Whereas digging prior to locating underground utility lines often results in unintended consequences, such as service interruption, environmental damage, personal injury, and even death;

Whereas the month of April marks the beginning of the peak period during which excavation projects are carried out around the United States;

Whereas in 2002, Congress required the Department of Transportation and the Federal Communications Commission to establish a 3-digit, nationwide, toll-free number to be used by State ''One Call'' systems to provide information on underground utility lines;

Whereas in 2005, the Federal Communications Commission designated ''811'' as the nationwide ''One Call'' number for homeowners and excavators to use to obtain information on underground utility lines before conducting excavation activities;

Whereas ''One Call'' has helped reduce the number of digging damages caused by failure to call before digging from 48 percent in 2004 to 25 percent in 2012;

Whereas the 1,600 members of the Common Ground Alliance, who are dedicated to ensuring public safety, environmental protection, and the integrity of services, promote the national ''Call Before You Dig'' campaign to increase public awareness about the importance of homeowners and excavators calling 811 to find out the exact location of underground lines;

Whereas the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 affirmed and expanded the ''One Call'' program by eliminating exemptions given to local and State government agencies and their contractors on notifying ''One Call'' centers before digging; and

Whereas the Common Ground Alliance has designated April as ''National Safe Digging Month'' to increase awareness of safe digging practices across the United States and to celebrate the anniversary of 811, the national ''Call Before You Dig'' number: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Safe Digging Month; and

(2) encourages all homeowners and excavators throughout the United States to call 811 before digging.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2985. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 2262, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table.

SA 2986. Mr. BLUNT (for himself and Mr. TOOMEY) submitted an amendment intended to be proposed by him to the bill S. 2262, supra; which was ordered to lie on the table.

SA 2987. Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 2262, supra; which was ordered to lie on the table.

SA 2988. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 2262, supra; which was ordered to lie on the table.

SA 2989. Mr. UDALL of New Mexico (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 2262, supra; which was ordered to lie on the table.

SA 2990. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 2262, supra; which was ordered to lie on the table.

SA 2991. Mr. HOEVEN (for himself, Ms. LANDRIEU, Mr. MCCONNELL, Ms. MURKOWSKI, Mr. BEGICH, Mr. PORTMAN, Mr. PRYOR, Mr. JOHNSON of Wisconsin, Ms. HEITKAMP, Mr. WICKER, Mr. WARNER, Mr. CRAPO, Mr. DONNELLY, Mr. THUNE, Mr. WALSH, Mr. JOHANNS, Mr. MANCHIN, Mr. BLUNT, Mrs. MCCASKILL, Mr. ALEXANDER, Mr. TESTER, Mr. INHOFE, Mrs. HAGAN, Mr. FLAKE, Mr. ROBERTS, Mr. CHAMBLISS, Mr. ENZI, Mr. TOOMEY, Mr. LEE, Mr. SESSIONS, Mr. SCOTT, Mr. COATS, Mr. CORNYN, Mr. KIRK, Mr. ISAKSON, Mr. GRASSLEY, Mr. RUBIO, Mrs. FISCHER, Mr. COBURN, Mr. MCCAIN, Mr. CORKER, Mr. HATCH, Mr. COCHRAN, Mr. BARRASSO, Mr. VITTER, Mr. RISCH, Mr. BOOZMAN, Mr. BURR, Mr. GRAHAM, Mr. HELLER, Mr. PAUL, Mr. MORAN, Mr. CRUZ, Mr. SHELBY, Ms. AYOTTE, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 2262, supra; which was ordered to lie on the table.

SA 2992. Mr. TESTER (for himself and Mr. HELLER) submitted an amendment intended to be proposed by him to the bill S. 2262, supra; which was ordered to lie on the table.

SA 2993. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 2262, supra; which was ordered to lie on the table.

SA 2994. Mr. KING submitted an amendment intended to be proposed by him to the bill S. 2262, supra; which was ordered to lie on the table.

SA 2995. Mr. COONS (for himself, Ms. COLLINS, and Mr. REED) submitted an amendment intended to be proposed by him to the bill S. 2262, supra; which was ordered to lie on the table.

SA 2996. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 2262, supra; which was ordered to lie on the table.

SA 2997. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 2262, supra; which was ordered to lie on the table.

SA 2998. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 2262, supra; which was ordered to lie on the table.

SA 2999. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 2262, supra; which was ordered to lie on the table.

SA 3000. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 2262, supra; which was ordered to lie on the table.

SA 3001. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 2262, supra; which was ordered to lie on the table.

SA 3002. Mr. THUNE (for himself, Mr. VITTER, and Mr. SESSIONS) submitted an amendment intended to be proposed by him to the bill S. 2262, supra; which was ordered to lie on the table.

SA 3003. Mr. COBURN (for himself and Mr. JOHNSON of Wisconsin) submitted an amendment intended to be proposed by him to the bill S. 2262, supra; which was ordered to lie on the table.

SA 3004. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2262, supra; which was ordered to lie on the table.

SA 3005. Mr. COBURN (for himself and Mr. JOHNSON of Wisconsin) submitted an amendment intended to be proposed by him to the bill S. 2262, supra; which was ordered to lie on the table.

SA 3006. Mr. COBURN (for himself and Mr. JOHNSON of Wisconsin) submitted an amendment intended to be proposed by him to the bill S. 2262, supra; which was ordered to lie on the table.

SA 3007. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2262, supra; which was ordered to lie on the table.

SA 3008. Mr. BARRASSO (for himself, Mr. VITTER, Mr. SESSIONS, Mr. CRAPO, Mr. INHOFE, Mrs. FISCHER, Mr. WICKER, Mr. JOHANNS, Mr. TOOMEY, Mr. ENZI, Mr. RISCH, Mr. RUBIO, Mr. MORAN, Mr. ROBERTS, Mr. FLAKE, Mr. MCCAIN, Mr. COCHRAN, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 2262, supra; which was ordered to lie on the table.

SA 3009. Mr. UDALL, of New Mexico (for himself and Mr. UDALL of Colorado) submitted an amendment intended to be proposed by him to the bill S. 2262, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2985. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 2262, 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 appropriate place, insert the following:

TITLE VI—ENERGY FREEDOM AND ECONOMIC PROSPERITY ACT OF 2014

Subtitle A—Short Title; etc.

SEC. 601. SHORT TITLE; REFERENCE TO 1986 CODE.

(a) SHORT TITLE.—This title may be cited as the ''Energy Freedom and Economic Prosperity Act of 2014''.

(b) REFERENCE TO 1986 CODE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

Subtitle B—Repeal of Energy Tax Subsidies

SEC. 611. EARLY TERMINATION OF CREDIT FOR QUALIFIED FUEL CELL MOTOR VEHICLES.

(a) IN GENERAL.—Section 30B is repealed.

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (A) of section 24(b)(3) is amended by striking '', 30B''.

(2) Paragraph (2) of section 25B(g) is amended by striking '', 30B,''.

(3) Subsection (b) of section 38 is amended by striking paragraph (25).

(4) Subsection (a) of section 1016 is amended by striking paragraph (35) and by redesignating paragraphs (36) and (37) as paragraphs (35) and (36), respectively.

(5) Subsection (m) of section 6501 is amended by striking '', 30B(h)(9)''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 30B.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2014.

SEC. 612. EARLY TERMINATION OF NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.

(a) IN GENERAL.—Section 30D is repealed.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to vehicles placed in service after the date of the enactment of this Act.

SEC. 613. REPEAL OF CREDIT FOR ALCOHOL USED AS FUEL.

(a) IN GENERAL.—Section 40 is repealed.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (b) of section 38 is amended by striking paragraph (3).

(2) Subsection (c) of section 196 is amended by striking paragraph (3) and by redesignating paragraphs (4) through (14) as paragraphs (3) through (13), respectively.

(3) Paragraph (1) of section 4101(a) is amended by striking '', and every person producing cellulosic biofuel (as defined in section 40(b)(6)(E))''.

(4) Paragraph (1) of section 4104(a) is amended by striking '', 40''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after the date of the enactment of this Act.

SEC. 614. REPEAL OF ENHANCED OIL RECOVERY CREDIT.

(a) IN GENERAL.—Section 43 is repealed.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (b) of section 38 is amended by striking paragraph (6).

(2) Paragraph (4) of section 45Q(d) is amended by inserting ''(as in effect on the day before the date of the enactment of the Energy Freedom and Economic Prosperity Act of 2014)'' after ''section 43(c)(2)''.

(3) Subsection (c) of section 196, as amended by sections 105 and 106 of this Act, is amended by striking paragraph (5) and by redesignating paragraphs (6) through (12) as paragraphs (5) through (11), respectively.

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 43.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to costs paid or incurred after December 31, 2014.

SEC. 615. REPEAL OF CREDIT FOR PRODUCING OIL AND GAS FROM MARGINAL WELLS.

(a) IN GENERAL.—Section 45I is repealed.

(b) CONFORMING AMENDMENT.—Subsection (b) of section 38 is amended by striking paragraph (19).

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 45I.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to production in taxable years beginning after December 31, 2014.

SEC. 616. TERMINATION OF CREDIT FOR PRODUCTION FROM ADVANCED NUCLEAR POWER FACILITIES.

(a) IN GENERAL.—Subparagraph (B) of section 45J(d)(1) is amended by striking ''January 1, 2021'' and inserting ''January 1, 2015''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2014.

SEC. 617. REPEAL OF CREDIT FOR CARBON DIOXIDE SEQUESTRATION.

(a) IN GENERAL.—Section 45Q is repealed.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to carbon dioxide captured after December 31, 2014.

SEC. 618. TERMINATION OF ENERGY CREDIT.

(a) IN GENERAL.—Section 48 is amended by adding at the end the following new subsection:

''(e) TERMINATION.—No credit shall be allowed under subsection (a) for any period after December 31, 2014.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2014.

SEC. 619. REPEAL OF QUALIFYING ADVANCED COAL PROJECT.

(a) IN GENERAL.—Section 48A is repealed.

(b) CONFORMING AMENDMENT.—Section 46 is amended by striking paragraph (3) and by redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively.

(c) CLERICAL AMENDMENT.—The table of sections for subpart E of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 48A.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2014.

SEC. 620. REPEAL OF QUALIFYING GASIFICATION PROJECT CREDIT.

(a) IN GENERAL.—Section 48B is repealed.

(b) CONFORMING AMENDMENT.—Section 46, as amended by this Act, is amended by striking paragraph (3) and by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(c) CLERICAL AMENDMENT.—The table of sections for subpart E of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 48B.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2014.

SEC. 621. REPEAL OF QUALIFYING ADVANCED ENERGY PROJECT CREDIT.

(a) IN GENERAL.—Section 48C is repealed.

(b) CONFORMING AMENDMENT.—Section 46, as amended by this Act, is amended by striking paragraph (3) and by redesignating paragraph (4) as paragraph (3).

(c) CLERICAL AMENDMENT.—The table of sections for subpart E of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 48C.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2014.

Subtitle C—Reduction of Corporate Income Tax Rate

SEC. 631. CORPORATE INCOME TAX RATE REDUCED.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of the Treasury shall prescribe, in lieu of the rates of tax under paragraphs (1) and (2) of section 11(b), section 1201(a), and paragraphs (1), (2), and (6) of section 1445(e) of the Internal Revenue Code of 1986, such rates of tax as the Secretary estimates would result in—

(1) a decrease in revenue to the Treasury for taxable years beginning during the 10-year period beginning on the date of the enactment of this Act, equal to

(2) the increase in revenue for such taxable years by reason of the amendments made by title I of this Act.

(b) MAINTENANCE OF GRADUATED RATES.—In prescribing the tax rates under subsection (a), the Secretary shall ensure that each rate modified under such subsection is reduced by a uniform percentage.

(c) EFFECTIVE DATE.—The rates prescribed by the Secretary under subsection (a) shall apply to taxable years beginning more than 1 year after the date of the enactment of this Act.

SA 2986. Mr. BLUNT (for himself and Mr. TOOMEY) submitted an amendment intended to be proposed by him to the bill S. 2262, 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 appropriate place, insert the following:

SEC. _____. POINT OF ORDER AGAINST LEGISLATION THAT WOULD CREATE A TAX OR FEE ON CARBON EMISSIONS.

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, or conference report that includes a Federal tax or fee imposed on carbon emissions from any product or entity that is a direct or indirect source of the emissions.

(b) WAIVER AND APPEAL.—

(1) WAIVER.—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

SA 2987. Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 2262, 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 title IV, add the following:

Subtitle F—Energy Consumers Relief

SEC. 451. SHORT TITLE.

This subtitle may be cited as the ''Energy Consumers Relief Act of 2014''

SEC. 452. DEFINITIONS.

In this subtitle:

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

(2) COVERED ENERGY-RELATED RULE.—The term ''covered energy-related rule'' means a rule of the Environmental Protection Agency that—

(A) regulates any aspect of the production, supply, distribution, or use of energy or provides for that regulation by States or other governmental entities; and

(B) is estimated by the Administrator or the Director of the Office of Management and Budget to impose direct costs and indirect costs, in the aggregate, of more than $1,000,000,000.

(3) DIRECT COSTS.—The term ''direct costs'' has the meaning given the term in chapter 8 of the document of the Environmental Protection Agency entitled ''Guidelines for Preparing Economic Analyses'' and dated December 17, 2010.

(4) INDIRECT COSTS.—The term ''indirect costs'' has the meaning given the term in chapter 8 of the document of the Environmental Protection Agency entitled ''Guidelines for Preparing Economic Analyses'' and dated December 17, 2010.

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

SEC. 453. PROHIBITION AGAINST FINALIZING CERTAIN ENERGY-RELATED RULES THAT WILL CAUSE SIGNIFICANT ADVERSE EFFECTS TO THE ECONOMY.

Notwithstanding any other provision of law, the Administrator shall not promulgate as final any covered energy-related rule if the Secretary determines under section 454(d) that the rule will result in significant adverse effects to the economy.

SEC. 454. REPORTS AND DETERMINATIONS PRIOR TO PROMULGATING AS FINAL CERTAIN ENERGY-RELATED RULES.

(a) IN GENERAL.—Before promulgating as final any covered energy-related rule, the Administrator shall carry out the activities described in subsections (c) through (d).

(b) REPORT TO CONGRESS.—For each covered energy-related rule, the Administrator shall submit to Congress a report (and transmit a copy to the Secretary) containing—

(1) a copy of the rule;

(2) a concise general statement relating to the rule;

(3) an estimate of the total costs of the rule, including the direct costs and indirect costs of the rule;

(4) an estimate of—

(A) the total benefits of the rule; and

(B) when those benefits are expected to be realized;

(5) a description of the modeling, the assumptions, and the limitations due to uncertainty, speculation, or lack of information associated with the estimates under paragraph (4);

(6) an estimate of the increases in energy prices, including potential increases in gasoline or electricity prices for consumers, that may result from implementation or enforcement of the rule; and

(7) a detailed description of the employment effects, including potential job losses and shifts in employment, that may result from implementation or enforcement of the rule.

(c) INITIAL DETERMINATION ON INCREASES AND IMPACTS.—The Secretary, in consultation with the Federal Energy Regulatory Commission and the Administrator of the Energy Information Administration, shall prepare an independent analysis to determine whether the covered energy-related rule will cause—

(1) any increase in energy prices for consumers, including low-income households, small businesses, and manufacturers;

(2) any impact on fuel diversity of the electricity generation portfolio of the United States or on national, regional, or local electric reliability;

(3) any adverse effect on energy supply, distribution, or use due to the economic or technical infeasibility of implementing the rule; or

(4) any other adverse effect on energy supply, distribution, or use (including a shortfall in supply and increased use of foreign supplies).

(d) SUBSEQUENT DETERMINATION ON ADVERSE EFFECTS TO THE ECONOMY.—If the Secretary determines, under subsection (c), that the rule will result in an increase, impact, or effect described in that subsection, then the Secretary, in consultation with the Administrator, the Secretary of Commerce, the Secretary of Labor, and the Administrator of the Small Business Administration, shall—

(1) determine whether the rule will result in significant adverse effects to the economy, taking into consideration—

(A) the costs and benefits of the rule and limitations in calculating those costs and benefits due to uncertainty, speculation, or lack of information; and

(B) the positive and negative impacts of the rule on economic indicators, including those related to gross domestic product, unemployment, wages, consumer prices, and business and manufacturing activity; and

(2) publish the results of that determination in the Federal Register.

SA 2988. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 2262, 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, add the following:

SEC. _____. CREDIT FOR CONVERSION OF HOME HEATING USING OIL FUEL TO USING NATURAL GAS OR BIOMASS FEEDSTOCKS.

(a) IN GENERAL.—Subsection (a) of section 25C of the Internal Revenue Code of 1986 (relating to nonbusiness energy property) is amended by striking ''and'' at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting '', and'', and by adding at the end the following new paragraph:

''(3) the amount of the qualifying heating conversion expenditures paid or incurred by the taxpayer during such taxable year.''.

