Estrada Chávez and to always remember his great rallying cry, ''¡Sí, se puede!'', which is Spanish for ''Yes we can!''.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1977. Mr. GRAHAM (for himself, Mr. DEMINT, Mr. JOHNSON of Wisconsin, and Mr. KIRK) submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table.

SA 1978. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1979. Mr. CARPER (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1980. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1981. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1982. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1983. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1984. Mr. HOEVEN (for himself, Mr. LUGAR, Mr. VITTER, and Mr. KIRK) submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1985. Ms. MURKOWSKI (for herself and Mr. HOEVEN) submitted an amendment intended to be proposed by her to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1986. Ms. MURKOWSKI (for herself and Mr. HOEVEN) submitted an amendment intended to be proposed by her to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1987. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1988. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1989. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1990. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1991. Mr. BENNET submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1992. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1993. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1994. Mr. SESSIONS (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1995. Mr. SESSIONS (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1996. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1997. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1977. Mr. GRAHAM (for himself, Mr. DEMINT, Mr. JOHNSON of Wisconsin, and Mr. KIRK) submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 22, between lines 3 and 4, insert the following:

TITLE III—NUCLEAR WASTE FUND RELIEF AND REBATES

SECTION 301. SHORT TITLE.

This Act may be cited as the ''Nuclear Waste Fund Relief and Rebate Act''.

SEC. 302. CERTIFICATION OF COMMITMENT TO YUCCA MOUNTAIN.

(a) IN GENERAL.—Subtitle E of title I of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10172 et seq.) is amended by adding at the end the following:

''SEC. 162. CERTIFICATION OF COMMITMENT TO YUCCA MOUNTAIN SITE.

''(a) DEFINITION OF DEFENSE WASTE.—In this section, the term 'defense waste' means—

''(1) transuranic waste;

''(2) high-level radioactive waste;

''(3) spent nuclear fuel;

''(4) special nuclear materials;

''(5) greater-than-class C, low-level radioactive waste; and

''(6) any other waste arising from the production, storage, or maintenance of nuclear weapons (including components of nuclear weapons).

''(b) CERTIFICATION OF COMMITMENT.—Not later than 30 days after the date of enactment of this section, the President shall publish in the Federal Register a notice that the President certifies that the Yucca Mountain site is the selected site for the development of a repository for the disposal of high-level radioactive waste and spent nuclear fuel, in accordance with section 160.

''(c) FAILURE TO PUBLISH CERTIFICATION; REVOCATION OF CERTIFICATION.—If the President fails to publish the certification of the President in accordance with subsection (b), or if the President revokes the certification of the President after the date described in that subsection, not later than 1 year after the date described in subsection (b), or the date of revocation, as appropriate, and in accordance with subsection (d)—

''(1) each entity that is required under section 302 to make a payment to the Secretary shall not be required to make any additional payment; and

''(2) each entity that has made a payment under section 302 shall receive from the Secretary of the Treasury, from amounts available in the Nuclear Waste Fund, an amount equal to the aggregate amount of the payments made by the entity (including interest on the aggregate amount of the payments) to the Secretary for deposit in the Nuclear Waste Fund.

''(d) USE OF RETURNED PAYMENTS.—

''(1) IN GENERAL.—Subject to paragraph (2), of the aggregate amount of payments returned to an entity described in subsection (c)(2)—

''(A) 75 percent shall be used by the entity to provide rebates to ratepayers of the entity; and

''(B) 25 percent shall be used by the entity to carry out upgrades to nuclear power facilities of the entity to enhance the storage and security of materials used to generate nuclear power.

''(2) DEFENSE WASTE.—In the case of a payment required to be paid to an entity for the storage of defense waste, the Secretary shall use the amount required to be paid to the entity to meet the penalty payment obligation of the Secretary under subsection (e)(2) to the State in which the entity is located.

''(e) DISPOSITION OF DEFENSE WASTE.—

''(1) IN GENERAL.—Not later than January 1, 2017, the Secretary shall initiate the transportation of defense waste from each State in which defense waste is located to the Yucca Mountain site.

''(2) PENALTY.—

''(A) IN GENERAL.—Subject to subparagraph (B), if the Secretary fails to initiate the transportation of defense waste in accordance with paragraph (1), the Secretary shall pay to each State in which defense waste is located $1,000,000 for each day that the defense waste is located in the State until the date on which the Secretary initiates the transportation of the defense waste under paragraph (1).

''(B) MAXIMUM AMOUNT.—Subject to subsection (c)(2), for each calendar year, the Secretary shall not pay to any State described in subparagraph (A) an amount greater than $100,000,000.

''(C) REQUIRED USE OF PAYMENTS.—A State that receives amounts through a payment from the Secretary under this paragraph shall use the amounts—

''(i) to help offset the loss in community investments that results from the continued storage of defense waste in the State; and

''(ii) to help mitigate the public health risks that result from the continued storage of defense waste in the State.

''(f) DETERMINATION BY COMMISSION TO GRANT OR AMEND LICENSES.—In determining whether to grant or amend any license to operate any civilian nuclear power reactor, or high-level radioactive waste or spent fuel storage or treatment facility, under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), the responsibilities of the President and the Secretary described in this subtitle shall be considered to be sufficient and independent grounds for the Commission to determine the existence of reasonable assurances that spent nuclear fuel and high-level radioactive waste would be disposed of safely and in a timely manner by the entity that is the subject of the determination.

''(g) EFFECTS.—

''(1) TERMINATION OF PAYMENT REQUIREMENT; ACCEPTANCE OF RETURNED PAYMENTS.—With respect to an entity that receives a benefit under paragraph (1) or (2) of subsection (c)—

''(A) the entity shall not be considered by the Commission to be in violation under section 302(b); and

''(B) the Commission shall not refuse to take any action with respect to a current or prospective license of the entity on the grounds that the entity has cancelled or rescinded a contract to which the entity is a party as the result of—

''(i) the failure by the entity to make a payment to the Secretary under section 302; or

''(ii) the acceptance by the entity of amounts described in subsection (c)(2).

''(2) DISPOSITION OF WASTE.—Nothing in this section affects the responsibility of the

Federal Government under any Act (including regulations) with respect to the ultimate disposition of high-level radioactive waste and spent nuclear fuel.''.

(b) CONFORMING AMENDMENT.—The table of contents of the Nuclear Waste Policy Act of 1982 (42 U.S.C. prec. 10101) is amended by adding at the end of the items relating to subtitle E of title I the following:

''Sec. 162. Certification of commitment to Yucca Mountain site.''.

SA 1978. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 22, between lines 3 and 4, insert the following:

Subtitle C—Miscellaneous

SEC. 221. EXEMPTION OF SAND DUNE LIZARD FROM ENDANGERED SPECIES ACT OF 1973.

Section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) is amended by adding at the end the following:

''(j) EXEMPTION OF SAND DUNE LIZARD.—This Act shall not apply to the sand dune lizard.''.

SA 1979. Mr. CARPER (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end of title I, insert the following:

SEC. 119. QUALIFYING OFFSHORE WIND FACILITY CREDIT.

(a) IN GENERAL.—Section 46 of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of paragraph (5), by striking the period at the end of paragraph (6), and by adding at the end the following new paragraph:

''(7) the qualifying offshore wind facility credit.''.

(b) AMOUNT OF CREDIT.—Subpart E of part IV of subchapter A of chapter 1 is amended by inserting after section 48D the following new section:

''SEC. 48E. CREDIT FOR OFFSHORE WIND FACILITIES.

''(a) IN GENERAL.—For purposes of section 46, the qualifying offshore wind facility credit for any taxable year is an amount equal to 30 percent of the qualified investment for such taxable year with respect to any qualifying offshore wind facility of the taxpayer.

''(b) QUALIFIED INVESTMENT.—

''(1) IN GENERAL.—For purposes of subsection (a), the qualified investment for any taxable year is the basis of eligible property placed in service by the taxpayer during such taxable year which is part of a qualifying offshore wind facility.

''(2) CERTAIN QUALIFIED PROGRESS EXPENDITURES RULES MADE APPLICABLE.—Rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this section.

''(c) DEFINITIONS.—For purposes of this section—

''(1) QUALIFYING OFFSHORE WIND FACILITY.—

''(A) IN GENERAL.—The term 'qualifying offshore wind facility' means an offshore facility using wind to produce electricity the megawatt capacity of which does not exceed the capacity certified by the Secretary as eligible for the credit under this section.

''(B) OFFSHORE FACILITY.—The term 'offshore facility' means any facility located in the inland navigable waters of the United States, including the Great Lakes, or in the coastal waters of the United States, including the territorial seas of the United States, the exclusive economic zone of United States, and the outer Continental Shelf of the United States.

''(2) ELIGIBLE PROPERTY.—The term 'eligible property' means any property—

''(A) which is—

''(i) tangible personal property, or

''(ii) other tangible property (not including a building or its structural components), but only if such property is used as an integral part of the qualifying offshore wind facility, and

''(B) with respect to which depreciation (or amortization in lieu of depreciation) is allowable.

''(d) QUALIFYING CREDIT FOR OFFSHORE WIND FACILITIES PROGRAM.—

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this section, the Secretary, in consultation with the Secretary of Energy and the Secretary of the Interior, shall establish a qualifying credit for offshore wind facilities program to consider and award certifications for qualified investments eligible for credits under this section to qualifying offshore wind facility sponsors.

''(B) LIMITATION.—The total amount of megawatt capacity for offshore facilities with respect to which credits may be allocated under the program shall not exceed 3,000 megawatts.

