3021. PROVISION OF INTERCONNECTION SERVICE AND NET BILLING SERVICE FOR COMMUNITY SOLAR FACILITIES.

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

''(20) COMMUNITY SOLAR FACILITIES.—

''(A) DEFINITIONS.—In this paragraph:

''(i) COMMUNITY SOLAR FACILITY.—The term 'community solar facility' means a solar photovoltaic system that—

''(I) allocates electricity to multiple individual electric consumers of an electric utility;

''(II) has a nameplate rating of 2 megawatts or less; and

''(III) is—

''(aa) owned by the electric utility, jointly owned, or third-party-owned;

''(bb) connected to a local distribution facility of the electric utility; and

''(cc) located on or off the property of a consumer of the electricity.

''(ii) INTERCONNECTION SERVICE.—The term 'interconnection service' means a service provided by an electric utility to an electric consumer, in accordance with the standards described in paragraph (15), through which a community solar facility is connected to an applicable local distribution facility.

''(iii) NET BILLING SERVICE.—The term 'net billing service' means a service provided by an electric utility to an electric consumer through which electric energy generated for that electric consumer from a community solar facility may be used to offset electric energy provided by the electric utility to the electric consumer during the applicable billing period.

''(B) REQUIREMENT.—On receipt of a request of an electric consumer served by the electric utility, each electric utility shall make available to the electric consumer interconnection service and net billing service for a community solar facility.''.

(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 1 year after the date of enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which the State has ratemaking authority) and each nonregulated utility shall commence consideration under section 111, or set a hearing date for consideration, with respect to the standard established by paragraph (20) of section 111(d).

''(B) Not later than 2 years after the date of enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which the State has ratemaking authority), and each nonregulated electric utility shall complete the consideration and make the determination under section 111 with respect to the standard established by paragraph (20) of section 111(d).''.

(2) FAILURE TO COMPLY.—

(A) IN GENERAL.—Section 112(c) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(c)) is amended—

(i) by striking ''such paragraph (14)'' and all that follows through ''paragraphs (16)'' and inserting ''such paragraph (14). In the case of the standard established by paragraph (15) 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 (15). In the case of the standards established by paragraphs (16)''; and

(ii) by adding at the end the following: ''In the case of the standard established by paragraph (20) of section 111(d), the reference contained in this subsection to the date of enactment of this Act shall be deemed to be a reference to the date of enactment of that paragraph (20).''.

(B) TECHNICAL CORRECTION.—

(i) IN GENERAL.—Section 1254(b) of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 971) is amended by striking paragraph (2).

(ii) TREATMENT.—The amendment made by paragraph (2) of section 1254(b) of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 971) (as in effect on the day before the date of enactment of this Act) is void, and section 112(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(d)) shall be in effect as if those amendments had not been enacted.

(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 the standard established by 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 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 Policy Act of 1978 (16 U.S.C. 2634) is amended by adding at the end the following: ''In the case of the standard established by paragraph (20) of section 111(d), the reference contained in this subsection to the date of enactment of this Act shall be deemed to be a reference to the date of enactment of that paragraph (20).''.

SA 3123. Mr. HEINRICH (for himself, Mr. WHITEHOUSE, Mr. UDALL, Ms. WARREN, Mr. FRANKEN, 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 subtitle A of title III, add the following:

PART V—ENERGY STORAGE

SEC. 3021. ENERGY STORAGE PORTFOLIO STANDARD.

(a) IN GENERAL.—Title VI of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.) is amended by adding at the end the following:

''SEC. 610. ENERGY STORAGE PORTFOLIO STANDARD.

''(a) DEFINITIONS.—In this section:

''(1) ENERGY STORAGE DEVICE.—The term 'energy storage device' includes a device

used to store energy using pumped hydropower, compressed air, batteries or other electrochemical forms (including hydrogen for fuel cells), thermal forms (including hot water and ice), flywheels, capacitors, superconducting magnets, and other energy storage devices, to be available for use when the energy is needed.

''(2) RETAIL ELECTRIC SUPPLIER.—

''(A) IN GENERAL.—The term 'retail electric supplier' means a person that—

''(i) sells electric energy to electric consumers; and

''(ii) sold not less than 500,000 megawatt hours of electric energy to electric consumers for purposes other than resale during the preceding calendar year.

''(B) INCLUSION.—The term 'retail electric supplier' includes a person that sells electric energy to electric consumers that, in combination with the sales of any affiliate organized after the date of enactment of this section, sells not less than 500,000 megawatt hours of electric energy to consumers for purposes other than resale.

''(C) EXCLUSIONS.—The term 'retail electric supplier' does not include—

''(i) the United States, a State, any political subdivision of a State, or any agency, authority, or instrumentality of the United States, a State, an Indian tribe, or a political subdivision; or

''(ii) a rural electric cooperative.

''(D) SALES TO PARENT COMPANIES OR AFFILIATES.—For purposes of this paragraph, sales by any person to a parent company or to other affiliates of the person shall not be treated as sales to electric consumers.

''(b) REQUIREMENTS.—

''(1) PRIMARY STANDARDS.—Subject to paragraph (2) and except as provided in subsection (e)(2), each retail electric supplier shall achieve compliance with the following energy storage portfolio standards by the following dates:

''(A) JANUARY 1, 2021.—Not later than January 1, 2021, each retail electric supplier shall have available on the system of the retail electric supplier energy storage devices with a power capacity rating equal to not less than 1 percent of the annual average peak power demand of the system, as—

''(i) measured over a 1-hour period; and

''(ii) averaged over the period of calendar years 2017 through 2019.

''(B) JANUARY 1, 2025.—Not later than January 1, 2025, each retail electric supplier shall have available on the system of the retail electric supplier energy storage devices with a power capacity rating equal to not less than 2 percent of the annual average peak power demand of the system, as—

''(i) measured over a 1-hour period; and

''(ii) averaged over the period of calendar years 2021 through 2023.

''(2) SECONDARY STANDARD.—Of each applicable storage capacity required under paragraph (1), at least 50 percent shall be sufficient to provide electricity at the rated capacity for a duration of not less than 1 hour.

''(c) INCLUSIONS.—The following may be used to comply with the energy storage portfolio standards established by subsection (b):

''(1) Energy storage devices associated with a retail customer of the retail electric supplier.

''(2) Energy storage owned or operated by the retail electric supplier.

''(3) Energy storage devices that are electrically connected to the retail electric supplier and available to provide power, including storage owned by—

''(A) a third party;

''(B) a regional transmission entity; or

''(C) a transmission or generation entity.

''(d) EXCLUSION.—An energy storage device placed in operation before January 1, 2009, may not be used to achieve compliance with the energy storage portfolio standards established by subsection (b).

''(e) DEADLINE FOR COMPLIANCE.—

''(1) IN GENERAL.—Subject to paragraph (2), the chief executive officer of each retail electric supplier shall certify to the Secretary compliance with the energy storage portfolio standards established by subsection (b) by the applicable dates specified in that subsection.

''(2) WAIVERS.—

''(A) IN GENERAL.—Notwithstanding any other provision of this section, the Secretary may provide to a retail electric supplier a waiver of an applicable deadline under subsection (b) for a period of 1 calendar year, if the Secretary determines that achieving compliance by the applicable deadline would present undue hardship to—

''(i) the retail electric supplier; or

''(ii) ratepayers of the retail electric supplier.

''(B) ADDITIONAL WAIVERS.—The Secretary may provide to a retail electric supplier such additional 1-year waivers under subparagraph (A) as the Secretary determines to be appropriate on making a subsequent determination under that subparagraph.''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. prec. 2601) is amended by adding at the end of the items relating to title VI the following:

''Sec. 609. Rural and remote communities electrification grants.

''Sec. 610. Energy storage portfolio standard.''.

SA 3124. Mr. HEINRICH submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 23_____. SITING OF INTERSTATE ELECTRIC TRANSMISSION FACILITIES.

Section 216 of the Federal Power Act (16 U.S.C. 824p) is amended to read as follows:

''SEC. 216. SITING OF INTERSTATE ELECTRIC TRANSMISSION FACILITIES.

''(a) POLICY.—It is the policy of the United States that the national interstate transmission system should be guided by the goal of maximizing the net benefits of the electricity system, taking into consideration—

''(1) support for the development of new, cleaner power generation capacity, including renewable energy generation located distant from load centers;

''(2) opportunities for reduced emissions from regional power production;

''(3) transmission needs driven by public policy requirements established by State or Federal laws (including regulations);

''(4) cost savings resulting from—

''(A) reduced transmission congestion;

''(B) enhanced opportunities for intraregional and interregional electricity trades;

''(C) reduced line losses;

''(D) generation resource-sharing; and

''(E) enhanced fuel diversity;

''(5) reliability benefits, including satisfying reliability standards and guidelines for resource adequacy and system security;

''(6) diversification of risk relating to events affecting fuel supply or generating resources in a particular region;

''(7) the enhancement of competition in electricity markets and mitigation of market power;

''(8) the ability to collocate facilities on existing rights-of-way;

''(9) competing land use priorities, including land protected under Federal or State law;

''(10) the requirements of section 217(b)(4); and

''(11) the contribution of demand side management (including energy efficiency and demand response), energy storage, distributed generation resources, and smart grid investments.

''(b) DEFINITIONS.—In this section:

''(1) HIGH-PRIORITY REGIONAL TRANSMISSION PROJECT.—The term 'high-priority regional transmission project' means an overhead, submarine, or underground transmission facility, including conductors or cables, towers, manhole duct systems, reactors, capacitors, circuit breakers, static VAR compensators, static synchronous compensators, power converters, transformers, synchronous condensers, braking resistors, and any ancillary facilities and equipment necessary for the proper operation of the facility, that is selected in a regional transmission plan for the purposes of cost allocation under Order Number 1000 of the Commission (or any successor order), including an interregional project selected under that plan.

''(2) INDIAN LAND.—The term 'Indian land' means land—

''(A) the title to which is held by the United States in trust for an Indian tribe or individual Indian; or

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

''(3) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation (as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

''(c) SITING.—

''(1) PURPOSES.—The purpose of this subsection is to ensure that high-priority regional transmission projects are in the public interest and advance the policy established under subsection (a).

''(2) STATE REVIEW OF PROJECT SITING.—

''(A) IN GENERAL.—No developer of a high-priority regional transmission project may seek a certificate for construction under subsection (d) unless the developer first seeks authorization to construct the high-priority regional transmission project under applicable State law concerning authorization and routing of transmission facilities.

''(B) FEDERAL AUTHORITY.—The Commission may authorize, in accordance with subsection (d), construction of a high-priority regional transmission project that the Commission finds to be required by the present or future public convenience and necessity and in accordance with this section if—

''(i) a State—

''(I) fails to approve construction and authorize routing of a high-priority regional transmission project not later than 1 year after the date the applicant submits a completed application for authorization to the State;

''(II) rejects or denies the application for a high-priority regional transmission project;

''(III) authorizes the high-priority regional transmission project subject to conditions that unreasonably interfere with the development of a high-priority regional transmission project contrary to the purposes of this section; or

''(IV) does not have authority to approve the siting of the high-priority regional transmission project; or

''(ii) the developer seeking a certificate for construction under subsection (d) does not qualify to apply for State authorization to construct a high-priority regional transmission project because the developer does not serve end-users in the State.

