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SA 1962. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1963. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 1958.** Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

### DIVISION B—SAVING COAL JOBS

#### SEC. 1001. SHORT TITLE.

This division may be cited as the “Saving Coal Jobs Act of 2013”.

#### TITLE I—PROHIBITION ON ENERGY TAX SEC. 1101. PROHIBITION ON ENERGY TAX.

(a) FINDINGS; PURPOSES.—

(1) FINDINGS.—Congress finds that—

(A) on June 25, 2013, President Obama issued a Presidential memorandum directing the Administrator of the Environmental Protection Agency to issue regulations relating to power sector carbon pollution standards for existing coal fired power plants;

(B) the issuance of that memorandum circumvents Congress and the will of the people of the United States;

(C) any action to control emissions of greenhouse gases from existing coal fired power plants in the United States by mandating a national energy tax would devastate major sectors of the economy, cost thousands of jobs, and increase energy costs for low-income households, small businesses, and seniors on fixed income;

(D) joblessness increases the likelihood of hospital visits, illnesses, and premature deaths;

(E) according to testimony on June 15, 2011, before the Committee on Environment and Public Works of the Senate by Dr. Harvey Brenner of Johns Hopkins University, “The unemployment rate is well established as a risk factor for elevated illness and mortality rates in epidemiological studies performed since the early 1980s. In addition to influences on mental disorder, suicide and alcohol abuse and alcoholism, unemployment is also an important risk factor in cardiovascular disease and overall decreases in life expectancy.”;

(F) according to the National Center for Health Statistics, “children in poor families were four times as likely to be in fair or poor health as children that were not poor”;

(G) any major decision that would cost the economy of the United States millions of

dollars and lead to serious negative health effects for the people of the United States should be debated and explicitly authorized by Congress, not approved by a Presidential memorandum or regulations; and

(H) any policy adopted by Congress should make United States energy as clean as practicable, as quickly as practicable, without increasing the cost of energy for struggling families, seniors, low-income households, and small businesses.

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

(A) to ensure that—

(i) a national energy tax is not imposed on the economy of the United States; and

(ii) struggling families, seniors, low-income households, and small businesses do not experience skyrocketing electricity bills and joblessness;

(B) to protect the people of the United States, particularly families, seniors, and children, from the serious negative health effects of joblessness;

(C) to allow sufficient time for Congress to develop and authorize an appropriate mechanism to address the energy needs of the United States and the potential challenges posed by severe weather; and

(D) to restore the legislative process and congressional authority over the energy policy of the United States.

(b) PRESIDENTIAL MEMORANDUM.—Notwithstanding any other provision of law, the head of a Federal agency shall not promulgate any regulation relating to power sector carbon pollution standards or any substantially similar regulation on or after June 25, 2013, unless that regulation is explicitly authorized by an Act of Congress.

### TITLE II—PERMITS

#### SEC. 1201. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM.

(a) APPLICABILITY OF GUIDANCE.—Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:

“(s) APPLICABILITY OF GUIDANCE.—

“(1) DEFINITIONS.—In this subsection:

“(A) GUIDANCE.—

“(i) IN GENERAL.—The term ‘guidance’ means draft, interim, or final guidance issued by the Administrator.

“(ii) INCLUSIONS.—The term ‘guidance’ includes—

“(I) the comprehensive guidance issued by the Administrator and dated April 1, 2010;

“(II) the proposed guidance entitled ‘Draft Guidance on Identifying Waters Protected by the Clean Water Act’ and dated April 28, 2011;

“(III) the final guidance proposed by the Administrator and dated July 21, 2011; and

“(IV) any other document or paper issued by the Administrator through any process other than the notice and comment rule-making process.

“(B) NEW PERMIT.—The term ‘new permit’ means a permit covering discharges from a structure—

“(i) that is issued under this section by a permitting authority; and

“(ii) for which an application is—

“(I) pending as of the date of enactment of this subsection; or

“(II) filed on or after the date of enactment of this subsection.

“(C) PERMITTING AUTHORITY.—The term ‘permitting authority’ means—

“(i) the Administrator; or

“(ii) a State, acting pursuant to a State program that is equivalent to the program under this section and approved by the Administrator.

“(2) PERMITS.—

“(A) IN GENERAL.—Notwithstanding any other provision of law, in making a determination whether to approve a new permit

or a renewed permit, the permitting authority—

“(i) shall base the determination only on compliance with regulations issued by the Administrator or the permitting authority; and

“(ii) shall not base the determination on the extent of adherence of the applicant for the new permit or renewed permit to guidance.

“(B) NEW PERMITS.—If the permitting authority does not approve or deny an application for a new permit by the date that is 270 days after the date of receipt of the application for the new permit, the applicant may operate as if the application were approved in accordance with Federal law for the period of time for which a permit from the same industry would be approved.

“(C) SUBSTANTIAL COMPLETENESS.—In determining whether an application for a new permit or a renewed permit received under this paragraph is substantially complete, the permitting authority shall use standards for determining substantial completeness of similar permits for similar facilities submitted in fiscal year 2007.”.

(b) STATE PERMIT PROGRAMS.—

(1) IN GENERAL.—Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by striking subsection (b) and inserting the following:

“(b) STATE PERMIT PROGRAMS.—

“(1) IN GENERAL.—At any time after the promulgation of the guidelines required by section 304(a)(2), the Governor of each State desiring to administer a permit program for discharges into navigable waters within the jurisdiction of the State may submit to the Administrator—

“(A) a full and complete description of the program the State proposes to establish and administer under State law or under an interstate compact; and

“(B) a statement from the attorney general (or the attorney for those State water pollution control agencies that have independent legal counsel), or from the chief legal officer in the case of an interstate agency, that the laws of the State, or the interstate compact, as applicable, provide adequate authority to carry out the described program.

“(2) APPROVAL.—The Administrator shall approve each program for which a description is submitted under paragraph (1) unless the Administrator determines that adequate authority does not exist—

“(A) to issue permits that—

“(i) apply, and ensure compliance with, any applicable requirements of sections 301, 302, 306, 307, and 403;

“(ii) are for fixed terms not exceeding 5 years;

“(iii) can be terminated or modified for cause, including—

“(I) a violation of any condition of the permit;

“(II) obtaining a permit by misrepresentation or failure to disclose fully all relevant facts; and

“(III) a change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge; and

“(iv) control the disposal of pollutants into wells;

“(B)(i) to issue permits that apply, and ensure compliance with, all applicable requirements of section 308; or

“(ii) to inspect, monitor, enter, and require reports to at least the same extent as required in section 308;

“(C) to ensure that the public, and any other State the waters of which may be affected, receives notice of each application for a permit and an opportunity for a public hearing before a ruling on each application;

“(D) to ensure that the Administrator receives notice and a copy of each application for a permit;

“(E) to ensure that any State (other than the permitting State), whose waters may be affected by the issuance of a permit may submit written recommendations to the permitting State and the Administrator with respect to any permit application and, if any part of the written recommendations are not accepted by the permitting State, that the permitting State will notify the affected State and the Administrator in writing of the failure of the State to accept the recommendations, including the reasons for not accepting the recommendations;