''(2) CERTIFICATION.—

''(A) APPLICATION PERIOD.—Each applicant for certification under this paragraph shall submit an application containing such information as the Secretary may require beginning on the date the Secretary establishes the program under paragraph (1).

''(B) PERIOD OF ISSUANCE.—An applicant which receives a certification shall have 5 years from the date of issuance of the certification in order to place the facility in service and if such facility is not placed in service by that time period, then the certification shall no longer be valid.

''(3) SELECTION CRITERIA.—In determining which qualifying offshore wind facilities to certify under this section, the Secretary shall—

''(A) take into consideration which facilities will be placed in service at the earliest date, and

''(B) take into account the technology of the facility that may lead to reduced industry and consumer costs or expand access to offshore wind.

''(4) REVIEW, ADDITIONAL ALLOCATIONS, AND REALLOCATIONS.—

''(A) REVIEW.—Periodically, but not later than 4 years after the date of the enactment of this section, the Secretary shall review the credits allocated under this section as of the date of such review.

''(B) ADDITIONAL ALLOCATIONS AND REALLOCATIONS.—The Secretary may make additional allocations and reallocations of credits under this section if the Secretary determines that—

''(i) the limitation under paragraph (1)(B) has not been attained at the time of the review, or

''(ii) scheduled placed-in-service dates of previously certified facilities have been significantly delayed and the Secretary determines the applicant will not meet the timeline pursuant to paragraph (2)(B).

''(C) ADDITIONAL PROGRAM FOR ALLOCATIONS AND REALLOCATIONS.—If the Secretary determines that credits under this section are available for further allocation or reallocation, but there is an insufficient quantity of qualifying applications for certification pending at the time of the review, the Secretary is authorized to conduct an additional program for applications for certification.

''(5) DISCLOSURE OF ALLOCATIONS.—The Secretary shall, upon making a certification under this subsection, publicly disclose the identity of the applicant and the amount of the credit with respect to such applicant.

''(e) DENIAL OF DOUBLE BENEFIT.—A credit shall not be allowed under this section with respect to any facility if—

''(1) a credit has been allowed to such facility under section 45 for such taxable year or any prior taxable year,

''(2) a credit has been allowed with respect to such facility under section 46 by reason of section 48(a) or 48C(a) for such taxable or any preceding taxable year, or

''(3) a grant has been made with respect to such facility under section 1603 of the American Recovery and Reinvestment Act of 2009.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 49(a)(1)(C) of the Internal Revenue Code of 1986 is amended—

(A) by striking ''and'' at the end of clause (v),

(B) by striking the period at the end of clause (vi) and inserting '', and'', and

(C) by adding after clause (vi) the following new clause:

''(vi) the basis of any property which is part of a qualifying offshore wind facility under section 48E.''.

(2) The table of sections for subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 48D the following new item:

''48E. Credit for offshore wind facilities.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SA 1980. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITING TAXPAYER DOLLARS FROM SUPPORTING HIGH-RISK RESEARCH AND DEVELOPMENT PROJECTS BY COMPANIES THAT EMPLOY 1,000 INDIVIDUALS OR MORE.

Notwithstanding any other provision of law, the Secretary of Energy shall put in place limitations on funding awards at the Advanced Research Projects Agency—Energy that prevent companies that employ 1,000 or more individuals from receiving funding awards.

SA 1981. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Subtitle C—Energy Subsidies for Millionaires

SEC. 221. NO RESIDENTIAL ENERGY EFFICIENT PROPERTY CREDIT FOR MILLIONAIRES AND BILLIONAIRES.

(a) IN GENERAL.—Section 25D(e) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(9) NO CREDIT FOR MILLIONAIRES AND BILLIONAIRES.—No credit shall be allowed under this section for any taxable year with respect to any taxpayer with an adjusted gross income equal to or greater than $1,000,000 for such taxable year.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2011.

SA 1982. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC.___. CONSOLIDATING UNNECESSARY DUPLICATIVE AND OVERLAPPING ENERGY PROGRAMS.

Notwithstanding any other provision of law and not later than 150 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall coordinate with the Secretary of the Department of Energy and the heads of the relevant department and agencies to—

(1) use available administrative authority to eliminate, consolidate, or streamline Government energy-related programs and agencies with duplicative and overlapping missions identified in the—

(A) March 2011 Government Accountability Office report to Congress entitled ''Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue'' (GAO 11 318SP) regarding federal fleet energy goals and ethanol production; and

(B) February 2012 Government Accountability Office report to Congress entitled ''2012 Annual Report: Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue'' (GAO 12 342SP) regarding Department of Energy contractor support costs, nuclear proliferation, diesel emissions, and green building initiatives;

(2) identify and report to Congress any legislative changes required to further eliminate, consolidate, or streamline Government energy-related programs and agencies with duplicative and overlapping missions identified in the—

(A) March 2011 Government Accountability Office report to Congress entitled ''Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue'' (GAO 11 318SP); and

(B) February 2012 Government Accountability Office report to Congress entitled ''2012 Annual Report: Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue'' (GAO 12 342SP);

(3) determine the total cost savings that shall result to each agency, office, and department from the actions described in paragraph (1); and

(4) rescind from the appropriate accounts and apply the savings towards deficit reduction the amount greater of—

(A) $2,000,000,000; or

(B) the total amount of cost savings estimated by paragraph (3).

SA 1983. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

SEC. ___. Notwithstanding any other provision of this Act, none of the funds made available by this Act shall be used by the Office of Fossil Energy to carry out any energy research relating to fossil fuels, except that nothing in this section affects the responsibilities of the Secretary of Energy relating to national petroleum reserves.

SA 1984. Mr. HOEVEN (for himself, Mr. LUGAR, Mr. VITTER, and Mr. KIRK) submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. APPROVAL OF KEYSTONE XL PIPELINE PROJECT.

(a) APPROVAL OF CROSS-BORDER FACILITIES.—

(1) IN GENERAL.—In accordance with section 8 of article 1 of the Constitution (delegating to Congress the power to regulate commerce with foreign nations), TransCanada Keystone Pipeline, L.P. is authorized to construct, connect, operate, and maintain pipeline facilities, subject to subsection (c), for the import of crude oil and other hydrocarbons at the United States-Canada Border at Phillips County, Montana, in accordance with the application filed with the Department of State on September 19, 2008 (as supplemented and amended).

(2) PERMIT.—Notwithstanding any other provision of law, no permit pursuant to Executive Order 13337 (3 U.S.C. 301 note) or any other similar Executive Order regulating construction, connection, operation, or maintenance of facilities at the borders of the United States, and no additional environmental impact statement, shall be required for TransCanada Keystone Pipeline, L.P. to construct, connect, operate, and maintain the facilities described in paragraph (1).

(b) CONSTRUCTION AND OPERATION OF KEYSTONE XL PIPELINE IN UNITED STATES.—

(1) IN GENERAL.—The final environmental impact statement issued by the Department of State on August 26, 2011, shall be considered to satisfy all requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any other provision of law that requires Federal agency consultation or review with respect to the cross-border facilities described in subsection (a)(1) and the related facilities in the United States described in the application filed with the Department of State on September 19, 2008 (as supplemented and amended).

(2) PERMITS.—Any Federal permit or authorization issued before the date of enactment of this Act for the cross-border facilities described in subsection (a)(1), and the related facilities in the United States described in the application filed with the Department of State on September 19, 2008 (as supplemented and amended), shall remain in effect.

(c) CONDITIONS.—In constructing, connecting, operating, and maintaining the cross-border facilities described in subsection (a)(1) and related facilities in the United States described in the application filed with the Department of State on September 19, 2008 (as supplemented and amended), TransCanada Keystone Pipeline, L.P. shall comply with the following conditions:

(1) TransCanada Keystone Pipeline, L.P. shall comply with all applicable Federal and State laws (including regulations) and all applicable industrial codes regarding the construction, connection, operation, and maintenance of the facilities.

(2) Except as provided in subsection (a)(2), TransCanada Keystone Pipeline, L.P. shall comply with all requisite permits from Canadian authorities and applicable Federal, State, and local government agencies in the United States.

(3) TransCanada Keystone Pipeline, L.P. shall take all appropriate measures to prevent or mitigate any adverse environmental impact or disruption of historic properties in connection with the construction, connection, operation, and maintenance of the facilities.

(4) The construction, connection, operation, and maintenance of the facilities shall be—

(A) in all material respects, similar to that described in—

(i) the application filed with the Department of State on September 19, 2008 (as supplemented and amended); and

(ii) the final environmental impact statement described in subsection (b)(1); and

(B) carried out in accordance with—

(i) the construction, mitigation, and reclamation measures agreed to for the project in the construction mitigation and reclamation plan contained in appendix B of the final environmental impact statement described in subsection (b)(1);

(ii) the special conditions agreed to between the owners and operators of the project and the Administrator of the Pipeline and Hazardous Materials Safety Administration of the Department of Transportation, as contained in appendix U of the final environmental impact statement;

(iii) the measures identified in appendix H of the final environmental impact statement, if the modified route submitted by the State of Nebraska to the Secretary of State crosses the Sand Hills region; and

(iv) the stipulations identified in appendix S of the final environmental impact statement.

(d) ROUTE IN NEBRASKA.—

(1) IN GENERAL.—Any route and construction, mitigation, and reclamation measures for the project in the State of Nebraska that is identified by the State of Nebraska and submitted to the Secretary of State under this section is considered sufficient for the purposes of this section.

(2) PROHIBITION.—Construction of the facilities in the United States described in the application filed with the Department of State on September 19, 2008 (as supplemented and amended), shall not commence in the State of Nebraska until the date on which the Secretary of State receives a route for the project in the State of Nebraska that is identified by the State of Nebraska.