(b) DOLLAR LIMITATION.—

(1) IN GENERAL.—

(A) LIMITATION.—Subsection (b) of section 25C of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(4) LIMITATION ON QUALIFYING HEATING CONVERSION EXPENDITURES.—The amount of the credit allowed under this section by reason of paragraph (3) of subsection (a) for any taxable year with respect to any taxpayer shall not exceed $5,000.''.

(B) CONFORMING AMENDMENT.—Paragraph (1) of section 25C(b) of such Code is amended by inserting ''by reason of paragraphs (1) and (2) of subsection (a)'' after ''The credit allowed under this section''.

(2) NO DOUBLE COUNTING.—Section 25C(e) of such Code (relating to special rules) is amended by adding at the end the following new paragraph:

''(4) NO DOUBLE COUNTING.—No amount taken into account for purposes of determining a credit under this section by reason of paragraph (3) of subsection (a) shall be taken into account for purposes of determining a credit under this section by reason of paragraphs (1) and (2) of subsection (a).''.

(c) QUALIFYING HEATING CONVERSION EXPENDITURES.—Section 25C of the Internal Revenue Code of 1986 (relating to residential energy property expenditures) is amended by adding at the end the following new subsection:

''(h) QUALIFYING HEATING CONVERSION EXPENDITURES.—

''(1) IN GENERAL.—The term 'qualifying heating conversion expenditures' means expenditures made by the taxpayer for qualified heating conversion property which—

''(A) meets the requirements of subparagraphs (A) and (B) of subsection (d)(1), and

''(B) is used as a heating or cooling system on a building or structure located in a community (as determined under section 19(a)(1) of the Rural Electrification Act of 1936) in which the average residential expenditure for home energy is more than 200 percent of the national average residential expenditure for home energy (as determined by the Energy Information Agency using the most recent data available).

''(2) AMOUNTS INCLUDED.—The term 'qualifying heating conversion expenditures' includes expenditures—

''(A) for labor costs properly allocable to the onsite preparation, assembly, or original installation of property described in paragraph (1), including fuel service connection installation costs specifically related to fuel service to the qualified energy property used in such conversion, and

''(B) the removal of the fuel oil equipment (including any storage tank) for such a building or structure.

''(3) EXCLUSIONS.—Such term does not include expenditures for soil cleanup.

''(4) QUALIFIED HEATING CONVERSION PROPERTY.—For purposes of paragraph (1), the term 'qualified heating conversion property' means property which—

''(A) is placed in service before January 1, 2019,

''(B) meets the performance and quality standards described in subsection (d)(2)(B), and

''(C) is a product which qualifies under the Energy Star program and meets the requirements for such property under such program.''.

(d) CONFORMING AMENDMENT.—Subsection (g) of section 25C of the Internal Revenue Code of 1986 (relating to termination) is amended by striking ''This section'' and inserting ''Paragraphs (1) and (2) of subsection (a)''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SA 2989. Mr. UDALL of New Mexico (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 2262, 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 title II, insert the following:

Subtitle E—Smart Water Resource Management Pilot Program

SEC. 241. SMART WATER RESOURCE MANAGEMENT PILOT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a utility;

(B) a municipality;

(C) a water district; and

(D) any other authority that provides water, wastewater, or water reuse services.

(2) SMART WATER RESOURCE MANAGEMENT PILOT PROGRAM.—The term ''smart water resource management pilot program'' or ''pilot program'' means the pilot program established under subsection (b).

(b) SMART WATER RESOURCE MANAGEMENT PILOT PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish and carry out a smart water resource management pilot program in accordance with this section.

(2) PURPOSE.—The purpose of the smart water resource management pilot program is to award grants to eligible entities to demonstrate novel and innovative technology-based solutions that will—

(A) increase the energy and water efficiency of water, wastewater, and water reuse systems;

(B) improve water, wastewater, and water reuse systems to help communities across the United States make significant progress in conserving water, saving energy, and reducing costs; and

(C) support the implementation of innovative processes and the installation of advanced automated systems that provide real-time data on energy and water.

(3) PROJECT SELECTION.—

(A) IN GENERAL.—The Secretary shall make competitive, merit-reviewed grants under the pilot program to not less than 3, but not more than 5, eligible entities.

(B) SELECTION CRITERIA.—In selecting an eligible entity to receive a grant under the pilot program, the Secretary shall consider—

(i) energy and cost savings;

(ii) the novelty of the technology to be used;

(iii) the degree to which the project integrates next-generation sensors, software, analytics, and management tools;

(iv) the anticipated cost-effectiveness of the pilot project in terms of energy efficiency savings, water savings or reuse, and infrastructure costs averted;

(v) whether the technology can be deployed in a variety of geographic regions and the degree to which the technology can be implemented on a smaller or larger scale; and

(vi) whether the project will be completed in 5 years or less.

(C) APPLICATIONS.—

(i) IN GENERAL.—Subject to clause (ii), an eligible entity seeking a grant under the pilot program shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary determines to be necessary.

(ii) CONTENTS.—An application under clause (i) shall, at a minimum, include—

(I) a description of the project;

(II) a description of the technology to be used in the project;

(III) the anticipated results, including energy and water savings, of the project;

(IV) a comprehensive budget for the project;

(V) the names of the project lead organization and any partners;

(VI) the number of users to be served by the project; and

(VII) any other information that the Secretary determines to be necessary to complete the review and selection of a grant recipient.

(4) ADMINISTRATION.—

(A) IN GENERAL.—Not later than 300 days after the date of enactment of this Act, the Secretary shall select grant recipients under this section.

(B) EVALUATIONS.—The Secretary shall annually carry out an evaluation of each project for which a grant is provided under this section that—

(i) evaluates the progress and impact of the project; and

(ii) assesses the degree to which the project is meeting the goals of the pilot program.

(C) TECHNICAL AND POLICY ASSISTANCE.—On the request of a grant recipient, the Secretary shall provide technical and policy assistance.

(D) BEST PRACTICES.—The Secretary shall make available to the public—

(i) a copy of each evaluation carried out under subparagraph (B); and

(ii) a description of any best practices identified by the Secretary as a result of those evaluations.

(E) REPORT TO CONGRESS.—The Secretary shall submit to Congress a report containing the results of each evaluation carried out under subparagraph (B).

(c) FUNDING.—

(1) IN GENERAL.—The Secretary shall use not less than $7,500,000 of amounts made available to the Secretary to carry out this section.

(2) PRIORITIZATION.—In funding activities under this section, the Secretary shall prioritize funding in the following manner:

(A) Any unobligated amounts made available to the Secretary to carry out energy efficiency and renewable energy activities.

(B) Any unobligated amounts (other than those described in subparagraph (A)) made available to the Secretary.

SA 2990. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 2262, 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—INDIAN TRIBAL ENERGY DEVELOPMENT

SEC. 2001. SHORT TITLE.

This division may be cited as the ''Indian Tribal Energy Development and Self-Determination Act Amendments of 2014''.

TITLE XXI—INDIAN TRIBAL ENERGY DEVELOPMENT AND SELF-DETERMINATION ACT AMENDMENTS

SEC. 2101. INDIAN TRIBAL ENERGY RESOURCE DEVELOPMENT.

(a) IN GENERAL.—Section 2602(a) of the Energy Policy Act of 1992 (25 U.S.C. 3502(a)) is amended—

(1) in paragraph (2)—

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

(B) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(E) consult with each applicable Indian tribe before adopting or approving a well spacing program or plan applicable to the energy resources of that Indian tribe or the members of that Indian tribe.''; and

(2) by adding at the end the following:

''(4) PLANNING.—

''(A) IN GENERAL.—In carrying out the program established by paragraph (1), the Secretary shall provide technical assistance to interested Indian tribes to develop energy plans, including—

''(i) plans for electrification;

''(ii) plans for oil and gas permitting, renewable energy permitting, energy efficiency, electricity generation, transmission planning, water planning, and other planning relating to energy issues;

''(iii) plans for the development of energy resources and to ensure the protection of natural, historic, and cultural resources; and

''(iv) any other plans that would assist an Indian tribe in the development or use of energy resources.

''(B) COOPERATION.—In establishing the program under paragraph (1), the Secretary shall work in cooperation with the Office of Indian Energy Policy and Programs of the Department of Energy.''.

(b) DEPARTMENT OF ENERGY INDIAN ENERGY EDUCATION PLANNING AND MANAGEMENT ASSISTANCE PROGRAM.—Section 2602(b)(2) of the Energy Policy Act of 1992 (25 U.S.C. 3502(b)(2)) is amended—

(1) in the matter preceding subparagraph (A), by inserting '', intertribal organization,'' after ''Indian tribe'';

(2) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(3) by inserting after subparagraph (B) the following:

''(C) activities to increase the capacity of Indian tribes to manage energy development and energy efficiency programs;''.

(c) DEPARTMENT OF ENERGY LOAN GUARANTEE PROGRAM.—Section 2602(c) of the Energy Policy Act of 1992 (25 U.S.C. 3502(c)) is amended—

(1) in paragraph (1), by inserting ''or a tribal energy development organization'' after ''Indian tribe'';

(2) in paragraph (3)—

(A) in the matter preceding subparagraph (A), by striking ''guarantee'' and inserting ''guaranteed'';

(B) in subparagraph (A), by striking ''or'';

(C) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

(D) by adding at the end the following:

''(C) a tribal energy development organization, from funds of the tribal energy development organization.''; and

(3) in paragraph (5), by striking ''The Secretary of Energy may'' and inserting ''Not later than 1 year after the date of enactment of the Indian Tribal Energy Development and Self-Determination Act Amendments of 2014, the Secretary of Energy shall''.

SEC. 2102. INDIAN TRIBAL ENERGY RESOURCE REGULATION.

Section 2603(c) of the Energy Policy Act of 1992 (25 U.S.C. 3503(c)) is amended—

(1) in paragraph (1), by striking ''on the request of an Indian tribe, the Indian tribe'' and inserting ''on the request of an Indian tribe or a tribal energy development organization, the Indian tribe or tribal energy development organization''; and

(2) in paragraph (2)(B), by inserting ''or tribal energy development organization'' after ''Indian tribe''.

SEC. 2103. TRIBAL ENERGY RESOURCE AGREEMENTS.

(a) AMENDMENT.—Section 2604 of the Energy Policy Act of 1992 (25 U.S.C. 3504) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''or'' after the semicolon at the end;

(ii) in subparagraph (B)—

(I) by striking clause (i) and inserting the following:

''(i) an electric production, generation, transmission, or distribution facility (including a facility that produces electricity from renewable energy resources) located on tribal land; or''; and

(II) in clause (ii)—

(aa) by inserting '', at least a portion of which have been'' after ''energy resources'';

(bb) by inserting ''or produced from'' after ''developed on''; and

(cc) by striking ''and'' after the semicolon at the end and inserting ''or''; and

(iii) by adding at the end the following:

''(C) pooling, unitization, or communitization of the energy mineral resources of the Indian tribe located on tribal land with any other energy mineral resource (including energy mineral resources owned by the Indian tribe or an individual Indian in fee, trust, or restricted status or by any other persons or entities) if the owner of the resources has consented or consents to the pooling, unitization, or communitization of the other resources under any lease or agreement; and''; and

(B) by striking paragraph (2) and inserting the following:

''(2) a lease or business agreement described in paragraph (1) shall not require review by, or the approval of, the Secretary under section 2103 of the Revised Statutes (25 U.S.C. 81), or any other provision of law, if the lease or business agreement—

''(A) was executed—

''(i) in accordance with the requirements of a tribal energy resource agreement in effect under subsection (e) (including the periodic review and evaluation of the activities of the Indian tribe under the agreement, to be conducted pursuant to subparagraphs (D) and (E) of subsection (e)(2)); or

''(ii) by the Indian tribe and a tribal energy development organization—

''(I) for which the Indian tribe has obtained certification pursuant to subsection (h); and

''(II) the majority of the interest in which is, and continues to be throughout the full term or renewal term (if any) of the lease or business agreement, owned and controlled by the Indian tribe (or the Indian tribe and 1 or more other Indian tribes); and

''(B) has a term that does not exceed—

''(i) 30 years; or

''(ii) in the case of a lease for the production of oil resources, gas resources, or both, 10 years and as long thereafter as oil or gas is produced in paying quantities.'';

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

''(b) RIGHTS-OF-WAY.—An Indian tribe may grant a right-of-way over tribal land without review or approval by the Secretary if the right-of-way—

''(1) serves—

''(A) an electric production, generation, transmission, or distribution facility (including a facility that produces electricity from renewable energy resources) located on tribal land;

''(B) a facility located on tribal land that extracts, produces, processes, or refines energy resources; or

''(C) the purposes, or facilitates in carrying out the purposes, of any lease or agreement entered into for energy resource development on tribal land; and

''(2) was executed—

''(A) in accordance with the requirements of a tribal energy resource agreement in effect under subsection (e) (including the periodic review and evaluation of the activities of the Indian tribe under the agreement, to be conducted pursuant to subparagraphs (D) and (E) of subsection (e)(2)); or

''(B) by the Indian tribe and a tribal energy development organization—

''(i) for which the Indian tribe has obtained certification pursuant to subsection (h); and

''(ii) the majority of the interest in which is, and continues to be throughout the full

term or renewal term (if any) of the right-of-way, owned and controlled by the Indian tribe (or the Indian tribe and 1 or more other Indian tribes); and

''(3) has a term that does not exceed 30 years.'';

(3) by striking subsection (d) and inserting the following:

''(d) VALIDITY.—No lease or business agreement entered into, or right-of-way granted, pursuant to this section shall be valid unless the lease, business agreement, or right-of-way is authorized by subsection (a) or (b).'';

(4) in subsection (e)—

(A) in paragraph (2)—

(i) by striking ''(2)(A)'' and all that follows through the end of subparagraph (A) and inserting the following:

''(2) PROCEDURE.—

''(A) EFFECTIVE DATE.—

''(i) IN GENERAL.—On the date that is 271 days after the date on which the Secretary receives a tribal energy resource agreement from an Indian tribe under paragraph (1), the tribal energy resource agreement shall take effect, unless the Secretary disapproves the tribal energy resource agreement under subparagraph (B).

''(ii) REVISED TRIBAL ENERGY RESOURCE AGREEMENT.—On the date that is 91 days after the date on which the Secretary receives a revised tribal energy resource agreement from an Indian tribe under paragraph (4)(B), the revised tribal energy resource agreement shall take effect, unless the Secretary disapproves the revised tribal energy resource agreement under subparagraph (B).'';

(ii) in subparagraph (B)—

(I) by striking ''(B)'' and all that follows through ''if—'' and inserting the following:

''(B) DISAPPROVAL.—The Secretary shall disapprove a tribal energy resource agreement submitted pursuant to paragraph (1) or (4)(B) only if—'';

(II) by striking clause (i) and inserting the following:

''(i) the Secretary determines that the Indian tribe has not demonstrated that the Indian tribe has sufficient capacity to regulate the development of the specific 1 or more energy resources identified for development under the tribal energy resource agreement submitted by the Indian tribe;'';

(III) by redesignating clause (iii) as clause (iv) and indenting appropriately;

(IV) by striking clause (ii) and inserting the following:

''(ii) a provision of the tribal energy resource agreement would violate applicable Federal law (including regulations) or a treaty applicable to the Indian tribe;

''(iii) the tribal energy resource agreement does not include 1 or more provisions required under subparagraph (D); or''; and

(V) in clause (iv) (as redesignated by subclause (III))—

(aa) in the matter preceding subclause (I), by striking ''includes'' and all that follows through ''section—'' and inserting ''does not include provisions that, with respect to any lease, business agreement, or right-of-way to which the tribal energy resource agreement applies—''; and

(bb) in subclause (XVI)(bb), by striking ''or tribal'';

(iii) in subparagraph (C)—

(I) in the matter preceding clause (i), by inserting ''the approval of'' after ''with respect to'';

(II) by striking clause (ii) and inserting the following:

''(ii) the identification of mitigation measures, if any, that, in the discretion of the Indian tribe, the Indian tribe might propose for incorporation into the lease, business agreement, or right-of-way;'';

(III) in clause (iii)(I), by striking ''proposed action'' and inserting ''approval of the lease, business agreement, or right-of-way'';

(IV) in clause (iv), by striking ''and'' at the end;

(V) in clause (v), by striking the period at the end and inserting ''; and''; and

(VI) by adding at the end the following:

''(vi) the identification of specific classes or categories of actions, if any, determined by the Indian tribe not to have significant environmental effects.'';

(iv) in subparagraph (D)(ii), by striking ''subparagraph (B)(iii)(XVI)'' and inserting ''subparagraph (B)(iv)(XV)''; and

(v) by adding at the end the following:

''(F) A tribal energy resource agreement that takes effect pursuant to this subsection shall remain in effect to the extent any provision of the tribal energy resource agreement is consistent with applicable Federal law (including regulations), unless the tribal energy resource agreement is—

''(i) rescinded by the Secretary pursuant to paragraph (7)(D)(iii)(II); or

''(ii) voluntarily rescinded by the Indian tribe pursuant to the regulations promulgated under paragraph (8)(B) (or successor regulations).