''(d) CONSTRUCTION.—

''(1) APPLICATION FOR CERTIFICATE.—

''(A) IN GENERAL.—An applicant for a high-priority regional transmission project may apply to the Commission for a certificate of public convenience and necessity with respect to construction of the high-priority regional transmission project only under a circumstance described in subsection (c)(2)(B).

''(B) FORM.—The application for a certificate shall be made in writing in such form and containing such information as the Commission may by regulation require.

''(C) HEARING.—On receipt of an application under this paragraph, the Commission—

''(i) shall provide public notice and opportunity for hearing; and

''(ii) may approve (with or without conditions) or disapprove the application, in accordance with paragraph (2).

''(D) ADMINISTRATION.—

''(i) IN GENERAL.—The Commission shall act as the lead agency for purposes of coordinating all applicable Federal authorizations and related environmental reviews for a high-priority regional transmission project under this section.

''(ii) COORDINATION.—To the maximum extent practicable, the Commission shall—

''(I) coordinate the Federal authorization and related environmental review process with any Indian tribe, multistate entity, or State agency responsible for conducting any separate permitting or environmental review of a high-priority regional transmission project; and

''(II) ensure timely and efficient review and permit decisions.

''(iii) TIMELINE.—The Commission, in consultation with the applicable agencies described in clause (ii)(I) and consistent with applicable law, shall establish a coordinated project plan with milestones for all Federal authorizations described in clause (i).

''(2) GRANT OF CERTIFICATE.—

''(A) IN GENERAL.—A certificate shall be issued to a qualified applicant for a certificate authorizing the whole or partial operation, construction, acquisition, or modification covered by the application, if the Commission determines that the proposed operation, construction, acquisition, or modification, to the extent authorized by the certificate, is required by the present or future public convenience and necessity.

''(B) TERMS AND CONDITIONS.—The Commission shall have the power to attach to the issuance of a certificate under this paragraph and to the exercise of the rights granted under the certificate such reasonable terms and conditions as the public convenience and necessity may require.

''(C) RECORD OF STATE PROCEEDING.—Any party, including the State, to a State proceeding in which an application for a high-priority regional transmission project was rejected or denied may file with the Commission for its consideration any portion of the record of the State proceeding.

''(D) PUBLIC CONVENIENCE AND NECESSITY.—In making a determination with respect to public convenience and necessity, the Commission shall consider whether the facilities covered by an application are included in an Interconnection-wide transmission grid plan for a high-priority regional transmission project.

''(3) RIGHT OF EMINENT DOMAIN.—If any holder of a certificate issued under paragraph (2) cannot acquire by contract, or is unable to agree with the owner of property on the compensation to be paid for, the necessary right-of-way to construct, operate, and maintain the high-priority regional transmission project to which the certificate relates, and the necessary land or other property necessary to the proper operation of the high-priority regional transmission project, the holder may acquire the right-of-way by the exercise of the right of eminent domain in—

''(A) the United States district court for the district in which the property is located; or

''(B) a State court.

''(4) FEDERAL, STATE AND TRIBAL RECOMMENDATIONS.—In granting a certificate under paragraph (2), the Commission shall—

''(A) seek from Federal resource agencies, State regulatory agencies, and affected Indian tribes recommended mitigation measures, based on habitat protection, environmental considerations, or cultural site protection; and

''(B)(i) incorporate those identified mitigation measures as conditions to the certificate; or

''(ii) if the Commission determines that a recommended mitigation measure is inconsistent with the purposes of this section or with other applicable provisions of law, is infeasible or not cost-effective, or for any other reason—

''(I) consult with the Federal resource agency, State regulatory agency, and affected Indian tribe to seek to resolve the issue;

''(II) incorporate as conditions to the certificate such recommended mitigation measures as are determined to be appropriate by the Commission, based on those consultations and the record before the Commission; and

''(III) if, after consultation, the Commission does not adopt in whole or in part a recommendation of an agency or affected Indian tribe, publish a statement of a finding that the adoption of the recommendation is infeasible, not cost-effective, or otherwise inconsistent with this section or other applicable provisions of law.

''(5) STATE OR LOCAL AUTHORIZATIONS.—An applicant receiving a certificate under this subsection with respect to construction or modification of a high-priority regional transmission project in a State shall not be required to obtain a separate siting authorization from the State or any local authority within the State.

''(6) RIGHTS-OF-WAY OVER INDIAN LAND.—Notwithstanding paragraph (3), in the case of siting, construction, operation, and maintenance of a transmission facility to be located on or over Indian land, a certificate holder under this section shall comply with the requirements of Federal law for obtaining rights-of-way on or over Indian land.

''(e) RELATIONSHIP TO OTHER LAWS.—

''(1) IN GENERAL.—Except as specifically provided in this section, nothing in this section affects any requirement of an environmental or historic preservation law of the United States, including—

''(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

''(B) the Wilderness Act (16 U.S.C. 1131 et seq.); or

''(C) the National Historic Preservation Act (16 U.S.C. 470 et seq.).

''(2) STATE LAW.—Nothing in this section precludes any person from constructing or modifying any transmission facility in accordance with State law.

''(f) APPLICABILITY.—

''(1) PROJECT DEVELOPERS.—Nothing in this section precludes the development, subject to applicable regulatory requirements, of transmission projects that are not selected in a regional transmission plan.

''(2) EXCLUSIONS.—This section does not apply in the State of Alaska or Hawaii or to the Electric Reliability Council of Texas.''.

SA 3125. Mr. WHITEHOUSE (for himself, Mr. MARKEY, Mr. DURBIN, Mr. SANDERS, Mrs. SHAHEEN, Ms. BALDWIN, Mr. LEAHY, Mr. MURPHY, Mr. BLUMENTHAL, 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

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

(a) IN GENERAL.—Section 304 of the Federal Election Campaign Act of 1974 (52 U.S.C. 30104) is amended by adding at the end the following new subsection:

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

''(1) IN GENERAL.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(A) An independent expenditure.

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

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

''(ii) is made—

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

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

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

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

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

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

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

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

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

SA 3126. Mr. LEE (for himself 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 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 3127. Mr. LEE (for himself 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:

On page 424, strike lines 11 through 18.

SA 3128. Mr. BOOZMAN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 340, beginning on line 10, strike ''Interior pursuant to'' and all that follows through ''agencies'' on line 11 and insert ''Interior and the Corps of Engineers pursuant to an agreement between the 3 agencies''.

Beginning on page 340, strike line 18 and all that follows through page 341, line 3, and insert the following:

(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary, the Secretary of the Interior, and the Secretary of the Army, acting through the Assistant Secretary of the Army for Civil Works, shall establish the joint NEWS Office and Interagency Coordination Committee on the Nexus of Energy and Water for Sustainability (or the ''NEWS Committee'') to carry out the duties described in paragraph (3).

(2) ADMINISTRATION.—

(A) CHAIRS.—The Secretary, the Secretary of the Interior, and the Assistant Secretary of the Army for Civil Works shall jointly manage the

On page 344, line 12, strike ''5-'' and insert ''4-''.

On page 345, after line 25, add the following:

(d) SUNSET.—This section terminates on the date that is 5 years after the date on which the NEWS Committee is established.

SA 3129. Ms. STABENOW (for herself and Mr. PETERS) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

Subtitle I—Prevention and Protection From Lead Exposure

SEC. 4801. DRINKING WATER INFRASTRUCTURE.

Part B of the Safe Drinking Water Act (42 U.S.C. 300g et seq.) is amended by adding at the end the following:

''SEC. 1420A. LEAD PREVENTION GRANT PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) CITY.—The term 'City' means the City of Flint, Michigan.

''(2) STATE.—The term 'State' means the State of Michigan.

''(b) GRANT PROGRAM.—

''(1) ESTABLISHMENT.—Using funds made available under section 4805(a) of the Energy Policy Modernization Act of 2016, the Administrator shall make grants to the State and the City for use in accordance with this subsection.

''(2) USE OF FUNDS.—The use of funds from a grant made under this subsection shall be—

''(A) determined by the Administrator, in consultation with the State and the City; and

''(B) used only for an activity authorized under paragraph (3).

''(3) AUTHORIZED ACTIVITIES.—

''(A) IN GENERAL.—The Administrator may authorize the use by the State or the City of funds from a grant under this subsection to carry out any activity that the Administrator determines is necessary to ensure that the drinking water supply of the City does not contain—

''(i) lead levels that threaten public health or the environment; or

''(ii) lead, other drinking water contaminants, and pathogens that pose a threat to public health.

''(B) INCLUSIONS.—Authorized activities under subparagraph (A) may include—

''(i) testing, evaluation, and sampling of water supplies and public and private water service lines in the water distribution system of the City;

''(ii) repairs and upgrades to water treatment facilities that serve the City;

''(iii) optimization of corrosion control treatment of the public and private water service lines in the water distribution system of the City;

''(iv) repairs to water mains and replacement of public and private water service lines in the water distribution system of the City; and

''(v) modification or construction of new pipelines and treatment system startup evaluations needed to ensure optimal treatment of water from the Karegnondi Water Authority before and after the transition to this new source.

''(4) MATCHING REQUIREMENT.—As a condition of the State or the City receiving a grant under this subsection, the Administrator shall require the State to provide funds from non-Federal sources in an amount that is at least equal to the amount provided by the Federal Government.

''(c) ADMINISTRATION.—The Administrator may use funds made available under section 4805(a) of the Energy Policy Modernization Act of 2016—

''(1) for the costs of technical assistance provided by the Environmental Protection Agency or by contractors of the Environmental Protection Agency; and

''(2) for administrative activities in support of authorized activities.

''(d) REPORT.—Not later than 45 days after the first day of each of fiscal years 2017, 2018, 2019, 2020, and 2021, the Administrator shall submit to the Committee on Appropriations of the Senate, the Committee on Environment and Public Works of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Appropriations of the House of Representatives, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the actions taken to carry out the purposes of the grant program, as described in subsection (b)(3).

''(e) SUNSET.—The authority provided by this section terminates on March 1, 2021.''.

SEC. 4802. LOAN FORGIVENESS.

The matter under the heading ''STATE AND TRIBAL ASSISTANCE GRANTS'' under the heading ''ENVIRONMENTAL PROTECTION AGENCY'' in title II of division G of the Consolidated Appropriations Act, 2016 (Public Law 114–113), is amended in paragraph (1), by striking the semicolon at the end and inserting the following: ''or, if a Federal or State emergency declaration has been issued due to a threat to public health from heightened exposure to lead in a municipal drinking water supply, before the date of enactment of this Act: *Provided further*, that in a State in which such an emergency declaration has been issued, the State may use more than 20 percent of the funds made available under this title to the State for Drinking Water State Revolving Fund capitalization grants to provide additional subsidy to eligible recipients;''.

