

SA 47. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 48. Mrs. GILLIBRAND submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, supra; which was ordered to lie on the table.

SA 49. Mr. SANDERS (for himself, Mr. TESTER, Mr. MARKEY, Ms. BALDWIN, Ms. WARREN, Mr. LEAHY, Mr. FRANKEN, Mr. UDALL, Ms. STABENOW, and Mr. MURPHY) submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, supra; which was ordered to lie on the table.

SA 50. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 51. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 1, supra; which was ordered to lie on the table.

SA 52. Ms. KLOBUCHAR (for herself and Mr. HOEVEN) submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, supra; which was ordered to lie on the table.

SA 53. Mr. WARNER (for himself and Mr. ALEXANDER) submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, supra; which was ordered to lie on the table.

SA 54. Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, supra; which was ordered to lie on the table.

SA 55. Mr. PETERS (for himself and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, supra; which was ordered to lie on the table.

SA 56. Mr. TESTER (for himself and Mr. DAINES) submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 35. Ms. COLLINS (for herself and Mr. WARNER) submitted an amendment intended to be proposed by her to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

After section 2, insert the following:

SEC. ____ . COORDINATION OF ENERGY RETROFITTING ASSISTANCE FOR SCHOOLS.

(a) DEFINITIONS.—In this section:

(1) SCHOOL.—The term “school” means—

(A) an elementary school or secondary school (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801));

(B) an institution of higher education (as defined in section 102(a) of the Higher Education Act of 1965 (20 U.S.C. 1002(a));

(C) a school of the defense dependents’ education system under the Defense Dependents’ Education Act of 1978 (20 U.S.C. 921 et seq.) or established under section 2164 of title 10, United States Code;

(D) a school operated by the Bureau of Indian Affairs;

(E) a tribally controlled school (as defined in section 5212 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2511)); and

(F) a Tribal College or University (as defined in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b))).

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

(b) DESIGNATION OF LEAD AGENCY.—The Secretary, acting through the Office of Energy Efficiency and Renewable Energy, shall act as the lead Federal agency for coordinating and disseminating information on existing Federal programs and assistance that may be used to help initiate, develop, and finance energy efficiency, renewable energy, and energy retrofitting projects for schools.

(c) REQUIREMENTS.—In carrying out coordination and outreach under subsection (b), the Secretary shall—

(1) in consultation and coordination with the appropriate Federal agencies, carry out a review of existing programs and financing mechanisms (including revolving loan funds and loan guarantees) available in or from the Department of Agriculture, the Department of Energy, the Department of Education, the Department of the Treasury, the Internal Revenue Service, the Environmental Protection Agency, and other appropriate Federal agencies with jurisdiction over energy financing and facilitation that are currently used or may be used to help initiate, develop, and finance energy efficiency, renewable energy, and energy retrofitting projects for schools;

(2) establish a Federal cross-departmental collaborative coordination, education, and outreach effort to streamline communication and promote available Federal opportunities and assistance described in paragraph (1) for energy efficiency, renewable energy, and energy retrofitting projects that enables States, local educational agencies, and schools—

(A) to use existing Federal opportunities more effectively; and

(B) to form partnerships with Governors, State energy programs, local educational, financial, and energy officials, State and local government officials, nonprofit organizations, and other appropriate entities to support the initiation of the projects;

(3) provide technical assistance for States, local educational agencies, and schools to help develop and finance energy efficiency, renewable energy, and energy retrofitting projects—

(A) to increase the energy efficiency of buildings or facilities;

(B) to install systems that individually generate energy from renewable energy resources;

(C) to establish partnerships to leverage economies of scale and additional financing mechanisms available to larger clean energy initiatives; or

(D) to promote—

(i) the maintenance of health, environmental quality, and safety in schools, including the ambient air quality, through energy efficiency, renewable energy, and energy retrofit projects; and

(ii) the achievement of expected energy savings and renewable energy production through proper operations and maintenance practices;

(4) develop and maintain a single online resource website with contact information for relevant technical assistance and support staff in the Office of Energy Efficiency and Renewable Energy for States, local educational agencies, and schools to effectively access and use Federal opportunities and assistance described in paragraph (1) to develop energy efficiency, renewable energy, and energy retrofitting projects; and

(5) establish a process for recognition of schools that—

(A) have successfully implemented energy efficiency, renewable energy, and energy retrofitting projects; and

(B) are willing to serve as resources for other local educational agencies and schools to assist initiation of similar efforts.

(d) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the implementation of this section.

SA 36. Mr. GARDNER (for himself and Mr. COONS) submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . USE OF ENERGY AND WATER EFFICIENCY MEASURES IN FEDERAL BUILDINGS.