“(F) to ensure that no permit will be issued if, in the judgment of the Secretary of the Army (acting through the Chief of Engineers), after consultation with the Secretary of the department in which the Coast Guard is operating, anchorage and navigation of any of the navigable waters would be substantially impaired by the issuance of the permit;

“(G) to abate violations of the permit or the permit program, including civil and criminal penalties and other means of enforcement;

“(H) to ensure that any permit for a discharge from a publicly owned treatment works includes conditions to require the identification in terms of character and volume of pollutants of any significant source introducing pollutants subject to pretreatment standards under section 307(b) into the treatment works and a program to ensure compliance with those pretreatment standards by each source, in addition to adequate notice, which shall include information on the quality and quantity of effluent to be introduced into the treatment works and any anticipated impact of the change in the quantity or quality of effluent to be discharged from the publicly owned treatment works, to the permitting agency of—

“(i) new introductions into the treatment works of pollutants from any source that would be a new source (as defined in section 306(a)) if the source were discharging pollutants;

“(ii) new introductions of pollutants into the treatment works from a source that would be subject to section 301 if the source were discharging those pollutants; or

“(iii) a substantial change in volume or character of pollutants being introduced into the treatment works by a source introducing pollutants into the treatment works at the time of issuance of the permit; and

“(I) to ensure that any industrial user of any publicly owned treatment works will comply with sections 204(b), 307, and 308.

“(3) ADMINISTRATION.—Notwithstanding paragraph (2), the Administrator may not disapprove or withdraw approval of a program under this subsection on the basis of the following:

“(A) The failure of the program to incorporate or comply with guidance (as defined in subsection (s)(1)).

“(B) The implementation of a water quality standard that has been adopted by the State and approved by the Administrator under section 303(c).”.

(2) CONFORMING AMENDMENTS.—

(A) Section 309 of the Federal Water Pollution Control Act (33 U.S.C. 1319) is amended—

(i) in subsection (c)—

(I) in paragraph (1)(A), by striking “402(b)(8)” and inserting “402(b)(2)(H)”; and

(II) in paragraph (2)(A), by striking “402(b)(8)” and inserting “402(b)(2)(H)”; and

(ii) in subsection (d), in the first sentence, by striking “402(b)(8)” and inserting “402(b)(2)(H)”.

(B) Section 402(m) of the Federal Water Pollution Control Act (33 U.S.C. 1342(m)) is amended in the first sentence by striking “subsection (b)(8) of this section” and inserting “subsection (b)(2)(H)”.

(c) SUSPENSION OF FEDERAL PROGRAM.—Section 402(c) of the Federal Water Pollution Control Act (33 U.S.C. 1342(c)) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

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

“(4) LIMITATION ON DISAPPROVAL.—Notwithstanding paragraphs (1) through (3), the Administrator may not disapprove or withdraw approval of a State program under subsection (b) on the basis of the failure of the following:

“(A) The failure of the program to incorporate or comply with guidance (as defined in subsection (s)(1)).

“(B) The implementation of a water quality standard that has been adopted by the State and approved by the Administrator under section 303(c).”.

(d) NOTIFICATION OF ADMINISTRATOR.—Section 402(d)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1342(d)(2)) is amended—

(1) by striking “(2)” and all that follows through the end of the first sentence and inserting the following:

“(2) OBJECTION BY ADMINISTRATOR.—

“(A) IN GENERAL.—Subject to subparagraph (C), no permit shall issue if—

“(i) not later than 90 days after the date on which the Administrator receives notification under subsection (b)(2)(E), the Administrator objects in writing to the issuance of the permit; or

“(ii) not later than 90 days after the date on which the proposed permit of the State is transmitted to the Administrator, the Administrator objects in writing to the issuance of the permit as being outside the guidelines and requirements of this Act.”;

(2) in the second sentence, by striking “Whenever the Administrator” and inserting the following:

“(B) REQUIREMENTS.—If the Administrator”; and

(3) by adding at the end the following:

“(C) EXCEPTION.—The Administrator shall not object to or deny the issuance of a permit by a State under subsection (b) or (s) based on the following:

“(i) Guidance, as that term is defined in subsection (s)(1).

“(ii) The interpretation of the Administrator of a water quality standard that has been adopted by the State and approved by the Administrator under section 303(c).”.

#### SEC. 1202. PERMITS FOR DREDGED OR FILL MATERIAL.

(a) IN GENERAL.—Section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) is amended—

(1) by striking the section heading and all that follows through “SEC. 404. (a) The Secretary may issue” and inserting the following:

#### “SEC. 404. PERMITS FOR DREDGED OR FILL MATERIAL.

“(a) PERMITS.—

“(1) IN GENERAL.—The Secretary may issue”; and

(2) in subsection (a), by adding at the end the following:

“(2) DEADLINE FOR APPROVAL.—

“(A) PERMIT APPLICATIONS.—

“(i) IN GENERAL.—Except as provided in clause (ii), if an environmental assessment or environmental impact statement, as appropriate, is required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Secretary shall—

“(I) begin the process not later than 90 days after the date on which the Secretary receives a permit application; and

“(II) approve or deny an application for a permit under this subsection not later than the latter of—

“(aa) if an agency carries out an environmental assessment that leads to a finding of no significant impact, the date on which the finding of no significant impact is issued; or

“(bb) if an agency carries out an environmental assessment that leads to a record of decision, 15 days after the date on which the record of decision on an environmental impact statement is issued.

“(ii) PROCESSES.—Notwithstanding clause (i), regardless of whether the Secretary has commenced an environmental assessment or environmental impact statement by the date described in clause (i)(I), the following deadlines shall apply:

“(I) An environmental assessment carried out under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall be completed not later than 2 years after the deadline for commencing the permit process under clause (i)(I).

“(II) An environmental impact statement carried out under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall be completed not later than 2 years after the deadline for commencing the permit process under clause (i)(I).

“(B) FAILURE TO ACT.—If the Secretary fails to act by the deadline specified in clause (i) or (ii) of subparagraph (A)—

“(i) the application, and the permit requested in the application, shall be considered to be approved;

“(ii) the Secretary shall issue a permit to the applicant; and

“(iii) the permit shall not be subject to judicial review.”.

(b) STATE PERMITTING PROGRAMS.—Section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) is amended by striking subsection (c) and inserting the following:

“(c) AUTHORITY OF ADMINISTRATOR.—

“(1) IN GENERAL.—Subject to paragraphs (2) through (4), until the Secretary has issued a permit under this section, the Administrator is authorized to prohibit the specification (including the withdrawal of specification) of any defined area as a disposal site, and deny or restrict the use of any defined area for specification (including the withdrawal of specification) as a disposal site, if the Administrator determines, after notice and opportunity for public hearings, that the discharge of the materials into the area will have an unacceptable adverse effect on municipal water supplies, shellfish beds or fishery areas (including spawning and breeding areas), wildlife, or recreational areas.