SEC. 4803. DISCLOSURE OF PUBLIC HEALTH THREATS FROM LEAD EXPOSURE.

(a) EXCEEDANCE OF LEAD ACTION LEVEL.—Section 1414(c) of the Safe Drinking Water Act (42 U.S.C. 300g–3(c)) is amended—

(1) in paragraph (1), by adding at the end the following:

''(D) Notice of any exceedance of a lead action level or any other prescribed level of lead in a regulation issued under section 1412, including the concentrations of lead found in a monitoring activity.'';

(2) in paragraph (2)—

(A) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(B) by inserting after subparagraph (C) the following:

''(D) EXCEEDANCE OF LEAD ACTION LEVEL.—Regulations issued under subparagraph (A) shall specify notification procedures for an exceedance of a lead action level or any other prescribed level of lead in a regulation issued under section 1412.'';

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

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

''(3) NOTIFICATION OF THE PUBLIC RELATING TO LEAD.—

''(A) EXCEEDANCE OF LEAD ACTION LEVEL.—Not later than 15 days after the date of an exceedance of a lead action level or any other prescribed level of lead in a regulation issued under section 1412, the Administrator shall notify the public of the concentrations of lead found in the monitoring activity conducted by the public water system if the public water system or the State does not notify the public of the concentrations of lead found in a monitoring activity.

''(B) RESULTS OF LEAD MONITORING.—

''(i) IN GENERAL.—The Administrator may provide notice of any result of lead monitoring conducted by a public water system to—

''(I) any person that is served by the public water system; or

''(II) the local or State health department of a locality or State in which the public water system is located.

''(ii) FORM OF NOTICE.—The Administrator may provide the notice described in clause (i) by—

''(I) press release; or

''(II) other form of communication, including local media.''.

(b) CONFORMING AMENDMENTS.—Section 1414 (c) of the Safe Drinking Water Act (42 U.S.C. 300g-3(c)) is amended—

(1) in paragraph (1)(C), by striking ''paragraph (2)(E)'' and inserting ''paragraph (2)(F)'';

(2) in paragraph (2)(B)(i)(II), by striking ''subparagraph (D)'' and inserting ''subparagraph (E)''; and

(3) in paragraph (3)(B), in the first sentence, by striking ''(D)'' and inserting ''(E)''.

SEC. 4804. CENTER OF EXCELLENCE ON LEAD EXPOSURE.

(a) DEFINITIONS.—In this section:

(1) CENTER.—The term ''Center'' means the Center of Excellence on Lead Exposure established under subsection (b).

(2) CITY.—The term ''City'' means the City of Flint, Michigan.

(3) COMMUNITY.—The term ''community'' means the community of the City.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(5) STATE.—The term ''State'' means the State of Michigan.

(b) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall, by contract, grant, or cooperative agreement, establish in the City a center to be known as the ''Center of Excellence on Lead Exposure''.

(c) COLLABORATION.—The Center shall collaborate with research institutions, hospitals, Federally qualified health centers, school-based health centers, community behavioral health providers, public health agencies of Genesee County in the State, and the State in the development and operation of the Center.

(d) ADVISORY COMMITTEE.—

(1) IN GENERAL.—The Center shall establish an advisory committee to provide scientific and technical support for the Center and to advise the Secretary, consisting of, at a minimum—

(A) an epidemiologist;

(B) a toxicologist;

(C) a mental health professional;

(D) a pediatrician;

(E) an early childhood education expert;

(F) a special education expert;

(G) a dietician;

(H) an environmental health expert; and

(I) 2 community representatives.

(2) APPLICATION OF FACA.—The advisory committee shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(e) RESPONSIBILITIES.—The Center shall, at minimum, develop and carry out the following components and responsibilities:

(1) Establish a health registry with the following responsibilities:

(A) Survey City residents about exposure to lead, and inform City residents of the health and developmental impacts that may have resulted from that exposure.

(B) Identify and provide ongoing monitoring for City residents who have been exposed to lead.

(C) Collect and analyze clinical data related to the monitoring and treatment of City residents.

(D) Provide culturally and linguistically relevant personnel and materials necessary for City residents.

(2) Conduct research on physical, behavioral, and developmental impacts, as well as other health or educational impacts associated with lead exposure, including cancer, heart disease, liver disease, neurological impacts, developmental delays, reproductive health impacts, and maternal and fetal health impacts.

(3) Develop lead mitigation recommendations and allocate resources, as appropriate, for health-, education-, and nutrition-related interventions, as well as other interventions, to mitigate lead exposure in children and adults.

(4) Establish a partnership with the Regional Center of Excellence on Nutrition Education of the Department of Agriculture to provide any relevant nutrition information for lead mitigation, including—

(A) identifying and implementing best practices in nutrition education regarding lead-mitigating foods; and

(B) making recommendations and conducting outreach to improve access to lead-mitigating foods in the community.

(5) Conduct education and outreach efforts for the City, including the following:

(A) Create a publicly accessible website that provides, at minimum, details about the health registry for City residents, available testing and other services through the Center for City residents and other communities impacted by lead exposure, any relevant information regarding health and educational impacts of lead exposure, any relevant information on mitigation services, and any research conducted through the Center.

(B) Conduct regular meetings in the City to discuss the ongoing impact of lead exposure on residents and solicit community input regarding ongoing mitigation needs.

(C) Establish a navigation program to connect City residents to available Federal, State, and local resources and programs that assist with cognitive, developmental, and health problems associated with lead exposure.

(f) REPORT.—Biannually, the Secretary shall submit to the Committees on Finance, Health, Education, Labor, and Pensions, Agriculture, Nutrition, and Forestry of the Senate and the Committees on Education and the Workforce, Energy and Commerce, and Agriculture of the House of Representatives a report—

(1) assessing the impacts of the Center on City health and education systems and outcomes;

(2) describing any research conducted by or with the Center; and

(3) making any recommendations for the City, State, or other communities impacted by lead exposure, as appropriate.

SEC. 4805. FUNDING.

(a) LEAD PREVENTION GRANT PROGRAM.—

(1) IN GENERAL.—Not later than 5 days after the date of enactment of this Act, out

of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Administrator of the Environmental Protection Agency to carry out section 1420A of the Safe Drinking Water Act (as added by section 4801) $400,000,000, to remain available until March 1, 2021.

(2) RECEIPT AND ACCEPTANCE.—The Administrator of the Environmental Protection Agency shall be entitled to receive, shall accept, and shall use to carry out section 1420A of the Safe Drinking Water Act (as added by section 4801) the funds transferred under paragraph (1), without further appropriation.

(3) REVERSION OF FUNDS.—Any funds transferred under paragraph (1) that are unexpended or unobligated as of March 1, 2021, shall revert to the general fund of the Treasury.

(b) CENTER OF EXCELLENCE ON LEAD EXPOSURE.—

(1) IN GENERAL.—On October 1, 2016, and on each October 1 thereafter through October 1, 2025, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Health and Human Services to carry out section 4804 $20,000,000, to remain available until expended.

(2) RECEIPT AND ACCEPTANCE.—The Secretary of Health and Human Services shall be entitled to receive, shall accept, and shall use to carry out section 4804 the funds transferred under paragraph (1), without further appropriation.

SEC. 4806. EMERGENCY DESIGNATION.

(a) IN GENERAL.—This subtitle and the amendments made by this subtitle are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

(b) DESIGNATION IN SENATE.—In the Senate, this subtitle and the amendments made by this subtitle are designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SA 3130. Mr. WARNER (for himself and Mr. MANCHIN) 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. ___. ENERGY PRODUCTIVITY INNOVATION CHALLENGE.

(a) PURPOSE.—The purpose of this section is to assist energy policy innovation in the States to promote the goal of doubling electric and thermal energy productivity by January 1, 2030.

(b) DEFINITIONS.—In this section:

(1) ENERGY PRODUCTIVITY.—The term ''energy productivity'' means, in the case of a State or Indian tribe, the gross State or tribal product per British thermal unit of energy consumed in the State or tribal land of the Indian tribe, respectively.

(2) 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).

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

(4) STATE.—The term ''State'' has the meaning given the term in section 3 of the Energy Policy and Conservation Act (42 U.S.C. 6202).

(c) PHASE 1: INITIAL ALLOCATION OF GRANTS TO STATES.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall issue an invitation to States to submit plans to participate in an electric and thermal energy productivity challenge in accordance with this subsection.

(2) GRANTS.—

(A) IN GENERAL.—Subject to subsection (f), the Secretary shall use funds made available under subsection (g)(2)(A) to provide an initial allocation of grants to not more than 25 States.

(B) AMOUNT.—The amount of a grant provided to a State under this subsection shall be not less than $500,000 nor more than $1,750,000.

(3) SUBMISSION OF PLANS.—To receive a grant under this subsection, not later than 90 days after the date of issuance of the invitation under paragraph (1), a State (in consultation with energy utilities, regulatory bodies, and others) shall submit to the Secretary an application to receive the grant by submitting a revised State energy conservation plan under section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322).

(4) DECISION BY SECRETARY.—

(A) BASIS.—The Secretary shall base the decision of the Secretary on an application submitted under this subsection on—

(i) plans for improvement in electric and thermal energy productivity consistent with this section; and

(ii) other factors determined appropriate by the Secretary, including geographic diversity.

(B) RANKING.—The Secretary shall—

(i) rank revised plans submitted under this subsection in order of the greatest to least likely contribution to improving energy productivity in the State; and

(ii) provide grants under this subsection in accordance with the ranking and the scale and scope of a plan.

(5) PLAN REQUIREMENTS.—A plan submitted under paragraph (3) shall provide—

(A) a description of the manner in which—

(i) energy savings will be monitored and verified and energy productivity improvements will be calculated using inflation-adjusted dollars;

(ii) a statewide baseline of energy use and potential resources for calendar year 2010 will be established to measure improvements;

(iii) the plan will promote achievement of energy savings and demand reduction goals;

(iv) public and private sector investments in energy efficiency will be leveraged with available Federal funding; and

(v) the plan will not cause cost-shifting among utility customer classes or negatively impact low-income populations; and

(B) an assurance that—

(i) the State energy office required to submit the plan, the energy utilities in the State participating in the plan, and the State public service commission are cooperating and coordinating programs and activities under this section;

(ii) the State is cooperating with local units of government, Indian tribes, and energy utilities to expand programs as appropriate; and

(iii) grants provided under this section will be used to supplement and not supplant Federal, State, or ratepayer-funded programs or activities in existence on the date of enactment of this Act.