''(G)(i) The Secretary shall make a capacity determination under subparagraph (B)(i) not later than 120 days after the date on which the Indian tribe submits to the Secretary the tribal energy resource agreement of the Indian tribe pursuant to paragraph (1), unless the Secretary and the Indian tribe mutually agree to an extension of the time period for making the determination.

''(ii) Any determination that the Indian tribe lacks the requisite capacity shall be treated as a disapproval under paragraph (4) and, not later than 10 days after the date of the determination, the Secretary shall provide to the Indian tribe—

''(I) a detailed, written explanation of each reason for the determination; and

''(II) a description of the steps that the Indian tribe should take to demonstrate sufficient capacity.

''(H) Notwithstanding any other provision of this section, an Indian tribe shall be considered to have demonstrated sufficient capacity under subparagraph (B)(i) to regulate the development of the specific 1 or more energy resources of the Indian tribe identified for development under the tribal energy resource agreement submitted by the Indian tribe pursuant to paragraph (1) if—

''(i) the Secretary determines that—

''(I) the Indian tribe has carried out a contract or compact under title I or IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.); and

''(II) for a period of not less than 3 consecutive years ending on the date on which the Indian tribe submits the tribal energy resource agreement of the Indian tribe pursuant to paragraph (1) or (4)(B), the contract or compact—

''(aa) has been carried out by the Indian tribe without material audit exceptions (or without any material audit exceptions that were not corrected within the 3-year period); and

''(bb) has included programs or activities relating to the management of tribal land; or

''(ii) the Secretary fails to make the determination within the time allowed under subparagraph (G)(i) (including any extension of time agreed to under that subparagraph).'';

(B) in paragraph (4), by striking ''date of disapproval'' and all that follows through the end of subparagraph (C) and inserting the following: ''date of disapproval, provide the Indian tribe with—

''(A) a detailed, written explanation of—

''(i) each reason for the disapproval; and

''(ii) the revisions or changes to the tribal energy resource agreement necessary to address each reason; and

''(B) an opportunity to revise and resubmit the tribal energy resource agreement.'';

(C) in paragraph (6)—

(i) in subparagraph (B)—

(I) by striking ''(B) Subject to'' and inserting the following:

''(B) Subject only to''; and

(II) by striking ''subparagraph (D)'' and inserting ''subparagraphs (C) and (D)'';

(ii) in subparagraph (C), in the matter preceding clause (i), by inserting ''to perform the obligations of the Secretary under this section and'' before ''to ensure''; and

(iii) in subparagraph (D), by adding at the end the following:

''(iii) Nothing in this section absolves, limits, or otherwise affects the liability, if any, of the United States for any—

''(I) term of any lease, business agreement, or right-of-way under this section that is not a negotiated term; or

''(II) losses that are not the result of a negotiated term, including losses resulting from the failure of the Secretary to perform an obligation of the Secretary under this section.''; and

(D) in paragraph (7)—

(i) in subparagraph (A), by striking ''has demonstrated'' and inserting ''the Secretary determines has demonstrated with substantial evidence'';

(ii) in subparagraph (B), by striking ''any tribal remedy'' and inserting ''all remedies (if any) provided under the laws of the Indian tribe'';

(iii) in subparagraph (D)—

(I) in clause (i), by striking ''determine'' and all that follows through the end of the clause and inserting the following: ''determine—

''(I) whether the petitioner is an interested party; and

''(II) if the petitioner is an interested party, whether the Indian tribe is not in compliance with the tribal energy resource agreement as alleged in the petition.'';

(II) in clause (ii), by striking ''determination'' and inserting ''determinations''; and

(III) in clause (iii), in the matter preceding subclause (I) by striking ''agreement'' the first place it appears and all that follows through '', including'' and inserting ''agreement pursuant to clause (i), the Secretary shall only take such action as the Secretary determines necessary to address the claims of noncompliance made in the petition, including'';

(iv) in subparagraph (E)(i), by striking ''the manner in which'' and inserting '', with respect to each claim made in the petition, how''; and

(v) by adding at the end the following:

''(G) Notwithstanding any other provision of this paragraph, the Secretary shall dismiss any petition from an interested party that has agreed with the Indian tribe to a resolution of the claims presented in the petition of that party.'';

(5) by redesignating subsection (g) as subsection (j); and

(6) by inserting after subsection (f) the following:

''(g) FINANCIAL ASSISTANCE IN LIEU OF ACTIVITIES BY THE SECRETARY.—

''(1) IN GENERAL.—Any amounts that the Secretary would otherwise expend to operate or carry out any program, function, service, or activity (or any portion of a program, function, service, or activity) of the Department that, as a result of an Indian tribe carrying out activities under a tribal energy resource agreement, the Secretary does not expend, the Secretary shall, at the request of

the Indian tribe, make available to the Indian tribe in accordance with this subsection.

''(2) ANNUAL FUNDING AGREEMENTS.—The Secretary shall make the amounts described in paragraph (1) available to an Indian tribe through an annual written funding agreement that is negotiated and entered into with the Indian tribe that is separate from the tribal energy resource agreement.

''(3) EFFECT OF APPROPRIATIONS.—Notwithstanding paragraph (1)—

''(A) the provision of amounts to an Indian tribe under this subsection is subject to the availability of appropriations; and

''(B) the Secretary shall not be required to reduce amounts for programs, functions, services, or activities that serve any other Indian tribe to make amounts available to an Indian tribe under this subsection.

''(4) DETERMINATION.—

''(A) IN GENERAL.—The Secretary shall calculate the amounts under paragraph (1) in accordance with the regulations adopted under section 2103(b) of the Indian Tribal Energy Development and Self-Determination Act Amendments of 2014.

''(B) APPLICABILITY.—The effective date or implementation of a tribal energy resource agreement under this section shall not be delayed or otherwise affected by—

''(i) a delay in the promulgation of regulations under section 2103(b) of the Indian Tribal Energy Development and Self-Determination Act Amendments of 2014;

''(ii) the period of time needed by the Secretary to make the calculation required under paragraph (1); or

''(iii) the adoption of a funding agreement under paragraph (2).

''(h) CERTIFICATION OF TRIBAL ENERGY DEVELOPMENT ORGANIZATION.—

''(1) IN GENERAL.—Not later than 90 days after the date on which an Indian tribe submits an application for certification of a tribal energy development organization in accordance with regulations promulgated under section 2103(b) of the Indian Tribal Energy Development and Self-Determination Act Amendments of 2014, the Secretary shall approve or disapprove the application.

''(2) REQUIREMENTS.—The Secretary shall approve an application for certification if—

''(A)(i) the Indian tribe has carried out a contract or compact under title I or IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.); and

''(ii) for a period of not less than 3 consecutive years ending on the date on which the Indian tribe submits the application, the contract or compact—

''(I) has been carried out by the Indian tribe without material audit exceptions (or without any material audit exceptions that were not corrected within the 3-year period); and

''(II) has included programs or activities relating to the management of tribal land; and

''(B)(i) the tribal energy development organization is organized under the laws of the Indian tribe and subject to the jurisdiction and authority of the Indian tribe;

''(ii) the majority of the interest in the tribal energy development organization is owned and controlled by the Indian tribe (or the Indian tribe and 1 or more other Indian tribes); and

''(iii) the organizing document of the tribal energy development organization requires that the Indian tribe (or the Indian tribe and 1 or more other Indian tribes) own and control at all times a majority of the interest in the tribal energy development organization.

''(3) ACTION BY SECRETARY.—If the Secretary approves an application for certification pursuant to paragraph (2), the Secretary shall, not more than 10 days after making the determination—

''(A) issue a certification stating that—

''(i) the tribal energy development organization is organized under the laws of the Indian tribe and subject to the jurisdiction and authority of the Indian tribe;

''(ii) the majority of the interest in the tribal energy development organization is owned and controlled by the Indian tribe (or the Indian tribe and 1 or more other Indian tribes);

''(iii) the organizing document of the tribal energy development organization requires that the Indian tribe (or the Indian tribe and 1 or more other Indian tribes) own and control at all times a majority of the interest in the tribal energy development organization; and

''(iv) the certification is issued pursuant this subsection;

''(B) deliver a copy of the certification to the Indian tribe; and

''(C) publish the certification in the Federal Register.

''(i) SOVEREIGN IMMUNITY.—Nothing in this section waives the sovereign immunity of an Indian tribe.''.

(b) REGULATIONS.—Not later than 1 year after the date of enactment of the Indian Tribal Energy Development and Self-Determination Act Amendments of 2014, the Secretary shall promulgate or update any regulations that are necessary to implement this section, including provisions to implement—

(1) section 2604(g) of the Energy Policy Act of 1992 (25 U.S.C. 3504(g)) including the manner in which the Secretary, at the request of an Indian tribe, shall—

(A) identify the programs, functions, services, and activities (or any portions of programs, functions, services, or activities) that the Secretary will not have to operate or carry out as a result of the Indian tribe carrying out activities under a tribal energy resource agreement;

(B) identify the amounts that the Secretary would have otherwise expended to operate or carry out each program, function, service, and activity (or any portion of a program, function, service, or activity) identified pursuant to subparagraph (A); and

(C) provide to the Indian tribe a list of the programs, functions, services, and activities (or any portions of programs, functions, services, or activities) identified pursuant subparagraph (A) and the amounts associated with each program, function, service, and activity (or any portion of a program, function, service, or activity) identified pursuant to subparagraph (B); and

(2) section 2604(h) of the Energy Policy Act of 1992 (25 U.S.C. 3504(h)), including the process to be followed by, and any applicable criteria and documentation required for, an Indian tribe to request and obtain the certification described in that section.

SEC. 2104. TECHNICAL ASSISTANCE FOR INDIAN TRIBAL GOVERNMENTS.

Section 2602(b) of the Energy Policy Act of 1992 (25 U.S.C. 3502(b)) is amended—

(1) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively; and

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

''(3) TECHNICAL AND SCIENTIFIC RESOURCES.—In addition to providing grants to Indian tribes under this subsection, the Secretary shall collaborate with the Directors of the National Laboratories in making the full array of technical and scientific resources of the Department of Energy available for tribal energy activities and projects.''.

SEC. 2105. CONFORMING AMENDMENTS.

(a) DEFINITION OF TRIBAL ENERGY DEVELOPMENT ORGANIZATION.—Section 2601 of the Energy Policy Act of 1992 (25 U.S.C. 3501) is amended by striking paragraph (11) and inserting the following:

''(11) The term 'tribal energy development organization' means—

''(A) any enterprise, partnership, consortium, corporation, or other type of business organization that is engaged in the development of energy resources and is wholly owned by an Indian tribe (including an organization incorporated pursuant to section 17 of the Indian Reorganization Act of 1934 (25 U.S.C. 477) or section 3 of the Act of June 26, 1936 (25 U.S.C. 503) (commonly known as the 'Oklahoma Indian Welfare Act')); or

''(B) any organization of 2 or more entities, at least 1 of which is an Indian tribe, that has the written consent of the governing bodies of all Indian tribes participating in the organization to apply for a grant, loan, or other assistance under section 2602 or to enter into a lease or business agreement with, or acquire a right-of-way from, an Indian tribe pursuant to subsection (a)(2)(A)(ii) or (b)(2)(B) of section 2604.''.

(b) INDIAN TRIBAL ENERGY RESOURCE DEVELOPMENT.—Section 2602 of the Energy Policy Act of 1992 (25 U.S.C. 3502) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''tribal energy resource development organizations'' and inserting ''tribal energy development organizations''; and

(B) in paragraph (2), by striking ''tribal energy resource development organizations'' each place it appears and inserting ''tribal energy development organizations''; and

(2) in subsection (b)(2), by striking ''tribal energy resource development organization'' and inserting ''tribal energy development organization''.

(c) WIND AND HYDROPOWER FEASIBILITY STUDY.—Section 2606(c)(3) of the Energy Policy Act of 1992 (25 U.S.C. 3506(c)(3)) is amended by striking ''energy resource development'' and inserting ''energy development''.

(d) CONFORMING AMENDMENTS.—Section 2604(e) of the Energy Policy Act of 1992 (25 U.S.C. 3504(e)) is amended—

(1) in paragraph (1)—

(A) by striking ''(1) On the date'' and inserting the following:

''(1) IN GENERAL.—On the date''; and

(B) by striking ''for approval'';

(2) in paragraph (2)(B)(iv) (as redesignated by section 2103(a)(4)(A)(ii)(III))—

(A) in subclause (XIV), by inserting ''and'' after the semicolon at the end;

(B) by striking subclause (XV); and

(C) by redesignating subclause (XVI) as subclause (XV);

(3) in paragraph (3)—

(A) by striking ''(3) The Secretary'' and inserting the following:

''(3) NOTICE AND COMMENT; SECRETARIAL REVIEW.—The Secretary''; and

(B) by striking ''for approval'';

(4) in paragraph (4), by striking ''(4) If the Secretary'' and inserting the following:

''(4) ACTION IN CASE OF DISAPPROVAL.—If the Secretary'';

(5) in paragraph (5)—

(A) by striking ''(5) If an Indian tribe'' and inserting the following:

''(5) PROVISION OF DOCUMENTS TO SECRETARY.—If an Indian tribe''; and

(B) in the matter preceding subparagraph (A), by striking ''approved'' and inserting ''in effect'';

(6) in paragraph (6)—

(A) by striking ''(6)(A) In carrying out'' and inserting the following:

''(6) SECRETARIAL OBLIGATIONS AND EFFECT OF SECTION.—

''(A) In carrying out'';

(B) in subparagraph (A), by indenting clauses (i) and (ii) appropriately;

(C) in subparagraph (B), by striking ''approved'' and inserting ''in effect''; and

(D) in subparagraph (D)—

(i) in clause (i), by striking ''an approved tribal energy resource agreement'' and inserting ''a tribal energy resource agreement in effect under this section''; and

(ii) in clause (ii), by striking ''approved by the Secretary'' and inserting ''in effect''; and

(7) in paragraph (7)—

(A) by striking ''(7)(A) In this paragraph'' and inserting the following:

''(7) PETITIONS BY INTERESTED PARTIES.—

''(A) In this paragraph'';

(B) in subparagraph (A), by striking ''approved by the Secretary'' and inserting ''in effect'';

(C) in subparagraph (B), by striking ''approved by the Secretary'' and inserting ''in effect''; and

(D) in subparagraph (D)(iii)—

(i) in subclause (I), by striking ''approved''; and

(ii) in subclause (II)—

(I) by striking ''approval of'' in the first place it appears; and

(II) by striking ''subsection (a) or (b)'' and inserting ''subsection (a)(2)(A)(i) or (b)(2)(A)''.

TITLE XXII—MISCELLANEOUS AMENDMENTS

SEC. 2201. ISSUANCE OF PRELIMINARY PERMITS OR LICENSES.

(a) IN GENERAL.—Section 7(a) of the Federal Power Act (16 U.S.C. 800(a)) is amended by striking ''States and municipalities'' and inserting ''States, Indian tribes, and municipalities''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall not affect—

(1) any preliminary permit or original license issued before the date of enactment of the Indian Tribal Energy Development and Self-Determination Act Amendments of 2014; or

(2) an application for an original license, if the Commission has issued a notice accepting that application for filing pursuant to section 4.32(d) of title 18, Code of Federal Regulations (or successor regulations), before the date of enactment of the Indian Tribal Energy Development and Self-Determination Act Amendments of 2014.

(c) DEFINITION OF INDIAN TRIBE.—For purposes of section 7(a) of the Federal Power Act (16 U.S.C. 800(a)) (as amended by subsection (a)), the term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

SEC. 2202. TRIBAL BIOMASS DEMONSTRATION PROJECT.

(a) PURPOSE.—The purpose of this section is to establish a biomass demonstration project for federally recognized Indian tribes and Alaska Native corporations to promote biomass energy production.

(b) TRIBAL BIOMASS DEMONSTRATION PROJECT.—The Tribal Forest Protection Act of 2004 (Public Law 108–278; 118 Stat. 868) is amended—

(1) in section 2(a), by striking ''In this section'' and inserting ''In this Act''; and

(2) by adding at the end the following:

''SEC. 3. TRIBAL BIOMASS DEMONSTRATION PROJECT.