“(2) CONSULTATION.—Before making a determination under paragraph (1), the Administrator shall consult with the Secretary.

“(3) FINDINGS.—The Administrator shall set forth in writing and make public the findings of the Administrator and the reasons of the Administrator for making any determination under this subsection.

“(4) AUTHORITY OF STATE PERMITTING PROGRAMS.—This subsection shall not apply to any permit if the State in which the discharge originates or will originate does not concur with the determination of the Administrator that the discharge will result in an unacceptable adverse effect as described in paragraph (1).”.

(c) STATE PROGRAMS.—Section 404(g)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1344(g)(1)) is amended in the first sentence by striking “for the discharge” and inserting “for all or part of the discharges”.

**SEC. 1203. IMPACTS OF ENVIRONMENTAL PROTECTION AGENCY REGULATORY ACTIVITY ON EMPLOYMENT AND ECONOMIC ACTIVITY.**

(a) DEFINITIONS.—In this section:

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

(2) COVERED ACTION.—The term “covered action” means any of the following actions taken by the Administrator under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.):

(A) Issuing a regulation, policy statement, guidance, response to a petition, or other requirement.

(B) Implementing a new or substantially altered program.

(3) MORE THAN A DE MINIMIS NEGATIVE IMPACT.—The term “more than a de minimis negative impact” means the following:

(A) With respect to employment levels, a loss of more than 100 jobs, except that any offsetting job gains that result from the hypothetical creation of new jobs through new technologies or government employment may not be used in the job loss calculation.

(B) With respect to economic activity, a decrease in economic activity of more than \$1,000,000 over any calendar year, except that any offsetting economic activity that results from the hypothetical creation of new economic activity through new technologies or government employment may not be used in the economic activity calculation.

(b) ANALYSIS OF IMPACTS OF ACTIONS ON EMPLOYMENT AND ECONOMIC ACTIVITY.—

(1) ANALYSIS.—Before taking a covered action, the Administrator shall analyze the impact, disaggregated by State, of the covered action on employment levels and economic activity, including estimated job losses and decreased economic activity.

(2) ECONOMIC MODELS.—

(A) IN GENERAL.—In carrying out paragraph (1), the Administrator shall use the best available economic models.

(B) ANNUAL GAO REPORT.—Not later than December 31st of each year, the Comptroller General of the United States shall submit to Congress a report on the economic models used by the Administrator to carry out this subsection.

(3) AVAILABILITY OF INFORMATION.—With respect to any covered action, the Administrator shall—

(A) post the analysis under paragraph (1) as a link on the main page of the public Internet Web site of the Environmental Protection Agency; and

(B) request that the Governor of any State experiencing more than a de minimis negative impact post the analysis in the Capitol of the State.

(c) PUBLIC HEARINGS.—

(1) IN GENERAL.—If the Administrator concludes under subsection (b)(1) that a covered action will have more than a de minimis negative impact on employment levels or economic activity in a State, the Administrator shall hold a public hearing in each such State at least 30 days prior to the effective date of the covered action.

(2) TIME, LOCATION, AND SELECTION.—

(A) IN GENERAL.—A public hearing required under paragraph (1) shall be held at a convenient time and location for impacted residents.

(B) PRIORITY.—In selecting a location for such a public hearing, the Administrator shall give priority to locations in the State that will experience the greatest number of job losses.

(d) NOTIFICATION.—If the Administrator concludes under subsection (b)(1) that a covered action will have more than a de minimis negative impact on employment levels or economic activity in any State, the Ad-

ministrator shall give notice of such impact to the congressional delegation, Governor, and legislature of the State at least 45 days before the effective date of the covered action.

**SEC. 1204. IDENTIFICATION OF WATERS PROTECTED BY THE CLEAN WATER ACT.**

(a) IN GENERAL.—The Secretary of the Army and the Administrator of the Environmental Protection Agency may not—

(1) finalize, adopt, implement, administer, or enforce the proposed guidance described in the notice of availability and request for comments entitled “EPA and Army Corps of Engineers Guidance Regarding Identification of Waters Protected by the Clean Water Act” (EPA-HQ-OW-2011-0409) (76 Fed. Reg. 24479 (May 2, 2011)); and

(2) use the guidance described in paragraph (1), any successor document, or any substantially similar guidance made publicly available on or after December 3, 2008, as the basis for any decision regarding the scope of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) or any rulemaking.

(b) RULES.—The use of the guidance described in subsection (a)(1), or any successor document or substantially similar guidance made publicly available on or after December 3, 2008, as the basis for any rule shall be grounds for vacating the rule.

**SEC. 1205. LIMITATIONS ON AUTHORITY TO MODIFY STATE WATER QUALITY STANDARDS.**

(a) STATE WATER QUALITY STANDARDS.—Section 303(c)(4) of the Federal Water Pollution Control Act (33 U.S.C. 1313(c)(4)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting appropriately;

(2) by striking “(4) The” and inserting the following:

“(4) PROMULGATION OF REVISED OR NEW STANDARDS.—

“(A) IN GENERAL.—The”;

(3) by striking “The Administrator shall promulgate” and inserting the following:

“(B) DEADLINE.—The Administrator shall promulgate;” and

(4) by adding at the end the following:

“(C) STATE WATER QUALITY STANDARDS.—Notwithstanding any other provision of this paragraph, the Administrator may not promulgate a revised or new standard for a pollutant in any case in which the State has submitted to the Administrator and the Administrator has approved a water quality standard for that pollutant, unless the State concurs with the determination of the Administrator that the revised or new standard is necessary to meet the requirements of this Act.”.

(b) FEDERAL LICENSES AND PERMITS.—Section 401(a) of the Federal Water Pollution Control Act (33 U.S.C. 1341(a)) is amended by adding at the end the following:

“(7) STATE OR INTERSTATE AGENCY DETERMINATION.—With respect to any discharge, if a State or interstate agency having jurisdiction over the navigable waters at the point at which the discharge originates or will originate determines under paragraph (1) that the discharge will comply with the applicable provisions of sections 301, 302, 303, 306, and 307, the Administrator may not take any action to supersede the determination.”.

**SEC. 1206. STATE AUTHORITY TO IDENTIFY WATERS WITHIN BOUNDARIES OF THE STATE.**

Section 303(d) of the Federal Water Pollution Control Act (33 U.S.C. 1313(d)) is amended by striking paragraph (2) and inserting the following:

“(2) STATE AUTHORITY TO IDENTIFY WATERS WITHIN BOUNDARIES OF THE STATE.—

“(A) IN GENERAL.—Each State shall submit to the Administrator from time to time,

with the first such submission not later than 180 days after the date of publication of the first identification of pollutants under section 304(a)(2)(D), the waters identified and the loads established under subparagraphs (A), (B), (C), and (D) of paragraph (1).

“(B) APPROVAL OR DISAPPROVAL BY ADMINISTRATOR.—

“(i) IN GENERAL.—Not later than 30 days after the date of submission, the Administrator shall approve the State identification and load or announce the disagreement of the Administrator with the State identification and load.