(a) FINDINGS.—Congress finds that—

(1) private sector funding and expertise can help address the energy efficiency challenges facing the United States;

(2) the Federal Government spends more than \$6,000,000,000 annually in energy costs;

(3) reducing Federal energy costs can help save money, create jobs, and reduce waste;

(4) energy savings performance contracts and utility energy service contracts are tools for using private sector investment to upgrade Federal facilities without any up-front cost to the taxpayer;

(5) performance contracting is a way to retrofit Federal buildings using private sector investment in the absence of appropriated dollars; and

(6) retrofits that reduce energy use also improve infrastructure, protect national security, and cut facility operations and maintenance costs.

(b) ENERGY MANAGEMENT REQUIREMENTS.—Section 543(f)(4) of the National Energy Conservation Policy Act (42 U.S.C. 8253(f)(4)) is amended—

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

(2) by striking “Not later than” and inserting the following:

“(A) IN GENERAL.—Not later than”; and

(3) by adding at the end the following:

“(B) MEASURES NOT IMPLEMENTED.—Each energy manager, as part of the certification system under paragraph (7) and using guidelines developed by the Secretary, shall provide an explanation regarding any life-cycle cost-effective measures described in subparagraph (A)(i) that have not been implemented.”.

(c) REPORTS.—Section 548(b) of the National Energy Conservation Policy Act (42 U.S.C. 8258(b)) is amended—

(1) in paragraph (3), by striking “and” at the end;

(2) in paragraph (4), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(5)(A) the status of the energy savings performance contracts and utility energy service contracts of each agency;

“(B) the investment value of the contracts;

“(C) the guaranteed energy savings for the previous year as compared to the actual energy savings for the previous year;

“(D) the plan for entering into the contracts in the coming year; and

“(E) information explaining why any previously submitted plans for the contracts were not implemented.”.

(d) **DEFINITION OF ENERGY CONSERVATION MEASURES.**—Section 551(4) of the National Energy Conservation Policy Act (42 U.S.C. 8259(4)) is amended by striking “or retrofit activities” and inserting “retrofit activities, or energy consuming devices and required support structures”.

(e) **AUTHORITY TO ENTER INTO CONTRACTS.**—Section 801(a)(2)(F) of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)(2)(F)) is amended—

(1) in clause (i), by striking “or” at the end;

(2) in clause (ii), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(iii) limit the recognition of operation and maintenance savings associated with systems modernized or replaced with the implementation of energy conservation measures, water conservation measures, or any combination of energy conservation measures and water conservation measures.”.

(f) **MISCELLANEOUS AUTHORITY.**—Section 801(a)(2) of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)(2)) is amended by adding at the end the following:

“(H) **MISCELLANEOUS AUTHORITY.**—Notwithstanding any other provision of law, a Federal agency may sell or transfer energy savings and apply the proceeds of the sale or transfer to fund a contract under this title.”.

(g) **PAYMENT OF COSTS.**—Section 802 of the National Energy Conservation Policy Act (42 U.S.C. 8287a) is amended by striking “(and related operation and maintenance expenses)” and inserting “, including related operations and maintenance expenses”.

(h) **DEFINITION OF ENERGY SAVINGS.**—Section 804(2) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(2)) is amended—

(1) in subparagraph (A), by striking “federally owned building or buildings or other federally owned facilities” and inserting “Federal building (as defined in section 551)” each place it appears;

(2) in subparagraph (C), by striking “; and” and inserting a semicolon;

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

(4) by adding at the end the following:

“(E) the use, sale, or transfer of energy incentives, rebates, or credits (including renewable energy credits) from Federal, State, or local governments or utilities; and

“(F) any revenue generated from a reduction in energy or water use, more efficient waste recycling, or additional energy generated from more efficient equipment.”.

SA 37. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

After section 2, insert the following:

SEC. 3. APPLICABILITY OF LIMITATIONS ON EXPORTATION OF DOMESTIC CRUDE OIL TO FOREIGN CRUDE OIL IMPORTED INTO THE UNITED STATES BY PIPELINE.

(a) **IN GENERAL.**—On and after the date of the enactment of this Act, crude oil imported into the United States by pipeline shall be subject to the limitations described in subsection (b) and the licensing requirements described in subsection (c) to the same extent and in the same manner as those limitations and requirements apply to crude oil produced in the United States.

(b) **LIMITATIONS DESCRIBED.**—The limitations described in this subsection are the limitations on the exportation of crude oil produced in the United States under section 103(b) of the Energy Policy and Conservation Act (42 U.S.C. 6212(b)), section 28(u) of the Mineral Leasing Act (30 U.S.C. 185(u)), and section 28 of the Outer Continental Shelf Lands Act (43 U.S.C. 1354).

(c) **LICENSING REQUIREMENTS DESCRIBED.**—The licensing requirements described in this subsection are the licensing requirements applicable to crude oil produced in the United States under the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.) (as in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)).

SA 38. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

SEC. ____ . CLARIFICATION OF OIL SANDS AS CRUDE OIL FOR EXCISE TAX PURPOSES.