''(a) STEWARDSHIP CONTRACTS OR SIMILAR AGREEMENTS.—For each of fiscal years 2015 through 2019, the Secretary shall enter into stewardship contracts or similar agreements (excluding direct service contracts) with Indian tribes to carry out demonstration projects to promote biomass energy production (including biofuel, heat, and electricity generation) on Indian forest land and in nearby communities by providing reliable supplies of woody biomass from Federal land.

''(b) DEMONSTRATION PROJECTS.—In each fiscal year for which projects are authorized, at least 4 new demonstration projects that meet the eligibility criteria described in subsection (c) shall be carried out under contracts or agreements described in subsection (a).

''(c) ELIGIBILITY CRITERIA.—To be eligible to enter into a contract or agreement under this section, an Indian tribe shall submit to the Secretary an application—

''(1) containing such information as the Secretary may require; and

''(2) that includes a description of—

''(A) the Indian forest land or rangeland under the jurisdiction of the Indian tribe; and

''(B) the demonstration project proposed to be carried out by the Indian tribe.

''(d) SELECTION.—In evaluating the applications submitted under subsection (c), the Secretary shall—

''(1) take into consideration—

''(A) the factors set forth in paragraphs (1) and (2) of section 2(e); and

''(B) whether a proposed project would—

''(i) increase the availability or reliability of local or regional energy;

''(ii) enhance the economic development of the Indian tribe;

''(iii) result in or improve the connection of electric power transmission facilities serving the Indian tribe with other electric transmission facilities;

''(iv) improve the forest health or watersheds of Federal land or Indian forest land or rangeland;

''(v) demonstrate new investments in infrastructure; or

''(vi) otherwise promote the use of woody biomass; and

''(2) exclude from consideration any merchantable logs that have been identified by the Secretary for commercial sale.

''(e) IMPLEMENTATION.—The Secretary shall—

''(1) ensure that the criteria described in subsection (c) are publicly available by not later than 120 days after the date of enactment of this section; and

''(2) to the maximum extent practicable, consult with Indian tribes and appropriate intertribal organizations likely to be affected in developing the application and otherwise carrying out this section.

''(f) REPORT.—Not later than September 20, 2017, the Secretary shall submit to Congress a report that describes, with respect to the reporting period—

''(1) each individual tribal application received under this section; and

''(2) each contract and agreement entered into pursuant to this section.

''(g) INCORPORATION OF MANAGEMENT PLANS.—In carrying out a contract or agreement under this section, on receipt of a request from an Indian tribe, the Secretary shall incorporate into the contract or agreement, to the maximum extent practicable, management plans (including forest management and integrated resource management plans) in effect on the Indian forest land or rangeland of the respective Indian tribe.

''(h) TERM.—A contract or agreement entered into under this section—

''(1) shall be for a term of not more than 20 years; and

''(2) may be renewed in accordance with this section for not more than an additional 10 years.''.

(c) ALASKA NATIVE CORPORATION BIOMASS DEMONSTRATION PROJECT.—

(1) DEFINITIONS.—In this subsection:

(A) ALASKA NATIVE CORPORATION.—The term ''Alaska Native corporation'' has the meaning given the term ''Native Corporation'' in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

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

(i) land of the National Forest System (as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a))) administered by the Secretary of Agriculture, acting through the Chief of the Forest Service; and

(ii) public lands (as defined in section 103 of the Federal Land Policy Management Act of 1976 (43 U.S.C. 1702)), the surface of which is administered by the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(C) FOREST LAND.—The term ''forest land'' means land that—

(i) is conveyed to an Alaska Native corporation pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.); and

(ii)(I) is considered chiefly valuable for the production of forest products or to maintain watershed or other land values enhanced by a forest cover (including commercial and noncommercial timberland and woodland), regardless of whether a formal inspection and land classification action has been taken; or

(II) formerly had a forest or vegetative cover that is capable of restoration.

(D) SECRETARY.—The term ''Secretary'' means—

(i) the Secretary of Agriculture, with respect to land under the jurisdiction of the Forest Service; and

(ii) the Secretary of the Interior, with respect to land under the jurisdiction of the Bureau of Land Management.

(2) AGREEMENTS.—For each of fiscal years 2015 through 2019, the Secretary shall enter into a stewardship contract or similar agreement (excluding a direct service contract) with 1 or more Alaska Native corporations to carry out a demonstration project to promote biomass energy production (including biofuel, heat, and electricity generation) on forest land of the Alaska Native corporations and in nearby communities by providing reliable supplies of woody biomass from Federal land.

(3) DEMONSTRATION PROJECTS.—In each fiscal year for which projects are authorized, at least 1 new demonstration project that meets the eligibility criteria described in paragraph (4) shall be carried out under contracts or agreements described in paragraph (2).

(4) ELIGIBILITY CRITERIA.—To be eligible to enter into a contract or agreement under this subsection, an Alaska Native corporation shall submit to the Secretary an application—

(A) containing such information as the Secretary may require; and

(B) that includes a description of—

(i) the forest land or rangeland under the jurisdiction of the Alaska Native corporation; and

(ii) the demonstration project proposed to be carried out by the Alaska Native corporation.

(5) SELECTION.—In evaluating the applications submitted under paragraph (4), the Secretary shall—

(A) take into consideration whether a proposed project would—

(i) increase the availability or reliability of local or regional energy;

(ii) enhance the economic development of the Alaska Native corporation;

(iii) result in or improve the connection of electric power transmission facilities serving the Alaska Native corporation with other electric transmission facilities;

(iv) improve the forest health or watersheds of Federal land or Alaska Native corporation forest land or rangeland;

(v) demonstrate new investments in infrastructure; or

(vi) otherwise promote the use of woody biomass; and

(B) exclude from consideration any merchantable logs that have been identified by the Secretary for commercial sale.

(6) IMPLEMENTATION.—The Secretary shall—

(A) ensure that the criteria described in paragraph (4) are publicly available by not later than 120 days after the date of enactment of this subsection; and

(B) to the maximum extent practicable, consult with Alaska Native corporations and appropriate Alaska Native organizations likely to be affected in developing the application and otherwise carrying out this subsection.

(7) REPORT.—Not later than September 20, 2017, the Secretary shall submit to Congress a report that describes, with respect to the reporting period—

(A) each individual application received under this subsection; and

(B) each contract and agreement entered into pursuant to this subsection.

(8) TERM.—A contract or agreement entered into under this subsection—

(A) shall be for a term of not more than 20 years; and

(B) may be renewed in accordance with this subsection for not more than an additional 10 years.

SEC. 2203. WEATHERIZATION PROGRAM.

Section 413(d) of the Energy Conservation and Production Act (42 U.S.C. 6863(d)) is amended—

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

''(1) RESERVATION OF AMOUNTS.—

''(A) IN GENERAL.—Subject to subparagraph (B) and notwithstanding any other provision of this part, the Secretary shall reserve from amounts that would otherwise be allocated to a State under this part not less than 100 percent, but not more than 150 percent, of an amount which bears the same proportion to the allocation of that State for the applicable fiscal year as the population of all low-income members of an Indian tribe in that State bears to the population of all low-income individuals in that State.

''(B) RESTRICTIONS.—Subparagraph (A) shall apply only if—

''(i) the tribal organization serving the low-income members of the applicable Indian tribe requests that the Secretary make a grant directly; and

''(ii) the Secretary determines that the low-income members of the applicable Indian tribe would be equally or better served by making a grant directly than a grant made to the State in which the low-income members reside.'';

(2) in paragraph (2)—

(A) by striking ''The sums'' and inserting ''ADMINISTRATION.—The amounts'';

(B) by striking ''on the basis of his determination'';

(C) by striking ''individuals for whom such a determination has been made'' and inserting ''low-income members of the Indian tribe''; and

(D) by striking ''he'' and inserting ''the Secretary''; and

(3) in paragraph (3), by striking ''In order'' and inserting ''APPLICATION.—In order''.

SEC. 2204. APPRAISALS.

(a) IN GENERAL.—Title XXVI of the Energy Policy Act of 1992 (25 U.S.C. 3501 et seq.) is amended by adding at the end the following:

''SEC. 2607. APPRAISALS.

''(a) IN GENERAL.—For any transaction that requires approval of the Secretary and involves mineral or energy resources held in trust by the United States for the benefit of an Indian tribe or by an Indian tribe subject to Federal restrictions against alienation, any appraisal relating to fair market value of those resources required to be prepared under applicable law may be prepared by—

''(1) the Secretary;

''(2) the affected Indian tribe; or

''(3) a certified, third-party appraiser pursuant to a contract with the Indian tribe.

''(b) SECRETARIAL REVIEW AND APPROVAL.—Not later than 45 days after the date on which the Secretary receives an appraisal prepared by or for an Indian tribe under paragraph (2) or (3) of subsection (a), the Secretary shall—

''(1) review the appraisal; and

''(2) approve the appraisal unless the Secretary determines that the appraisal fails to meet the standards set forth in regulations promulgated under subsection (d).

''(c) NOTICE OF DISAPPROVAL.—If the Secretary determines that an appraisal submitted for approval under subsection (b) should be disapproved, the Secretary shall give written notice of the disapproval to the Indian tribe and a description of—

''(1) each reason for the disapproval; and

''(2) how the appraisal should be corrected or otherwise cured to meet the applicable standards set forth in the regulations promulgated under subsection (d).

''(d) REGULATIONS.—The Secretary shall promulgate regulations to carry out this section, including standards the Secretary shall use for approving or disapproving the appraisal described in subsection (a).''.

SEC. 2205. LEASES OF RESTRICTED LANDS FOR NAVAJO NATION.

(a) IN GENERAL.—Subsection (e)(1) of the first section of the Act of August 9, 1955 (commonly known as the ''Long-Term Leasing Act'') (25 U.S.C. 415(e)(1)), is amended—

(1) by striking '', except a lease for'' and inserting '', including a lease for'';

(2) by striking subparagraph (A) and inserting the following:

''(A) in the case of a business or agricultural lease, 99 years;'';

(3) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(C) in the case of a lease for the exploration, development, or extraction of any mineral resource (including geothermal resources), 25 years, except that—

''(i) any such lease may include an option to renew for 1 additional term of not to exceed 25 years; and

''(ii) any such lease for the exploration, development, or extraction of an oil or gas resource shall be for a term of not to exceed 10 years, plus such additional period as the Navajo Nation determines to be appropriate in any case in which an oil or gas resource is produced in a paying quantity.''.

(b) GAO REPORT.—Not later than 5 years after the date of enactment of this Act, the Comptroller General of the United States shall prepare and submit to Congress a report describing the progress made in carrying out the amendment made by subsection (a)(4).

SA 2991. Mr. HOEVEN (for himself, Ms. LANDRIEU, Mr. MCCONNELL, Ms. MURKOWSKI, Mr. BEGICH, Mr. PORTMAN, Mr. PRYOR, Mr. JOHNSON of Wisconsin, Ms. HEITKAMP, Mr. WICKER, Mr. WARNER, Mr. CRAPO, Mr. DONNELLY, Mr. THUNE, Mr. WALSH, Mr. JOHANNS, Mr. MANCHIN, Mr. BLUNT, Mrs. MCCASKILL, Mr. ALEXANDER, Mr. TESTER, Mr. INHOFE, Mrs. HAGAN, Mr. FLAKE, Mr. ROBERTS, Mr. CHAMBLISS, Mr. ENZI, Mr. TOOMEY, Mr. LEE, Mr. SESSIONS, Mr. SCOTT, Mr. COATS, Mr. CORNYN, Mr. KIRK, Mr. ISAKSON, Mr. GRASSLEY, Mr. RUBIO, Mrs. FISCHER, Mr. COBURN, Mr. MCCAIN, Mr. CORKER, Mr. HATCH, Mr. COCHRAN, Mr. BARRASSO, Mr. VITTER, Mr. RISCH, Mr. BOOZMAN, Mr. BURR, Mr. GRAHAM, Mr. HELLER, Mr. PAUL, Mr. MORAN, Mr. CRUZ, Mr. SHELBY, Ms. AYOTTE, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 2262, 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 V, insert the following:

SEC. 5___. KEYSTONE XL APPROVAL.

(a) IN GENERAL.—TransCanada Keystone Pipeline, L.P. may construct, connect, operate, and maintain the pipeline and cross-border facilities described in the application filed on May 4, 2012, by TransCanada Corporation to the Department of State (including any subsequent revision to the pipeline route within the State of Nebraska required or authorized by the State of Nebraska).

(b) ENVIRONMENTAL IMPACT STATEMENT.—The Final Supplemental Environmental Impact Statement issued by the Secretary of State in January 2014, regarding the pipeline referred to in subsection (a), and the environmental analysis, consultation, and review described in that document (including appendices) shall be considered to fully satisfy—

(1) all requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(2) any other provision of law that requires Federal agency consultation or review (including the consultation or review required under section 7(a) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a))) with respect to the pipeline and facilities referred to in subsection (a).

(c) PERMITS.—Any Federal permit or authorization issued before the date of enactment of this Act for the pipeline and cross-border facilities referred to in subsection (a) shall remain in effect.

(d) FEDERAL JUDICIAL REVIEW.—Any legal challenge to a Federal agency action regarding the pipeline and cross-border facilities described in subsection (a), and the related facilities in the United States, that are approved by this Act, 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.

(e) PRIVATE PROPERTY SAVINGS CLAUSE.—Nothing in this Act 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 pipeline and cross-border facilities described in subsection (a).

SA 2992. Mr. TESTER (for himself and Mr. HELLER) submitted an amendment intended to be proposed by him to the bill S. 2262, 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 title IV, add the following:

Subtitle F—Public Land Renewable Energy Development

SEC. 451. SHORT TITLE.

This subtitle may be cited as the ''Public Land Renewable Energy Development Act of 2014''.

PART I—GEOTHERMAL ENERGY

SEC. 461. EXTENSION OF FUNDING FOR IMPLEMENTATION OF GEOTHERMAL STEAM ACT OF 1970.

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

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

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

''(1) IN GENERAL.—Amounts''; and

(2) by adding at the end the following:

''(2) AUTHORIZATION.—Effective for fiscal year 2015 and each fiscal year thereafter, amounts deposited under subsection (a) shall be available to the Secretary of the Interior for expenditure, subject to appropriation and without fiscal year limitation, to implement the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) and this Act.''.

PART II—DEVELOPMENT OF SOLAR AND WIND ENERGY ON PUBLIC LAND

SEC. 471. DEFINITIONS.

In this part:

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

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

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

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

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

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

(iii) other law.

(2) PILOT PROGRAM.—The term ''pilot program'' means the wind and solar leasing pilot program established under section 473(a).

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

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

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

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

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

SEC. 472. PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENTS AND LAND USE PLANNING.

(a) NATIONAL FOREST SYSTEM LAND.—As soon as practicable but not later than 2 years after the date of enactment of this Act, the Secretary of Agriculture shall—

(1) prepare and publish in the Federal Register a notice of intent to prepare a programmatic environmental impact statement in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) to analyze the potential impacts of—

(A) a program to develop solar and wind energy on National Forest System land administered by the Secretary of Agriculture; and

(B) any necessary amendments to land use plans for the land; and

(2) amend any land use plans as appropriate to provide for the development of renewable energy in areas considered appropriate by the Secretary of Agriculture immediately on completion of the programmatic environmental impact statement.

(b) EFFECT ON PROCESSING APPLICATIONS.—The requirement for completion of programmatic environmental impact statements under this section shall not result in any delay in processing or approving applications for wind or solar development on National Forest System land.

(c) MILITARY INSTALLATIONS.—

(1) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary of Defense, in consultation with the Secretary of the Interior, shall conduct a study, and prepare a report, for States that have not completed the analysis that—

(A) identifies locations on land withdrawn from the public domain and reserved for military purposes that—

(i) exhibit a high potential for solar, wind, geothermal, or other renewable energy production;

(ii) are disturbed or otherwise have comparatively low value for other resources; and

(iii) could be developed for renewable energy production in a manner consistent with all present and reasonably foreseeable military training and operational missions and research, development, testing, and evaluation requirements; and

(B) describes the administration of public land withdrawn for military purposes for the development of commercial-scale renewable energy projects, including the legal authorities governing authorization for that use.

(2) ENVIRONMENTAL IMPACT ANALYSIS.—Not later than 1 year after the completion of the study required by paragraph (1), the Secretary of Defense, in consultation with the Secretary of the Interior, shall prepare and publish in the Federal Register a notice of intent to prepare an environmental impact analysis document to support a program to develop renewable energy on withdrawn military land identified in the study as suitable for the production.

(3) REPORTS.—On completion of the report, the Secretary and the Secretary of Defense shall jointly submit the report required by paragraph (1) to—

(A) the Committee on Armed Services of the Senate;

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

(C) the Committee on Armed Services of the House of Representatives; and

(D) the Committee on Natural Resources of the House of Representatives.

SEC. 473. DEVELOPMENT OF SOLAR AND WIND ENERGY ON PUBLIC LAND.