“(ii) APPROVAL.—If the Administrator approves the identification and load submitted by the State under this subsection, the State shall incorporate the identification and load into the current plan of the State under subsection (e).

“(iii) DISAPPROVAL.—If the Administrator announces the disagreement of the Administrator with the identification and load submitted by the State under this subsection, the Administrator shall submit, not later than 30 days after the date that the Administrator announces the disagreement of the Administrator with the submission of the State, to the State the written recommendation of the Administrator of those additional waters that the Administrator identifies and such loads for such waters as the Administrator believes are necessary to implement the water quality standards applicable to the waters.

“(C) ACTION BY STATE.—Not later than 30 days after receipt of the recommendation of the Administrator, the State shall—

“(i) disregard the recommendation of the Administrator in full and incorporate its own identification and load into the current plan of the State under subsection (e);

“(ii) accept the recommendation of the Administrator in full and incorporate its identification and load as amended by the recommendation of the Administrator into the current plan of the State under subsection (e); or

“(iii) accept the recommendation of the Administrator in part, identifying certain additional waters and certain additional loads proposed by the Administrator to be added to the State’s identification and load and incorporate the State’s identification and load as amended into the current plan of the State under subsection (e).

“(D) NONCOMPLIANCE BY ADMINISTRATOR.—

“(i) IN GENERAL.—If the Administrator fails to approve the State identification and load or announce the disagreement of the Administrator with the State identification and load within the time specified in this subsection—

“(I) the identification and load of the State shall be considered approved; and

“(II) the State shall incorporate the identification and load that the State submitted into the current plan of the State under subsection (e).

“(ii) RECOMMENDATIONS NOT SUBMITTED.—If the Administrator announces the disagreement of the Administrator with the identification and load of the State but fails to submit the written recommendation of the Administrator to the State within 30 days as required by subparagraph (B)(iii)—

“(I) the identification and load of the State shall be considered approved; and

“(II) the State shall incorporate the identification and load that the State submitted into the current plan of the State under subsection (e).

“(E) APPLICATION.—This section shall apply to any decision made by the Administrator under this subsection issued on or after March 1, 2013.”.

**SA 1959.** Mr. CRAPO (for himself and Mr. RISCH) submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At the beginning of title IV, insert the following:

**SEC. 4. . . . RESOLUTION OF CONFLICTING CLEAN WATER CERTIFICATIONS.**

Section 10(a) of the Federal Power Act (16 U.S.C. 803(a)) is amended by adding at the end the following:

“(4) **RESOLUTION OF CONFLICTING CLEAN WATER CERTIFICATIONS.**—

“(A) **IN GENERAL.**—Notwithstanding any other provision of law, if any condition or requirement of any certification made under section 401 of the Federal Water Pollution Control Act (33 U.S.C. 1341) for a project covered by this Act is not agreed to by 2 or more affected States, the Commission shall review, modify as necessary, and approve the condition or requirement under paragraph (1) before the condition or requirement may become effective and included in a new license for the project.

“(B) **RESOLUTION OF CONFLICTS.**—Any condition or requirement that is modified by the Commission and included in the new license for a project under this paragraph shall supersede and replace the condition or requirement of any certification made under section 401 of the Federal Water Pollution Control Act (33 U.S.C. 1341).

“(C) **ADMINISTRATION.**—In reviewing conditions and requirements under this paragraph, the Commission shall—

“(i) use and consider the best scientific information available, including site-specific and species-specific information;

“(ii) consult with appropriate Federal and State resource agencies;

“(iii) provide for a public hearing; and

“(iv) consider such additional evidence in reaching the decision of the Commission as is appropriate to secure adequate protection of any affected species.”.

**SA 1960.** Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 527, to amend the Helium Act to complete the privatization of the Federal helium reserve in a competitive market fashion that ensures stability in the helium markets while protecting the interests of American taxpayers, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Helium Stewardship Act of 2013”.

**SEC. 2. DEFINITIONS.**

Section 2 of the Helium Act (50 U.S.C. 167) is amended to read as follows:

**“SEC. 2. DEFINITIONS.**

“In this Act:

“(1) **CLIFFSIDE FIELD.**—The term ‘Cliffside Field’ means the helium storage reservoir in which the Federal Helium Reserve is stored.

“(2) **FEDERAL HELIUM PIPELINE.**—The term ‘Federal Helium Pipeline’ means the federally owned pipeline system through which the Federal Helium Reserve may be transported.

“(3) **FEDERAL HELIUM RESERVE.**—The term ‘Federal Helium Reserve’ means helium reserves owned by the United States.

“(4) **FEDERAL HELIUM SYSTEM.**—The term ‘Federal Helium System’ means—

“(A) the Federal Helium Reserve;

“(B) the Cliffside Field;

“(C) the Federal Helium Pipeline; and

“(D) all other infrastructure owned, leased, or managed under contract by the Secretary for the storage, transportation, withdrawal, enrichment, purification, or management of helium.

“(5) **FEDERAL USER.**—The term ‘Federal user’ means a Federal agency or extramural holder of one or more Federal research grants using helium.

“(6) **LOW-BTU GAS.**—The term ‘low-Btu gas’ means a fuel gas with a heating value of less than 250 Btu per standard cubic foot measured as the higher heating value resulting from the inclusion of noncombustible gases, including nitrogen, helium, argon, and carbon dioxide.

“(7) **PERSON.**—The term ‘person’ means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, or State or political subdivision.

“(8) **PRIORITY PIPELINE ACCESS.**—The term ‘priority pipeline access’ means the first priority of delivery of crude helium under which the Secretary schedules and ensures the delivery of crude helium to a helium refinery through the Federal Helium System.

“(9) **QUALIFIED BIDDER.**—

“(A) **IN GENERAL.**—The term ‘qualified bidder’ means a person the Secretary determines is seeking to purchase helium for their own use, refining, or redelivery to users.

“(B) **EXCLUSION.**—The term ‘qualified bidder’ does not include a person who was previously determined to be a qualified bidder if the Secretary determines that the person did not meet the requirements of a qualified bidder under this Act.

“(10) **QUALIFYING DOMESTIC HELIUM TRANSACTION.**—The term ‘qualifying domestic helium transaction’ means any agreement entered into or renegotiated agreement during the preceding 1-year period in the United States for the purchase or sale of at least 15,000,000 standard cubic feet of crude or pure helium to which any holder of a contract with the Secretary for the acceptance, storage, delivery, or redelivery of crude helium from the Federal Helium System is a party.

“(11) **REFINER.**—The term ‘refiner’ means a person with the ability to take delivery of crude helium from the Federal Helium Pipeline and refine the crude helium into pure helium.

“(12) **SECRETARY.**—The term ‘Secretary’ means the Secretary of the Interior.”.

**SEC. 3. AUTHORITY OF SECRETARY.**

Section 3 of the Helium Act (50 U.S.C. 167a) is amended by adding at the end the following:

“(c) **EXTRACTION OF HELIUM FROM DEPOSITS ON FEDERAL LAND.**—All amounts received by the Secretary from the sale or disposition of helium on Federal land shall be credited to the Helium Production Fund established under section 6(e).”.