(a) **IN GENERAL.**—Paragraph (1) of section 4612(a) of the Internal Revenue Code of 1986 is amended to read as follows:

“(1) **CRUDE OIL.**—The term ‘crude oil’ includes crude oil condensates, natural gasoline, bitumen, and bituminous mixtures.”.

(b) **TECHNICAL AMENDMENT.**—Paragraph (2) of section 4612(a) of such Code is amended by striking “from a well located”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the enactment of this Act.

SA 39. Mr. ENZI (for himself, Mr. BARRASSO, and Mr. FLAKE) submitted an amendment intended to be proposed by him to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

After section 2, insert the following:

SEC. ____ . REGIONAL HAZE PROGRAM.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, the Administrator of the Environmental Protection Agency (referred to in this section as the “Administrator”) shall not reject or disapprove, in whole or in part, a State implementation plan addressing any regional haze regulation of the Environmental Protection Agency (including the regulations described in sections 51.308 and 51.309 of title 40, Code of Federal Regulations (or successor regulations)), if—

(1) the State—

(A) has submitted to the Administrator a State implementation plan for regional haze that considers the factors identified in section 169A of the Clean Air Act (42 U.S.C. 7491); and

(B) substantially applied the relevant laws (including regulations) in determining the final plan to be selected;

(2) the Administrator cannot demonstrate, using the best available science, that a Fed-

eral implementation plan action governing a specific emissions source or emissions unit, when compared to the State plan, will result in greater than a 1.0 deciview improvement from any new emissions control in any single class I area (as classified under section 162 of the Clean Air Act (42 U.S.C. 7472)), based on a 3-year average of the maximum 98th-percentile impact; or

(3) implementation of the Federal implementation plan, when compared to the State plan, will result in an economic cost to the State or to the private sector of greater than \$100,000,000 in any fiscal year or \$300,000,000 in the aggregate.

(b) **APPLICABILITY.**—This section applies to all State implementation plans described in subsection (a) submitted to the Administrator before, on, or after the date of enactment of this Act.

SA 40. Mr. TOOMEY (for himself, Mrs. FEINSTEIN, and Mr. FLAKE) submitted an amendment intended to be proposed by him to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . ELIMINATION OF CORN ETHANOL MANUFACTURE FOR RENEWABLE FUEL.

(a) **REMOVAL OF TABLE.**—Section 211(o)(2)(B)(i) of the Clean Air Act (42 U.S.C. 7545(o)(2)(B)(i)) is amended by striking subclause (I).

(b) **CONFORMING AMENDMENTS.**—Section 211(o)(2)(B) of the Clean Air Act (42 U.S.C. 7545(o)(2)(B)) is amended—

(1) in clause (i)—

(A) by redesignating subclauses (II) through (IV) as subclauses (I) through (III), respectively;

(B) in subclause (I) (as so redesignated), by striking “of the volume of renewable fuel required under subclause (I),”; and

(C) in subclauses (II) and (III) (as so redesignated), by striking “subclause (II)” each place it appears and inserting “subclause (I)”; and

(2) in clause (v), by striking “clause (i)(IV)” and inserting “clause (i)(III)”.

(c) **ADMINISTRATION.**—Nothing in this section or the amendments made by this section affects the volumes of advanced biofuel, cellulosic biofuel, or biomass-based diesel that are required under section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)).

SA 41. Mr. TOOMEY (for himself, Mr. CASEY, and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . STANDARDS FOR COAL REFUSE POWER PLANTS.

(a) **FINDINGS.**—Congress finds that—

(1) 19th-century mining operations left behind more than 2,000,000,000 tons of coal refuse on surface land in various coal mining regions of the United States;

(2) coal refuse piles—

(A) pose significant environmental risks;

(B) have contaminated more than 180,000 acres of land and streams; and

(C) are susceptible to fires that endanger public health and emit an estimated 9,000,000 tons of carbon dioxide each year, in addition to other uncontrolled pollutants;

(3) the Environmental Protection Agency, the Office of Surface Mining Reclamation and Enforcement, and the Department of Environmental Protection of the State of Pennsylvania recognize the significant public

health benefits of power plants that use coal refuse as fuel;

(4) since the inception of coal refuse power plants, the plants have removed 210,000,000 tons of coal refuse and restored 8,200 acres of contaminated land; and

(5) due to the unique nature of coal refuse and the power plants that use coal refuse as a fuel, those plants face distinct economic and technical obstacles to achieving compliance with regulatory standards established for traditional coal-fired power plants.

(b) DEFINITION OF COAL REFUSE.—In this section, the term “coal refuse” means any byproduct of coal mining, physical coal cleaning, or coal preparation operations that contains coal, matrix material, clay, and other organic and inorganic material.