(a) PILOT PROGRAM.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a wind and solar leasing pilot program on covered land administered by the Secretary.

(2) SELECTION OF SITES.—

(A) IN GENERAL.—Not later than 90 days after the date the pilot program is established under this subsection, the Secretary shall (taking into consideration the multiple resource values of the land) select 2 sites that are appropriate for the development of a solar energy project, and 2 sites that are appropriate for the development of a wind energy project, on covered land administered by the Secretary as part of the pilot program.

(B) SITE SELECTION.—In carrying out subparagraph (A), the Secretary shall seek to select sites—

(i) for which there is likely to be a high level of industry interest;

(ii) that have a comparatively low value for other resources; and

(iii) that are representative of sites on which solar or wind energy is likely to be developed on covered land.

(C) INELIGIBLE SITES.—The Secretary shall not select as part of the pilot program any site for which a notice of intent has been issued.

(3) QUALIFICATIONS.—Prior to any lease sale, the Secretary shall establish qualifications for bidders that ensure bidders—

(A) are able to expeditiously develop a wind or solar energy project on the site for lease;

(B) possess—

(i) financial resources necessary to complete a project;

(ii) knowledge of the applicable technology; and

(iii) such other qualifications as are determined appropriate by the Secretary; and

(C) meet the eligibility requirements for leasing under the first section of the Mineral Leasing Act (30 U.S.C. 181).

(4) LEASE SALES.—

(A) IN GENERAL.—Except as provided in subparagraph (D)(ii), not later than 180 days after the date sites are selected under paragraph (2), the Secretary shall offer each site for competitive leasing to qualified bidders under such terms and conditions as are required by the Secretary.

(B) BIDDING SYSTEMS.—

(i) IN GENERAL.—In offering the sites for lease, the Secretary may vary the bidding systems to be used at each lease sale, to ensure a fair return to the public, including—

(I) cash bonus bids with a requirement for payment of the royalty established under this subtitle;

(II) variable royalty bids based on a percentage of the gross proceeds from the sale of electricity produced from the lease, except that the royalty shall not be less than the royalty required under this subtitle, together with a fixed cash bonus; and

(III) such other bidding system as ensures a fair return to the public consistent with the royalty established under this subtitle.

(ii) ROUND.—The Secretary shall limit bidding to 1 round in any lease sale.

(iii) EXPENDITURES.—In any case in which the land that is subject to lease has 1 or more pending applications for the development of wind or solar energy at the time of the lease sale, the Secretary shall give credit toward any bid submitted by the applicant for expenditures of the applicant considered by the Secretary to be qualified and necessary for the preparation of the application.

(C) REVENUES.—Bonus bids, royalties, rentals, fees, or other payments collected by the Secretary under this section shall be subject to section 474.

(D) LEASE TERMS.—

(i) IN GENERAL.—As part of the pilot program, the Secretary may vary the length of the lease terms and establish such other lease terms and conditions as the Secretary considers appropriate.

(ii) DATA COLLECTION.—As part of the pilot program, the Secretary shall—

(I) offer on a noncompetitive basis on at least 1 site a short-term lease for data collection; and

(II) on the expiration of the short-term lease, offer on a competitive basis a long-term lease, giving credit toward the bonus bid to the holder of the short-term lease for any qualified expenditures to collect data to develop the site during the short-term lease.

(5) COMPLIANCE WITH LAWS.—In offering for lease the selected sites under paragraph (4), the Secretary shall comply with all applicable environmental and other laws.

(6) REPORT.—The Secretary shall—

(A) compile a report of the results of each lease sale under the pilot program, including—

(i) the level of competitive interest;

(ii) a summary of bids and revenues received; and

(iii) any other factors that may have impacted the lease sale process; and

(B) not later than 90 days after the final lease sale, submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives the report described in subparagraph (A).

(7) RIGHTS-OF-WAY.—During the pendency of the pilot program, the Secretary shall continue to issue rights-of-way, in compliance with authority in effect on the date of enactment of this Act, for available sites not selected for the pilot program.

(b) SECRETARIAL DETERMINATION.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretaries shall make a joint determination on whether to establish a leasing program under this section for wind or solar energy, or both, on all covered land.

(2) SYSTEM.—If the Secretaries determine that a leasing program should be established, the program shall apply to all covered land in accordance with this subtitle and other provisions of law applicable to public land or National Forest System land.

(3) ESTABLISHMENT.—The Secretaries shall establish a leasing program unless the Secretaries determine that the program—

(A) is not in the public interest; and

(B) does not provide an effective means of developing wind or solar energy.

(4) CONSULTATION.—In making the determinations required under this subsection, the Secretaries shall consult with—

(A) the heads of other relevant Federal agencies;

(B) interested States, Indian tribes, and local governments;

(C) representatives of the solar and wind industries;

(D) representatives of the environment, conservation, and outdoor sporting communities;

(E) other users of the covered land; and

(F) the public.

(5) CONSIDERATIONS.—In making the determinations required under this subsection, the Secretaries shall consider the results of the pilot program.

(6) REGULATIONS.—Not later than 1 year after the date on which any determination is made to establish a leasing program, the Secretaries shall jointly promulgate final regulations to implement the program.

(7) REPORT.—If the Secretaries determine that a leasing program should not be established, not later than 60 days after the date of the determination, the Secretaries shall jointly 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 basis and findings for the determination.

(c) TRANSITION.—

(1) IN GENERAL.—If the Secretaries determine under subsection (b) that a leasing program should be established for covered land, until the program is established and final regulations for the program are issued—

(A) the Secretary shall continue to accept applications for rights-of-way on covered land, and provide for the issuance of rights-of-way on covered land within the jurisdiction of the Secretary for the development of wind or solar energy pursuant to each requirement described in title V of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761 et seq.) and other applicable law; and

(B) the Secretary of Agriculture shall continue to accept applications for authorizations, and provide for the issuance of the authorizations, for the development of wind or solar energy on covered land within the jurisdiction of the Secretary pursuant to applicable law.

(2) EXISTING RIGHTS-OF-WAY AND AUTHORIZATIONS.—

(A) IN GENERAL.—Effective beginning on the date on which the wind or solar leasing programs are established and final regulations are issued, the Secretaries shall not renew an existing right-of-way or other authorization for wind or solar energy development at the end of the term of the right-of-way or authorization.

(B) LEASE.—

(i) IN GENERAL.—Subject to clause (ii), at the end of the term of the right-of-way or other authorization for the wind or solar energy project, the Secretary or, in the case of National Forest System land, the Secretary of Agriculture, shall grant, without a competitive process, a lease to the holder of the right-of-way or other authorization for the same covered land as was authorized under the right-of-way or other authorization if (as determined by the Secretary concerned)—

(I) the holder of the right-of-way or other authorization has met the requirements of diligent development; and

(II) issuance of the lease is in the public interest and consistent with applicable law.

(ii) TERMS AND CONDITIONS.—Any lease described in clause (i) shall be subject to—

(I) terms and conditions that are consistent with this subtitle and the regulations issued under this subtitle; and

(II) the regulations in effect on the date of renewal and any other terms and conditions that the Secretary considers necessary to protect the public interest.

(3) PENDING RIGHTS-OF-WAY.—Effective beginning on the date on which the wind or solar leasing programs are established and final regulations for the programs are issued, the Secretary or, with respect to National Forest System land, the Secretary of Agriculture shall provide any applicant that has filed a plan of development for a right-of-way or, in the case of National Forest System land, for an applicable authorization, for a wind or solar energy project with an option to acquire a lease on a noncompetitive basis, under such terms and conditions as are required by this subtitle, applicable regulations, and the Secretary concerned, for the same covered land included in the plan of development if—

(A) the plan of development has been determined by the Secretary concerned to be adequate for the initiation of environmental review;

(B) granting the lease is consistent with all applicable land use planning, environmental, and other laws;

(C) the applicant has made a good faith effort to obtain a right-of-way or, in the case of National Forest System land, other authorization, for the project; and

(D) issuance of the lease is in the public interest.

(d) LEASING PROGRAM.—If the Secretaries determine under subsection (b) that a leasing program should be established, the program shall be established in accordance with subsections (e) through (k).

(e) COMPETITIVE LEASES.—

(1) IN GENERAL.—Except as provided in paragraph (2), leases for wind or solar energy development under this section shall be issued on a competitive basis with a single round of bidding in any lease sale.

(2) EXCEPTIONS.—Paragraph (1) shall not apply if the Secretary or, with respect to National Forest System land, the Secretary of Agriculture determines that—

(A) no competitive interest exists for the covered land;

(B) the public interest would not be served by the competitive issuance of a lease;

(C) the lease is for the placement and operation of a meteorological or data collection facility or for the development or demonstration of a new wind or solar technology and has a term of not more than 5 years; or

(D) the covered land is eligible to be granted a noncompetitive lease under subsection (c).

(f) PAYMENTS.—

(1) IN GENERAL.—The Secretaries shall jointly establish—

(A) fees, rentals, bonuses, or other payments to ensure a fair return to the United States for any lease issued under this section; and

(B) royalties pursuant to section 475 that apply to all leases issued under this section.

(2) BONUS BIDS.—The Secretaries may grant credit toward any bonus bid for a qualified expenditure by the holder of a lease described in subsection (e)(2)(C) in any competitive lease sale held for a long-term lease covering the same land covered by the lease described in subsection (e)(2)(C).

(g) QUALIFICATIONS.—Prior to any lease sale, the Secretary shall establish qualifications for bidders that ensure bidders meet the requirements described in subsection (a)(3).

(h) REQUIREMENTS.—The Secretaries shall ensure that any activity under a leasing program is carried out in a manner that—

(1) is consistent with all applicable land use planning, environmental, and other laws; and

(2) provides for—

(A) safety;

(B) protection of the environment and fish and wildlife habitat;

(C) mitigation of impacts;

(D) prevention of waste;

(E) diligent development of the resource, with specific milestones to be met by the lessee as determined by the Secretaries;

(F) coordination with applicable Federal agencies;

(G) a fair return to the United States for any lease;

(H) use of best management practices, including planning and practices for mitigation of impacts;

(I) public notice and comment on any proposal submitted for a lease under this section;

(J) oversight, inspection, research, monitoring, and enforcement relating to a lease under this section;

(K) the quantity of acreage to be commensurate with the size of the project covered by a lease; and

(L) efficient use of water resources.

(i) LEASE DURATION, SUSPENSION, AND CANCELLATION.—

(1) DURATION.—A lease under this section shall be for—

(A) an initial term of 25 years; and

(B) any additional period after the initial term during which electricity is being produced annually in commercial quantities from the lease.

(2) ADMINISTRATION.—The Secretary shall establish terms and conditions for the issuance, transfer, renewal, suspension, and cancellation of a lease under this section.

(3) READJUSTMENT.—

(A) IN GENERAL.—Royalties, rentals, and other terms and conditions of a lease under this section shall be subject to readjustment—

(i) on the date that is 15 years after the date on which the lease is issued; and

(ii) every 10 years thereafter.

(B) LEASE.—Each lease issued under this subtitle shall provide for readjustment in accordance with subparagraph (A).

(j) SURFACE-DISTURBING ACTIVITIES.—The Secretaries shall—

(1) regulate all surface-disturbing activities conducted pursuant to any lease issued under this section; and

(2) require any necessary reclamation and other actions under the lease as are required

in the interest of conservation of surface resources.

(k) SECURITY.—The Secretaries shall require the holder of a lease issued under this section—

(1) to furnish a surety bond or other form of security, as prescribed by the Secretaries;

(2) to provide for the reclamation and restoration of the area covered by the lease; and

(3) to comply with such other requirements as the Secretaries consider necessary to protect the interests of the public and the United States.

(l) PERIODIC REVIEW.—Not less frequently than once every 5 years, the Secretary shall conduct a review of the adequacy of the surety bond or other form of security provided by the holder of a lease issued under this section.

SEC. 474. DISPOSITION OF REVENUES.

(a) DISPOSITION OF REVENUES.—Of the amounts collected as bonus bids, royalties, rentals, fees, or other payments under a right-of-way, permit, lease, or other authorization for the development of wind or solar energy on covered land—

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

(2) 25 percent shall be paid by the Secretary of the Treasury to the 1 or more counties within the boundaries of which the income is derived;

(3) 15 percent shall—

(A) for the period beginning on the date of enactment of this Act and ending on date the date that is 15 years after the date of enactment of this Act, be deposited in the Treasury of the United States to help facilitate the processing of renewable energy permits by the Bureau of Land Management, including the transfer of the funds by the Bureau of Land Management to other Federal agencies and State agencies to facilitate the processing of renewable energy permits on Federal land; and

(B) beginning on the date that is 15 years after the date of enactment of this Act, be deposited in the Fund; and

(4) 35 percent shall be deposited in the Renewable Energy Resource Conservation Fund established by subsection (c).

(b) PAYMENTS TO STATES AND COUNTIES.—

(1) IN GENERAL.—Except as provided in paragraph (2), amounts paid to States and counties under subsection (a) shall be used consistent with section 35 of the Mineral Leasing Act (30 U.S.C. 191).

(2) IMPACTS ON FEDERAL LAND.—Not less than 33 percent of the amount paid to a State shall be used on an annual basis for the purposes described in subsection (c)(2)(A).

(c) RENEWABLE ENERGY RESOURCE CONSERVATION FUND.—

(1) IN GENERAL.—There is established in the Treasury a fund, to be known as the ''Renewable Energy Resource Conservation Fund'', to be administered by the Secretary for use in regions impacted by the development of wind or solar energy.

(2) USE.—

(A) IN GENERAL.—Amounts in the Fund shall be available to the Secretary, who may make amounts available to the Secretary of Agriculture and to other Federal or State agencies, as appropriate, for the purposes of—

(i) addressing and offsetting the impacts of wind or solar development on Federal land, including restoring and protecting—

(I) fish and wildlife habitat for affected species;

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

(III) water resources in areas impacted by wind or solar energy development;

(ii) securing recreational access to Federal land through an easement, right-of-way, or fee title acquisition from willing sellers for the purpose of providing enhanced public access to existing Federal land that is inaccessible or significantly restricted; and

(iii) carrying out activities authorized under the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–4 et seq.) in the State.

(B) ADVISORY BOARD.—The Secretary shall establish an independent advisory board composed of key stakeholders and technical experts to provide recommendations and guidance on the disposition of any amounts expended from the Fund.

(3) MITIGATION REQUIREMENTS.—The expenditure of funds under this subsection shall be in addition to any mitigation requirements imposed pursuant to any law, regulation, or term or condition of any lease, right-of-way, or other authorization.

(4) INVESTMENT OF FUND.—

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

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

SEC. 475. ROYALTIES.

(a) IN GENERAL.—The Secretaries shall require as a term and condition of any lease, right-of-way, permit, or other authorization for the development of wind or solar energy on covered land the payment of a royalty established by the Secretaries pursuant to a joint rulemaking that shall be a percentage of the gross proceeds from the sale of electricity at a rate that—

(1) encourages production of solar or wind energy;

(2) ensures a fair return to the public comparable to the return that would be obtained on State and private land; and

(3) encourages the maximum energy generation while disturbing the least quantity of covered land and other natural resources, including water.

(b) AMOUNT.—The royalty on electricity produced using wind or solar resources shall be—

(1) not less than 1 percent, and not more than 2.5 percent, of the gross proceeds from the sale of electricity produced from the resources during the first 10 years of production; and

(2) not less than 2 percent, and not more than 5 percent, of the gross proceeds from the sale of electricity produced from the resources during each year after that initial 10-year period.

(c) DIFFERENT ROYALTY RATES.—The Secretaries may establish—

(1) a different royalty rate for wind or solar energy generation; and

(2) a reduced royalty rate for projects located within a zone identified for development of solar or wind energy.

(d) ROYALTY IN LIEU OF RENT.—During the period of production, a royalty shall be collected in lieu of any rent for the land from which the electricity is produced.

(e) ROYALTY RELIEF.—To promote the generation of renewable energy, the Secretaries may reduce any royalty otherwise required on a showing by clear and convincing evidence by the person holding a lease, right-of-way, permit, or other authorization for the development of wind or solar energy on covered land under which the generation of energy is or will be produced in commercial quantities that—

(1) collection of the full royalty would unreasonably burden energy generation; and

(2) the royalty reduction is in the public interest.

(f) PERIODIC REVIEW AND REPORT.—

(1) IN GENERAL.—Not later than 5 years after the date of enactment of this Act and every 5 years thereafter, the Secretary, in consultation with the Secretary of Agriculture, shall—

(A) complete a review of collections and impacts of the royalty and fees provided under this subtitle; and

(B) 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 review.

(2) TOPICS.—The report shall address—

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

(B) whether the revenues received for the development of wind, solar, and geothermal development are comparable to the revenues received for similar development on State and private land;

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

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

(g) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretaries shall jointly issue final regulations to carry out this section.