(6) USES.—A State may use grants provided under this subsection to promote—

(A) the expansion of policies and programs that will advance industrial energy efficiency, waste heat recovery, combined heat and power, and waste heat-to-power utilization;

(B) the expansion of policies and programs that will advance energy efficiency construction and retrofits for public and private commercial buildings (including schools, hospitals, and residential buildings, including multifamily buildings) such as through expanded energy service performance contracts, equivalent utility energy service contracts, zero net-energy buildings, and improved building energy efficiency codes;

(C) the expansion of residential policies and programs designed to implement best practice policies and tools for residential retrofit programs that—

(i) reduce administrative and delivery costs for energy efficiency projects;

(ii) encourage streamlining and automation to support contractor engagement; and

(iii) implement systems that encourage private investment and market innovation;

(D) the establishment or expansion of incentives in the electric utility sector to enhance demand response and energy efficiency, including consideration of additional incentives to promote the purposes of section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)), such as appropriate, cost-effective policies regarding rate structures, grid improvements, behavior change, combined heat and power and waste heat-to-power incentives, financing of energy efficiency programs, data use incentives, district heating, and regular energy audits; and

(E) leadership by example, in which State activities involving both facilities and vehicle fleets can be a model for other action to promote energy efficiency and can be expanded with Federal grants provided under this section.

(d) PHASE 2: SUBSEQUENT ALLOCATION OF GRANTS TO STATES.—

(1) REPORTS.—Not later than 18 months after the receipt of grants under subsection (c), each State (in consultation with other parties described in paragraph (2)(C)(vi)) that received grants under subsection (c) may submit to the Secretary a report that describes—

(A) the performance of the programs and activities carried out with the grants; and

(B) in consultation with other parties described in paragraph (2)(C)(vi), the manner in which additional funds would be used to carry out programs and activities to promote the purposes of this section.

(2) GRANTS.—

(A) IN GENERAL.—Not later than 180 days after the date of the receipt of the reports required under paragraph (1), subject to subsection (f), the Secretary shall use amounts made available under subsection (g)(2)(B) to provide grants to not more than 6 States to carry out the programs and activities described in paragraph (1)(B).

(B) AMOUNT.—The amount of a grant provided to a State under this subsection shall be not more than $15,000,000.

(C) BASIS.—The Secretary shall base the decision of the Secretary to provide grants under this subsection on—

(i) the performance of the State in the programs and activities carried out with grants provided under subsection (c);

(ii) the potential of the programs and activities described in paragraph (1)(B) to achieve the purposes of this section;

(iii) the desirability of maintaining a total project portfolio that is geographically and functionally diverse;

(iv) the amount of non-Federal funds that are leveraged as a result of the grants to ensure that Federal dollars are leveraged effectively;

(v) plans for continuation of the improvements after the receipt of grants under this section; and

(vi) demonstrated effort by the State to involve diverse groups, including—

(I) investor-owned, cooperative, and public power utilities;

(II) local governments; and

(III) nonprofit organizations.

(e) ALLOCATION OF GRANTS TO INDIAN TRIBES.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall invite Indian tribes to submit plans to participate in an electric and thermal energy productivity challenge in accordance with this subsection.

(2) SUBMISSION OF PLANS.—To receive a grant under this subsection, not later than 90 days after the date of issuance of the invitation under paragraph (1), an Indian tribe shall submit to the Secretary a plan to increase electric and thermal energy productivity by the Indian tribe.

(3) DECISION BY SECRETARY.—

(A) IN GENERAL.—Not later than 90 days after the submission of plans under paragraph (2), the Secretary shall make a final decision on the allocation of grants under this subsection.

(B) BASIS.—The Secretary shall base the decision of the Secretary under subparagraph (A) on—

(i) plans for improvement in electric and thermal energy productivity consistent with this section;

(ii) plans for continuation of the improvements after the receipt of grants under this section; and

(iii) other factors determined appropriate by the Secretary, including—

(I) geographic diversity; and

(II) size differences among Indian tribes.

(C) LIMITATION.—An individual Indian tribe shall not receive more than 20 percent of the total amount available to carry out this subsection.

(f) ADMINISTRATION.—

(1) INDEPENDENT EVALUATION.—To evaluate program performance and effectiveness under this section, the Secretary shall consult with the National Research Council regarding requirements for data and evaluation for recipients of grants under this section.

(2) COORDINATION WITH STATE ENERGY CONSERVATION PROGRAMS.—

(A) IN GENERAL.—Grants to States under this section shall be provided through additional funding to carry out State energy conservation programs under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.).

(B) RELATIONSHIP TO STATE ENERGY CONSERVATION PROGRAMS.—

(i) IN GENERAL.—A grant provided to a State under this section shall be used to supplement (and not supplant) funds provided to the State under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.).

(ii) MINIMUM FUNDING.—A grant shall not be provided to a State for a fiscal year under this section if the amount of funding provided to all State grantees under the base formula for the fiscal year under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.) is less than $50,000,000.

(3) VOLUNTARY PARTICIPATION.—The participation of a State in a challenge established under this section shall be voluntary.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $100,000,000 for the period of fiscal years 2017 and 2018.

(2) ALLOCATION.—Of the total amount of funds made available under paragraph (1)—

(A) 30 percent shall be used to provide an initial allocation of grants to States under subsection (c);

(B) 61 percent shall be used to provide a subsequent allocation of grants to States under subsection (d);

(C) 4 percent shall be used to make grants to Indian tribes under subsection (e); and

(D) 5 percent shall be available to the Secretary for the cost of administration and technical support to carry out this section.

(h) OFFSET.—Section 422(f) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17082(f)) is amended—

(1) in paragraph (3), by striking ''and'' after the semicolon at the end; and

(2) by striking paragraph (4) and inserting the following:

''(4) $200,000,000 for each of fiscal years 2013 through 2016;

''(5) $150,000,000 for each of fiscal years 2017 and 2018; and

''(6) $200,000,000 for fiscal year 2019.''.

SA 3131. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 1306, add the following:

(h) SECONDARY USE APPLICATIONS.—

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

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

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

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

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

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

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

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

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

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

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

(3) SECONDARY USE DEMONSTRATION.—

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

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

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

(ii) solicit applications for funding for demonstration projects.

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

SA 3132. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 10___. PERMANENT EXTENSION AND MODIFICATION OF DEDUCTION FOR ENERGY-EFFICIENT COMMERCIAL BUILDINGS.

(a) EXTENSION AND MODIFICATION.—

(1) EXTENSION.—Section 179D of the Internal Revenue Code of 1986 is amended by striking subsection (h).

(2) INCLUSION OF MULTIFAMILY BUILDINGS.—

(A) IN GENERAL.—Subparagraph (B) of section 179D(c)(1) of such Code is amended by striking ''building'' and inserting ''commercial building or multifamily building''.

(B) DEFINITIONS.—Subsection (c) of section 179D of such Code is amended by adding at the end the following new paragraphs:

''(3) COMMERCIAL BUILDING.—The term 'commercial building' means a building with a primary use or purpose other than as residential housing.

''(4) MULTIFAMILY BUILDING.—The term 'multifamily building' means a structure of 5 or more dwelling units with a primary use as residential housing, and includes such buildings owned and operated as a condominium, cooperative, or other common interest community.''.

(b) INCREASE IN MAXIMUM AMOUNT OF DEDUCTION.—

(1) IN GENERAL.—Subparagraph (A) of section 179D(b)(1) of the Internal Revenue Code of 1986 is amended by striking ''$1.80'' and inserting ''$3.00''.

(2) PARTIAL ALLOWANCE.—Paragraph (1) of section 179D(d) of such Code is amended to read as follows:

''(1) PARTIAL ALLOWANCE.—

''(A) IN GENERAL.—Except as provided in subsection (f), if—

''(i) the requirement of subsection (c)(1)(D) is not met, but

''(ii) there is a certification in accordance with paragraph (6) that—

''(I) any system referred to in subsection (c)(1)(C) satisfies the energy-savings targets established by the Secretary under subparagraph (B) with respect to such system, or

''(II) the systems referred to in subsection (c)(1)(C)(ii) and subsection (c)(1)(C)(iii) together satisfy the energy-savings targets established by the Secretary under subparagraph (B) with respect to such systems,

then the requirement of subsection (c)(1)(D) shall be treated as met with respect to such system or systems, and the deduction under subsection (a) shall be allowed with respect to energy-efficient commercial building property installed as part of such system and as part of a plan to meet such targets, except that subsection (b) shall be applied to such property described in clause (ii)(I) by substituting '$1.00' for '$3.00' and to such property described in clause (ii)(II) by substituting '$2.20' for '$3.00'.

''(B) REGULATIONS.—

''(i) IN GENERAL.—The Secretary, after consultation with the Secretary of Energy, shall promulgate regulations establishing a target for each system described in subsection (c)(1)(C) which, if such targets were met for all such systems, the property would meet the requirements of subsection (c)(1)(D).

''(ii) SAFE HARBOR FOR COMBINED SYSTEMS.—The Secretary, after consultation with the Secretary of Energy, and not later than 6 months after the date of the enactment of the Energy Policy Modernization

Act of 2015, shall promulgate regulations regarding combined envelope and mechanical system performance that detail appropriate components, efficiency levels, or other relevant information for the systems referred to in subsection (c)(1)(C)(ii) and subsection (c)(1)(C)(iii) together to be deemed to have achieved two-thirds of the requirements of subsection (c)(1)(D).''.

(c) DENIAL OF DOUBLE BENEFIT RULES.—

(1) IN GENERAL.—Section 179D of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(h) TAX INCENTIVES NOT AVAILABLE.—Energy-efficient measures for which a deduction is allowed under this section shall not be eligible for a deduction under section 179F.''.

(2) LOW-INCOME HOUSING EXCEPTION TO BASIS REDUCTION.—Subsection (e) of section 179D of such Code is amended by inserting ''(other than property placed in service in a qualified low-income building (within the meaning of section 42))'' after ''building property''.

(d) ALLOCATION OF DEDUCTION.—Paragraph (4) of section 179D(d) of the Internal Revenue Code of 1986 is amended to read as follows:

''(4) ALLOCATION OF DEDUCTION.—

''(A) IN GENERAL.—Not later than 180 days after the date of the enactment of the Energy Policy Modernization Act of 2015, the Secretary, in consultation with the Secretary of Energy, shall promulgate a regulation to allow the owner of a commercial or multifamily building, including a government, tribal, or non-profit owner, to allocate any deduction allowed under this section, or a portion thereof, to the person primarily responsible for designing the property in lieu of the owner or to a commercial tenant that leases or otherwise occupies space in such building pursuant to a written agreement. Such person shall be treated as the taxpayer for purposes of this section.

''(B) FORM OF ALLOCATION.—An allocation made under this paragraph shall be in writing and in a form that meets the form of allocation requirements in Notice 2008–40 of the Internal Revenue Service.

''(C) PROVISION OF ALLOCATION.—Not later than 30 days after receipt of a written request from a person eligible to receive an allocation under this paragraph, the owner of a building that makes an allocation under this paragraph shall provide the form of allocation (as described in subparagraph (B)) to such person.

''(D) ALLOCATION FROM PUBLIC OWNER OF BUILDING.—In the case of a commercial building or multifamily building that is owned by a Federal, State, or local government or a subdivision thereof, Notice 2006–52 of the Internal Revenue Service, as amplified by Notice 2008–40, shall apply to any allocation.''.