**SEC. 4. STORAGE, WITHDRAWAL AND TRANSPORTATION.**

Section 5 of the Helium Act (50 U.S.C. 167c) is amended to read as follows:

**“SEC. 5. STORAGE, WITHDRAWAL AND TRANSPORTATION.**

“(a) **IN GENERAL.**—If the Secretary provides helium storage, withdrawal, or transportation services to any person, the Secretary shall impose a fee on the person that accurately reflects the economic value of those services.

“(b) **MINIMUM FEES.**—The fees charged under subsection (a) shall be not less than the amount required to reimburse the Secretary for the full costs of providing storage, withdrawal, or transportation services, including capital investments in upgrades and maintenance at the Federal Helium System.

“(c) **SCHEDULE OF FEES.**—Prior to sale or auction under subsection (a), (b), or (c) of

section 6, the Secretary shall annually publish a standardized schedule of fees that the Secretary will charge under this section.

“(d) **TREATMENT.**—All fees received by the Secretary under this section shall be credited to the Helium Production Fund established under section 6(e).

“(e) **STORAGE AND DELIVERY.**—In accordance with this section, the Secretary shall—

“(1) allow any person or qualified bidder to which crude helium is sold or auctioned under section 6 to store helium in the Federal Helium Reserve; and

“(2) establish a schedule for the transportation and delivery of helium using the Federal Helium System that—

“(A) ensures timely delivery of helium auctioned pursuant to section 6(b)(2);

“(B) ensures timely delivery of helium acquired from the Secretary from the Federal Helium Reserve by means other than an auction under section 6(b)(2), including nonallocated sales; and

“(C) provides priority access to the Federal Helium Pipeline for in-kind sales for Federal users.

“(f) **NEW PIPELINE ACCESS.**—The Secretary shall consider any applications for access to the Federal Helium Pipeline in a manner consistent with the schedule for phasing out commercial sales and disposition of assets pursuant to section 6.”.

**SEC. 5. SALE OF CRUDE HELIUM.**

Section 6 of the Helium Act (50 U.S.C. 167d) is amended to read as follows:

**“SEC. 6. SALE OF CRUDE HELIUM.**

“(a) **PHASE A: ALLOCATION TRANSITION.**—

“(1) **IN GENERAL.**—The Secretary shall offer crude helium for sale in such quantities, at such times, at not less than the minimum price established under subsection (b)(7), and under such terms and conditions as the Secretary determines necessary to carry out this subsection with minimum market disruption.

“(2) **FEDERAL PURCHASES.**—Federal users may purchase refined helium with priority pipeline access under this subsection from persons who have entered into enforceable contracts to purchase an equivalent quantity of crude helium at the in-kind price from the Secretary.

“(3) **DURATION.**—This subsection applies during—

“(A) the period beginning on the date of enactment of the Helium Stewardship Act of 2013 and ending on September 30, 2014; and

“(B) any period during which the sale of helium under subsection (b) is delayed or suspended.

“(b) **PHASE B: AUCTION IMPLEMENTATION.**—

“(1) **IN GENERAL.**—The Secretary shall offer crude helium for sale in quantities not subject to auction under paragraph (2), after completion of each auction, at not less than the minimum price established under paragraph (7), and under such terms and conditions as the Secretary determines necessary—

“(A) to maximize total recovery of helium from the Federal Helium Reserve over the long term;

“(B) to maximize the total financial return to the taxpayer;

“(C) to manage crude helium sales according to the ability of the Secretary to extract and produce helium from the Federal Helium Reserve;

“(D) to give priority to meeting the helium demand of Federal users in the event of any disruption to the Federal Helium Reserve; and

“(E) to carry out this subsection with minimum market disruption.

“(2) **AUCTION QUANTITIES.**—For the period described in paragraph (4) and consistent with the conditions described in paragraph

(8), the Secretary shall annually auction to any qualified bidder a quantity of crude helium in the Federal Helium Reserve equal to—

“(A) for fiscal year 2015, 10 percent of the total volume of crude helium made available for that fiscal year;

“(B) for each of fiscal years 2016 through 2019, a percentage of the total volume of crude helium that is 15 percentage points greater than the percentage made available for the previous fiscal year; and

“(C) for fiscal year 2020 and each fiscal year thereafter, 100 percent of the total volume of crude helium made available for that fiscal year.

“(3) **FEDERAL PURCHASES.**—Federal users may purchase refined helium with priority pipeline access under this subsection from persons who have entered into enforceable contracts to purchase an equivalent quantity of crude helium at the in-kind price from the Secretary.

“(4) **DURATION.**—This subsection applies during the period—

“(A) beginning on October 1, 2014; and

“(B) ending on the date on which the volume of recoverable crude helium at the Federal Helium Reserve (other than privately owned quantities of crude helium stored temporarily at the Federal Helium Reserve under section 5 and this section) is 3,000,000 standard cubic feet.

“(5) **SAFETY VALVE.**—The Secretary may adjust the quantities specified in paragraph (2)—

“(A) downward, if the Secretary determines the adjustment necessary—

“(i) to minimize market disruptions that pose a threat to the economic well-being of the United States; and

“(ii) only after submitting a written justification of the adjustment to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives; or

“(B) upward, if the Secretary determines the adjustment necessary to increase participation in crude helium auctions or returns to the taxpayer.

“(6) **AUCTION FORMAT.**—The Secretary shall conduct each auction using a method that maximizes revenue to the Federal Government.

“(7) **PRICES.**—The Secretary shall annually establish, as applicable, separate sale and minimum auction prices under subsection (a)(1) and paragraphs (1) and (2) using, if applicable and in the following order of priority:

“(A) The sale price of crude helium in auctions held by the Secretary under paragraph (2).

“(B) Price recommendations and disaggregated data from a qualified, independent third party who has no conflict of interest, who shall conduct a confidential survey of qualifying domestic helium transactions.

“(C) The volume-weighted average price of all crude helium and pure helium purchased, sold, or processed by persons in all qualifying domestic helium transactions.

“(D) The volume-weighted average cost of converting gaseous crude helium into pure helium.

“(8) **TERMS AND CONDITIONS.**—

“(A) **IN GENERAL.**—The Secretary shall require all persons that are parties to a contract with the Secretary for the withdrawal, acceptance, storage, transportation, delivery, or redelivery of crude helium to disclose, on a strictly confidential basis—

“(i) the volumes and associated prices in dollars per thousand cubic feet of all crude and pure helium purchased, sold, or proc-

essed by persons in qualifying domestic helium transactions;

“(ii) the volumes and associated costs in dollars per thousand cubic feet of converting crude helium into pure helium; and

“(iii) refinery capacity and future capacity estimates.