(3) RECEIPT.—On the date of receipt of the route described in paragraph (1) by the Secretary of State, the route for the project within the State of Nebraska under this section shall supersede the route for the project in the State specified in the application filed with the Department of State on September 19, 2008 (including supplements and amendments).

(4) COOPERATION.—Not later than 30 days after the date on which the State of Nebraska submits a request to the Secretary of State or any appropriate Federal official, the Secretary of State or Federal official shall provide assistance that is consistent with the law of the State of Nebraska.

(e) ADMINISTRATION.—

(1) IN GENERAL.—Any action taken to carry out this section (including the modification of any route under subsection (d)) shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) STATE SITING AUTHORITY.—Nothing in this section alters any provision of State law relating to the siting of pipelines.

(3) PRIVATE PROPERTY.—Nothing in this section alters any Federal, State, or local process or condition in effect on the date of enactment of this Act that is necessary to secure access from an owner of private property to construct the project.

(f) FEDERAL JUDICIAL REVIEW.—The cross-border facilities described in subsection (a)(1), and the related facilities in the United States described in the application filed with the Department of State on September 19, 2008 (as supplemented and amended), that are approved by this section, and any permit, right-of-way, or other action taken to construct or complete the project pursuant to Federal law, shall only be subject to judicial review on direct appeal to the United States Court of Appeals for the District of Columbia Circuit.

SA 1985. Ms. MURKOWSKI (for herself and Mr. HOEVEN) submitted an amendment intended to be proposed by her to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. EXPEDITED FEDERAL PERMITTING AND REVIEW DECISIONS FOR ENERGY, NATURAL RESOURCE, AND INFRASTRUCTURE PROJECTS.

(a) FINDINGS.—Congress finds that—

(1) it is imperative to significantly reduce the aggregate time required to make decisions by the Federal Government on the permitting and review of energy, natural resource, and energy infrastructure projects, while improving environmental and community outcomes;

(2) investing in the energy infrastructure of the United States provides immediate and long-term economic benefits for local communities and the United States as a whole;

(3) Federal permitting and review processes, including planning, approval, and consultation processes, have a substantive impact on the economy of the United States;

(4) it is critical that Executive agencies take all steps, within the authority and resources of the Executive agencies, to execute Federal permitting and review processes with maximum efficiency and effectiveness, while ensuring the health, safety, and security of communities, the environment, and vital economic growth;

(5) Federal permitting and review processes should—

(A) provide a transparent, consistent, and predictable path for project sponsors and affected communities;

(B) ensure that Executive agencies—

(i) establish and adhere to timelines and schedules for completion of reviews;

(ii) establish clear permitting performance goals; and

(iii) track progress against those goals;

(C) encourage early collaboration among Executive agencies, State, local, and tribal governments, project sponsors, and affected stakeholders to incorporate and address affected interests and minimize delays;

(D) provide for transparency and accountability by using cost-effective information technology to collect and disseminate information concerning individual projects and Executive agency performance;

(E) rely on early and active consultation with State, local, and tribal governments to avoid conflicts or duplication of effort, resolve concerns, and allow for concurrent rather than sequential reviews;

(F) recognize the critical role project sponsors play in ensuring the timely and cost-effective review of projects by providing complete information and analysis and by supporting, as appropriate, the costs associated with review; and

(G) enable Executive agencies—

(i) to share priorities;

(ii) to work collaboratively and concurrently to advance reviews and permitting decisions; and

(iii) to facilitate the resolution of disputes at all levels of Executive agency organization;

(6) each of the actions described in paragraph (5) should be incorporated into routine Executive agency practice to provide demonstrable improvements in the performance of Federal infrastructure permitting and review processes, including lower costs, more timely decisions, and a healthier and cleaner environment; and

(7) it is imperative to institutionalize best practices—

(A) to enhance Federal, State, local, and tribal government coordination on permitting and review processes (such as conducting reviews concurrently rather than sequentially to the maximum extent practicable);

(B) to avoid duplicative reviews;

(C) to engage stakeholders early in the permitting process; and

(D) to develop mechanisms to better communicate priorities and resolve disputes among Executive agencies at the national and regional levels.

(b) DEFINITIONS.—In this section:

(1) COVERED REGULATIONS.—The term ''covered regulations'' means regulations issued to carry out permitting processes for—

(A) any energy or natural resource development project on Federal land that requires the approval of the Federal Government; or

(B) any interstate energy transmission or transportation infrastructure project through electrical lines or pipelines that requires the approval of the Federal Government.

(2) EXECUTIVE AGENCY.—The term ''executive agency'' has the meaning given the term in section 105 of title 5, United States Code.

(3) PROJECT.—The term ''project'' means—

(A) any energy or mineral development project on Federal land that requires the approval of the Federal Government; or

(B) any interstate energy transmission or transportation infrastructure project through electrical lines or pipelines that requires the approval of the Federal Government.

(c) COVERED REGULATIONS.—Not later than 1 year after the date of enactment of this Act, each Executive agency shall amend the covered regulations of the Executive agency—

(1) to reduce, to the maximum extent practicable, the time required to make permitting and review decisions on projects and to execute Federal permitting and review processes with maximum efficiency and effectiveness, while ensuring the health, safety, and security of communities, the environment, and vital economic growth; and

(2) to incorporate specific and measurable actions to carry out paragraph (1), including actions such as—

(A) performance metrics, including timelines or schedules for review;

(B) technological improvements, such as institutionalized use of Dashboard and other information technology systems; and

(C) improved preapplication procedures;

(D) early collaboration with other Executive agencies, project sponsors, and affected stakeholders; and

(E) coordination with State, local, and tribal governments.

SEC. 2. ADOPTION OF EXISTING ENVIRONMENTAL DOCUMENTS.

(a) DEFINITIONS.—In this section:

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

(2) CIRCULATE.—The term ''circulate'' means to distribute an environmental impact statement to another agency for the consideration of that agency.

(3) COOPERATING AGENCY.—The term ''cooperating agency'' means any agency, other than a lead agency, that has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal (or a reasonable alternative) for legislation or other major Federal action significantly affecting the quality of the human environment.

(4) ENVIRONMENTAL ASSESSMENT.—The term ''environmental assessment'' has the meaning given the term in section 1508.9 of title 40, Code of Federal Regulations (or a successor regulation).

(5) ENVIRONMENTAL DOCUMENT.—The term ''environmental document'' means an environmental impact statement or an environmental assessment.

(6) ENVIRONMENTAL IMPACT STATEMENT.—The term ''environmental impact statement'' has the meaning given the term in section 1508.11 of title 40, Code of Federal Regulations (or a successor regulation).

(7) FINDING OF NO SIGNIFICANT IMPACT.—The term ''finding of no significant impact'' has the meaning given the term in section 1508.13 of title 40, Code of Federal Regulations (or a successor regulation).

(8) HUMAN ENVIRONMENT.—The term ''human environment'' has the meaning given the term in section 1508.14 of title 40, Code of Federal Regulations (or a successor regulation).

(9) LEAD AGENCY.—The term ''lead agency'' has the meaning given the term in section 1508.16 of title 40, Code of Federal Regulations (or a successor regulation).

(10) MAJOR FEDERAL ACTION.—The term ''major Federal action'' has the meaning given the term in section 1508.18 of title 40, Code of Federal Regulations (or a successor regulation).

(11) NOTICE OF INTENT.—The term ''notice of intent'' has the meaning given the term in section 1508.22 of title 40, Code of Federal Regulations (or a successor regulation).

(b) ADOPTION OF EXISTING ENVIRONMENTAL ASSESSMENTS.—If an agency determines that an environmental assessment should be prepared for a proposed action relating to oil and gas development on Federal public land or water, the agency shall adopt, in whole or in part, an existing Federal draft or final environmental assessment if—

(1) the existing assessment meets the standards for an adequate assessment under the regulations promulgated by the agency and the Council on Environmental Quality;

(2) the action covered by the existing assessment and the proposed action are substantially the same; and

(3) there are no significant new circumstances or information relating to the quality of the human environment affected by the proposed action.

(c) PUBLICATION OF FINDINGS OF NO SIGNIFICANT IMPACT AND NOTICES OF INTENT.—

(1) FINDING OF NO SIGNIFICANT IMPACT.—If a proposed action is determined not to be a major Federal action that significantly affects the quality of the human environment under the National Environmental Policy

Act (42 U.S.C. 4321 et seq.), an agency adopting an existing environmental assessment under subsection (b) shall publish for public review a finding of no significant impact in accordance with the regulations of the agency.

(2) NOTICE OF INTENT.—If a proposed action is determined to be a major Federal action that significantly affects the quality of the human environment under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), an agency adopting an existing environmental assessment under subsection (b) shall publish for public review a notice of intent in accordance with the regulations of the agency.

(d) ADOPTION OF EXISTING ENVIRONMENTAL IMPACT STATEMENTS.—If a proposed action of an agency relating to oil and gas development on Federal public land or water is determined to be a major Federal action that significantly affects the quality of the human environment under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the agency shall adopt, in whole or in part, an existing Federal draft or final environmental impact statement if—

(1) the existing statement meets the standards for an adequate statement under the regulations promulgated by the Council on Environmental Quality;

(2) the action covered by the existing statement and the proposed action are substantially the same; and

(3) there are no significant new circumstances or information relating to the quality of the human environment affected by the proposed action.

(e) RECIRCULATION OF ENVIRONMENTAL IMPACT STATEMENTS.—

(1) DRAFT STATEMENT.—Subject to paragraphs (2) and (3), an agency adopting an environmental impact statement of another agency shall recirculate the statement as a draft statement.