(e) TREATMENT OF BASIS IN CONTEXT OF ALLOCATION.—Subsection (e) of section 179D of the Internal Revenue Code of 1986, as amended by subsection (c)(2), is amended by inserting ''or so allocated'' after ''so allowed''.

(f) EARNINGS AND PROFITS CONFORMITY FOR REAL ESTATE INVESTMENT TRUSTS.—Subparagraph (B) of section 312(k)(3) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''.—For purposes of'' and inserting ''.—

''(i) IN GENERAL.—Except as provided in clause (ii), for purposes of'', and

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

''(ii) EARNINGS AND PROFITS CONFORMITY FOR REAL ESTATE INVESTMENT TRUSTS.—

''(I) IN GENERAL.—For purposes of computing the earnings and profits of a real estate investment trust (other than a captive real estate investment trust), the entire amount deductible under section 179D shall be allowed as deductions in the taxable years for which such amounts are claimed under such section.

''(II) CAPTIVE REAL ESTATE INVESTMENT TRUST.—The term 'captive real estate investment trust' means a real estate investment trust the shares or beneficial interests of which are not regularly traded on an established securities market and more than 50 percent of the voting power or value of the beneficial interests or shares of which are owned or controlled, directly or indirectly, or constructively, by a single entity that is treated as an association taxable as a corporation under this title and is not exempt from taxation pursuant to the provisions of section 501(a).

''(III) RULES OF APPLICATION.—For purposes of this clause, the constructive ownership rules of section 318(a), as modified by section 856(d)(5), shall apply in determining the ownership of stock, assets, or net profits of any person, and the following entities are not considered an association taxable as a corporation:

''(aa) Any real estate investment trust other than a captive real estate investment trust.

''(bb) Any qualified real estate investment trust subsidiary under section 856, other than a qualified REIT subsidiary of a captive real estate investment trust.

''(cc) Any Listed Australian Property Trust (meaning an Australian unit trust registered as a 'Managed Investment Scheme' under the Australian Corporations Act in which the principal class of units is listed on a recognized stock exchange in Australia and is regularly traded on an established securities market), or an entity organized as a trust, provided that a Listed Australian Property Trust owns or controls, directly or indirectly, 75 percent or more of the voting power or value of the beneficial interests or shares of such trust.

''(dd) Any corporation, trust, association, or partnership organized outside the laws of the United States and which satisfies the criteria described in subclause (IV).

''(IV) CRITERIA.—The criteria described in this subclause are as follows:

''(aa) At least 75 percent of the entity's total asset value at the close of its taxable year is represented by real estate assets (as defined in section 856(c)(5)(B)), cash and cash equivalents, and United States Government securities.

''(bb) The entity is not subject to tax on amounts distributed to its beneficial owners, or is exempt from entity-level taxation.

''(cc) The entity distributes at least 85 percent of its taxable income (as computed in the jurisdiction in which it is organized) to the holders of its shares or certificates of beneficial interest on an annual basis.

''(dd) Not more than 10 percent of the voting power or value in such entity is held directly or indirectly or constructively by a single entity or individual, or the shares or beneficial interests of such entity are regularly traded on an established securities market.

''(ee) The entity is organized in a country which has a tax treaty with the United States.''.

(g) RULES FOR LIGHTING SYSTEMS.—Subsection (f) of section 179D of the Internal Revenue Code of 1986 is amended to read as follows:

''(f) RULES FOR LIGHTING SYSTEMS.—

''(1) IN GENERAL.—With respect to property that is part of a lighting system, the deduction allowed under subsection (a) shall be equal to—

''(A) for a lighting system that includes installation of a lighting control described in paragraph (2)(A), the applicable amount determined under paragraph (3)(A),

''(B) for a lighting system that includes installation of a lighting control described in paragraph (2)(B), the applicable amount determined under paragraph (3)(B), or

''(C) for a lighting system that does not include installation of any lighting controls described in subparagraph (A) or (B) of paragraph (2), the applicable amount determined under paragraph (3)(C).

''(2) ENERGY SAVING CONTROLS.—

''(A) LIGHTING CONTROLS IN CERTAIN SPACES.—For purposes of paragraph (1)(A), the lighting controls described in this subparagraph are the following:

''(i) Occupancy sensors (as described in paragraph (4)(I)) in spaces not greater than 800 square feet.

''(ii) Bi-level controls (as described in paragraph (4)(A)).

''(iii) Continuous or step dimming controls (as described in subparagraphs (B) and (K) of paragraph (4)).

''(iv) Daylight dimming where sufficient daylight is available (as described in paragraph (4)(C)).

''(v) A multi-scene controller (as described in paragraph (4)(H)).

''(vi) Time scheduling controls (as described in paragraph (4)(L)), provided that such controls are not required by Standard 90.1-2010.

''(vii) Such other lighting controls as the Secretary, in consultation with the Secretary of Energy, determines appropriate.

''(B) OTHER CONTROL TYPES.—For purposes of paragraph (1)(B), the lighting controls described in this subparagraph are the following:

''(i) Occupancy sensors (as described in paragraph (4)(I)) in spaces greater than 800 square feet.

''(ii) Demand responsive controls (as described in paragraph (4)(D)).

''(iii) Lumen maintenance controls (as described in paragraph (4)(F)) where solid state lighting is used.

''(iv) Such other lighting controls as the Secretary, in consultation with the Secretary of Energy, determines appropriate.

''(3) APPLICABLE AMOUNT.—

''(A) LIGHTING CONTROLS IN CERTAIN SPACES.—For purposes of paragraph (1)(A), the applicable amount shall be determined in accordance with the following table:

''If the percentage of reduction in lighting power density is not less than:	**The amount of the deduction per square foot is:**
15 percent	$0.30
20 percent	$0.44
25 percent	$0.58
30 percent	$0.72
35 percent	$0.86
40 percent	$1.00.

''(B) LIGHTING CONTROLS IN LARGER SPACES AND WHERE SOLID LIGHTING IS USED.—For purposes of paragraph (1)(B), the applicable amount shall be determined in accordance with the following table:

''If the percentage of reduction in lighting power density is not less than:	**The amount of the deduction per square foot is:**
20 percent	$0.30
25 percent	$0.44
30 percent	$0.58
35 percent	$0.72
40 percent	$0.86
45 percent	$1.00.

''(C) NO QUALIFIED LIGHTING CONTROLS.—For purposes of paragraph (1)(C), the applicable amount shall be determined in accordance with the following table:

''If the percentage of reduction in lighting power density is not less than:	**The amount of the deduction per square foot is:**
25 percent	$0.30

"If the percentage of reduction in lighting power density is not less than:	The amount of the deduction per square foot is:
30 percent	$0.44
35 percent	$0.58
40 percent	$0.72
45 percent	$0.86
50 percent	$1.00.

''(4) DEFINITIONS.—For purposes of this subsection:

''(A) BI-LEVEL CONTROL.—

''(i) IN GENERAL.—Subject to clause (ii), the term 'bi-level control' means a lighting control strategy that provides for 2 different levels of lighting.

''(ii) FULL-OFF SETTING.—For purposes of clause (i), a bi-level control shall also provide for a full-off setting.

''(B) CONTINUOUS DIMMING.—The term 'continuous dimming' means a lighting control strategy that adjusts the light output of a lighting system between minimum and maximum light output in a manner that is not perceptible.

''(C) DAYLIGHT DIMMING; SUFFICIENT DAYLIGHT.—

''(i) DAYLIGHT DIMMING.—The term 'daylight dimming' means any device that—

''(I) adjusts electric lighting power in response to the amount of daylight that is present in an area, and

''(II) provides for separate control of the lamps for general lighting in the daylight area by not less than 1 multi-level photocontrol, including continuous dimming devices, that satisfies the following requirements:

''(aa) The light sensor for the multi-level photocontrol is remote from where calibration adjustments are made.

''(bb) The calibration adjustments are readily accessible.

''(cc) The multi-level photocontrol reduces electric lighting power in response to the amount of daylight with—

''(AA) not less than 1 control step that is between 50 percent and 70 percent of design lighting power, and

''(BB) not less than 1 control step that is not less than 35 percent of design lighting power.

''(ii) SUFFICIENT DAYLIGHT.—

''(I) IN GENERAL.—The term 'sufficient daylight' means—

''(aa) in the case of toplighted areas, when the total daylight area under skylights plus the total daylight area under rooftop monitors in an enclosed space is greater than 900 square feet (as defined in Standard 90.1-2010), and

''(bb) in the case of sidelighted areas, when the combined primary sidelight area in an enclosed space is not less than 250 square feet (as defined in Standard 90.1-2010).

''(II) EXCEPTIONS.—Sufficient daylight shall be deemed to not be available if—

''(aa) in the case of areas described in subclause (I)(aa)—

''(AA) for daylighted areas under skylights, it is documented that existing adjacent structures or natural objects block direct beam sunlight for more than 1500 daytime hours (after 8 a.m. and before 4 p.m., local time) per year,

''(BB) for daylighted areas, the skylight effective aperture is less than 0.006, or

''(CC) for buildings in climate zone 8, as defined under Standard 90.1-2010, the daylight areas total less than 1500 square feet in an enclosed space, and

''(bb) in the case of primary sidelighted areas described in subclause (I)(bb)—

''(AA) the top of the existing adjacent structures are at least twice as high above the windows as the distance from the window, or

''(BB) the sidelighting effective aperture is less than 0.1.

''(iii) DAYLIGHT, SIDELIGHTING, AND OTHER RELATED TERMS.—The terms 'daylight area', 'daylight area under skylights', 'daylight area under rooftop monitors', 'daylighted area', 'enclosed space', 'primary sidelighted areas', 'sidelighting effective aperture', and 'skylight effective aperture' have the same meaning given such terms under Standard 90.1-2010.

''(D) DEMAND RESPONSIVE CONTROL.—

''(i) IN GENERAL.—The term 'demand responsive control' means a control device that receives and automatically responds to a demand response signal and—

''(I) in the case of space-conditioning systems, conducts a centralized demand shed for non-critical zones during a demand response period and that has the capability to, on a signal from a centralized contract or software point within an Energy Management Control System—

''(aa) remotely increase the operating cooling temperature set points in such zones by not less than 4 degrees,

''(bb) remotely decrease the operating heating temperature set points in such zones by not less than 4 degrees,

''(cc) remotely reset temperatures in such zones to originating operating levels, and

''(dd) provide an adjustable rate of change for any temperature adjustment and reset, and

''(II) in the case of lighting power, has the capability to reduce lighting power by not less than 30 percent during a demand response period.

''(ii) DEMAND RESPONSE PERIOD.—The term 'demand response period' means a period in which short-term adjustments in electricity usage are made by end-use customers from normal electricity consumption patterns, including adjustments in response to—

''(I) the price of electricity, and

''(II) participation in programs or services that are designed to modify electricity usage in response to wholesale market prices for electricity or when reliability of the electrical system is in jeopardy.