“(B) **CONDITION.**—As a condition of sale or auction to a refiner under subsection (a)(1) and paragraphs (1) and (2), effective beginning 90 days after the date of enactment of the Helium Stewardship Act of 2013, the refiner shall make excess refining capacity of helium available at commercially reasonable rates to—

“(i) any person prevailing in auctions under paragraph (2); and

“(ii) any person that has acquired crude helium from the Secretary from the Federal Helium Reserve by means other than an auction under paragraph (2) after the date of enactment of the Helium Stewardship Act of 2013, including nonallocated sales.

“(9) **USE OF INFORMATION.**—The Secretary may use the information collected under this Act—

“(A) to approximate crude helium prices; and

“(B) to ensure the recovery of fair value for the taxpayers of the United States from sales of crude helium.

“(10) **PROTECTION OF CONFIDENTIALITY.**—The Secretary shall adopt such administrative policies and procedures as the Secretary considers necessary and reasonable to ensure the confidentiality of information submitted pursuant to this Act.

“(11) **FORWARD AUCTIONS.**—Effective beginning in fiscal year 2016, the Secretary may conduct a forward auction once each fiscal year of a quantity of helium that is equal to up to 10 percent of the volume of crude helium to be made available at auction during the following fiscal year if the Secretary determines that the forward auction will—

“(A) not cause a disruption in the supply of helium from the Reserve;

“(B) represent a cost-effective action;

“(C) generate greater returns for taxpayers; and

“(D) increase the effectiveness of price discovery.

“(12) **AUCTION FREQUENCY.**—Consistent with the annual volumes established under paragraph (2), effective beginning in fiscal year 2016, the Secretary may conduct auctions twice during each fiscal year if the Secretary determines that the auction frequency will—

“(A) not cause a disruption in the supply of helium from the Reserve;

“(B) represent a cost-effective action;

“(C) generate greater returns for taxpayers; and

“(D) increase the effectiveness of price discovery.

“(c) **PHASE C: CONTINUED ACCESS FOR FEDERAL USERS.**—

“(1) **IN GENERAL.**—The Secretary shall offer crude helium for sale to Federal users in such quantities, at such times, at such prices required to reimburse the Secretary for the full costs of the sales, and under such terms and conditions as the Secretary determines necessary to carry out this subsection.

“(2) **FEDERAL PURCHASES.**—Federal users may purchase refined helium with priority pipeline access under this subsection from persons who have entered into enforceable contracts to purchase an equivalent quantity of crude helium at the in-kind price from the Secretary.

“(3) **EFFECTIVE DATE.**—This subsection applies beginning on the day after the date described in subsection (b)(4)(B).

“(d) **PHASE D: DISPOSAL OF ASSETS.**—

“(1) **IN GENERAL.**—Not earlier than 2 years after the date of commencement of Phase C described in subsection (c) and not later than

September 30, 2022, the Secretary shall designate as excess property and dispose of all facilities, equipment, and other real and personal property, and all interests in the same, held by the United States in the Federal Helium System.

“(2) **APPLICABLE LAW.**—The disposal of the property described in paragraph (1) shall be in accordance with subtitle I of title 40, United States Code.

“(3) **PROCEEDS.**—All proceeds accruing to the United States by reason of the sale or other disposal of the property described in paragraph (1) shall be treated as funds received under this Act for purposes of subsection (e).

“(4) **COSTS.**—All costs associated with the sale and disposal (including costs associated with termination of personnel) and with the cessation of activities under this subsection shall be paid from amounts available in the Helium Production Fund established under subsection (e).

“(e) **HELIUM PRODUCTION FUND.**—

“(1) **IN GENERAL.**—All amounts received under this Act, including amounts from the sale or auction of crude helium, shall be credited to the Helium Production Fund, which shall be available without fiscal year limitation for purposes determined to be necessary and cost effective by the Secretary to carry out this Act (other than sections 16, 17, and 18), including capital investments in upgrades and maintenance at the Federal Helium System, including—

“(A) well head maintenance at the Cliffside Field;

“(B) capital investments in maintenance and upgrades of facilities that pressurize the Cliffside Field;

“(C) capital investments in maintenance and upgrades of equipment related to the storage, withdrawal, transportation, purification, and sale of crude helium from the Federal Helium Reserve;

“(D) entering into purchase, lease, or other agreements to drill new or uncap existing wells to maximize the recovery of crude helium from the Federal Helium System; and

“(E) any other scheduled or unscheduled maintenance of the Federal Helium System.

“(2) **EXCESS FUNDS.**—Amounts in the Helium Production Fund in excess of amounts the Secretary determines to be necessary to carry out paragraph (1) shall be paid to the general fund of the Treasury and used to reduce the annual Federal budget deficit.

“(3) **RETIREMENT OF PUBLIC DEBT.**—Out of amounts paid to the general fund of the Treasury under paragraph (2), the Secretary of the Treasury shall use \$51,000,000 to retire public debt.

“(4) **REPORT.**—Not later than 1 year after the date of enactment of the Helium Stewardship Act of 2013 and annually thereafter, the Secretary of the Interior shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report describing all expenditures by the Bureau of Land Management to carry out this Act.

“(f) **MINIMUM QUANTITY.**—The Secretary shall offer for sale or auction during each fiscal year under subsections (a), (b), and (c) a quantity of crude helium that is the lesser of—

“(1) the quantity of crude helium offered for sale by the Secretary during fiscal year 2012; or

“(2) the maximum total production capacity of the Federal Helium System.”

## SEC. 6. INFORMATION, ASSESSMENT, RESEARCH, AND STRATEGY.

The Helium Act (50 U.S.C. 167 et seq.) is amended—

(1) by repealing section 15 (50 U.S.C. 167m);

(2) by redesignating section 17 (50 U.S.C. 167 note) as section 20; and

(3) by inserting after section 14 (50 U.S.C. 167l) the following:

**“SEC. 15. INFORMATION.**

“(a) **TRANSPARENCY.**—The Secretary, acting through the Bureau of Land Management, shall make available on the Internet information relating to the Federal Helium System that includes—

“(1) continued publication of an open market and in-kind price;

“(2) aggregated projections of excess refining capacity;

“(3) ownership of helium held in the Federal Helium Reserve;

“(4) the volume of helium delivered to persons through the Federal Helium Pipeline;

“(5) pressure constraints of the Federal Helium Pipeline;

“(6) an estimate of the projected date when 3,000,000,000 standard cubic feet of crude helium will remain in the Federal Helium Reserve and the final phase described in section 6(c) will begin;

“(7) the amount of the fees charged under section 5;

“(8) the scheduling of crude helium deliveries through the Federal Helium Pipeline; and

“(9) other factors that will increase transparency.