(2) FINAL STATEMENT.—An agency adopting the final environmental impact statement of another agency shall recirculate the statement as a final statement.

(3) COOPERATING AGENCY.—A cooperating agency adopting the environmental impact statement of a lead agency shall not recirculate the statement if the cooperating agency determines, after an independent review of the statement, that the comments and suggestions of the cooperating agency have been satisfied.

(f) FINALITY OF ADOPTED DOCUMENT.—An agency may not adopt as final an environmental document prepared by another agency if, at the time of the proposed adoption—

(1) the existing document was not final within the agency that prepared the environmental document;

(2) the adequacy of the existing document is the subject of a pending judicial action; or

(3) in the case of an environmental impact statement, the action the existing statement assesses is the subject of a referral under part 1504 of title 40, Code of Federal Regulations (commonly known as ''Predecision referrals to the Council of proposed Federal actions determined to be environmentally unsatisfactory'') (or a successor regulation).

(g) JUDICIAL REVIEW.—The decision of an agency to adopt, in whole or in part, an existing environmental assessment or environmental impact statement shall not be subject to judicial review.

(h) REGULATIONS.—Notwithstanding any other provision of this section, an agency shall not adopt, in whole or in part, an existing environmental impact statement when issuing a proposed or final rule.

SEC. 3. STATE COOPERATION.

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of the Interior or the Secretary of Agriculture, as applicable, shall—

(1) survey the use by the Secretary of categorical exclusions in the issuance of permits since fiscal year 2005;

(2) publish a review of the survey that includes a description of—

(A) the types of actions categorically excluded; and

(B) any requests previously received by the Secretary for new categorical exclusions; and

(3) solicit requests from State natural resources permitting agencies or other State, local, and tribal government agencies for new categorical exclusions.

(b) NEW CATEGORICAL EXCLUSIONS.—Not later than 120 days after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall publish a notice of proposed rulemaking that proposes new categorical exclusions, taking into account the survey under subsection (a), subject to the condition that the new categorical exclusions meet the criteria for a categorical exclusion under section 1508.4 of title 40 Code of Federal Regulations (as in effect on the date of on which the notice of proposed rulemaking is issued).

(c) CATEGORICAL EXCLUSIONS PROVIDED BY LAW.—Not later than 120 days after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall each issue final rules implementing section 390 of the Energy Policy Act of 2005 (42 U.S.C. 15942).

(d) PROGRAMMATIC AGREEMENTS.—

(1) IN GENERAL.—The Secretary of the Interior and the Secretary of Agriculture shall seek opportunities to enter into programmatic agreements with States that establish efficient administrative procedures for carrying out environmental and other required project reviews.

(2) INCLUSIONS.—

(A) IN GENERAL.—Programmatic agreements authorized under paragraph (1) may include agreements that allow a State to determine on behalf of the relevant Department whether a project is categorically excluded from the preparation of an environmental assessment or environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(B) DETERMINATIONS.—A programmatic agreement described in subparagraph (A) may include determinations by the Secretary of the types of projects categorically excluded (consistent with section 1508.4 of title 40, Code of Federal Regulations or successor regulations) in the State in addition to the types of projects described in section 390 of the Energy Policy Act of 2005 (42 U.S.C. 14942).

SEC. 4. EFFICIENT ENVIRONMENTAL REVIEWS FOR PROJECT DECISIONMAKING.

(a) DEFINITIONS.—In this section:

(1) AGENCY.—The term ''agency'' means any agency, department, or other unit of Federal, State, local, or Indian tribal government.

(2) CHAIRMAN.—The term ''Chairman'' means the chairman of the Federal Energy Regulatory Commission.

(3) ENVIRONMENTAL IMPACT STATEMENT.—The term ''environmental impact statement'' means the detailed statement of environmental impacts required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(4) ENVIRONMENTAL REVIEW PROCESS.—

(A) IN GENERAL.—The term ''environmental review process'' means the process of preparing an environmental impact statement, environmental assessment, categorical exclusion, or other document for a project under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(B) INCLUSIONS.—The term ''environmental review process'' includes the process and completion of any environmental permit, approval, review, or study required for a project under any Federal law other than the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(5) LEAD AGENCY.—The term ''lead agency'' means—

(A) in the case of energy or mineral development on Federal land, the Department of the Interior;

(B) in the case of interstate energy transmission or transportation through electrical lines or pipelines, the Federal Energy Regulatory Commission; and

(C) any State or local governmental entity serving as a joint lead agency pursuant to this section.

(6) PROJECT.—The term ''project'' means—

(A) any energy or mineral development project on Federal land that requires the approval of the Federal Government; or

(B) any interstate energy transmission or transportation infrastructure project through electrical lines or pipelines that requires the approval of the Federal Government.

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

(b) APPLICABILITY.—

(1) IN GENERAL.—The project development procedures under this section—

(A) shall apply to all projects for which an environmental impact statement is prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) may be applied, as determined by the Secretary or Chairman, to projects for which an environmental document is prepared pursuant to that Act.

(2) FLEXIBILITY.—Any authority granted to the Secretary or Chairman under this section may be exercised for a project, class of projects, or program of projects.

(c) LEAD AGENCIES.—

(1) FEDERAL LEAD AGENCY.—The Department of the Interior or the Federal Energy Regulatory Commission, as applicable, shall be the Federal lead agency in the environmental review process for a project.

(2) JOINT LEAD AGENCIES.—Nothing in this section precludes another agency from acting as a joint lead agency in accordance with regulations issued under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(3) ENSURING COMPLIANCE.—The Secretary or Chairman, as applicable, shall ensure that the project complies with all design and mitigation commitments made in any environmental document prepared in accordance with this section and that the environmental document is appropriately supplemented if project modifications become necessary.

(4) ADOPTION AND USE OF DOCUMENTS.—Any environmental document prepared in accordance with this section may be adopted or used by any Federal agency making any approval to the same extent that the Federal agency could adopt or use a document prepared by another Federal agency.

(5) ROLE AND RESPONSIBILITY OF LEAD AGENCY.—With respect to the environmental review process for any project, the lead agency shall have the authority and responsibility—

(A) to carry out any actions that are necessary and proper, within the authority of the lead agency, to facilitate the expeditious resolution of the environmental review process for the project; and

(B) to prepare or ensure that any required environmental impact statement or other document required to be completed under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) is completed in

accordance with this section and applicable Federal law.

(d) PARTICIPATING AGENCIES.—

(1) IN GENERAL.—The lead agency shall be responsible for inviting and designating participating agencies in accordance with this subsection.

(2) INVITATION.—

(A) IN GENERAL.—The lead agency shall identify, as early as practicable in the environmental review process for a project, any other Federal and non-Federal agencies that may have an interest in the project, and shall invite those agencies to become participating agencies in the environmental review process for the project.

(B) DEADLINE.—The invitation shall state a deadline by which responses shall be submitted to the lead agency, which may be extended by the lead agency for good cause.

(3) FEDERAL PARTICIPATING AGENCIES.—Any Federal agency that is invited by the lead agency to participate in the environmental review process for a project shall be designated as a participating agency by the lead agency unless the invited agency informs the lead agency, in writing, by the deadline specified in the invitation that the invited agency—

(A) has no jurisdiction or authority with respect to the project;

(B) has no expertise or information relevant to the project; and

(C) does not intend to submit comments on the project.

(4) EFFECT OF DESIGNATION.—Designation as a participating agency under this subsection shall not imply that the participating agency—

(A) supports a proposed project;

(B) has any jurisdiction over the project; or

(C) has special expertise with respect to the evaluation of the project.

(5) COOPERATING AGENCY.—A participating agency may also be designated by a lead agency as a cooperating agency under part 1500 of title 40, Code of Federal Regulations (or successor regulations).

(6) DESIGNATIONS FOR CATEGORIES OF PROJECTS.—The Secretary or Chairman, as applicable, may exercise the authorities granted under this subsection for a project, class of projects, or program of projects.

(7) CONCURRENT REVIEWS.—Each Federal agency shall, to the maximum extent practicable—

(A) carry out obligations of the Federal agency under other applicable law concurrently, and in conjunction, with the review required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), unless doing so would impair the ability of the Federal agency to carry out those obligations; and

(B) formulate and implement administrative, policy, and procedural mechanisms to enable the agency to ensure completion of the environmental review process in a timely, coordinated, and environmentally responsible manner.

(e) PROJECT INITIATION.—The project sponsor shall notify the Secretary or Chairman, as applicable, of the type and general location of the proposed project, together with a statement of any Federal approvals anticipated to be necessary for the proposed project, for the purpose of informing the Secretary or Chairman that the environmental review process should be initiated.

(f) PUBLIC PARTICIPATION.—

(1) IN GENERAL.—As early as practicable during the environmental review process, the lead agency shall provide an opportunity for participating agencies and the public to participate in defining the purpose and need for a project.

(2) SCOPE AND OBJECTIVES.—

(A) IN GENERAL.—After providing an opportunity for participation under paragraph (1), the lead agency shall prepare a statement of purpose and need for any document that the lead agency is responsible for preparing for the project.

(B) OBJECTIVES.—The statement of purpose and need shall include a clear statement of the objectives that the proposed action is intended to achieve, which may include—

(i) increasing energy and mineral security; and

(ii) reducing energy, mineral, and natural resource costs to consumers.

(3) ALTERNATIVE ANALYSIS.—

(A) IN GENERAL.—As early as practicable during the environmental review process, the lead agency shall provide an opportunity for participating agencies and the public to participate in determining the range of alternatives to be considered for a project.