''(iii) DEMAND RESPONSE SIGNAL.—The term 'demand response signal' means a signal sent to an end-use customer by a local utility, independent system operator, or designated curtailment service provider or aggregator that—

''(I) indicates an adjustment in the price of electricity, or

''(II) is a request to modify electricity consumption.

''(E) LAMP.—The term 'lamp' means an artificial light source that produces optical radiation (including ultraviolet and infrared radiation).

''(F) LUMEN MAINTENANCE CONTROL.—The term 'lumen maintenance control' means a lighting control strategy that maintains constant light output by adjusting lamp power to compensate for age and cleanliness of luminaires.

''(G) LUMINAIRE.—The term 'luminaire' means a complete lighting unit for the production, control, and distribution of light that consists of—

''(i) not less than 1 lamp, and

''(ii) any of the following items:

''(I) Optical control devices designed to distribute light.

''(II) Sockets or mountings for the positioning, protection, and operation of the lamps.

''(III) Mechanical components for support or attachment.

''(IV) Electrical and electronic components for operation and control of the lamps.

''(H) MULTI-SCENE CONTROL.—The term 'multi-scene control' means a lighting control device or system that allows for—

''(i) not less than 2 predetermined lighting settings,

''(ii) a setting that turns off all luminaires in an area, and

''(iii) a recall of the settings described in clauses (i) and (ii) for any luminaires or groups of luminaires to adjust to multiple activities within the area.

''(I) OCCUPANCY SENSOR.—The term 'occupancy sensor' means a control device that—

''(i) detects the presence or absence of individuals within an area and regulates lighting, equipment, or appliances according to a required sequence of operation,

''(ii) shuts off lighting when an area is unoccupied,

''(iii) except in areas designated as emergency egress and using less than 0.2 watts per square foot of floor area, provides for manual shut-off of all luminaires regardless of the status of the sensor and allows for—

''(I) independent control in each area enclosed by ceiling-height partitions,

''(II) controls that are readily accessible, and

''(III) operation by a manual switch that is located in the same area as the lighting that is subject to the control device.

''(J) STANDARD 90.1-2010.—The term 'Standard 90.1-2010' means Standard 90.1-2010 of the American Society of Heating, Refrigerating, and Air Conditioning Engineers and the Illuminating Engineering Society of North America.

''(K) STEP DIMMING.—The term 'step dimming' means a lighting control strategy that adjusts the light output of a lighting system by 1 or more predetermined amounts of greater than 1 percent of full output in a manner that may be perceptible.

''(L) TIME SCHEDULING CONTROL.—The term 'time scheduling control' means a control strategy that automatically controls lighting, equipment, or systems based on a particular time of day or other daily event (including sunrise and sunset).''.

(h) TREATMENT OF LIGHTING SYSTEMS.—Section 179D(c)(1) of the Internal Revenue Code of 1986 is amended by striking ''interior'' each place it appears.

(i) REPORTING PROGRAM.—Section 179D of the Internal Revenue Code of 1986, as amended by subsection (c)(1), is amended by adding at the end the following new subsection:

''(i) REPORTING PROGRAM.—For purposes of the report required under section 179F(1), the Secretary, in consultation with the Secretary of Energy, shall—

''(1) develop a program to collect a statistically valid sample of energy consumption data from taxpayers that received full deductions under this section, regardless of whether such taxpayers allocated all or a portion of such deduction, and

''(2) include such data in the report, with such redactions as deemed necessary to protect the personally identifiable information of such taxpayers.''.

(j) SPECIAL RULE FOR PARTNERSHIPS AND S CORPORATIONS.—Section 179D of the Internal Revenue Code of 1986, as amended by subsection (i), is amended by adding at the end the following new subsection:

''(j) SPECIAL RULE FOR PARTNERSHIPS AND S CORPORATIONS.—In the case of a partnership or S corporation, this section shall be applied at the partner or shareholder level, subject to such reporting requirements as are determined appropriate by the Secretary.''.

(k) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service in taxable years beginning after the date of the enactment of this Act.

SEC. 10___. DEDUCTION FOR RETROFITS OF EXISTING COMMERCIAL AND MULTI-FAMILY BUILDINGS.

(a) IN GENERAL.—Part VI of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 179E the following new section:

"SEC. 179F. DEDUCTION FOR RETROFITS OF EXISTING COMMERCIAL AND MULTIFAMILY BUILDINGS.

''(a) ALLOWANCE OF DEDUCTION.—

''(1) IN GENERAL.—With respect to each certified retrofit plan, there shall be allowed as a deduction an amount equal to the lesser of—

''(A) the sum of—

''(i) the design deduction, and

''(ii) the realized deduction, or

''(B) the total cost to develop and implement such certified retrofit plan.

''(2) EXCEPTION.—For purposes of the amount described in paragraph (1)(B), if such amount is taken as a design deduction, no realized deduction shall be allowed.

''(b) DEDUCTION AMOUNTS.—For purposes of this section—

''(1) DESIGN DEDUCTION.—A design deduction shall be—

''(A) based on projected source energy savings as calculated in accordance with subsection (c)(3)(B),

''(B) correlated to the percent of source energy savings set forth in the general scale in paragraph (3)(A) that a certified retrofit plan is projected to achieve when energy-efficient measures are placed in service, and

''(C) equal to 60 percent of the amount allowed under the general scale.

''(2) REALIZED DEDUCTION.—

''(A) IN GENERAL.—A realized deduction shall be—

''(i) based on realized source energy savings as calculated in accordance with subsection (c)(3)(C),

''(ii) correlated to the percent of source energy savings set forth in the general scale in paragraph (3)(A) as realized by a certified retrofit plan, and

''(iii) equal to 40 percent of the amount allowed under the general scale.

''(B) ADJUSTMENT OF SOURCE ENERGY SAVINGS.—The percent of source energy savings for purposes of any realized deduction may vary from such savings projected when energy-efficient measures were placed in service for purposes of a design deduction under paragraph (1).

''(C) NO RECAPTURE OF DESIGN DEDUCTION.—Notwithstanding the regulations prescribed under subsection (f), no recapture of a design deduction shall be required where the owner of the commercial or multifamily building—

''(i) claims or allocates a design deduction when energy-efficient measures are placed into service pursuant to the terms and conditions of a certified retrofit plan, and

''(ii) is not eligible for or does not subsequently claim or allocate a realized deduction.

''(3) GENERAL SCALE.—

''(A) IN GENERAL.—The scale for deductions allowed under this section shall be—

''(i) $1.00 per square foot of retrofit floor area for 20 to 24 percent source energy savings,

''(ii) $1.50 per square foot of retrofit floor area for 25 to 29 percent source energy savings,

''(iii) $2.00 per square foot of retrofit floor area for 30 to 34 percent source energy savings,

''(iv) $2.50 per square foot of retrofit floor area for 35 to 39 percent source energy savings,

''(v) $3.00 per square foot of retrofit floor area for 40 to 44 percent source energy savings,

''(vi) $3.50 per square foot of retrofit floor area for 45 to 49 percent source energy savings, and

''(vii) $4.00 per square foot of retrofit floor area for 50 percent or more source energy savings.

''(B) HISTORIC BUILDINGS.—

''(i) IN GENERAL.—With respect to energy-efficient measures placed in service as part of a certified retrofit plan in a commercial building or multifamily building on or eligible for the National Register of Historic Places, the respective dollar amounts set forth in the general scale under subparagraph (A) shall—

''(I) each be increased by 20 percent, for the purposes of calculating any applicable design deduction and realized deduction, and

''(II) not exceed the total cost to develop and implement such certified retrofit plan.

''(ii) EXCEPTION.—If the amount described in clause (i)(II) is taken as a design deduction, then no realized deduction shall be allowed.

''(c) CALCULATION OF ENERGY SAVINGS.—

''(1) IN GENERAL.—For purposes of the design deduction and the realized deduction, source energy savings shall be calculated with reference to a baseline of the annual source energy consumption of the commercial or multifamily building before energy-efficient measures were placed in service.

''(2) BASELINE BENCHMARK.—The baseline under paragraph (1) shall be determined using a building energy performance benchmarking tool designated by the Administrator of the Environmental Protection Agency, and based upon 1 year of source energy consumption data prior to the date upon which the energy-efficient measures are placed in service.

''(3) DESIGN AND REALIZED SOURCE ENERGY SAVINGS.—

''(A) IN GENERAL.—In certifying a retrofit plan as a certified retrofit plan, a licensed engineer or architect shall calculate source energy savings by utilizing the baseline benchmark defined in paragraph (2) and determining percent improvements from such baseline.

''(B) DESIGN DEDUCTION.—For purposes of claiming a design deduction, the regulations issued under subsection (f)(1) shall prescribe the standards and process for a licensed engineer or architect to calculate and certify source energy savings projected from the design of a certified retrofit plan as of the date energy-efficient measures are placed in service.

''(C) REALIZED DEDUCTION.—For purposes of claiming a realized deduction, a licensed engineer or architect shall calculate and certify source energy savings realized by a certified retrofit plan 2 years after a design deduction is allowed by utilizing energy consumption data after energy-efficient measures are placed in service, and adjusting for climate, building occupancy hours, density, or other factors deemed appropriate in the benchmarking tool designated under paragraph (2).

''(d) CERTIFIED RETROFIT PLAN AND OTHER DEFINITIONS.—For purposes of this section—

''(1) CERTIFIED RETROFIT PLAN.—The term 'certified retrofit plan' means a plan that—

''(A) is designed to reduce the annual source energy costs of a commercial building, or a multifamily building, through the installation of energy-efficient measures,

''(B) is certified under penalty of perjury by a licensed engineer or architect, who is not a direct employee of the owner of the commercial building or multifamily building that is the subject of the plan, and is licensed in the State in which such building is located,

''(C) describes the square footage of retrofit floor area covered by such a plan,

''(D) specifies that it is designed to achieve a final source energy usage intensity after energy-efficient measures are placed in service in a commercial building or a multifamily building that does not exceed on a square foot basis the average level of energy usage intensity of other similar buildings, as described in paragraph (2),

''(E) requires that after the energy-efficient measures are placed in service, the commercial building or multifamily building meets the applicable State and local building code requirements for the area in which such building is located,

''(F) satisfies the regulations prescribed under subsection (f), and

''(G) is submitted to the Secretary of Energy after energy-efficient measures are placed in service, for the purpose of informing the report to Congress required by subsection (l).

''(2) AVERAGE LEVEL OF ENERGY USAGE INTENSITY.—

''(A) IN GENERAL.—The maximum average level of energy usage intensity under paragraph (1)(D) shall not exceed 300,000 British thermal units per square foot.

''(B) REGULATIONS.—

''(i) IN GENERAL.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall develop distinct standards for categories and subcategories of buildings with respect to maximum average level of energy usage intensity based on the best available information used by the ENERGY STAR program.

''(ii) REVIEW.—The standards developed pursuant to clause (i) shall be reviewed and updated by the Secretary, in consultation with the Administrator of the Environmental Protection Agency, not later than every 3 years.