SEC. 476. ENFORCEMENT OF ROYALTY AND PAYMENT PROVISIONS.

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

(1) to accurately determine royalties, rentals, interest, fines, penalties, fees, deposits, and other payments owed under this subtitle; and

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

(b) APPLICABILITY OF OTHER LAW.—The Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.) (including the civil and criminal enforcement provisions of that Act) shall apply to leases, permits, rights-of-way, or other authorizations issued for the development of solar or wind energy on covered land and the holders and operators of the leases, permits, rights-of-way, or other authorizations (and designees) under this title, except that in applying that Act—

(1) ''wind or solar leases, permits, rights-of-way, or other authorizations'' shall be substituted for ''oil and gas leases'';

(2) ''electricity generated from wind or solar resources'' shall be substituted for ''oil and gas'' (when used as nouns);

(3) ''lease, permit, right-of-way, or other authorization for the development of wind or solar energy'' shall be substituted for ''lease'' and ''lease for oil and gas'' (when used as nouns); and

(4) ''lessee, permittee, right-of-way holder, or holder of an authorization for the development of wind or solar energy'' shall be substituted for ''lessee''.

SEC. 477. ENFORCEMENT.

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

(b) APPLICABILITY OF OTHER ENFORCEMENT PROVISIONS.—Nothing in this title reduces or

limits the enforcement authority vested in the Secretary or the Attorney General by any other law.

SEC. 478. SEGREGATION FROM APPROPRIATION UNDER MINING AND FEDERAL LAND LAWS.

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

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

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

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

SEC. 479. REPORT.

(a) STUDY.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretaries shall carry out a study on the siting, development, and management of projects to determine the feasibility of carrying out a conservation banking program on land administered by the Secretaries.

(2) CONTENTS.—The study under paragraph (1) shall—

(A) identify areas in which—

(i) privately owned land is not available to offset the impacts of solar or wind energy development on federally administered land; or

(ii) mitigation investments on federally administered land are likely to provide greater conservation value for impacts of solar or wind energy development on federally administered land; and

(B) examine—

(i) the effectiveness of laws (including regulations) and policies in effect on the date of enactment of this Act in facilitating the development of conservation banks;

(ii) the advantages and disadvantages of using conservation banks on Federal land to mitigate impacts to natural resources on private land; and

(iii) any changes in Federal law (including regulations) or policy necessary to further develop a Federal conservation banking program.

(b) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Secretaries shall jointly submit to Congress a report that includes—

(1) the recommendations of the Secretaries relating to—

(A) the most effective system for Federal land described in subsection (a)(2)(A) to meet the goals of facilitating the development of a conservation banking program on Federal land; and

(B) any change to Federal law (including regulations) or policy necessary to address more effectively the siting, development, and management of conservation banking programs on Federal land to mitigate impacts to natural resources on private land; and

(2) any administrative action to be taken by the Secretaries in response to the recommendations.

(c) AVAILABILITY TO THE PUBLIC.—Not later than 30 days after the date on which the report described in subsection (b) is submitted to Congress, the Secretaries shall make the results of the study available to the public.

SEC. 480. APPLICABILITY OF LAW.

(a) RENTAL FEE EXEMPTION.—Wind or solar generation projects with a capacity of 20 megawatts or more that are issued a lease, right-of-way, permit, or other authorization under applicable law shall not be subject to the rental fee exemption for rights-of-way under section 504(g) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1764(g)).

(b) FEES, CHARGES, AND COMMISSIONS.—Section 304 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1734) shall apply to an application made under section 473.

SA 2993. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 2262, 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 title V, add the following:

SECTION 504. USE OF FEDERAL DISASTER RELIEF AND EMERGENCY ASSISTANCE FOR ENERGY-EFFICIENT PRODUCTS AND STRUCTURES.

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

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

''(a) DEFINITIONS.—In this section—

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

''(A) meets or exceeds the requirements for designation under an Energy Star program established under section 324A of the of the Energy Policy and Conservation Act of 1975 (42 U.S.C. 6294a); or

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

''(2) the term 'energy-efficient structure' means a residential structure, a public facility, or a private nonprofit facility that meets or exceeds the requirements of American Society of Heating, Refrigerating and Air-Conditioning Engineers Standard 90.1–2010 or the 2013 International Energy Conservation Code, or any successor thereto.

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

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

SA 2994. Mr. KING submitted an amendment intended to be proposed by him to the bill S. 2262, 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 V, insert the following:

SEC. 5___. FUEL SWITCHING UNDER WEATHERIZATION ASSISTANCE PROGRAM.

Section 415(c)(1) of the Energy Conservation and Production Act (42 U.S.C. 6865(c)(1)) is amended by striking subparagraph (E) and inserting the following:

''(E) the cost of making heating and cooling modifications, including replacement (including, at the option of the State, nonrenewable fuel switching when replacing furnaces or appliances if the new unit is more efficient than the replaced unit).''.

SA 2995. Mr. COONS (for himself, Ms. COLLINS, and Mr. REED) submitted an amendment intended to be proposed by him to the bill S. 2262, 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—WEATHERIZATION AND STATE ENERGY PROGRAMS

SEC. 2001. SHORT TITLE.

This division may be cited as the ''Weatherization Enhancement and Local Energy Efficiency Investment and Accountability Act''.

SEC. 2002. FINDINGS.

Congress finds that—

(1) the State energy program established under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.) (referred to in this section as ''SEP'') and the Weatherization Assistance Program for Low-Income Persons established under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.) (referred to in this section as ''WAP'') have proven to be beneficial, long-term partnerships among Federal, State, and local partners;

(2) the SEP and the WAP have been reauthorized on a bipartisan basis over many years to address changing national, regional, and State circumstances and needs, especially through—

(A) the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.);

(B) the Energy Conservation and Production Act (42 U.S.C. 6801 et seq.);

(C) the State Energy Efficiency Programs Improvement Act of 1990 (Public Law 101–440; 104 Stat. 1006);

(D) the Energy Policy Act of 1992 (42 U.S.C. 13201 et seq.);

(E) the Energy Policy Act of 2005 (42 U.S.C. 15801 et seq.); and

(F) the Energy Independence and Security Act of 2007 (42 U.S.C. 17001 et seq.);

(3) the SEP, also known as the ''State energy conservation program''—

(A) was first created in 1975 to implement a State-based, national program in support of energy efficiency, renewable energy, economic development, energy emergency preparedness, and energy policy; and

(B) has come to operate in every sector of the economy in support of the private sector to improve productivity and has dramatically reduced the cost of government through energy savings at the State and local levels;

(4) Federal laboratory studies have concluded that, for every Federal dollar invested through the SEP, more than $7 is saved in energy costs and almost $11 in non-Federal funds is leveraged;

(5) the WAP—

(A) was first created in 1976 to assist low-income families in response to the first oil embargo;

(B) has become the largest residential energy conservation program in the United States, with more than 7,100,000 homes weatherized since the WAP was created;

(C) saves an estimated 35 percent of consumption in the typical weatherized home, yielding average annual savings of $437 per year in home energy costs;

(D) has created thousands of jobs in both the construction sector and in the supply chain of materials suppliers, vendors, and manufacturers who supply the WAP;

(E) returns $2.51 in energy savings for every Federal dollar spent in energy and nonenergy benefits over the life of weatherized homes;

(F) serves as a foundation for residential energy efficiency retrofit standards, technical skills, and workforce training for the

emerging broader market and reduces residential and power plant emissions of carbon dioxide by 2.65 metric tons each year per home; and

(G) has decreased national energy consumption by the equivalent of 24,100,000 barrels of oil annually;

(6) the WAP can be enhanced with the addition of a targeted portion of the Federal funds through an innovative program that supports projects performed by qualified nonprofit organizations that have a demonstrated capacity to build, renovate, repair, or improve the energy efficiency of a significant number of low-income homes, building on the success of the existing program without replacing the existing WAP network or creating a separate delivery mechanism for basic WAP services;

(7) the WAP has increased energy efficiency opportunities by promoting new, competitive public-private sector models of retrofitting low-income homes through new Federal partnerships;

(8) improved monitoring and reporting of the work product of the WAP has yielded benefits, and expanding independent verification of efficiency work will support the long-term goals of the WAP;

(9) reports of the Government Accountability Office in 2011, Inspector General's of the Department of Energy, and State auditors have identified State-level deficiencies in monitoring efforts that can be addressed in a manner that will ensure that WAP funds are used more effectively;

(10) through the history of the WAP, the WAP has evolved with improvements in efficiency technology, including, in the 1990s, many States adopting advanced home energy audits, which has led to great returns on investment; and

(11) as the home energy efficiency industry has become more performance-based, the WAP should continue to use those advances in technology and the professional workforce.

TITLE XXI—WEATHERIZATION ASSISTANCE PROGRAM

SEC. 2101. REAUTHORIZATION OF WEATHERIZATION ASSISTANCE PROGRAM.

Section 422 of the Energy Conservation and Production Act (42 U.S.C. 6872) is amended by striking ''appropriated—'' and all that follows through the period at the end and inserting ''appropriated $450,000,000 for each of fiscal years 2015 through 2019.''.

SEC. 2102. GRANTS FOR NEW, SELF-SUSTAINING LOW-INCOME, SINGLE-FAMILY AND MULTIFAMILY HOUSING ENERGY RETROFIT MODEL PROGRAMS TO ELIGIBLE MULTISTATE HOUSING AND ENERGY NONPROFIT ORGANIZATIONS.

The Energy Conservation and Production Act is amended by inserting after section 414B (42 U.S.C. 6864b) the following:

''SEC. 414C. GRANTS FOR NEW, SELF-SUSTAINING LOW-INCOME, SINGLE-FAMILY AND MULTIFAMILY HOUSING ENERGY RETROFIT MODEL PROGRAMS TO ELIGIBLE MULTISTATE HOUSING AND ENERGY NONPROFIT ORGANIZATIONS.

''(a) PURPOSES.—The purposes of this section are—

''(1) to expand the number of low-income, single-family and multifamily homes that receive energy efficiency retrofits;

''(2) to promote innovation and new models of retrofitting low-income homes through new Federal partnerships with covered organizations that leverage substantial donations, donated materials, volunteer labor, homeowner labor equity, and other private sector resources;

''(3) to assist the covered organizations in demonstrating, evaluating, improving, and replicating widely the model low-income energy retrofit programs of the covered organizations; and

''(4) to ensure that the covered organizations make the energy retrofit programs of the covered organizations self-sustaining by the time grant funds have been expended.

''(b) DEFINITIONS.—In this section:

''(1) COVERED ORGANIZATION.—The term 'covered organization' means an organization that—

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

''(B) has an established record of constructing, renovating, repairing, or making energy efficient a total of not less than 250 owner-occupied, single-family or multifamily homes per year for low-income households, either directly or through affiliates, chapters, or other direct partners (using the most recent year for which data are available).

''(2) LOW-INCOME.—The term 'low-income' means an income level that is not more than 200 percent of the poverty level (as determined in accordance with criteria established by the Director of the Office of Management and Budget) applicable to a family of the size involved, except that the Secretary may establish a higher or lower level if the Secretary determines that a higher or lower level is necessary to carry out this section.

''(3) WEATHERIZATION ASSISTANCE PROGRAM FOR LOW-INCOME PERSONS.—The term 'Weatherization Assistance Program for Low-Income Persons' means the program established under this part (including part 440 of title 10, Code of Federal Regulations).

''(c) COMPETITIVE GRANT PROGRAM.—The Secretary shall make grants to covered organizations through a national competitive process for use in accordance with this section.

''(d) AWARD FACTORS.—In making grants under this section, the Secretary shall consider—

''(1) the number of low-income homes the applicant—

''(A) has built, renovated, repaired, or made more energy efficient as of the date of the application; and

''(B) can reasonably be projected to build, renovate, repair, or make energy efficient during the 10-year period beginning on the date of the application;

''(2) the qualifications, experience, and past performance of the applicant, including experience successfully managing and administering Federal funds;

''(3) the number and diversity of States and climates in which the applicant works as of the date of the application;

''(4) the amount of non-Federal funds, donated or discounted materials, discounted or volunteer skilled labor, volunteer unskilled labor, homeowner labor equity, and other resources the applicant will provide;

''(5) the extent to which the applicant could successfully replicate the energy retrofit program of the applicant and sustain the program after the grant funds have been expended;

''(6) regional diversity;

''(7) urban, suburban, and rural localities; and

''(8) such other factors as the Secretary determines to be appropriate.

''(e) APPLICATIONS.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary shall request proposals from covered organizations.

''(2) ADMINISTRATION.—To be eligible to receive a grant under this section, an applicant shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(3) AWARDS.—Not later than 90 days after the date of issuance of a request for proposals, the Secretary shall award grants under this section.

''(f) ELIGIBLE USES OF GRANT FUNDS.—A grant under this section may be used for—

''(1) energy efficiency audits, cost-effective retrofit, and related activities in different climatic regions of the United States;

''(2) energy efficiency materials and supplies;

''(3) organizational capacity—

''(A) to significantly increase the number of energy retrofits;

''(B) to replicate an energy retrofit program in other States; and

''(C) to ensure that the program is self-sustaining after the Federal grant funds are expended;

''(4) energy efficiency, audit and retrofit training, and ongoing technical assistance;

''(5) information to homeowners on proper maintenance and energy savings behaviors;

''(6) quality control and improvement;

''(7) data collection, measurement, and verification;

''(8) program monitoring, oversight, evaluation, and reporting;

''(9) management and administration (up to a maximum of 10 percent of the total grant);

''(10) labor and training activities; and

''(11) such other activities as the Secretary determines to be appropriate.

''(g) MAXIMUM AMOUNT.—The amount of a grant provided under this section shall not exceed—

''(1) if the amount made available to carry out this section for a fiscal year is $225,000,000 or more, $5,000,000; and

''(2) if the amount made available to carry out this section for a fiscal year is less than $225,000,000, $1,500,000.

''(h) GUIDELINES.—

''(1) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Secretary shall issue guidelines to implement the grant program established under this section.

''(2) ADMINISTRATION.—The guidelines—

''(A) shall not apply to the Weatherization Assistance Program for Low-Income Persons, in whole or major part; but

''(B) may rely on applicable provisions of law governing the Weatherization Assistance Program for Low-Income Persons to establish—

''(i) standards for allowable expenditures;

''(ii) a minimum savings-to-investment ratio;

''(iii) standards—

''(I) to carry out training programs;

''(II) to conduct energy audits and program activities;

''(III) to provide technical assistance;

''(IV) to monitor program activities; and

''(V) to verify energy and cost savings;

''(iv) liability insurance requirements; and

''(v) recordkeeping requirements, which shall include reporting to the Office of Weatherization and Intergovernmental Programs of the Department of Energy applicable data on each home retrofitted.

''(i) REVIEW AND EVALUATION.—The Secretary shall review and evaluate the performance of any covered organization that receives a grant under this section (which may include an audit), as determined by the Secretary.

''(j) COMPLIANCE WITH STATE AND LOCAL LAW.—Nothing in this section or any program carried out using a grant provided under this section supersedes or otherwise affects any State or local law, to the extent

that the State or local law contains a requirement that is more stringent than the applicable requirement of this section.

''(k) ANNUAL REPORTS.—The Secretary shall submit to Congress annual reports that provide—

''(1) findings;

''(2) a description of energy and cost savings achieved and actions taken under this section; and

''(3) any recommendations for further action.

''(l) FUNDING.—Of the amount of funds that are made available to carry out the Weatherization Assistance Program for each of fiscal years 2015 through 2019 under section 422, the Secretary shall use to carry out this section for each of fiscal years 2015 through 2019—

''(1) 2 percent of the amount if the amount is less than $225,000,000;

''(2) 5 percent of the amount if the amount is $225,000,000 or more but less than $260,000,000;

''(3) 10 percent of the amount if the amount is $260,000,000 or more but less than $400,000,000; and

''(4) 20 percent of the amount if the amount is $400,000,000 or more.''.

SEC. 2103. STANDARDS PROGRAM.

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

''(f) STANDARDS PROGRAM.—

''(1) CONTRACTOR QUALIFICATION.—Effective beginning January 1, 2015, to be eligible to carry out weatherization using funds made available under this part, a contractor shall be selected through a competitive bidding process and be—

''(A) accredited by the Building Performance Institute;

''(B) an Energy Smart Home Performance Team accredited under the Residential Energy Services Network; or

''(C) accredited by an equivalent accreditation or program accreditation-based State certification program approved by the Secretary.

''(2) GRANTS FOR ENERGY RETROFIT MODEL PROGRAMS.—

''(A) IN GENERAL.—To be eligible to receive a grant under section 414C, a covered organization (as defined in section 414C(b)) shall use a crew chief who—

''(i) is certified or accredited in accordance with paragraph (1); and

''(ii) supervises the work performed with grant funds.