(B) RANGE OF ALTERNATIVES.—After providing an opportunity for participation under paragraph (1), the lead agency shall determine the range of alternatives for consideration in any document that the lead agency is responsible for preparing for the project.

(C) METHODOLOGIES.—The lead agency, in collaboration with the participating agencies, shall determine, at appropriate times during the study process, the methodologies to be used and the level of detail required in the analysis of each alternative for a project.

(D) PREFERRED ALTERNATIVE.—At the discretion of the lead agency, the lead agency may—

(i) identify a preferred alternative for a project; and

(ii) develop a more detailed analysis for that alternative than other alternatives to facilitate the development of mitigation measures or concurrent compliance with other applicable laws, subject to the condition that the lead agency determines that the development of the more detailed analysis will not prevent the lead agency from making an impartial decision as to whether to accept another alternative under consideration.

(g) COORDINATION AND SCHEDULING.—

(1) COORDINATION PLAN.—

(A) IN GENERAL.—The lead agency shall establish a plan for coordinating public and agency participation in and comment on the environmental review process for a project or category of projects, which may be incorporated in a memorandum of understanding.

(B) SCHEDULE.—

(i) IN GENERAL.—The lead agency may establish as part of the coordination plan, after consultation with each participating agency for the project and with each State in which the project is located, a schedule for completion of the environmental review process for the project.

(ii) FACTORS FOR CONSIDERATION.—In establishing the schedule, the lead agency shall consider factors such as—

(I) the responsibilities of participating agencies under applicable laws;

(II) the resources available to the participating agencies;

(III) the overall size and complexity of the project;

(IV) the overall schedule for and cost of the project; and

(V) the sensitivity of the natural and historic resources that could be affected by the project.

(C) ADMINISTRATION.—A schedule under subparagraph (B) shall be consistent with any other relevant schedule required under Federal law.

(D) MODIFICATIONS.—The lead agency may—

(i) extend a schedule established under subparagraph (B) for good cause; and

(ii) reduce a schedule established under subparagraph (B) only with the concurrence of the affected participating agencies.

(E) DISSEMINATION.—A copy of a schedule under subparagraph (B), including any modifications to the schedule, shall be—

(i) provided to all participating agencies and to the relevant agencies of each State in which the project is located; and

(ii) made available to the public.

(2) COMMENT DEADLINES.—The lead agency shall establish comment deadlines for agencies and the public such that—

(A) the comment period on draft environmental impact statements shall last for a period of not more than 60 days after the date on which the notice of the date of public availability of the document is published in the Federal Register, unless—

(i) a different deadline is established by agreement of the lead agency and all participating agencies; or

(ii) the deadline is extended by the lead agency for good cause;

(B) the comment period on the environmental review process shall last for a period of not more than 30 days after the date on which the materials on which comment is requested are available, unless—

(i) a different deadline is established by agreement of the lead agency and all participating agencies; or

(ii) the deadline is extended by the lead agency for good cause.

(3) DEADLINES FOR DECISIONS UNDER OTHER LAWS.—In any case in which a decision under any Federal law relating to a project (including the issuance or denial of a permit or license) is required to be made by a date that is not later than the date that is 180 days after the date on which the Secretary or Chairman, as applicable, has made all final decisions of the lead agency with respect to the project, or not later than 180 days after the date on which an application was submitted for the permit or license, the Secretary or Chairman, as applicable, shall submit to the Committees on Environment and Public Works and Energy and Natural Resources of the Senate and the Committees on Transportation and Infrastructure and Energy and Commerce of the House of Representatives—

(A) as soon as practicable after the 180-day period, an initial notice of the failure of the Federal agency to make the decision; and

(B) every 60 days thereafter until such date as all decisions of the Federal agency relating to the project have been made by the Federal agency, an additional notice that describes the number of decisions of the Federal agency that remain outstanding as of the date of the additional notice.

(4) PUBLIC PARTICIPATION.—Nothing in this subsection reduces any time period under existing Federal law, including regulations, for which public comment is provided in the environmental review process.

(h) ISSUE IDENTIFICATION AND RESOLUTION.—

(1) IN GENERAL.—The lead agency and the participating agencies shall work cooperatively in accordance with this section to identify and resolve issues that could delay completion of the environmental review process or result in denial of any approvals required for the project under applicable laws.

(2) LEAD AGENCY RESPONSIBILITIES.—

(A) IN GENERAL.—The lead agency shall make information available to the participating agencies as early as practicable in the environmental review process regarding the environmental and socioeconomic resources located within the project area and the general locations of the alternatives under consideration.

(B) BASIS OF INFORMATION.—The information described in subparagraph (A) may be based on existing data sources, including geographical information systems mapping.

(3) PARTICIPATING AGENCY RESPONSIBILITIES.—

(A) IN GENERAL.—Based on any information received from the lead agency under paragraph (2), each participating agency shall identify, as early as practicable, any issues of concern regarding the potential environmental or socioeconomic impacts of the project.

(B) INCLUSIONS.—For purposes of this paragraph, issues of concern include any issues that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project.

(4) ISSUE RESOLUTION.—

(A) IN GENERAL.—At any time, at the request of the Governor of a State in which the project is located, the lead agency shall promptly convene a meeting with the relevant participating agencies and the Governor to resolve issues that could delay completion of the environmental review process or result in denial of any approvals required for the project under applicable laws.

(B) NOTICE THAT RESOLUTION CANNOT BE ACHIEVED.—If a resolution cannot be achieved by a date that is not later than 30 days after the date on which the meeting under subparagraph (A) occurs and the lead agency determines that all information necessary to resolve the issue has been obtained, the lead agency shall—

(i) notify the heads of all participating agencies, the Governor, the Committee on Energy and Natural Resources of the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Council on Environmental Quality; and

(ii) publish the notification in the Federal Register.

(i) PERFORMANCE MEASUREMENT.—The Secretary shall establish a program to measure and report on any progress made toward improving and expediting the planning and environmental review process.

(j) JUDICIAL REVIEW.—

(1) IN GENERAL.—Except as provided in subsection (k), nothing in this section affects the reviewability of any final Federal agency action in a court of the United States or in the court of any State.

(2) NO EFFECT ON OTHER LAW.—Nothing in this section—

(A) supersedes, amends, or modifies the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or any other Federal environmental statute;

(B) affects the responsibility of any Federal officer to comply with or enforce any such statute; or

(C) preempts or interferes with—

(i) any practice of seeking, considering, or responding to public comment;

(ii) any power, jurisdiction, responsibility, or authority that a Federal, State, local government agency, or Indian tribe has with respect to carrying out a project; or

(iii) any other provision of law applicable to a project.

(k) LIMITATIONS ON CLAIMS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a claim arising under Federal law seeking judicial review of a permit, license, or approval issued by a Federal agency for a project shall be barred unless the claim is filed by not later than 180 days after the date of publication of a notice in the Federal Register announcing that the permit, license, or approval is final pursuant to the law under which the agency action is taken, unless a shorter time is specified in the Federal law pursuant to which judicial review is allowed.

(2) NO RIGHT TO REVIEW OR LIMIT ON CLAIM.—Nothing in this subsection—

(A) establishes any right to judicial review; or

(B) places any limit on filing a claim that a person has violated the terms of a permit, license, or approval.

(3) NEW INFORMATION.—

(A) IN GENERAL.—The Secretary shall consider new information received after the close of a comment period if the information satisfies the requirements for a supplemental environmental impact statement under section 1502.9(c) of title 40, Code of Federal Regulations (or a successor regulation).

(B) PREPARATION OF NEW STATEMENT.—With respect to the preparation of a supplemental environmental impact statement, when required—

(i) the preparation of such a statement shall be considered to be a separate final agency action; and

(ii) the deadline for filing a claim for judicial review of that action shall be 180 days after the date of publication of a notice in the Federal Register announcing the action.

(l) ACCELERATED DECISIONMAKING IN ENVIRONMENTAL REVIEWS.—

(1) IN GENERAL.—When preparing a final environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), if the lead agency makes changes in response to comments that are minor and are confined to factual corrections or explanations of why the comments do not warrant further agency response, the lead agency may write on errata sheets attached to the statement instead of rewriting the draft statement, on the condition that the errata sheets—

(A) cite the sources, authorities, or reasons that support the position of the agency; and

(B) if appropriate, indicate the circumstances that would trigger agency reappraisal or further response.

(2) INCORPORATION.—To the maximum extent practicable, the lead agency shall expeditiously develop a single document that consists of a final environmental impact statement and a record of decision unless—

(A) the final environmental impact statement makes substantial changes to the proposed action that are relevant to environmental or safety concerns; or

(B) there are significant new circumstances or information relevant to environmental concerns and that bear on the proposed action or the impacts of the proposed action.

SA 1986. Ms. MURKOWSKI (for herself and Mr. HOEVEN) submitted an amendment intended to be proposed by her to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. EXPEDITED FEDERAL PERMITTING AND REVIEW DECISIONS FOR ENERGY, NATURAL RESOURCE, AND INFRASTRUCTURE PROJECTS.