''(3) COMMERCIAL BUILDING.—

''(A) IN GENERAL.—The term 'commercial building' means a building located in the United States—

''(i) that is in existence and occupied on the date of the enactment of this section,

''(ii) for which a certificate of occupancy has been issued at least 10 years before energy efficiency measures are placed in service, and

''(iii) with a primary use or purpose other than as residential housing.

''(B) SHOPPING CENTERS.—In the case of a retail shopping center, the term 'commercial building' shall include an area within such building that is—

''(i) 50,000 square feet or larger that is covered by a separate utility grade meter to record energy consumption in such area, and

''(ii) under the day-to-day management and operation of—

''(I) the owner of such building as common space areas, or

''(II) a retail tenant, lessee, or other occupant.

''(4) ENERGY-EFFICIENT MEASURES.—The term 'energy-efficient measures' means a measure, or combination of measures, placed in service through a certified retrofit plan—

''(A) on or in a commercial building or multifamily building,

''(B) as part of—

''(i) the lighting systems,

''(ii) the heating, cooling, ventilation, refrigeration, or hot water systems,

''(iii) building transportation systems, such as elevators and escalators,

''(iv) the building envelope, which may include an energy-efficient cool roof,

''(v) a continuous commissioning contract under the supervision of a licensed engineer or architect, or

''(vi) building operations or monitoring systems, including utility-grade meters and submeters, and

''(C) including equipment, materials, and systems within subparagraph (B) with respect to which depreciation (or amortization in lieu of depreciation) is allowed.

''(5) ENERGY SAVINGS.—The term 'energy savings' means source energy usage intensity reduced on a per square foot basis

through design and implementation of a certified retrofit plan.

''(6) MULTIFAMILY BUILDING.—The term 'multifamily building'—

''(A) means—

''(i) a structure of 5 or more dwelling units located in the United States—

''(I) that is in existence and occupied on the date of the enactment of this section,

''(II) for which a certificate of occupancy has been issued at least 10 years before energy efficiency measures are placed in service, and

''(III) with a primary use as residential housing, and

''(B) includes such buildings owned and operated as a condominium, cooperative, or other common interest community.

''(7) SOURCE ENERGY.—The term 'source energy' means the total amount of raw fuel that is required to operate a commercial building or multifamily building, and accounts for losses that are incurred in the generation, storage, transport, and delivery of fuel to such a building.

''(e) TIMING OF CLAIMING DEDUCTIONS.—Deductions allowed under this section may be claimed as follows:

''(1) DESIGN DEDUCTION.—In the case of a design deduction, in the taxable year that energy efficiency measures are placed in service.

''(2) REALIZED DEDUCTION.—In the case of a realized deduction, in the second taxable year following the taxable year described in paragraph (1).

''(f) REGULATIONS.—

''(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this section, and after notice and opportunity for public comment, the Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall prescribe regulations—

''(A) for the manner and method for a licensed engineer or architect to certify retrofit plans, model projected energy savings, and calculate realized energy savings, and

''(B) notwithstanding subsection (b)(2)(C), to provide, as appropriate, for a recapture of the deductions allowed under this section if a retrofit plan is not fully implemented, or a retrofit plan and energy savings are not certified or verified in accordance with regulations prescribed under this subsection.

''(2) RELIANCE ON ESTABLISHED PROTOCOLS, ETC.—To the maximum extent practicable and available, such regulations shall rely upon established protocols and documents used in the ENERGY STAR program, and industry best practices and existing guidelines, such as the Building Energy Modeling Guidelines of the Commercial Energy Services Network (COMNET).

''(3) ALLOWANCE OF DEDUCTIONS PENDING ISSUANCE OF REGULATIONS.—Pending issuance of the regulations under paragraph (1), the owner of a commercial building or a multifamily building shall be allowed to claim or allocate a deduction allowed under this section.

''(g) NOTICE TO OWNER.—Each certification of a retrofit plan and calculation of energy savings required under this section shall include an explanation to the owner of a commercial building or a multifamily building regarding the energy-efficient measures placed in service and their projected and realized annual energy costs.

''(h) ALLOCATION OF DEDUCTION.—

''(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this section, the Secretary, in consultation with the Secretary of Energy, shall promulgate a regulation to allow the owner of a commercial building or a multifamily building, including a government, tribal, or non-profit owner, to allocate any deduction allowed under this section, or a portion thereof, to the person primarily responsible for funding, financing, designing, leasing, operating, or placing in service energy-efficient measures. Such person shall be treated as the taxpayer for purposes of this section and shall include a building tenant, financier, architect, professional engineer, licensed contractor, energy services company, or other building professional.

''(2) FORM OF ALLOCATION.—An allocation made under this paragraph shall be in writing and in a form that meets the form of allocation requirements in Notice 2008–40 of the Internal Revenue Service.

''(3) PROVISION OF ALLOCATION.—Not later than 30 days after receipt of a written request from a person eligible to receive an allocation under this paragraph, the owner of a building that makes an allocation under this paragraph shall provide the form of allocation (as described in paragraph (2)) to such person.

''(4) ALLOCATION FROM PUBLIC OWNER OF BUILDING.—In the case of a commercial building or a multifamily building that is owned by a Federal, State, or local government or a subdivision thereof, Notice 2006–52 of the Internal Revenue Service, as amplified by Notice 2008–40, shall apply to any allocation.

''(i) BASIS REDUCTION.—For purposes of this subtitle, if a deduction is allowed under this section with respect to any energy-efficient measures placed in service under a certified retrofit plan other than in a qualified low-income building (within the meaning of section 42), the basis of such measures shall be reduced by the amount of the deduction so allowed or so allocated.

''(j) SPECIAL RULE FOR PARTNERSHIPS AND S CORPORATIONS.—In the case of a partnership or S corporation, this section shall be applied at the partner or shareholder level, subject to such reporting requirements as are determined appropriate by the Secretary.

''(k) TAX INCENTIVES NOT AVAILABLE.—

''(1) ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.—Energy-efficient measures for which a deduction is allowed under this section shall not be eligible for a deduction under section 179D.

''(2) NEW ENERGY EFFICIENT HOME CREDIT.—No deduction shall be allowed under this section with respect to any building or dwelling unit with respect to which a credit under section 45L was allowed.

''(l) REPORT TO CONGRESS.—

''(1) IN GENERAL.—Biennially, beginning with the first year after the enactment of this section, the Secretary, in conjunction with the Secretary of Energy, shall submit a report to Congress that—

''(A) explains the energy saved, the energy-efficient measures implemented, the realization of energy savings projected, and records the amounts and types of deductions allowed under this section,

''(B) explains the energy saved, the energy efficient measures implemented, and records the amount of deductions allowed under section 179D, based on the data collected pursuant to subsection (i) of such section,

''(C) determines the number of jobs created as a result of the deduction allowed under this section,

''(D) determines how the use of any deduction allowed under this section may be improved, based on the information provided to the Secretary of Energy,

''(E) provides aggregated data with respect to the information described in subparagraphs (A) through (D), and

''(F) provides statutory recommendations to Congress that would reduce energy consumption in new and existing commercial buildings located in the United States, including recommendations on providing energy-efficient tax incentives for subsections of buildings that operate with specific utility-grade metering.

''(2) PROTECTION OF TAXPAYER INFORMATION.—The Secretary and the Secretary of Energy shall share information on deductions allowed under this section and related reports submitted, as requested by each agency to fulfill its obligations under this section, with such redactions as deemed necessary to protect the personally identifiable financial information of a taxpayer.

''(3) INCORPORATION INTO DEPARTMENT OF ENERGY PROGRAMS.—The Secretary of Energy shall, to the maximum extent practicable, incorporate conclusions of the report under this subsection into current Department of Energy building performance and energy efficiency data collection and other reporting programs.''.

(b) EFFECT ON DEPRECIATION ON EARNINGS AND PROFITS.—Subparagraph (B) of section 312(k)(3) of the Internal Revenue Code of 1986, as amended by this Act, is amended—

(1) by striking ''or 179E'' both places it appears in clause (i) and inserting ''179E, or 179F'',

(2) by striking ''OR 179E'' in the heading and inserting ''179E, OR 179F'', and

(3) by inserting ''or 179F'' after ''section 179D'' in clause (ii)(I).

(c) CONFORMING AMENDMENT.—The table of sections for part VI of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 179E the following new item:

''Sec. 179F. Deduction for retrofits of existing commercial and multifamily buildings.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service in taxable years beginning after the date of the enactment of this Act.

SA 3133. Ms. HIRONO submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 300, line 18, insert '', awarded in a manner that provides a preference to students who are veterans'' before the semicolon at the end.

SA 3134. Mr. COONS (for himself, Mr. REED, Mrs. SHAHEEN, and Ms. COLLINS) 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 67, lines 3 and 4, strike ''not less than''.

SA 3135. Mrs. MCCASKILL 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—Purchase Power Drought Fund

SEC. 3801. ESTABLISHMENT OF PURCHASE POWER DROUGHT FUND.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Southwestern Power Administration.

(2) FUND.—The term ''Fund'' means the Purchase Power Drought Fund established under subsection (c).

(3) PURCHASE POWER DROUGHT ADDER.—The term ''purchase power drought adder'' means the special rate component assessed under subsection (b)(1).

(b) SPECIAL RATE COMPONENT.—

(1) IN GENERAL.—Notwithstanding section 3302 of title 31, United States Code, the Administrator may assess a special rate component to be known as a ''purchase power drought adder'' independent of and in addition to other existing rate components.

(2) COLLECTION OF AMOUNTS.—The Administrator shall—

(A) collect amounts from the purchase power drought adder in advance of need; and

(B) deposit those amounts in the Fund for use in accordance with subsection (c)(1).

(3) LIMITATION.—The purchase power drought adder shall not be used to offset or displace other charges made in the normal course of the rate setting process of the Southwestern Power Administration.

(c) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—The Secretary of the Treasury shall establish in the Treasury of the United States a separate fund to be known as the ''Purchase Power Drought Fund'', from which the Administrator may use amounts during extended below-average water conditions—

(A) for necessary expenses of the Southwestern Power Administration for purchase power and wheeling; and

(B) to minimize the use, during those conditions, of the continuing fund established by the matter under the heading ''OFFICE OF THE SECRETARY'' in title I of the Interior Department Appropriation Act, 1950 (16 U.S.C. 825s–1).

(2) DEPOSITS.—The Administrator shall deposit in the Fund the amounts collected from the assessment of the purchase power drought adder under subsection (b) and such amounts shall be available to the Administrator without further appropriation or fiscal year limitation.

(3) LIMITATION.—The Administrator shall expend from the Fund only those amounts collected and deposited in advance.

SA 3136. Mr. MENENDEZ (for himself, Ms. COLLINS, and Ms. KLOBUCHAR) 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. _____. SPECIAL RULE FOR CERTAIN FACILITIES.