(c) EMISSION LIMITATIONS FOR CERTAIN ELECTRIC UTILITY STEAM GENERATING UNITS.—

(1) IN GENERAL.—The general emission limitations established by the Environmental Protection Agency in the final rule entitled “Federal Implementation Plans: Interstate Transport of Fine Particulate Matter and Ozone and Correction of SIP Approvals” (76 Fed. Reg. 48208 (August 8, 2011)) (or a successor regulation) shall not apply to an electric utility steam generating unit described in paragraph (3).

(2) HYDROGEN CHLORIDE AND SULFUR DIOXIDE.—The emission limitations for hydrogen chloride and sulfur dioxide contained in table 2 of subpart UUUUU of part 63 of title 40, Code of Federal Regulations (or successor regulations), entitled “Emission Limits for Existing EGUs” shall not apply to an electric utility steam generating unit described in paragraph (3).

(3) DESCRIPTION OF ELECTRIC UTILITY STEAM GENERATING UNITS.—An electric utility steam generating unit referred to in paragraphs (1) and (2) is an electric utility steam generating unit that—

(A) is in operation as of the date of enactment of this Act;

(B) uses fluidized bed combustion technology to convert coal refuse into energy; and

(C) uses coal refuse as at least 50 percent of the annual fuel consumed, by weight, of the unit.

(d) EFFECTIVE DATE.—Notwithstanding any other provision of this Act, this section takes effect on the date of enactment of this Act.

SA 42. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . STUDY REQUIRED.

(a) IN GENERAL.—

(1) STUDY REQUIRED.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall complete a study on the possible impediments to transitioning the entire Federal fleet (as that term is defined in section 303(b)(3) of the Energy Policy Act of 1992 (42 U.S.C. 13212(b)(3)) and vehicles of the United States Postal Service to vehicles fueled by natural gas.

(2) CRITERIA.—The study required under paragraph (1) shall specifically examine—

(A) the status of refueling infrastructure;

(B) the ability of private vendors to supply adequate numbers of natural gas vehicles, including the necessary accessories; and

(C) any new maintenance requirements, including technical training for employees of the Federal Government, that the transition would require.

(b) REPORT.—On completion of the study required under subsection (a), the Comptroller General of the United States shall submit to Congress a report on the results of the study.

SA 43. Mr. HOEVEN (for himself and Mr. DONNELLY) submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE II—NORTH AMERICAN ENERGY INFRASTRUCTURE

SEC. 201. SHORT TITLE.

This title may be cited as the “North American Energy Infrastructure Act”.

SEC. 202. FINDING.

Congress finds that the United States should establish a more uniform, transparent, and modern process for the construction, connection, operation, and maintenance of oil and natural gas pipelines and electric transmission facilities for the import and export of oil and natural gas and the transmission of electricity to and from Canada and Mexico, in pursuit of a more secure and efficient North American energy market.

SEC. 203. AUTHORIZATION OF CERTAIN ENERGY INFRASTRUCTURE PROJECTS AT THE NATIONAL BOUNDARY OF THE UNITED STATES.

(a) AUTHORIZATION.—Except as provided in subsection (c) and section 207, no person may construct, connect, operate, or maintain a cross-border segment of an oil pipeline or electric transmission facility for the import or export of oil or the transmission of electricity to or from Canada or Mexico without obtaining a certificate of crossing for the construction, connection, operation, or maintenance of the cross-border segment under this section.

(b) CERTIFICATE OF CROSSING.—

(1) REQUIREMENT.—Not later than 120 days after final action is taken under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to a cross-border segment for which a request is received under this section, the relevant official identified under paragraph (2), in consultation with appropriate Federal agencies, shall issue a certificate of crossing for the cross-border segment unless the relevant official finds that the construction, connection, operation, or maintenance of the cross-border segment is not in the public interest of the United States.

(2) RELEVANT OFFICIAL.—The relevant official referred to in paragraph (1) is—

(A) the Secretary of State with respect to oil pipelines; and

(B) the Secretary of Energy with respect to electric transmission facilities.

(3) ADDITIONAL REQUIREMENT FOR ELECTRIC TRANSMISSION FACILITIES.—In the case of a request for a certificate of crossing for the construction, connection, operation, or maintenance of a cross-border segment of an electric transmission facility, the Secretary of Energy shall require, as a condition of issuing the certificate of crossing for the request under paragraph (1), that the cross-border segment of the electric transmission facility be constructed, connected, operated, or maintained consistent with all applicable policies and standards of—

(A) the Electric Reliability Organization and the applicable regional entity; and

(B) any Regional Transmission Organization or Independent System Operator with operational or functional control over the cross-border segment of the electric transmission facility.