(a) FINDINGS.—Congress finds that—

(1) it is imperative to significantly reduce the aggregate time required to make decisions by the Federal Government on the permitting and review of energy, natural resource, and energy infrastructure projects, while improving environmental and community outcomes;

(2) investing in the energy infrastructure of the United States provides immediate and long-term economic benefits for local communities and the United States as a whole;

(3) Federal permitting and review processes, including planning, approval, and consultation processes, have a substantive impact on the economy of the United States;

(4) it is critical that Executive agencies take all steps, within the authority and resources of the Executive agencies, to execute Federal permitting and review processes with maximum efficiency and effectiveness, while ensuring the health, safety, and security of communities, the environment, and vital economic growth;

(5) Federal permitting and review processes should—

(A) provide a transparent, consistent, and predictable path for project sponsors and affected communities;

(B) ensure that Executive agencies—

(i) establish and adhere to timelines and schedules for completion of reviews;

(ii) establish clear permitting performance goals; and

(iii) track progress against those goals;

(C) encourage early collaboration among Executive agencies, State, local, and tribal governments, project sponsors, and affected stakeholders to incorporate and address affected interests and minimize delays;

(D) provide for transparency and accountability by using cost-effective information technology to collect and disseminate information concerning individual projects and Executive agency performance;

(E) rely on early and active consultation with State, local, and tribal governments to avoid conflicts or duplication of effort, resolve concerns, and allow for concurrent rather than sequential reviews;

(F) recognize the critical role project sponsors play in ensuring the timely and cost-effective review of projects by providing complete information and analysis and by supporting, as appropriate, the costs associated with review; and

(G) enable Executive agencies—

(i) to share priorities;

(ii) to work collaboratively and concurrently to advance reviews and permitting decisions; and

(iii) to facilitate the resolution of disputes at all levels of Executive agency organization;

(6) each of the actions described in paragraph (5) should be incorporated into routine Executive agency practice to provide demonstrable improvements in the performance of Federal infrastructure permitting and review processes, including lower costs, more timely decisions, and a healthier and cleaner environment; and

(7) it is imperative to institutionalize best practices—

(A) to enhance Federal, State, local, and tribal government coordination on permitting and review processes (such as conducting reviews concurrently rather than sequentially to the maximum extent practicable);

(B) to avoid duplicative reviews;

(C) to engage stakeholders early in the permitting process; and

(D) to develop mechanisms to better communicate priorities and resolve disputes among Executive agencies at the national and regional levels.

(b) DEFINITIONS.—In this section:

(1) COVERED REGULATIONS.—The term ''covered regulations'' means regulations issued to carry out permitting processes for—

(A) any energy or natural resource development project on Federal land that requires the approval of the Federal Government; or

(B) any interstate energy transmission or transportation infrastructure project through electrical lines or pipelines that requires the approval of the Federal Government.

(2) EXECUTIVE AGENCY.—The term ''executive agency'' has the meaning given the term in section 105 of title 5, United States Code.

(3) PROJECT.—The term ''project'' means—

(A) any energy or mineral development project on Federal land that requires the approval of the Federal Government; or

(B) any interstate energy transmission or transportation infrastructure project through electrical lines or pipelines that requires the approval of the Federal Government.

(c) COVERED REGULATIONS.—Not later than 1 year after the date of enactment of this Act, each Executive agency shall amend the covered regulations of the Executive agency—

(1) to reduce, to the maximum extent practicable, the time required to make permitting and review decisions on projects and to execute Federal permitting and review processes with maximum efficiency and effectiveness, while ensuring the health, safety, and security of communities, the environment, and vital economic growth; and

(2) to incorporate specific and measurable actions to carry out paragraph (1), including actions such as—

(A) performance metrics, including timelines or schedules for review;

(B) technological improvements, such as institutionalized use of Dashboard and other information technology systems; and

(C) improved preapplication procedures;

(D) early collaboration with other Executive agencies, project sponsors, and affected stakeholders; and

(E) coordination with State, local, and tribal governments.

SA 1987. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 9, strike lines 9 through 12, and insert the following:

(b) WIND FACILITIES.—

(1) IN GENERAL.—Paragraph (1) of section 45(d) of the Internal Revenue Code of 1986 is amended by striking ''January 1, 2013'' and inserting ''January 1, 2015''.

(2) REDUCED CREDIT RATE FOR WIND FACILITIES FOR 2013 AND 2014 AND TERMINATION AFTER 2014.—Subparagraph (A) of section 45(b)(4) of the Internal Revenue Code of 1986 is amended—

(A) by striking ''In the case of'' and inserting:

''(i) IN GENERAL.—In the case of'', and

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

''(ii) WIND FACILITIES.—In the case of electricity produced and sold in any calendar year after 2012 at any qualified facility described in subsection (d)(1), the amount in effect under subsection (a)(1) for such calendar year (determined before the application of the last sentence of paragraph (2) of this subsection) shall be—

''(I) reduced by one-third in calendar year 2013,

''(II) reduced by two-thirds in calendar year 2014, and

''(III) zero after calendar year 2014.''.

(3) NO EXTENSION OF GRANTS FOR SPECIFIED ENERGY PROPERTY IN LIEU OF TAX CREDITS.—The amendments made by subsection (d) of this section and section 116 of this Act are hereby deemed null, void, and of no effect.

SA 1988. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

Strike section 115 and insert the following:

SEC. 115. EXTENSION AND MODIFICATION OF ALTERNATIVE FUELS EXCISE TAX CREDITS.

(a) EXTENSION.—

(1) EXCISE TAX CREDITS.—Sections 6426(d)(5) and 6426(e)(3) of the Internal Revenue Code of 1986 are each amended by striking ''December 31, 2011 (September 30, 2014, in the case of any sale or use involving liquified hydrogen)'' and inserting ''December 31, 2015''.

(2) PAYMENTS.—Section 6427(e)(6) of such Code is amended by inserting ''and'' at the end of subparagraph (B) and by striking subparagraphs (C) and (D) and inserting the following:

''(C) any alternative fuel or alternative fuel mixture (as defined in subsection (d)(2) or (e)(3) of section 6426) sold or used after December 31, 2015.''.

(b) APPLICATION OF CREDIT TO USE IN TRAINS.—Paragraph (1) of section 6426(d) of such Code is amended by striking ''in a motor vehicle or motorboat'' and inserting ''in a motor vehicle, motorboat, or vehicle on rail''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2011.

SA 1989. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. CLEAN VEHICLE CORRIDORS PROGRAM.

(a) FINDINGS.—Congress makes the following findings:

(1) Traditional transportation refueling networks are well-established, but market uncertainties continue to hamper the full use of cleaner-burning domestic energy resources.

(2) Despite considerable investor interest, higher capital costs and an uncertain consumer base has limited expansion of cleaner-burning alternative refueling options and its customer base.

(3) Reduced emissions and energy independence are important factors at a national level, but they are not a sufficient inducement to create large-scale changes.

(4) While American-made fuels provide many energy security and environmental benefits, a significant portion of imported oil continues to be consumed as diesel fuel in on-road motor vehicles.

(5) Motor vehicles fueled by domestically-generated, cleaner-burning transportation fuels, such as compressed natural gas, liquified natural gas, propane, electricity, and biofuels, can pay for themselves over time, but sales of such vehicles, other than return-to-base vehicles, have been hampered because of insufficient refueling infrastructure.

(6) Simultaneous facilitation of infrastructure development and a robust customer base is needed to avoid penalizing current users or early adopters.

(7) Facilitating focused infrastructure development along designated routes will foster an expansion of alternative fuel vehicles and increase the likelihood for commercial success.

(8) Eliminating the logistical barriers that are delaying infrastructure development along clean vehicle corridors will—

(A) provide alternative refueling stations with a larger customer base;

(B) attract more buyers to the purchase of clean vehicles; and

(C) provide new market outlets for clean fuel providers.

(b) PURPOSES.—The purposes of this section are—

(1) to provide market certainty to drive private and commercial capital investment in clean transportation options;

(2) to promote clean transportation technologies that will—

(A) lead to increased diversity and dissemination of alternative fuel options; and

(B) enable the United States to bridge the gap from foreign energy imports to secure, domestically produced energy; and

(3) to facilitate clean transportation incentives that will—

(A) attract a critical mass of clean transportation vehicles that will give alternative fueling stations an assured customer base and market certitude;

(B) provide for ongoing increases in energy demands;

(C) support the growth of jobs and businesses in the United States; and

(D) reduce petroleum use and emissions by vehicles.

(c) CLEAN VEHICLE CORRIDORS PROGRAM.—

(1) CORRIDOR DESIGNATIONS.—

(A) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Energy (referred to in this section as the ''Secretary'') shall designate 10 ''Clean Vehicle Corridors'' along Federal highways or other contiguous highways.

(B) CONSULTATION.—In making designations under paragraph (1), the Secretary shall—

(i) consult with the Secretary of Transportation; and

(ii) gather information from Federal, State, and local governments, nongovernmental organizations, and individuals to help determine which highways should be included in the corridors designated under subparagraph (A).

(2) INFRASTRUCTURE DEVELOPMENT.—

(A) CLEANER-BURNING FUELS.—

(i) IN GENERAL.—The Secretary shall encourage the addition of alternative fueling options and other supporting infrastructure along Clean Vehicle Corridors. These refueling stations should provide 2 or more cleaner-burning fuels and allow any motor vehicle that operates on such fuels to refuel at distances comfortably within 1 tank range without the need for prior arrangement. Existing and private facilities should be encouraged to be included in the Clean Vehicle Corridors network.

(B) DEFINITIONS.—In this paragraph:

(i) CLEANER-BURNING FUELS.—The term ''cleaner-burning fuels'' includes—

(I) rapid-fueling compressed natural gas;

(II) liquefied natural gas;

(III) liquefied petroleum gas (also known as propane);

(IV) plug-in electric;

(V) biofuel;

(VI) hydrogen; and

(VII) other clean fuels designated by the Secretary.

(ii) SUPPORTING INFRASTRUCTURE.—The term ''supporting infrastructure'' includes fueling stations, rest stops, travel plazas, and other service areas on Federal or private property that are found to be most practically located along a Clean Vehicle Corridor.