“(b) **REPORTING.**—Not later than 90 days after the date of enactment of the Helium Stewardship Act of 2013, to provide the market with appropriate and timely information affecting the helium resource, the Director of the Bureau of Land Management shall establish a timely and public reporting process to provide data that affects the helium industry, including—

“(1) annual maintenance schedules and quarterly updates, that shall include—

“(A) the date and duration of planned shutdowns of the Federal Helium Pipeline;

“(B) the nature of work to be undertaken on the Federal Helium System, whether routine, extended, or extraordinary;

“(C) the anticipated impact of the work on the helium supply;

“(D) the efforts being made to minimize any impact on the supply chain; and

“(E) any concerns regarding maintenance of the Federal Helium Pipeline, including the pressure of the pipeline or deviation from normal operation of the pipeline;

“(2) for each unplanned outage, a description of—

“(A) the beginning of the outage;

“(B) the expected duration of the outage;

“(C) the nature of the problem;

“(D) the estimated impact on helium supply;

“(E) a plan to correct problems, including an estimate of the potential timeframe for correction and the likelihood of plan success within the timeframe;

“(F) efforts to minimize negative impacts on the helium supply chain; and

“(G) updates on repair status and the anticipated online date;

“(3) monthly summaries of meetings and communications between the Bureau of Land Management and the Cliffside Refiners Limited Partnership, including a list of participants and an indication of any actions taken as a result of the meetings or communications; and

“(4) current predictions of the lifespan of the Federal Helium System, including how much longer the crude helium supply will be available based on current and forecasted demand and the projected maximum production capacity of the Federal Helium System for the following fiscal year.

**“SEC. 16. HELIUM GAS RESOURCE ASSESSMENT.**

“(a) **IN GENERAL.**—Not later than 2 years after the date of enactment of the Helium

Stewardship Act of 2013, the Secretary, acting through the Director of the United States Geological Survey, shall—

“(1) in coordination with appropriate heads of State geological surveys—

“(A) complete a national helium gas assessment that identifies and quantifies the quantity of helium, including the isotope helium-3, in each reservoir, including assessments of the constituent gases found in each helium resource, such as carbon dioxide, nitrogen, and natural gas; and

“(B) make available the modern seismic and geophysical log data for characterization of the Bush Dome Reservoir;

“(2) in coordination with appropriate international agencies and the global geology community, complete a global helium gas assessment that identifies and quantifies the quantity of the helium, including the isotope helium-3, in each reservoir;

“(3) in coordination with the Secretary of Energy, acting through the Administrator of the Energy Information Administration, complete—

“(A) an assessment of trends in global demand for helium, including the isotope helium-3;

“(B) a 10-year forecast of domestic demand for helium across all sectors, including scientific and medical research, commercial, manufacturing, space technologies, cryogenics, and national defense; and

“(C) an inventory of medical, scientific, industrial, commercial, and other uses of helium in the United States, including Federal uses, that identifies the nature of the helium use, the amounts required, the technical and commercial viability of helium recapture and recycling in that use, and the availability of material substitutes wherever possible; and

“(4) submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report describing the results of the assessments required under this paragraph.

“(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$1,000,000.

**“SEC. 17. LOW-BTU GAS SEPARATION AND HELIUM CONSERVATION.**

“(a) **AUTHORIZATION.**—The Secretary of Energy shall support programs of research, development, commercial application, and conservation (including the programs described in subsection (b))—

“(1) to expand the domestic production of low-Btu gas and helium resources;

“(2) to separate and capture helium from natural gas streams; and

“(3) to reduce the venting of helium and helium-bearing low-Btu gas during natural gas exploration and production.

“(b) **PROGRAMS.**—

“(1) **MEMBRANE TECHNOLOGY RESEARCH.**—The Secretary of Energy, in consultation with other appropriate agencies, shall support a civilian research program to develop advanced membrane technology that is used in the separation of low-Btu gases, including technologies that remove helium and other constituent gases that lower the Btu content of natural gas.

“(2) **HELIUM SEPARATION TECHNOLOGY.**—The Secretary of Energy shall support a research program to develop technologies for separating, gathering, and processing helium in low concentrations that occur naturally in geological reservoirs or formations, including—

“(A) low-Btu gas production streams; and

“(B) technologies that minimize the atmospheric venting of helium gas during natural gas production.

“(3) **INDUSTRIAL HELIUM PROGRAM.**—The Secretary of Energy, working through the

Advanced Manufacturing Office of the Department of Energy, shall carry out a research program—

“(A) to develop low-cost technologies and technology systems for recycling, reprocessing, and reusing helium for all medical, scientific, industrial, commercial, aerospace, and other uses of helium in the United States, including Federal uses; and

“(B) to develop industrial gathering technologies to capture helium from other chemical processing, including ammonia processing.

“(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$3,000,000.

**“SEC. 18. HELIUM-3 SEPARATION.**

“(a) **INTERAGENCY COOPERATION.**—The Secretary shall cooperate with the Secretary of Energy, or a designee, on any assessment or research relating to the extraction and refining of the isotope helium-3 from crude helium and other potential sources, including—

“(1) gas analysis; and

“(2) infrastructure studies.

“(b) **FEASIBILITY STUDY.**—The Secretary, in consultation with the Secretary of Energy, or a designee, may carry out a study to assess the feasibility of—

“(1) establishing a facility to separate the isotope helium-3 from crude helium; and

“(2) exploring other potential sources of the isotope helium-3.

“(c) **REPORT.**—Not later than 1 year after the date of enactment of the Helium Stewardship Act of 2013, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that contains a description of the results of the assessments conducted under this section.

“(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$1,000,000.

**“SEC. 19. FEDERAL AGENCY HELIUM ACQUISITION STRATEGY.**

“In anticipation of the implementation of Phase D described in section 6(d), and not later than 2 years after the date of enactment of the Helium Stewardship Act of 2013, the Secretary (in consultation with the Secretary of Energy, the Secretary of Defense, the Director of the National Science Foundation, the Administrator of the National Aeronautics and Space Administration, and the Director of the National Institutes of Health) shall submit to Congress a report that provides for Federal users—

“(1) an assessment of the consumption of, and projected demand for, crude and refined helium;

“(2) a description of a 20-year Federal strategy for securing access to helium;

“(3) a determination of a date prior to September 30, 2022, for the implementation of Phase D as described in section 6(d) that minimizes any potential supply disruptions for Federal users;

“(4) an assessment of the effects of increases in the price of refined helium and methods and policies for mitigating any determined effects; and

“(5) a description of a process for prioritization of uses that accounts for diminished availability of helium supplies that may occur over time.”.

**SEC. 7. CONFORMING AMENDMENTS.**

(a) Section 4 of the Helium Act (50 U.S.C. 167b) is amended by striking “section 6(f)” each place it appears in subsections (c)(3), (c)(4), and (d)(2) and inserting “section 6(d)”.

(b) Section 8 of the Helium Act (50 U.S.C. 167f) is repealed.

**SEC. 8. EXISTING AGREEMENTS.**

(a) **IN GENERAL.**—This Act and the amendments made by this Act shall not affect or



diminish the rights and obligations of the Secretary of the Interior and private parties under agreements in existence on the date of enactment of this Act, except to the extent that the agreements are renewed or extended after that date.

(b) **DELIVERY.**—No agreement described in subsection (a) shall affect or diminish the right of any party that purchases helium after the date of enactment of this Act in accordance with section 6 of the Helium Act (50 U.S.C. 167d) (as amended by section 5) to receive delivery of the helium in accordance with section 5(e)(2) of the Helium Act (50 U.S.C. 167c(e)(2)) (as amended by section 4).