(c) EXCLUSIONS.—This section shall not apply to any construction, connection, operation, or maintenance of a cross-border segment of an oil pipeline or electric transmission facility for the import or export of oil or the transmission of electricity to or from Canada or Mexico—

(1) if the cross-border segment is operating for such import, export, or transmission as of the date of enactment of this Act;

(2) if a permit described in section 206 for such construction, connection, operation, or maintenance has been issued;

(3) if a certificate of crossing for such construction, connection, operation, or maintenance has previously been issued under this section; or

(4) if an application for a permit described in section 206 for such construction, connection, operation, or maintenance is pending on the date of enactment of this Act, until the earlier of—

(A) the date on which such application is denied; or

(B) July 1, 2016.

(d) EFFECT OF OTHER LAWS.—

(1) APPLICATION TO PROJECTS.—Nothing in this section or section 207 shall affect the application of any other Federal statute to a project for which a certificate of crossing for the construction, connection, operation, or maintenance of a cross-border segment is sought under this section.

(2) ENERGY POLICY AND CONSERVATION ACT.—Nothing in this section or section 207 shall affect the authority of the President under section 103(a) of the Energy Policy and Conservation Act.

SEC. 204. IMPORTATION OR EXPORTATION OF NATURAL GAS TO CANADA AND MEXICO.

Section 3(c) of the Natural Gas Act (15 U.S.C. 717b(c)) is amended—

(1) by striking, “For purposes of subsection (a) of this section” and inserting the following:

“(1) IN GENERAL.—For purposes of subsection (a)”; and

(2) by adding at the end the following:

“(2) DEADLINE FOR APPROVAL OF APPLICATIONS RELATING TO CANADA AND MEXICO.—In the case of an application for the importation or exportation of natural gas to or from Canada or Mexico, the Commission shall approve the application not later than 30 days after the date of receipt of the application.”.

SEC. 205. TRANSMISSION OF ELECTRIC ENERGY TO CANADA AND MEXICO.

(a) REPEAL OF REQUIREMENT TO SECURE ORDER.—Section 202(e) of the Federal Power Act (16 U.S.C. 824a(e)) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) STATE REGULATIONS.—Section 202(f) of the Federal Power Act (16 U.S.C. 824a(f)) is amended by striking “insofar as such State regulation does not conflict with the exercise of the Commission’s powers under or relating to subsection 202(e)”.

(2) SEASONAL DIVERSITY ELECTRICITY EXCHANGE.—Section 602(b) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 824a-4(b)) is amended by striking “the Commission has conducted hearings and made the findings required under section 202(e) of the Federal Power Act” and all that follows through the period at the end and inserting “the Secretary has conducted hearings and finds that the proposed transmission facilities would not impair the sufficiency of electric supply within the United States or

would not impede or tend to impede the coordination in the public interest of facilities subject to the jurisdiction of the Secretary.”.

SEC. 206. NO PRESIDENTIAL PERMIT REQUIRED.

No Presidential permit (or similar permit) required under Executive Order No. 13337 (3 U.S.C. 301 note), Executive Order No. 11423 (3 U.S.C. 301 note), section 301 of title 3, United States Code, Executive Order No. 12038, Executive Order No. 10485, or any other Executive order shall be necessary for the construction, connection, operation, or maintenance of an oil or natural gas pipeline or electric transmission facility, or any cross-border segment thereof.

SEC. 207. MODIFICATIONS TO EXISTING PROJECTS.

No certificate of crossing under section 203, or permit described in section 206, shall be required for a modification to the construction, connection, operation, or maintenance of an oil or natural gas pipeline or electric transmission facility—

(1) that is operating for the import or export of oil or natural gas or the transmission of electricity to or from Canada or Mexico as of the date of enactment of the Act;

(2) for which a permit described in section 206 for such construction, connection, operation, or maintenance has been issued; or

(3) for which a certificate of crossing for the cross-border segment of the pipeline or facility has previously been issued under section 203.

SEC. 208. EFFECTIVE DATE; RULEMAKING DEADLINES.

(a) **EFFECTIVE DATE.**—Sections 203 through 207, and the amendments made by such sections, shall take effect on July 1, 2015.

(b) **RULEMAKING DEADLINES.**—Each relevant official described in section 203(b)(2) shall—

(1) not later than 180 days after the date of enactment of this Act, publish in the Federal Register notice of a proposed rulemaking to carry out the applicable requirements of section 203; and

(2) not later than 1 year after the date of enactment of this Act, publish in the Federal Register a final rule to carry out the applicable requirements of section 203.

SEC. 209. DEFINITIONS.

In this title—

(1) the term “cross-border segment” means the portion of an oil or natural gas pipeline or electric transmission facility that is located at the national boundary of the United States with either Canada or Mexico;

(2) the term “modification” includes a change in ownership, volume expansion, downstream or upstream interconnection, or adjustment to maintain flow (such as a reduction or increase in the number of pump or compressor stations);

(3) the term “natural gas” has the meaning given that term in section 2 of the Natural Gas Act (15 U.S.C. 717a);

(4) the term “oil” means petroleum or a petroleum product;

(5) the terms “Electric Reliability Organization” and “regional entity” have the meanings given those terms in section 215 of the Federal Power Act (16 U.S.C. 824o); and

(6) the terms “Independent System Operator” and “Regional Transmission Organization” have the meanings given those terms in section 3 of the Federal Power Act (16 U.S.C. 796).