(3) INFORMATION AND RESOURCES ON CLEAN VEHICLE CORRIDORS.—

(A) WEBSITE.—The Secretary shall maintain a website containing information and resources for Clean Vehicle Corridors.

(B) INTERSTATE COMPACTS.—

(i) ESTABLISHMENT.—Two or more contiguous States may enter into an interstate compact to establish clean vehicle corridor partnerships to facilitate planning for and siting of necessary facilities within those States.

(ii) TECHNICAL ASSISTANCE.—The Secretary, in consultation with the Secretary of Energy, may provide technical assistance to interstate compact partnerships established pursuant to clause (i).

SA 1990. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. NATURAL GAS ENERGY AND ALTERNATIVES REBATE PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ALTERNATIVE FUEL.—The term ''alternative fuel'' means natural gas, liquid petroleum gas, hydrogen, electric, or fuel cell.

(2) ALTERNATIVELY FUELED BUS.—The term ''alternatively fueled bus'' means—

(A) a school bus (as defined in section 390.5 of title 49, Code of Federal Regulations) that operates on alternative fuel;

(B) a multifunction school activity bus (as defined in section 571.3 of title 49, Code of Federal Regulations) that operates on alternative fuel; or

(C) a motor vehicle that—

(i) provides public transportation (as defined in section 5302(a)(10) of title 49, United States Code); and

(ii) operates on alternative fuel.

(3) ELIGIBLE ENTITY.—The term eligible entity means—

(A) a public or private entity providing transportation exclusively for school students, personnel, and equipment; or

(B) a public entity providing mass transit services to the public.

(b) REBATE PROGRAM.—

(1) IN GENERAL.—The Secretary of Transportation shall establish the Natural Gas Energy and Alternatives Rebates Program (referred to in this section as the ''NGEAR Program'') to subsidize the purchase of alternatively fueled buses by eligible entities.

(2) AMOUNTS.—An eligible entity that purchases an alternatively fueled bus during the period beginning on the date of the enactment of this Act and ending on December 31, 2016, is eligible to receive a rebate from the Department of Transportation under this subsection in an amount equal to the lesser of—

(A) 30 percent of the purchase price of the alternatively fueled bus; or

(B) $15,000.

(3) APPLICATION.—Eligible entities desiring a rebate under the NGEAR Program shall submit an application to the Secretary of Transportation that contains copies of relevant sales invoices and any additional information that the Secretary of Transportation may require.

SA 1991. Mr. BENNET submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 22, between lines 3 and 4, insert the following:

TITLE III—MISCELLANEOUS

SEC. 301. CLEAN ENERGY GRANT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means an entity described in subsection (c).

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

(b) ESTABLISHMENT.—There is established in the Department of Energy a program to provide grants to eligible entities, on a competitive basis, to develop and carry out clean energy and carbon reduction measures, such as—

(1) renewable electricity standards;

(2) regional or statewide climate action plans;

(3) the use of hybrid, electric, compressed natural gas, or fuel cell vehicles in State or local fleets;

(4) measures to increase the percentage of public buildings of the eligible entity that are certified with respect to standards for energy efficiency;

(5) participation in a regional greenhouse gas reduction program;

(6) facilitation of on-bill financing for energy efficiency improvements for residences and business served by rural coops;

(7) provision of State tax incentives for the manufacture or installation of clean energy components or energy efficiency upgrades;

(8) provision of innovative financing mechanisms to private sector entities to encourage the deployment of clean energy technologies;

(9) implementation of best management practices for the public utility commission of an eligible entity;

(10) improvement and updating of grid technology; and

(11) implementation of carbon efficiency standards.

(c) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, a State or unit of local government, or a regional consortium comprised of States or units of local governments, in partnership with private sector and nongovernmental organization partners, shall—

(1) meet any requirements established by the Secretary under subsection (f); and

(2) submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require.

(d) AWARD.—The Secretary shall determine which eligible entities shall receive grants and the amount of the grants provided based on—

(1) the information provided in an application submitted under subsection (c)(2); and

(2) any criteria for reviewing and ranking applications developed by the Secretary by regulation under subsection (f).

(e) USE OF FUNDS.—Grant funds provided under this section shall only be used for eligible uses specified by the Secretary by regulation under subsection (f).

(f) REGULATIONS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall issue regulations that establish criteria for grants under this section, including specifying the types of measures that are eligible for grants, establishing application criteria, and developing a point system to assist the Secretary in reviewing and ranking grant applications.

(2) CONSIDERATIONS.—In developing the regulations under paragraph (1), the Secretary shall take into account—

(A) regional disparities in the ways in which energy is produced and used; and

(B) the clean energy resource potential of the measures.

(g) EXPLANATION.—As soon as practicable after the date of enactment of this Act, the Secretary shall publish in the Federal Register an explanation of the manner by which grants awarded under subsection (d) would ensure an objective evaluation based on the criteria regulations promulgated under subsection (f)(1).

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary for fiscal year 2011 to carry out this section $5,000,000,000, to remain available until expended.

SA 1992. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end, insert the following:

SEC. _____. SAVINGS OFFSET.

OMB shall reduce the total amount of deficit reduction required by section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 for fiscal year 2013 by an amount equal to the increase in revenues for fiscal year 2013 resulting from the enactment of this Act.

SA 1993. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Regulatory Relief to Reduce Energy Prices Act of 2012''.

SEC. 2. CONGRESSIONAL FINDINGS.

Congress finds that—

(1) Americans are suffering through record levels of job losses, slow economic growth, high gasoline prices, and increasing energy costs, and unemployment in the United States is currently more than 8 percent;

(2) the President wrote in an August 2011 letter to the Speaker of the House of Representatives that ''it is extremely important to minimize regulatory burdens and to avoid unjustified regulatory costs, particularly in this difficult economic period'' and, in that letter, the President identified at least 7 proposed regulations that would each impose billions of dollars in new costs on the private sector and, with respect to at least 1 of those rules, the President ultimately directed the Federal agency to not proceed with promulgation;

(3) the President stated in Executive Order 13563 that our Nation's regulatory system should ''protect public health, welfare, safety, and our environment while promoting economic growth, innovation, competitiveness, and job creation'';

(4) since the issuance of Executive Order 13563, additional significant Federal rules have been issued that increase energy costs and hinder economic growth;

(5) many existing Federal laws do not expressly authorize the President or the Federal agencies to delay or terminate the rulemaking process for new regulations based on adverse economic impacts, unemployment, energy prices and electric reliability, and other related considerations; and

(6) it is necessary for job creation, until the unemployment rate improves, to authorize the President to delay or disapprove any major rule due to concerns related to significant economic impacts.

SEC. 3. PURPOSE.

The purpose of this Act—

(1) is to facilitate economic growth, affordable energy, and job creation by providing

the President with authority to delay or disapprove the adoption, finalization, promulgation, issuance, or implementation of any major rule due to concerns related to significant economic impacts; and

(2) is not to authorize the President to delay or terminate rules that—

(A) facilitate economic recovery or job creation; or

(B) reduce the overall Federal regulatory burden.

SEC. 4. DEFINITIONS.

In this Act—

(1) the term ''major rule'' has the meaning given that term under section 804(2) of title 5, United States Code; and

(2) the term ''significant economic impacts'' includes impacts on energy costs and electric reliability, gasoline prices, employment, gross domestic product, and related considerations.

SEC. 5. APPROVAL OF MAJOR RULES BY THE PRESIDENT.

(a) IN GENERAL.—Notwithstanding any other provision of law, any major rule (as determined by the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget in accordance with chapter 8 of title 5, United States Code) shall not become final and effective until the President issues an executive order of approval under subsection (b).

(b) EXECUTIVE ORDERS.—

(1) IN GENERAL.—After review of any major rule and consideration of significant economic impacts, the President may issue an executive order to—

(A) approve the major rule to become final and effective notwithstanding significant economic impacts;

(B) delay consideration of, or action upon, the major rule due to concerns related to significant economic impacts; or

(C) disapprove and terminate the major rule due to concerns related to significant economic impacts.

(2) CONTENTS.—Any executive order issued under paragraph (1) shall describe the basis for the finding of significant economic impacts and the rationale for the decision to approve, delay, or disapprove and terminate the major rule.

(c) EXEMPTION FOR NATIONAL SECURITY OR NATIONAL EMERGENCY.—A major rule is exempt from this Act if the exemption is necessary in the interest of national security or in response to a national emergency.

SA 1994. Mr. SESSIONS (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Truth in Energy Policy Act''.

SEC. 2. TRANSPARENCY IN DOMESTIC OIL AND NATURAL GAS PRODUCTION.

Section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) is amended by adding at the end the following:

''(i) TRANSPARENCY IN DOMESTIC OIL AND NATURAL GAS PRODUCTION.—The Secretary shall establish, and maintain with up-to-date data, a publicly available website listing the following:

''(1) The domestic strategic production goal for the development of oil and natural gas.

''(2) The current demand for oil and natural gas in the United States.

''(3) Oil production from Federal property on an annual basis since 2000.

''(4) Oil production from non-Federal property on an annual basis since 2000.

''(5) The percent reduction or increase, measured on an annual basis, in oil and gas production from Federal property.

''(6) The number of Federal oil and gas leases issued annually since 2000.

''(7) A map showing Federal areas accessible to oil and gas production.

''(8) The total areas comprising the outer Continental Shelf and, of that acreage, the percentage that—

''(A) is actually leased for oil and gas production; and

''(B) would have been leased if the 2010–2015 offshore lease plan was fully implemented as proposed in 2008.

''(9) Total estimated United States oil resources.''.