''(B) VOLUNTEER LABOR.—A volunteer who performs work for a covered organization that receives a grant under section 414C shall not be required to be certified under this subsection if the volunteer is not directly installing or repairing mechanical equipment or other items that require skilled labor.

''(C) TRAINING.—The Secretary shall use training and technical assistance funds available to the Secretary to assist covered organizations under section 414C in providing training to obtain certification required under this subsection, including provisional or temporary certification.

''(3) MINIMUM EFFICIENCY STANDARDS.—Effective beginning October 1, 2015, the Secretary shall ensure that—

''(A) each retrofit for which weatherization assistance is provided under this part meets minimum efficiency and quality of work standards established by the Secretary after weatherization of a dwelling unit;

''(B) at least 10 percent of the dwelling units are randomly inspected by a third party accredited under this subsection to ensure compliance with the minimum efficiency and quality of work standards established under subparagraph (A); and

''(C) the standards established under this subsection meet or exceed the industry standards for home performance work that are in effect on the date of enactment of this subsection, as determined by the Secretary.''.

TITLE XXII—STATE ENERGY PROGRAM

SEC. 2201. REAUTHORIZATION OF STATE ENERGY PROGRAM.

Section 365(f) of the Energy Policy and Conservation Act (42 U.S.C. 6325(f)) is amended by striking ''$125,000,000 for each of fiscal years 2007 through 2012'' and inserting ''$75,000,000 for each of fiscal years 2015 through 2019''.

SA 2996. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 2262, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At beginning of title V, insert the following:

SEC. 5___. STUDY OF REGULATIONS THAT LIMIT GREENHOUSE GAS EMISSIONS FROM EXISTING POWER PLANTS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study on the effect that regulations limiting greenhouse gas emissions from existing power plants would have on jobs and energy prices.

(b) DETERMINATION.—If, based on the study conducted under subsection (a), the Secretary of Energy determines that the regulations described in that subsection would directly or indirectly destroy jobs or raise energy prices, the Administrator of the Environmental Protection Agency shall not finalize the regulations.

SA 2997. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 2262, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At beginning of title V, insert the following:

SEC. 5_____. CONGRESSIONAL APPROVAL OF EPA REGULATIONS WITH HIGH COMPLIANCE COSTS.

Notwithstanding any other provision of law, if the cost of compliance with a regulation of the Administrator of the Environmental Protection Agency exceeds $1,000,000,000, the regulation shall not take effect unless Congress enacts a law that approves the regulation.

SA 2998. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 2262, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At beginning of title V, insert the following:

SEC. 5_____. DOMESTIC OIL AND NATURAL GAS PRODUCTION GOAL.

(a) IN GENERAL.—In developing an onshore and offshore oil and gas leasing program for the Department of the Interior, subject to paragraph (2), the Secretary of the Interior (referred to in this section as the ''Secretary'') shall determine a domestic strategic production goal for the development of oil and natural gas from Federal onshore and offshore areas, which goal shall be—

(1) the best estimate of the practicable increase in domestic production of oil and natural gas from the outer Continental Shelf and Federal onshore areas; and

(2) focused on—

(A) meeting domestic demand for oil and natural gas;

(B) reducing the dependence of the United States on foreign energy; and

(C) the production increases achieved by the leasing program at the end of each of the 15- and 30-year periods beginning on the effective date of the program.

(b) PROGRAM GOAL.—For purposes of the onshore and offshore oil and gas leasing program of the Department of the Interior, the production goal determined under subsection (a) shall be an increase by January 1, 2032, of the greater of—

(1)(A) not less than 3,000,000 barrels in the quantity of oil produced per day; and

(B) not less than 10,000,000,000 cubic feet in the quantity of natural gas produced per day; or

(2) not less than the projected 30-year percentage increase in the production of oil and natural gas from non-Federal areas, as determined by the Energy Information Administration.

(c) REPORT.—Beginning on the date that is 1 year after the effective date of the onshore and offshore oil and gas leasing program and annually thereafter, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the progress of the program in meeting the production goal under subsection (a) that includes an identification of projections for production and any problems with leasing, permitting, or production that will prevent meeting the goal.

SA 2999. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 2262, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At beginning of title V, insert the following:

SEC. 4___. STUDY OF EFFECT OF TIER 3 MOTOR VEHICLE EMISSION AND FUEL STANDARD.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study on the effect that the Tier 3 motor vehicle emission and fuel standard would have on the price of gasoline.

(b) DETERMINATION.—If, based on the study conducted under subsection (a), the Secretary of Energy determines that the Tier 3 motor vehicle emission and fuel standard would result in an increase in the price of gasoline, the Administrator of the Environmental Protection Agency shall not finalize the standard.

SA 3000. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 2262, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At beginning of title V, insert the following:

SEC. 5_____. PROHIBITION ON COLLECTION AND DISBURSEMENT OF AGRICULTURAL PRODUCER PERSONAL INFORMATION.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Administrator of the Environmental Protection Agency shall not establish any searchable online database

of the personal information of any owner, operator, or employee of a livestock or farming operation.

(b) INCLUSIONS.—For purposes of subsection (a), personal information includes—

(1) names of the owners, operators, or employees or of family members of the owners, operators, or employees;

(2) telephone numbers;

(3) email addresses;

(4) physical or mailing addresses;

(5) number of livestock;

(6) Global Positioning System coordinates; or

(7) other personal information regarding the owners, operators, or employees.

(c) FOIA.—

(1) IN GENERAL.—Personal information described in subsection (b) shall be exempt from disclosure under section 552 of title 5, United States Code.

(2) APPLICABILITY.—For purposes of paragraph (1), this section shall be considered a statute described in section 552(b)(3)(B) of title 5, United States Code.

SA 3001. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 2262, 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 V, insert the following:

SEC. 5_____. ADVANCED TECHNOLOGY VEHICLES MANUFACTURING INCENTIVE PROGRAM.

(a) IN GENERAL.—Section 136 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013) is repealed.

(b) EFFECT OF REPEAL.—The repeal under subsection (a) shall not affect any incentive, loan, or other assistance provided under section 136 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013) on or before January 1, 2014.

SA 3002. Mr. THUNE (for himself, Mr. VITTER, and Mr. SESSIONS) submitted an amendment intended to be proposed by him to the bill S. 2262, 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 V, insert the following:

SEC. 5___. GROUND-LEVEL OZONE STANDARDS.

Notwithstanding any other provision of law (including regulations), in promulgating a national primary or secondary ambient air quality standard for ozone, the Administrator of the Environmental Protection Agency—

(1) shall not propose a national primary or secondary ambient air quality standard for ozone that is lower than the standard established under section 50.15 of title 40, Code of Federal Regulations (as in effect on January 1, 2014), until at least 85 percent of the counties that were nonattainment areas under that standard as of January 1, 2014, achieve full compliance with that standard;

(2) shall only consider all or part of a county to be a nonattainment area under the standard on the basis of direct air quality monitoring;

(3) shall take into consideration feasibility and cost; and

(4) shall include in the regulatory impact analysis for the proposed and final rule at least 1 analysis that does not include any calculation of benefits resulting from reducing emissions of any pollutant other than ozone.

SA 3003. Mr. COBURN (for himself and Mr. JOHNSON of Wisconsin) submitted an amendment intended to be proposed by him to the bill S. 2262, 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 appropriate place, insert the following:

SEC. ___. GUIDELINES TO ENCOURAGE FEDERAL EMPLOYEES TO HELP REDUCE ENERGY USE AND COSTS.

Not later than 60 days after the date of enactment of this Act, the Secretary shall issue to the head of each Federal agency guidelines to reduce energy costs at that Federal agency by requiring employees of the Federal agency—

(1) to turn off the lights in the work areas of the employees at the end of the work day; and

(2) to turn off or unplug other devices that consume energy during periods in which the employees are not in the office.

SA 3004. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2262, 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 appropriate place, insert the following:

SEC. ___. INSTALLATION RENEWABLE ENERGY PROJECT DATABASE.

(a) LIMITATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall establish a searchable database to uniformly report information regarding installation renewable energy projects undertaken since 2010.

(b) ELEMENTS.—The database established under subsection (a) shall include, for each installation energy project—

(1) the estimated project costs;

(2) estimated power generation;

(3) estimated total cost savings;

(4) estimated payback period;

(5) total project costs;

(6) actual power generation;

(7) actual cost savings to date;

(8) current operational status; and

(9) access to relevant business case documents, including the economic viability assessment.

(c) UPDATES.—The database established under subsection (a) shall be updated not less than quarterly.

SA 3005. Mr. COBURN (for himself and Mr. JOHNSON of Wisconsin) submitted an amendment intended to be proposed by him to the bill S. 2262, 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 appropriate place, insert the following:

SEC. _____. CERTIFICATION REQUIRED.

(a) IN GENERAL.—The Secretary shall certify that the amount of energy cost savings over a 10-year period as a result of each project or activity funded under this Act or an amendment made by this Act would equal or exceed the cost of the project or activity.

(b) ACTUAL ENERGY USE.—On completion of a project or activity provided funds under this Act or an amendment made by this Act, the Secretary shall certify that, over a 10-year period, as a result of the project or activity—

(1) there was a reduction in actual energy use; and

(2) the energy cost savings exceeded the costs of the project or activity.

SA 3006. Mr. COBURN (for himself and Mr. JOHNSON of Wisconsin) submitted an amendment intended to be proposed by him to the bill S. 2262, 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 82, between lines 5 and 6, insert the following:

SEC. 4____. EVALUATION AND CONSOLIDATION OF DUPLICATIVE GREEN BUILDING PROGRAMS.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATIVE EXPENSES.—The term ''administrative expenses'' has the meaning given the term by the Director of the Office of Management and Budget under section 504(b)(2) of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (31 U.S.C. 1105 note; Public Law 111–85), except that the term shall include, for purposes of that section and this section, with respect to an agency—

(A) costs incurred by the agency and costs incurred by grantees, subgrantees, and other recipients of funds from a grant program or other program administered by the agency; and

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

(2) APPLICABLE PROGRAMS.—The term ''applicable programs'' means the programs listed in Table 9 (pages 348-350) of the report of the Government Accountability Office entitled ''2012 Annual Report: Opportunities to Reduce Duplication, Overlap and Fragmentation, Achieve Savings, and Enhance Revenue''.

(3) APPROPRIATE SECRETARIES.—The term ''appropriate Secretaries'' means—

(A) the Secretary;

(B) the Secretary of Agriculture;

(C) the Secretary of Defense;

(D) the Secretary of Education;

(E) the Secretary of Health and Human Services;

(F) the Secretary of Housing and Urban Development;

(G) the Secretary of Transportation;

(H) the Secretary of the Treasury;

(I) the Administrator of the Environmental Protection Agency;

(J) the Director of the National Institute of Standards and Technology; and

(K) the Administrator of the Small Business Administration.

(4) SERVICES.—

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

(B) REQUIREMENTS.—The term ''services'' shall be limited to activities, assistance, and aid that provide a direct benefit to a recipient, such as—

(i) the provision of medical care;

(ii) assistance for housing or tuition; or

(iii) financial support (including grants and loans).

(b) REPORT.—

(1) IN GENERAL.—Not later than October 1, 2014, the appropriate Secretaries shall submit to Congress and post on the public Internet websites of the agencies of the appropriate Secretaries a report on the outcomes of the applicable programs.

(2) REQUIREMENTS.—In reporting on the outcomes of each applicable program, the appropriate Secretaries shall—

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

(B) determine the expenditures for services for the applicable program;

(C) estimate the number of clients served by the applicable program and beneficiaries who received assistance under the applicable program (if applicable);

(D) estimate—

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

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

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

(F) describe the type of recipient who benefits from the assistance provided, such as individual property owners or renters, local governments, businesses, nonprofit organizations, or State governments; and

(G) identify and report on whether written program goals are available for the applicable program.

(c) PROGRAM RECOMMENDATIONS.—Not later than January 1, 2015, the appropriate Secretaries shall jointly submit to Congress a report that includes—

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

(2) ways to improve the applicable programs by establishing program goals or increasing collaboration so as to reduce the overlap and duplication identified in—

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

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

(d) PROGRAM ELIMINATIONS.—Not later than January 1, 2015, the appropriate Secretaries shall—

(1) identify—

(A) which applicable programs are specifically required by law; and

(B) which applicable programs are carried out under the discretionary authority of the appropriate Secretaries;

(2) eliminate those applicable programs that are not required by law; and

(3) transfer any remaining applicable projects and nonduplicative functions into another green building program within the same agency.

SA 3007. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2262, 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 appropriate place, insert the following:

SEC. ___. REPEAL OF ADVANCED TECHNOLOGY VEHICLES MANUFACTURING INCENTIVE PROGRAM.

(a) IN GENERAL.—

(1) REPEAL.—Section 136 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013) is repealed.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) takes effect on the date that is 90 days after the date of enactment of this Act.

(b) DEFICIT REDUCTION.—Any amounts made available to carry out section 136 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013) (as in effect before the amendment made by subsection (a)) that are not obligated as of the date of enactment of this Act are rescinded.

SA 3008. Mr. BARRASSO (for himself, Mr. VITTER, Mr. SESSIONS, Mr. CRAPO, Mr. INHOFE, Mrs. FISCHER, Mr. WICKER, Mr. JOHANNS, Mr. TOOMEY, Mr. ENZI, Mr. RISCH, Mr. RUBIO, Mr. MORAN, Mr. ROBERTS, Mr. FLAKE, Mr. MCCAIN, Mr. COCHRAN, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 2262, 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:

SEC. 5___. IDENTIFICATION OF WATERS PROTECTED BY THE CLEAN WATER ACT.

(a) IN GENERAL.—Neither the Secretary of the Army nor the Administrator of the Environmental Protection Agency shall—

(1) finalize the proposed rule entitled ''Definition of 'Waters of the United States' Under the Clean Water Act'' (79 Fed. Reg. 22188 (April 21, 2014)); or

(2) use the proposed rule described in paragraph (1), or any substantially similar proposed rule or guidance, as the basis for any rulemaking or any decision regarding the scope or enforcement of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

(b) RULES.—The use of the proposed rule described in subsection (a)(1), or any substantially similar proposed rule or guidance, as the basis for any rulemaking or any decision regarding the scope or enforcement of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) shall be grounds for vacation of the final rule, decision, or enforcement action.

SA 3009. Mr. UDALL of New Mexico (for himself and Mr. UDALL of Colorado) submitted an amendment intended to be proposed by him to the bill S. 2262, 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 V, insert the following:

SEC. 5___. RENEWABLE ELECTRICITY STANDARD.

(a) IN GENERAL.—Title VI of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.) is amended by adding at the end the following:

''SEC. 610. RENEWABLE ELECTRICITY STANDARD.

''(a) DEFINITIONS.—In this section:

''(1) BASE QUANTITY OF ELECTRICITY.—

''(A) IN GENERAL.—The term 'base quantity of electricity' means the total quantity of electric energy sold by a retail electric supplier, expressed in terms of kilowatt hours, to electric customers for purposes other than resale during the most recent calendar year for which information is available.

''(B) EXCLUSIONS.—The term 'base quantity of electricity' does not include—

''(i) electric energy that is not incremental hydropower generated by a hydroelectric facility; and

''(ii) electricity generated through the incineration of municipal solid waste.

''(2) BIOMASS.—

''(A) IN GENERAL.—The term 'biomass' means—

''(i) cellulosic (plant fiber) organic materials from a plant that is planted for the purpose of being used to produce energy;

''(ii) nonhazardous plant or algal matter that is derived from—

''(I) an agricultural crop, crop byproduct, or residue resource; or

''(II) waste, such as landscape or right-of-way trimmings (but not including municipal solid waste, recyclable postconsumer waste paper, painted, treated, or pressurized wood, wood contaminated with plastic, or metals);

''(iii) animal waste or animal byproducts; and

''(iv) landfill methane.

''(B) NATIONAL FOREST LAND AND CERTAIN OTHER PUBLIC LAND.—In the case of organic material removed from National Forest System land or from public land administered by the Secretary of the Interior, the term 'biomass' means only organic material from—

''(i) ecological forest restoration;

''(ii) precommercial thinnings;

''(iii) brush;

''(iv) mill residues; or

''(v) slash.

''(C) EXCLUSION OF CERTAIN FEDERAL LAND.—Notwithstanding subparagraph (B), the term 'biomass' does not include material or matter that would otherwise qualify as biomass if the material or matter is located on the following Federal land:

''(i) Federal land containing old growth forest or late successional forest unless the Secretary of the Interior or the Secretary of Agriculture determines that the removal of organic material from the land—

''(I) is appropriate for the applicable forest type; and

''(II) maximizes the retention of—

''(aa) late-successional and large and old growth trees;

''(bb) late-successional and old growth forest structure; and

''(cc) late-successional and old growth forest composition.