SA 44. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN,

Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . PROTECTION OF EXISTING GRAZING RIGHTS.

(a) **IN GENERAL.**—Notwithstanding any rule or regulation of the Bureau of Land Management, within the Grand Staircase-Escalante National Monument, in areas administered by the Bureau of Land Management, any grazing of livestock that was established as of September 17, 1996, or the date that is 1 day before the designation of the Grand Staircase-Escalante National Monument in accordance with Presidential Proclamation Number 6920 (whichever is earlier), and any grazing of livestock that has been established since that date, shall be allowed to continue subject to such reasonable regulations, policies, and practices as the Secretary of the Interior considers to be necessary, on the condition that the Secretary shall allow the grazing levels to continue at current levels to the maximum extent practicable.

(b) **PERMITS.**—In carrying out subsection (a), the Secretary of the Interior may issue new permits (or renew permits) for the grazing of livestock in the areas described in subsection (a).

SA 45. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . PRIORITIZATION OF CERTAIN FEDERAL REVENUES.

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

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

“SEC. 35. DISPOSITION OF MONEY RECEIVED.

“(a) **DISPOSITION.**—

“(1) **IN GENERAL.**—All money received”;

(2) in subsection (a)—

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

“(2) **AMOUNTS TO MISCELLANEOUS RECEIPTS.**—

“(A) **IN GENERAL.**—All money received”;

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

“(3) **DEADLINES.**—Payments to States”; and

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

“(B) **PRIORITIZATION OF REVENUES.**—

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

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

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

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

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

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

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

(3) in subsection (c)(2)—

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

(B) by striking “(2) Of” and inserting the following:

“(2) **USE OF FUNDS.**—

“(A) **IN GENERAL.**—Of”; and

(C) by adding at the end the following:

“(B) **PRIORITIZATION.**—

“(i) **IN GENERAL.**—Notwithstanding any other provision of this Act, if, after the date of enactment of the Keystone XL Pipeline Act, the Secretary or Congress increases a rental rate under this Act (as in effect on the day before the date of enactment of the Keystone XL Pipeline Act), of the money deposited in the Fund under subparagraph (A)(ii), only such funds as are necessary from the amount described in clause (ii) shall be used to fulfill the staffing requirements of the agencies responsible for activities relating to—

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

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

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

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

“(I) the amounts deposited in the Fund under subparagraph (A)(ii), taking into account the increased rental rate under this Act, as described in clause (i); and

“(II) the amounts of the money deposited in the Fund under subparagraph (A)(ii), as in effect on the day before the effective date of such an increased rental rate.”.

SA 46. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

After section 2, insert the following:

SEC. ____ . STATE AUTHORITY FOR HYDRAULIC FRACTURING REGULATION.

The Mineral Leasing Act is amended—

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

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

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

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

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

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

SA 47. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

After section 2, insert the following:

SEC. ____ CATEGORICAL EXCLUSION FOR PINYON-JUNIPER TREE REMOVAL.

Notwithstanding any other provision of law, a vegetation management project by the Director of the Bureau of Land Management or the Chief of the Forest Service involving removal or treatment of any Pinyon or Juniper tree for the purpose of conserving or restoring the habitat of the greater sage-grouse or mule deer shall be eligible to be a categorical exclusion (as defined in section 1508.4 of title 40, Code of Federal Regulations (or a successor regulation)) for purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SA 48. Mrs. GILLIBRAND submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ DEFINITION OF UNDERGROUND INJECTION.

Section 1421(d)(1) of the Safe Drinking Water Act (42 U.S.C. 300h(d)(1)) is amended by striking subparagraph (B) and inserting the following:

“(B) includes the underground injection of natural gas for purposes of storage.”.

SA 49. Mr. SANDERS (for himself, Mr. TESTER, Mr. MARKEY, Ms. BALDWIN, Ms. WARREN, Mr. LEAHY, Mr. FRANKEN, Mr. UDALL, Ms. STABENOW, and Mr. MURPHY) submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ PROTECTING THE UNITED STATES POSTAL SERVICE.

(a) MORATORIUM ON CLOSING OR CONSOLIDATING POSTAL FACILITIES.—During the 2-year period beginning on the date of enactment of this Act, the United States Postal Service may not close or consolidate any processing and distribution center, processing and distribution facility, network distribution center, or other facility that is operated by the United States Postal Service, the primary function of which is to sort and process mail.

(b) MORATORIUM ON CHANGES TO SERVICE STANDARDS.—During the 2-year period beginning on the date of enactment of this Act, the United States Postal Service shall apply the service standards for first-class mail and periodicals under part 121 of title 39, Code of Federal Regulations, that were in effect on July 1, 2012.