SA 1995. Mr. SESSIONS (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 22, between lines 3 and 4, insert the following:

TITLE III—MISCELLANEOUS

SEC. 301. DELAY OF IMPLEMENTATION OF RULE REGARDING STANDARDS OF PERFORMANCE FOR GREENHOUSE GAS EMISSIONS.

Notwithstanding any other provision of law, the Administrator of the Environmental Protection Agency shall not promulgate or implement any final version of the proposed rule entitled ''Standards of Performance for Greenhouse Gas Emissions for New Stationary Sources: Electric Utility Generating Units'' (EPA-HQ-OAR-2011-0660; FRL-RIN 2060 Aq91 (March 27, 2012)) until such time as the standards proposed in that rule are implemented by Russia, China, and India.

SA 1996. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 22, strike lines 4 and 5 and insert the following:

TITLE III—MISCELLANEOUS

SEC. 301. EFFECT OF NEPA ON CERTAIN FEDERAL AGENCIES.

(a) IN GENERAL.—The Comptroller General of the United States shall assess and produce a report on how the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) affects—

(1) the Department of Defense;

(2) the Department of Energy;

(3) the Department of the Interior;

(4) the Department of Transportation;

(5) the Environmental Protection Agency;

(6) the Corps of Engineers; and

(7) the Forest Service.

(b) CONTENTS.—For each Federal agency described in subsection (a), the report shall include an assessment of—

(1) the cost of complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(2) the quantity of man hours spent on complying with that Act;

(3) the quantity of litigation the Federal agency engages in as a result of that Act, including the quantity of time and the cost that litigation adds to a project; and

(4) the economic costs associated with the delay in onshore and offshore oil and gas production as a result of that Act.

TITLE IV—BUDGETARY EFFECTS

SEC. 401. DEFICIT REDUCTION.

SA 1997. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Domestic Energy Advancement and Leasing Act''.

SEC. 2. COMMERCIAL LEASING PROGRAM FOR OIL SHALE RESOURCES ON PUBLIC LAND.

Subsection (e) of the Oil Shale, Tar Sands, and Other Strategic Unconventional Fuels Act of 2005 (42 U.S.C. 15927(e)) is amended—

(1) in the first sentence, by striking ''Not later'' and inserting the following:

''(1) IN GENERAL.—Not later'';

(2) in the second sentence—

(A) by striking ''If the Secretary'' and inserting the following:

''(2) LEASE SALES.—

''(A) IN GENERAL.—If the Secretary''; and

(B) by striking ''may'' and inserting ''shall'';

(3) in the last sentence, by striking ''Evidence of interest'' and inserting the following:

''(B) EVIDENCE OF INTEREST.—Evidence of interest''; and

(4) by adding at the end the following:

''(C) SUBSEQUENT LEASE SALES.—During any period for which the Secretary determines that there is sufficient support and interest in a State in the development of tar sands and oil shale resources, the Secretary shall—

''(i) at least annually, consult with the persons described in paragraph (1) to expedite the commercial leasing program for oil shale resources on public land in the State; and

''(ii) at least once every 270 days, conduct a lease sale in the State under the commercial leasing program regulations.''.

SEC. 3. JURISDICTION OVER COVERED ENERGY PROJECTS.

(a) DEFINITION OF COVERED ENERGY PROJECT.—In this section, the term ''covered energy project'' means any action or decision by a Federal official regarding—

(1) the leasing of Federal land (including submerged land) for the exploration, development, production, processing, or transmission of oil, natural gas, or any other source or form of energy, including actions and decisions regarding the selection or offering of Federal land for such leasing; or

(2) any action under such a lease, except that this section and Act shall not apply to a dispute between the parties to a lease entered into a provision of law authorizing the lease regarding obligations under the lease or the alleged breach of the lease.

(b) EXCLUSIVE JURISDICTION OVER CAUSES AND CLAIMS RELATING TO COVERED ENERGY PROJECTS.—Notwithstanding any other provision of law, the United States District Court for the District of Columbia shall have exclusive jurisdiction to hear all causes and claims under this section or any other Act that arise from any covered energy project.

(c) TIME FOR FILING COMPLAINT.—

(1) IN GENERAL.—Each case or claim described in subsection (b) shall be filed not later than the end of the 60-day period beginning on the date of the action or decision by

a Federal official that constitutes the covered energy project concerned.

(2) PROHIBITION.—Any cause or claim described in subsection (b) that is not filed within the time period described in paragraph (1) shall be barred.

(d) DISTRICT COURT FOR THE DISTRICT OF COLUMBIA DEADLINE.—

(1) IN GENERAL.—Each proceeding that is subject to subsection (b) shall—

(A) be resolved as expeditiously as practicable and in any event not more than 180 days after the cause or claim is filed; and

(B) take precedence over all other pending matters before the district court.

(2) FAILURE TO COMPLY WITH DEADLINE.—If an interlocutory or final judgment, decree, or order has not been issued by the district court by the deadline required under this section, the cause or claim shall be dismissed with prejudice and all rights relating to the cause or claim shall be terminated.

(e) ABILITY TO SEEK APPELLATE REVIEW.—An interlocutory or final judgment, decree, or order of the district court under this section may be reviewed by no other court except the Supreme Court.

(f) DEADLINE FOR APPEAL TO THE SUPREME COURT.—If a writ of certiorari has been granted by the Supreme Court pursuant to subsection (e), the interlocutory or final judgment, decree, or order of the district court shall be resolved as expeditiously as practicable and in any event not more than 180 days after the interlocutory or final judgment, decree, order of the district court is issued.

SEC. 4. ENVIRONMENTAL IMPACT STATEMENTS.

Title I of the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.) is amended by adding at the end the following:

''SEC. 106. COMPLETION AND REVIEW OF ENVIRONMENTAL IMPACT STATEMENTS.

''(a) COMPLETION.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, each review carried out under section 102(2)(C) with respect to any action taken under any provision of law, or for which funds are made available under any provision of law, shall be completed not later than the date that is 270 days after the commencement of the review.

''(2) FAILURE TO COMPLETE REVIEW.—If a review described in paragraph (1) has not been completed for an action subject to section 102(2)(C) by the date specified in paragraph (1)—

''(A) the action shall be considered to have no significant impact described in section 102(2)(C); and

''(B) that classification shall be considered to be a final agency action.

''(3) UNEMPLOYMENT RATE.—If the national unemployment rate is 5 percent or more, the lead agency conducting a review of an action under this section shall use the most expeditious means authorized under this title to conduct the review.

''(b) LEAD AGENCY.—The lead agency for a review of an action under this section shall be the Federal agency to which funds are made available for the action.

''(c) REVIEW.—

''(1) ADMINISTRATIVE APPEALS.—There shall be a single administrative appeal for each review carried out pursuant to section 102(2)(C).

''(2) JUDICIAL REVIEW.—

''(A) IN GENERAL.—On resolution of the administrative appeal, judicial review of the final agency decision after exhaustion of administrative remedies shall lie with the United States Court of Appeals for the District of Columbia Circuit.

''(B) ADMINISTRATIVE RECORD.—An appeal to the court described in subparagraph (A) shall be based only on the administrative record.

''(C) PENDENCY OF JUDICIAL REVIEW.—After an agency has made a final decision with respect to a review carried out under this subsection, the decision shall be effective during the course of any subsequent appeal to a court described in subparagraph (A).

''(3) CIVIL ACTION.—Each civil action covered by this section shall be considered to arise under the laws of the United States.''.

SEC. 5. EFFECTIVE DATE.

This Act and the amendments made by this Act take effect on the first day after the date of enactment of this Act on which occurs any sale from the Strategic Petroleum Reserve established under part B of title I of the Energy Policy and Conservation Act (42 U.S.C. 6231 et seq.).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on March 28, 2012, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, ''The Science and Standards of Forensics.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on March 28, 2012, at 10 a.m., to hold a hearing entitled, ''High Stakes and Hard Choices: U.S. Policy on Iran.''

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

COMMITTEE ON THE JUDICIARY

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on March 28, 2012, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Hearing on the Special Counsel's Report on the Prosecution of Senator Ted Stevens.''

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

COMMITTEE ON THE JUDICIARY

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on March 28, 2012, at 3 p.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Nominations.''

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on March 28, 2012, in room 418 of the Senate Russell Office Building, beginning at 9:45 a.m.

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

SUBCOMMITTEE ON ECONOMIC POLICY

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs' Subcommittee on Economic Policy be authorized to meet during the session of the Senate on March 28, 2012, at 2:30 p.m., to conduct a hearing entitled ''Retirement (In) Security: Examining the Retirement Savings Deficit.''

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

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Managment, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on March 28, 2012, at 2:30 p.m., to conduct a hearing entitled, ''Assessing Efforts to Combat Waste and Fraud in Federal Programs.''

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

SUBCOMMITTEE ON PERSONNEL

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet during the session of the Senate on March 28, 2012, at 2 p.m.

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

SUBCOMMITTEE ON SEAPOWER

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Subcommittee on Seapower of the Committee on Armed Services be authorized to meet during the session of the Senate on March 28, 2012, at 9:30 a.m.

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

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on March 28, 2012, at 2:30 p.m.

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

PRIVILEGES OF THE FLOOR

Mr. REED. Mr. President, I ask unanimous consent that Melissa Laine and Michael Johnson, fellows in my office, be granted the privilege of the floor for the remainder of the 112th Congress.

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

NOTICE: REGISTRATION OF MASS MAILINGS

The filing date for the 2012 first quarter Mass Mailing report is Wednesday, April 25, 2012. If your office did no mass mailings during this period, please submit a form that states ''none.''