(a) IN GENERAL.—Section 45(e) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(12) SPECIAL RULE FOR CERTAIN QUALIFIED FACILITIES.—

''(A) IN GENERAL.—In the case of electricity produced at a qualified facility described in paragraph (3) or (7) of subsection (d) and placed in service before the date of the enactment of this paragraph, a taxpayer may elect to apply subsection (a)(2)(A)(ii) by substituting 'the period beginning after December 31, 2016, and ending before January 1, 2018' for 'the 10-year period beginning on the date the facility was originally placed in service'.

''(B) LIMITATION.—No credit shall be allowed under subsection (a) to any taxpayer making an election under this paragraph with respect to electricity produced and sold at a facility during any period which, when aggregated with all other periods for which a credit is allowed under this section with respect to electricity produced and sold at such facility, is in excess of 10 years.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on January 1, 2017.

SA 3137. Mr. UDALL (for himself and Mr. HEINRICH) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

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

SA 3138. Mrs. SHAHEEN (for herself and Ms. COLLINS) 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—MISCELLANEOUS

SEC. 6001. NATIONAL RECREATIONAL PASSES FOR DISABLED VETERANS.

Section 805(b) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6804(b)) is amended—

(1) by striking paragraph (2) and inserting the following:

''(2) DISABILITY DISCOUNT.—The Secretary shall make the National Parks and Federal Recreational Lands Pass available, without charge and for the lifetime of the passholder, to the following:

''(A) Any United States citizen or person domiciled in the United States who has been medically determined to be permanently disabled for purposes of section 7(20)(B)(i) of the Rehabilitation Act of 1973 (29 U.S.C. 705(20)(B)(i)), if the citizen or person provides adequate proof of the disability and such citizenship or residency.

''(B) Any veteran with a service-connected disability, as defined in section 101 of title 38, United States Code.''; and

(2) by adding at the end the following:

''(3) ADJUSTMENT OF ENTRANCE FEES.—The Secretary shall adjust entrance fees applicable to individuals that are not holders of a pass made available under paragraph (2)(B) in a manner so as to maintain total receipts.''.

SA 3139. Mr. COATS (for himself, Mr. MANCHIN, and Mrs. CAPITO) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 44___. ENSURING SCIENTIFIC TRANSPARENCY IN THE DEVELOPMENT OF ENVIRONMENTAL REGULATIONS.

(a) PUBLICATION OF SCIENTIFIC PRODUCTS FOR RULES AND RELATED ENVIRONMENTAL IMPACT STATEMENTS, ENVIRONMENTAL ASSESSMENTS, AND ECONOMIC ASSESSMENTS.—

(1) IN GENERAL.—Title V of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1251 et seq.) is amended by adding at the end the following:

''SEC. 530. PUBLICATION OF SCIENTIFIC PRODUCTS FOR RULES AND RELATED ENVIRONMENTAL IMPACT STATEMENTS, ENVIRONMENTAL ASSESSMENTS, AND ECONOMIC ASSESSMENTS.

''(a) DEFINITIONS.—In this section:

''(1) AGENCY ACTION.—The term 'agency action' has the meaning given the term in section 551 of title 5, United States Code.

''(2) BACKGROUND INFORMATION.—The term 'background information' means—

''(A) a biographical document, including a curriculum vitae or resume, that details the exhaustive, professional work history, education, and any professional memberships of a person; and

''(B) the amount and date of any Federal grants or contracts received by that person.

''(3) ECONOMIC ASSESSMENT.—The term 'economic assessment' means any assessment prepared by a Federal agency in accordance with section 6(a)(3)(C) of Executive Order 12866 (5 U.S.C. 601 note; relating to regulatory planning and review).

''(4) ENVIRONMENTAL ASSESSMENT.—The term 'environmental assessment' has the meaning given the term in section 1508.9 of title 40, Code of Federal Regulations.

''(5) ENVIRONMENTAL IMPACT STATEMENT.—The term 'environmental impact statement' means any environmental impact statement or similar analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(6) PUBLICLY AVAILABLE.—The term 'publicly available' means published online on—

''(A) a publicly accessible website that allows the submission of comments on proposed regulations and related documents published by the Federal Government;

''(B) a publicly accessible website of the Secretary; and

''(C) the website of the Federal Register.

''(7) RAW DATA.—The term 'raw data' means any computational process or quantitative or qualitative data processed from a source that is relied upon in a scientific product to support a finding or observation.

''(8) RELIED UPON.—The term 'relied upon' means explicitly cited or referenced in a rule, environmental impact statement, environmental assessment, or economic assessment.

''(9) RULE.—The term 'rule' has the meaning given the term in section 551 of title 5, United States Code.

''(10) SCIENTIFIC METHOD.—The term 'scientific method' means a method of research under which—

''(A) a problem is identified;

''(B) relevant data are gathered;

''(C) a hypothesis is formulated from the data; and

''(D) the hypothesis is empirically tested in a manner specified by documented protocols and procedures.

''(11) SCIENTIFIC PRODUCT.—The term 'scientific product' means any product that—

''(A) employs the scientific method for inventorying, monitoring, experimenting, studying, researching, and modeling purposes;

''(B) is relied upon by the Secretary in development of any rule, environmental impact statement, environmental assessment, or economic assessment; and

''(C) is not protected under copyright laws.

''(b) REQUIREMENTS.—The Secretary shall—

''(1) make publicly available on the date of the publication of any draft, final, emergency, or supplemental rule under this Act,

or any related environmental impact statement, environmental assessment, or economic assessment, each scientific product the Secretary relied upon in developing the rule, environmental impact statement, environmental assessment, or economic assessment; and

''(2) for those scientific products receiving Federal funds, also make publicly available—

''(A) the raw data used for the federally funded scientific product; and

''(B) background information of the authors of the scientific study.

''(c) COMPLIANCE.—

''(1) IN GENERAL.—Subject to paragraph (2), failure to comply with the publication requirements of subsection (b)—

''(A) with respect to draft or supplemental rules, environmental impact statements, environmental assessments, or economic assessments shall extend by 1 day the notice and comment period for each day of noncompliance; or

''(B) with respect to final or emergency rules, shall delay the effective date of the final rule by 60 days plus an additional day for each day of noncompliance.

''(2) WITHDRAWAL.—If the Secretary fails to comply with the publication requirements of subsection (b) for more than 180 days after the date of publication of any rule, or any related environmental impact statement, environmental assessment, or economic assessment, under this Act, the Secretary shall withdraw the rule, environmental impact statement, environmental assessment, or economic assessment.''.

(2) CONFORMING AMENDMENT.—The table of contents for the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.) is amended by inserting after the item relating to section 529 the following:

''Sec. 530. Publication of scientific products for rules and related environmental impact statements, environmental assessments, and economic assessments.''.

(b) COMPLIANCE WITH OTHER FEDERAL LAWS.—Section 702 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1292) is amended—

(1) by redesignating subsections (c) and (d) as subsection (e) and (f), respectively; and

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

''(c) COMPLIANCE WITH OTHER FEDERAL LAWS.—Nothing in this Act authorizes the Secretary to take any action by rule, interpretive rule, policy, regulation, notice, or order that duplicates any action taken under an Act referred to in subsection (a) (including regulations and rules).

''(d) DEFERENCE TO IMPLEMENTING AGENCIES AND STATE AUTHORITIES.—In carrying out this Act (including rules, interpretive rules, policies, regulations, notices, or orders), the Secretary—

''(1) shall defer to the determinations of an agency or State authority implementing an Act referred to in subsection (a) with respect to any agency action under the jurisdiction of the agency or State authority, as applicable; and

''(2) shall not make any determination regarding any agency action subject to an Act referred to in subsection (a).''.

SA 3140. Ms. COLLINS (for herself, Ms. KLOBUCHAR, 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 part IV of subtitle A of title III, add the following:

SEC. 30____. POLICIES RELATING TO BIOMASS ENERGY.

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

(1) ensure that Federal policy relating to forest bioenergy—

(A) is consistent across all Federal departments and agencies; and

(B) recognizes the full benefits of the use of forest biomass for energy, conservation, and responsible forest management; and

(2) establish clear and simple policies for the use of biomass as an energy solution, including policies that—

(A) reflect the carbon-neutrality of forest bioenergy;

(B) recognize biomass as a renewable energy source;

(C) encourage private investment throughout the biomass supply chain, including in—

(i) working forests;

(ii) harvesting operations;

(iii) forest improvement operations;

(iv) bioenergy;

(v) wood products; and

(vi) paper manufacturing;

(D) encourage forest management to improve forest health; and

(E) recognize State initiatives to use biomass.

SA 3141. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

Subtitle I—Wind Energy

SEC. 3801. INTERAGENCY RAPID RESPONSE TEAM FOR WIND ENERGY.

(a) ESTABLISHMENT.—There is established an interagency rapid response team, to be known as the ''Interagency Rapid Response Team for Wind Energy'' (referred to in this section as the ''Team''), to expedite and improve the permitting process for wind generation on Federal land and non-Federal land.

(b) MEMBERSHIP.—The Team shall be comprised of representatives from—

(1) the Department;

(2) the Federal Energy Regulatory Commission;

(3) the Department of the Interior;

(4) the Department of Defense;

(5) the Department of Agriculture;

(6) the Department of Commerce;

(7) the Environmental Protection Agency;

(8) the Advisory Council on Historic Preservation;

(9) the Federal Aviation Administration; and

(10) the Council on Environmental Quality.

(c) DUTIES.—The Team shall—

(1) establish clear timelines for the review of projects;

(2) facilitate coordination and unified environmental documentation among wind project applicants, Federal agencies, States, and Indian tribes involved in the siting and permitting processes; and

(3) regularly notify all participating members of the Team involved in any specific permit of—

(A) any outstanding agency action that is required with respect to the permit; and

(B) any approval or required comment that has exceeded statutory or agency timelines for completion, including an identification of any Federal agency, department, or field office that has not met the applicable timeline.

(d) POINT OF CONTACT.—The Federal Energy Regulatory Commission shall provide a unified point of contact for—

(1) resolving interagency or intraagency issues or delays with respect to wind permitting; and

(2) receiving and resolving complaints from parties with outstanding or in-process applications relating to wind permitting.

SA 3142. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, strike lines 21 through 25 and insert the following:

Defense;

''(10) to identify and support opportunities to pair hydrokinetic generation with existing hydroelectric dam facilities operated by the Corps of Engineers; and

''(11) to support in-water technology development with international partners using existing cooperative procedures (including memoranda of understanding)—

NOTICE OF INTENT TO OBJECT TO PROCEEDING

I, Senator CHARLES E. GRASSLEY, intend to object to proceeding to S. 2415, a bill to implement integrity measures to strengthen the EB–5 Regional Center Program in order to promote and reform foreign capital investment and job creation in American communities; dated January 28, 2016.

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 28, 2016, at 9:30 a.m.

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

COMMITTEE ON FINANCE

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on January 28, 2016, at 9:30 a.m., in room SD–215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Helping Americans Prepared for Retirement: Increasing Access, Participation and Coverage in Retirement Savings Plans.''

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

COMMITTEE ON FOREIGN RELATIONS

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on January 28, 2016, at 10 a.m.