SA 50. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ CLARIFICATION OF TAR SANDS AS CRUDE OIL FOR EXCISE TAX PURPOSES.

(a) IN GENERAL.—Paragraph (1) of section 4612(a) of the Internal Revenue Code of 1986 is amended to read as follows:

“(1) CRUDE OIL.—The term ‘crude oil’ includes—

“(A) crude oil condensates and natural gasoline; and

“(B) in the case of any calendar quarter beginning more than 60 days after the date on which the certification under subsection (g) is made, synthetic petroleum, any bitumen or bituminous mixture, any oil derived from a bitumen or bituminous mixture, and any oil derived from kerogen-bearing sources.”.

(b) TECHNICAL AMENDMENT.—Paragraph (2) of section 4612(a) of such Code is amended by adding at the end the following new sentence: “In the case of any calendar quarter beginning more than 60 days after the date on which the certification under subsection (g) is made, the preceding sentence shall be applied without regard to whether the crude oil is produced from a well.”.

(c) CERTIFICATION THAT MODIFICATION WILL NOT INCREASE PRICE OF GASOLINE.—Section 4612 of such Code is amended by adding at the end the following new subsection:

“(g) SPECIAL RULE RELATING TO DEFINITION OF CRUDE OIL.—The Secretary shall not make a certification under this subsection unless the Secretary, in consultation with the Secretary of Commerce, determines that the provisions of subparagraph (B) of subsection (a)(1) and the second sentence of subsection (a)(2) will not result in any increase in the retail price of gasoline in the United States.”.

SA 51. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE II—METAL THEFT

SEC. 201. SHORT TITLE.

This title may be cited as the “Metal Theft Prevention Act of 2015”.

SEC. 202. DEFINITIONS.

In this title—

(1) the term “critical infrastructure” has the meaning given the term in section 1016(e) of the USA PATRIOT Act (42 U.S.C. 5195c(e));

(2) the term “recycling agent” means any person engaged in the business of purchasing specified metal for reuse or recycling, without regard to whether that person is engaged in the business of recycling or otherwise processing the purchased specified metal for reuse; and

(3) the term “specified metal” means metal that—

(A)(i) is marked with the name, logo, or initials of a city, county, State, or Federal government entity, a railroad, an electric, gas, or water company, a telephone company, a cable company, a retail establishment, a beer supplier or distributor, or a public utility; or

(ii) has been altered for the purpose of removing, concealing, or obliterating a name, logo, or initials described in clause (i) through burning or cutting of wire sheathing or other means; or

(B) is part of—

(i) a street light pole or street light fixture;

(ii) a road or bridge guard rail;

(iii) a highway or street sign;

(iv) a water meter cover;

(v) a storm water grate;

(vi) unused or undamaged building construction or utility material;

(vii) a historical marker;

(viii) a grave marker or cemetery urn;

(ix) a utility access cover; or

(x) a container used to transport or store beer with a capacity of 5 gallons or more;

(C) is a wire or cable commonly used by communications and electrical utilities; or

(D) is copper, aluminum, and other metal (including any metal combined with other materials) that is valuable for recycling or reuse as raw metal, except for—

(i) aluminum cans; and

(ii) motor vehicles, the purchases of which are reported to the National Motor Vehicle Title Information System (established under section 30502 of title 49, United States Code).

SEC. 203. THEFT OF SPECIFIED METAL.

(a) OFFENSE.—It shall be unlawful to knowingly steal specified metal—

(1) being used in or affecting interstate or foreign commerce; and

(2) the theft of which is from and harms critical infrastructure.

(b) PENALTY.—Any person who commits an offense described in subsection (a) shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both.

SEC. 204. DOCUMENTATION OF OWNERSHIP OR AUTHORITY TO SELL.

(a) OFFENSES.—

(1) IN GENERAL.—Except as provided in paragraph (2), it shall be unlawful for a recycling agent to purchase specified metal described in subparagraph (A) or (B) of section 202(3), unless—

(A) the seller, at the time of the transaction, provides documentation of ownership of, or other proof of the authority of the seller to sell, the specified metal; and

(B) there is a reasonable basis to believe that the documentation or other proof of authority provided under subparagraph (A) is valid.

(2) EXCEPTION.—Paragraph (1) shall not apply to a recycling agent that is subject to a State or local law that sets forth a requirement on recycling agents to obtain documentation of ownership or proof of authority to sell specified metal before purchasing specified metal.

(3) RESPONSIBILITY OF RECYCLING AGENT.—A recycling agent is not required to independently verify the validity of the documentation or other proof of authority described in paragraph (1).

(4) PURCHASE OF STOLEN METAL.—It shall be unlawful for a recycling agent to purchase

any specified metal that the recycling agent—

(A) knows to be stolen; or

(B) should know or believe, based upon commercial experience and practice, to be stolen.