#### SEC. 9. REGULATIONS.

The Secretary of the Interior shall promulgate such regulations as are necessary to carry out this Act and the amendments made by this Act, including regulations necessary to prevent unfair acts and practices.

#### SEC. 10. AMENDMENTS TO OTHER LAWS.

(a) **SECURE RURAL SCHOOLS AND COMMUNITY SELF DETERMINATION PROGRAM.**—

(1) **SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LAND.**—

(A) **AVAILABILITY OF PAYMENTS.**—Section 101 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7111) is amended by striking “2012” each place it appears and inserting “2013”.

(B) **ELECTIONS.**—Section 102(b) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7112(b)) is amended—

(i) in paragraph (1)(A), by striking “2012” and inserting “2013”; and

(ii) in paragraph (2)(B), by striking “2012” each place it appears and inserting “2013”.

(C) **DISTRIBUTION OF PAYMENTS TO ELIGIBLE COUNTIES.**—Section 103(d)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7113(d)(2)) is amended by striking “and 2012” and inserting “through 2013”.

(2) **CONTINUATION OF AUTHORITY TO CONDUCT SPECIAL PROJECTS ON FEDERAL LAND.**—Title II of the Secure Rural Schools and Community Self-Determination Act of 2000 is amended—

(A) in section 203(a)(1) (16 U.S.C. 7123(a)(1)), by striking “2012” and inserting “2013”;

(B) in section 204(e)(3)(B)(iii) (16 U.S.C. 7124(e)(3)(B)(iii)), by striking “2012” and inserting “2013”;

(C) in section 205(a)(4) (16 U.S.C. 7125(a)(4)), by striking “2011” each place it appears and inserting “2012”;

(D) in section 207(a) (16 U.S.C. 7127(a)), by striking “2012” and inserting “2013”; and

(E) in section 208 (16 U.S.C. 7128)—

(i) in subsection (a), by striking “2012” and inserting “2013”; and

(ii) in subsection (b), by striking “2013” and inserting “2014”.

(3) **CONTINUATION OF AUTHORITY TO RESERVE AND USE COUNTY FUNDS.**—Section 304 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7144) is amended—

(A) in subsection (a), by striking “2012” and inserting “2013”; and

(B) in subsection (b), by striking “2013” and inserting “2014”.

(4) **AUTHORIZATION OF APPROPRIATIONS.**—Section 402 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7152) is amended by striking “2012” and inserting “2013”.

(b) **ABANDONED WELL REMEDIATION.**—Section 349 of the Energy Policy Act of 2005 (42 U.S.C. 15907) is amended by adding at the end the following:

“(i) **FEDERALLY DRILLED WELLS.**—Out of any amounts in the Treasury not otherwise appropriated, \$46,000,000 for fiscal year 2014 and \$4,000,000 for fiscal year 2018 shall be made available to the Secretary, without

further appropriation and to remain available until expended, to remediate, reclaim, and close abandoned oil and gas wells on current or former National Petroleum Reserve land.”

(c) **NATIONAL PARKS MAINTENANCE BACKLOG.**—Section 814(g) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 1f) is amended by adding at the end the following:

“(4) **AVAILABLE FUNDS.**—Out of any amounts in the Treasury not otherwise appropriated, \$50,000,000 shall be made available to the Secretary of the Interior for fiscal year 2018, without further appropriation and to remain available until expended, to pay the Federal funding share of challenge cost-share agreements for deferred maintenance projects and to correct deficiencies in National Park Service infrastructure.

“(5) **COST-SHARE REQUIREMENT.**—Not less than 50 percent of the total cost of project for funds made available under paragraph (4) to pay the Federal funding share shall be derived from non-Federal sources, including in-kind contribution of goods and services fairly valued.”

(d) **ABANDONED MINE RECLAMATION FUND.**—Section 411(h) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1240a(h)) is amended by adding at the end the following:

“(6) **SUPPLEMENTAL FUNDING.**—

“(A) **WAIVER OF LIMITATION.**—Notwithstanding paragraph (5), the limitation on the total annual payments to a certified State or Indian tribe under this subsection shall not apply for fiscal year 2014.

“(B) **LIMITATION ON WAIVER.**—Notwithstanding subparagraph (A), the total annual payment to a certified State or Indian tribe under this subsection for fiscal year 2014 shall not be more than \$75,000,000.

“(C) **INSUFFICIENT AMOUNTS.**—If the total annual payment to a certified State or Indian tribe under paragraphs (1) and (2) is limited by subparagraph (B), the Secretary shall—

“(i) give priority to making payments under paragraph (2); and

“(ii) use any remaining funds to make payments under paragraph (1).”

(e) **SODA ASH ROYALTIES.**—Notwithstanding section 24 of the Mineral Leasing Act (30 U.S.C. 262) and the terms of any lease under that Act, the royalty rate on the quantity of gross value of the output of sodium compounds and related products at the point of shipment to market from Federal land in the 2-year period beginning on the date of enactment of this Act shall be 4 percent.

(f) **AUTHORIZATION OFFSET.**—Section 207(c) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17022(c)) is amended by inserting before the period at the end the following: “, except that the amount authorized to be appropriated to carry out this section not appropriated as of the date of enactment of the Helium Stewardship Act of 2013 shall be reduced by \$6,000,000”.

**SA 1961.** Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

On page 24, strike lines 14 through 22 and insert the following:

(b) **NONDUPLICATION.**—The Secretary shall coordinate with the Secretary of Labor and the Secretary of Education prior to issuing any funding opportunity announcements to ensure that duplication does not occur.

**SA 1962.** Mr. HATCH submitted an amendment intended to be proposed by

him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At the beginning of title IV, insert the following:

#### SEC. 4. WEATHERIZATION ASSISTANCE PROGRAM FOR LOW-INCOME PERSONS.

Section 415 of the Energy Conservation and Production Act (42 U.S.C. 6865) is amended by adding at the end the following:

“(f) **ADMINISTRATION.**—

“(1) **IN GENERAL.**—A State shall use up to 8 percent of any grant made by the Secretary under this part to track applicants for and recipients of weatherization assistance under this part to determine the impact of the assistance and eliminate or reduce reliance on the assistance over a period of not more than 3 years.

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

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

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

**SA 1963.** Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

On page 24, strike line 23 and insert the following:

(c) **ADMINISTRATION.**—To promote the efficiency and effectiveness of the programs, the Secretary shall—

(1) conduct or collect applicable third-party evaluations on every federally funded energy worker training program established during the 7-year period ending on the date of enactment of this Act, including technical training, on-the-job training, and industry-recognized credentialing programs; and

(2) publish and disseminate evidence-based guidance for the programs after considering the third-party evaluations.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON ARMED SERVICES

Mr. WYDEN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on September 19, 2013, at 9:30 a.m.

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

##### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. WYDEN. 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 September 19, 2013, at 10 a.m. in room 253 of the Russell Senate Office Building.