''(ii) Federal land on which the removal of vegetation is prohibited, including components of the National Wilderness Preservation System.

''(iii) Wilderness study areas.

''(iv) Inventoried roadless areas.

''(v) Components of the National Landscape Conservation System.

''(vi) National Monuments.

''(3) EXISTING FACILITY.—The term 'existing facility' means a facility for the generation of electric energy from a renewable energy resource that is not an eligible facility.

''(4) INCREMENTAL HYDROPOWER.—The term 'incremental hydropower' means additional generation that is achieved from increased efficiency or additions of capacity made on or after—

''(A) the date of enactment of this section; or

''(B) the effective date of an existing applicable State renewable portfolio standard program at a hydroelectric facility that was placed in service before that date.

''(5) INDIAN LAND.—The term 'Indian land' means—

''(A) any land within the limits of any Indian reservation, pueblo, or rancheria;

''(B) any land not within the limits of any Indian reservation, pueblo, or rancheria title to which was on the date of enactment of this section held by—

''(i) the United States for the benefit of any Indian tribe or individual; or

''(ii) any Indian tribe or individual subject to restriction by the United States against alienation;

''(C) any dependent Indian community; or

''(D) any land conveyed to any Alaska Native corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

''(6) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaskan Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

''(7) RENEWABLE ENERGY.—The term 'renewable energy' means electric energy generated by a renewable energy resource.

''(8) RENEWABLE ENERGY RESOURCE.—The term 'renewable energy resource' means solar, wind, ocean, tidal, geothermal energy, biomass, landfill gas, incremental hydropower, or hydrokinetic energy.

''(9) REPOWERING OR COFIRING INCREMENT.—The term 'repowering or cofiring increment' means—

''(A) the additional generation from a modification that is placed in service on or after the date of enactment of this section, to expand electricity production at a facility used to generate electric energy from a renewable energy resource;

''(B) the additional generation above the average generation during the 3-year period ending on the date of enactment of this section at a facility used to generate electric energy from a renewable energy resource or to cofire biomass that was placed in service before the date of enactment of this section; or

''(C) the portion of the electric generation from a facility placed in service on or after the date of enactment of this section, or a modification to a facility placed in service before the date of enactment of this section made on or after January 1, 2001, associated with cofiring biomass.

''(10) RETAIL ELECTRIC SUPPLIER.—

''(A) IN GENERAL.—The term 'retail electric supplier' means a person that sells electric energy to electric consumers (other than consumers in Hawaii) that sold not less than 1,000,000 megawatt hours of electric energy to electric consumers for purposes other than resale during the preceding calendar year.

''(B) INCLUSION.—The term 'retail electric supplier' includes a person that sells electric energy to electric consumers that, in combination with the sales of any affiliate organized after the date of enactment of this section, sells not less than 1,000,000 megawatt hours of electric energy to consumers for purposes other than resale.

''(C) SALES TO PARENT COMPANIES OR AFFILIATES.—For purposes of this paragraph, sales by any person to a parent company or to other affiliates of the person shall not be treated as sales to electric consumers.

''(D) GOVERNMENTAL AGENCIES.—

''(i) IN GENERAL.—Except as provided in clause (ii), the term 'retail electric supplier' does not include—

''(I) the United States, a State, any political subdivision of a State, or any agency, authority, or instrumentality of the United States, State, or political subdivision; or

''(II) a rural electric cooperative.

''(ii) INCLUSION.—The term 'retail electric supplier' includes an entity that is a political subdivision of a State, or an agency, authority, or instrumentality of the United States, a State, a political subdivision of a State, a rural electric cooperative that sells electric energy to electric consumers, or any other entity that sells electric energy to electric consumers that would not otherwise qualify as a retail electric supplier if the entity notifies the Secretary that the entity voluntarily agrees to participate in the Federal renewable electricity standard program.

''(b) COMPLIANCE.—For calendar year 2014 and each calendar year thereafter, each retail electric supplier shall meet the requirements of subsection (c) by submitting to the Secretary, not later than April 1 of the following calendar year, 1 or more of the following:

''(1) Federal renewable energy credits issued under subsection (e).

''(2) Certification of the renewable energy generated and electricity savings pursuant to the funds associated with State compliance payments as specified in subsection (e)(4)(G).

''(3) Alternative compliance payments pursuant to subsection (h).

''(c) REQUIRED ANNUAL PERCENTAGE.—For each of calendar years 2014 through 2039, the required annual percentage of the base quantity of electricity of a retail electric supplier that shall be generated from renewable energy resources, or otherwise credited towards the percentage requirement pursuant to subsection (d), shall be the applicable percentage specified in the following table:

"Calendar Years	Required Amount percentage
2014	6.0
2015	8.5
2016	8.5
2017	11.0
2018	11.0
2019	14.0
2020	14.0
2021	17.5
2022	17.5
2023	21.0
2024	21.0
2025	23.0
2026 and thereafter through 2039	25.0.

''(d) RENEWABLE ENERGY CREDITS.—

''(1) IN GENERAL.—A retail electric supplier may satisfy the requirements of subsection (b)(1) through the submission of Federal renewable energy credits—

''(A) issued to the retail electric supplier under subsection (e);

''(B) obtained by purchase or exchange under subsection (f); or

''(C) borrowed under subsection (g).

''(2) FEDERAL RENEWABLE ENERGY CREDITS.—A Federal renewable energy credit may be counted toward compliance with subsection (b)(1) only once.

''(e) ISSUANCE OF FEDERAL RENEWABLE ENERGY CREDITS.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary shall establish by rule a program—

''(A) to verify and issue Federal renewable energy credits to generators of renewable energy;

''(B) to track the sale, exchange, and retirement of the credits; and

''(C) to enforce the requirements of this section.

''(2) EXISTING NON-FEDERAL TRACKING SYSTEMS.—To the maximum extent practicable, in establishing the program, the Secretary shall rely on existing and emerging State or regional tracking systems that issue and track non-Federal renewable energy credits.

''(3) APPLICATION.—

''(A) IN GENERAL.—An entity that generates electric energy through the use of a renewable energy resource may apply to the Secretary for the issuance of renewable energy credits.

''(B) ELIGIBILITY.—To be eligible for the issuance of the credits, the applicant shall demonstrate to the Secretary that—

''(i) the electric energy will be transmitted onto the grid; or

''(ii) in the case of a generation offset, the electric energy offset would have otherwise been consumed onsite.

''(C) CONTENTS.—The application shall indicate—

''(i) the type of renewable energy resource that is used to produce the electricity;

''(ii) the location at which the electric energy will be produced; and

''(iii) any other information the Secretary determines appropriate.

''(4) QUANTITY OF FEDERAL RENEWABLE ENERGY CREDITS.—

''(A) IN GENERAL.—Except as otherwise provided in this paragraph, the Secretary shall issue to a generator of electric energy 1 Federal renewable energy credit for each kilowatt hour of electric energy generated by the use of a renewable energy resource at an eligible facility.

''(B) INCREMENTAL HYDROPOWER.—

''(i) IN GENERAL.—For purpose of compliance with this section, Federal renewable energy credits for incremental hydropower shall be based on the increase in average annual generation resulting from the efficiency improvements or capacity additions.

''(ii) WATER FLOW INFORMATION.—The incremental generation shall be calculated using the same water flow information that is—

''(I) used to determine a historic average annual generation baseline for the hydroelectric facility; and

''(II) certified by the Secretary or the Federal Energy Regulatory Commission.

''(iii) OPERATIONAL CHANGES.—The calculation of the Federal renewable energy credits for incremental hydropower shall not be based on any operational changes at the hydroelectric facility that is not directly associated with the efficiency improvements or capacity additions.

''(C) INDIAN LAND.—

''(i) IN GENERAL.—The Secretary shall issue 2 renewable energy credits for each kilowatt hour of electric energy generated and supplied to the grid in a calendar year through the use of a renewable energy resource at an eligible facility located on Indian land.

''(ii) BIOMASS.—For purposes of this paragraph, renewable energy generated by biomass cofired with other fuels is eligible for 2 credits only if the biomass was grown on the land.

''(D) ON-SITE ELIGIBLE FACILITIES.—

''(i) IN GENERAL.—In the case of electric energy generated by a renewable energy resource at an on-site eligible facility that is not larger than 1 megawatt in capacity and is used to offset all or part of the requirements of a customer for electric energy, the Secretary shall issue 3 renewable energy credits to the customer for each kilowatt hour generated.

''(ii) INDIAN LAND.—In the case of an on-site eligible facility on Indian land, the Secretary shall issue not more than 3 credits per kilowatt hour.

''(E) COMBINATION OF RENEWABLE AND NONRENEWABLE ENERGY RESOURCES.—If both a renewable energy resource and a nonrenewable energy resource are used to generate the electric energy, the Secretary shall issue the Federal renewable energy credits based on the proportion of the renewable energy resources used.

''(F) RETAIL ELECTRIC SUPPLIERS.—If a generator has sold electric energy generated through the use of a renewable energy resource to a retail electric supplier under a contract for power from an existing facility and the contract has not determined ownership of the Federal renewable energy credits associated with the generation, the Secretary shall issue the Federal renewable energy credits to the retail electric supplier for the duration of the contract.

''(G) COMPLIANCE WITH STATE RENEWABLE PORTFOLIO STANDARD PROGRAMS.—Payments made by a retail electricity supplier, directly or indirectly, to a State for compliance with a State renewable portfolio standard program, or for an alternative compliance mechanism, shall be valued at 1 credit per kilowatt hour for the purpose of subsection (b)(2) based on the quantity of electric energy generation from renewable resources that results from the payments.

''(f) RENEWABLE ENERGY CREDIT TRADING.—

''(1) IN GENERAL.—A Federal renewable energy credit may be sold, transferred, or exchanged by the entity to whom the credit is issued or by any other entity that acquires the Federal renewable energy credit, other than renewable energy credits from existing facilities.

''(2) CARRYOVER.—A Federal renewable energy credit for any year that is not submitted to satisfy the minimum renewable generation requirement of subsection (c) for that year may be carried forward for use pursuant to subsection (b)(1) within the next 3 years.

''(3) DELEGATION.—The Secretary may delegate to an appropriate market-making entity the administration of a national tradeable renewable energy credit market for purposes of creating a transparent national market for the sale or trade of renewable energy credits.

''(g) RENEWABLE ENERGY CREDIT BORROWING.—

''(1) IN GENERAL.—Not later than December 31, 2014, a retail electric supplier that has reason to believe the retail electric supplier will not be able to fully comply with subsection (b) may—

''(A) submit a plan to the Secretary demonstrating that the retail electric supplier will earn sufficient Federal renewable energy credits within the next 3 calendar years that, when taken into account, will enable the retail electric supplier to meet the requirements of subsection (b) for calendar year 2014 and the subsequent calendar years involved; and

''(B) on the approval of the plan by the Secretary, apply Federal renewable energy credits that the plan demonstrates will be earned within the next 3 calendar years to meet the requirements of subsection (b) for each calendar year involved.

''(2) REPAYMENT.—The retail electric supplier shall repay all of the borrowed Federal renewable energy credits by submitting an equivalent number of Federal renewable energy credits, in addition to the credits otherwise required under subsection (b), by calendar year 2022 or any earlier deadlines specified in the approved plan.

''(h) ALTERNATIVE COMPLIANCE PAYMENTS.—As a means of compliance under subsection (b)(4), the Secretary shall accept payment equal to the lesser of—

''(1) 200 percent of the average market value of Federal renewable energy credits and Federal energy efficiency credits for the applicable compliance period; or

''(2) 3 cents per kilowatt hour (as adjusted on January 1 of each year following calendar year 2006 based on the implicit price deflator for the gross national product).

''(i) INFORMATION COLLECTION.—The Secretary may collect the information necessary to verify and audit—

''(1)(A) the annual renewable energy generation of any retail electric supplier; and

''(B) Federal renewable energy credits submitted by a retail electric supplier pursuant to subsection (b)(1);

''(2) the validity of Federal renewable energy credits submitted for compliance by a retail electric supplier to the Secretary; and

''(3) the quantity of electricity sales of all retail electric suppliers.

''(j) ENVIRONMENTAL SAVINGS CLAUSE.—Incremental hydropower shall be subject to all applicable environmental laws and licensing and regulatory requirements.

''(k) STATE PROGRAMS.—

''(1) IN GENERAL.—Nothing in this section diminishes any authority of a State or political subdivision of a State—

''(A) to adopt or enforce any law (including regulations) respecting renewable energy, including programs that exceed the required quantity of renewable energy under this section; or

''(B) to regulate the acquisition and disposition of Federal renewable energy credits by retail electric suppliers.

''(2) COMPLIANCE WITH SECTION.—No law or regulation referred to in paragraph (1)(A) shall relieve any person of any requirement otherwise applicable under this section.

''(3) COORDINATION WITH STATE PROGRAM.—The Secretary, in consultation with States that have in effect renewable energy programs, shall—

''(A) preserve the integrity of the State programs, including programs that exceed the required quantity of renewable energy under this section; and

''(B) facilitate coordination between the Federal program and State programs.

''(4) EXISTING RENEWABLE ENERGY PROGRAMS.—In the regulations establishing the program under this section, the Secretary shall incorporate common elements of existing renewable energy programs, including State programs, to ensure administrative ease, market transparency and effective enforcement.

''(5) MINIMIZATION OF ADMINISTRATIVE BURDENS AND COSTS.—In carrying out this section, the Secretary shall work with the States to minimize administrative burdens and costs to retail electric suppliers.

''(l) RECOVERY OF COSTS.—An electric utility that has sales of electric energy that are subject to rate regulation (including any utility with rates that are regulated by the Commission and any State regulated electric utility) shall not be denied the opportunity to recover the full amount of the prudently incurred incremental cost of renewable energy obtained to comply with the requirements of subsection (b).

''(m) PROGRAM REVIEW.—

''(1) IN GENERAL.—The Secretary shall enter into an arrangement with the National Academy of Sciences under which the Academy shall conduct a comprehensive evaluation of all aspects of the program established under this section.

''(2) EVALUATION.—The study shall include an evaluation of—

''(A) the effectiveness of the program in increasing the market penetration and lowering the cost of the eligible renewable energy technologies;

''(B) the opportunities for any additional technologies and sources of renewable energy emerging since the date of enactment of this section;

''(C) the impact on the regional diversity and reliability of supply sources, including the power quality benefits of distributed generation;

''(D) the regional resource development relative to renewable potential and reasons for any investment in renewable resources; and

''(E) the net cost/benefit of the renewable electricity standard to the national and State economies, including—

''(i) retail power costs;

''(ii) the economic development benefits of investment;

''(iii) avoided costs related to environmental and congestion mitigation investments that would otherwise have been required;

''(iv) the impact on natural gas demand and price; and

''(v) the effectiveness of green marketing programs at reducing the cost of renewable resources.

''(3) REPORT.—Not later than January 1, 2018, the Secretary shall transmit to Congress a report describing the results of the evaluation and any recommendations for modifications and improvements to the program.

''(n) STATE RENEWABLE ENERGY ACCOUNT.—

''(1) IN GENERAL.—There is established in the Treasury a State renewable energy account.

''(2) DEPOSITS.—All money collected by the Secretary from the alternative compliance payments under subsection (h) shall be deposited into the State renewable energy account established under paragraph (1).

''(3) GRANTS.—

''(A) IN GENERAL.—Proceeds deposited in the State renewable energy account shall be used by the Secretary, subject to annual appropriations, for a program to provide grants—

''(i) to the State agency responsible for administering a fund to promote renewable energy generation for customers of the State or an alternative agency designated by the State; or

''(ii) if no agency described in clause (i), to the State agency developing State energy conservation plans under section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322).

''(B) USE.—The grants shall be used for the purpose of—

''(i) promoting renewable energy production; and

''(ii) providing energy assistance and weatherization services to low-income consumers.

''(C) CRITERIA.—The Secretary may issue guidelines and criteria for grants awarded under this paragraph.

''(D) STATE-APPROVED FUNDING MECHANISMS.—At least 75 percent of the funds provided to each State for each fiscal year shall be used to promote renewable energy production through grants, production incentives, or other State-approved funding mechanisms.

''(E) ALLOCATION.—The funds shall be allocated to the States on the basis of retail electric sales subject to the renewable electricity standard under this section or through voluntary participation.

''(F) RECORDS.—State agencies receiving grants under this paragraph shall maintain such records and evidence of compliance as the Secretary may require.''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. prec. 2601) is amended by adding at the end of the items relating to title VI the following:

''Sec. 609. Rural and remote communities electrification grants.

''Sec. 610. Renewable electricity standard.''.

NOTICES OF HEARINGS

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will to meet on May 8, 2014, at 10 a.m. in room SD–106 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Hearing on the nomination of the Secretary of Health and Human Services-Designate, Sylvia Mathews Burwell.''