(b) CIVIL PENALTY.—A person who knowingly violates subsection (a) shall be subject to a civil penalty of not more than \$10,000 for each violation.

SEC. 205. TRANSACTION REQUIREMENTS.

(a) RECORDING REQUIREMENTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), a recycling agent shall maintain a written or electronic record of each purchase of specified metal.

(2) EXCEPTION.—Paragraph (1) shall not apply to a recycling agent that is subject to a State or local law that sets forth recording requirements that are substantially similar to the requirements described in paragraph (3) for the purchase of specified metal.

(3) CONTENTS.—A record under paragraph (1) shall include—

(A) the name and address of the recycling agent; and

(B) for each purchase of specified metal—

(i) the date of the transaction;

(ii) a description of the specified metal purchased using widely used and accepted industry terminology;

(iii) the amount paid by the recycling agent;

(iv) the name and address of the person to which the payment was made;

(v) the name of the person delivering the specified metal to the recycling agent, including a distinctive number from a Federal or State government-issued photo identification card and a description of the type of the identification; and

(vi) the license plate number and State-of-issue, make, and model, if available, of the vehicle used to deliver the specified metal to the recycling agent.

(4) REPEAT SELLERS.—A recycling agent may comply with the requirements of this subsection with respect to a purchase of specified metal from a person from which the recycling agent has previously purchased specified metal by—

(A) reference to the existing record relating to the seller; and

(B) recording any information for the transaction that is different from the record relating to the previous purchase from that person.

(5) RECORD RETENTION PERIOD.—A recycling agent shall maintain any record required under this subsection for not less than 2 years after the date of the transaction to which the record relates.

(6) CONFIDENTIALITY.—Any information collected or retained under this section may be disclosed to any Federal, State, or local law enforcement authority or as otherwise directed by a court of law.

(b) PURCHASES IN EXCESS OF \$100.—

(1) IN GENERAL.—Except as provided in paragraph (2), a recycling agent may not pay cash for a single purchase of specified metal of more than \$100. For purposes of this paragraph, more than 1 purchase in any 48-hour period from the same seller shall be considered to be a single purchase.

(2) EXCEPTION.—Paragraph (1) shall not apply to a recycling agent that is subject to a State or local law that sets forth a maximum amount for cash payments for the purchase of specified metal.

(3) PAYMENT METHOD.—

(A) OCCASIONAL SELLERS.—Except as provided in subparagraph (B), for any purchase of specified metal of more than \$100 a recycling agent shall make payment by check that—

(i) is payable to the seller; and

(ii) includes the name and address of the seller.

(B) ESTABLISHED COMMERCIAL TRANSACTIONS.—A recycling agent may make payments for a purchase of specified metal of more than \$100 from a governmental or commercial supplier of specified metal with which the recycling agent has an established commercial relationship by electronic funds transfer or other established commercial transaction payment method through a commercial bank if the recycling agent maintains a written record of the payment that identifies the seller, the amount paid, and the date of the purchase.

(c) CIVIL PENALTY.—A person who knowingly violates subsection (a) or (b) shall be subject to a civil penalty of not more than \$5,000 for each violation, except that a person who commits a minor violation shall be subject to a penalty of not more than \$1,000.

SEC. 206. ENFORCEMENT BY ATTORNEY GENERAL.

The Attorney General may bring an enforcement action in an appropriate United States district court against any person that engages in conduct that violates this title.

SEC. 207. ENFORCEMENT BY STATE ATTORNEYS GENERAL.

(a) IN GENERAL.—An attorney general or equivalent regulator of a State may bring a civil action in the name of the State, as parens patriae on behalf of natural persons residing in the State, in any district court of the United States or other competent court having jurisdiction over the defendant, to secure monetary or equitable relief for a violation of this title.

(b) NOTICE REQUIRED.—Not later than 30 days before the date on which an action under subsection (a) is filed, the attorney general or equivalent regulator of the State involved shall provide to the Attorney General—

(1) written notice of the action; and

(2) a copy of the complaint for the action.

(c) ATTORNEY GENERAL ACTION.—Upon receiving notice under subsection (b), the Attorney General shall have the right—

(1) to intervene in the action;

(2) upon so intervening, to be heard on all matters arising therein;

(3) to remove the action to an appropriate district court of the United States; and

(4) to file petitions for appeal.

(d) PENDING FEDERAL PROCEEDINGS.—If a civil action has been instituted by the Attorney General for a violation of this title, no State may, during the pendency of the action instituted by the Attorney General, institute a civil action under this title against any defendant named in the complaint in the civil action for any violation alleged in the complaint.

(e) CONSTRUCTION.—For purposes of bringing a civil action under subsection (a), nothing in this section regarding notification shall be construed to prevent the attorney general or equivalent regulator of the State from exercising any powers conferred under the laws of that State to—

(1) conduct investigations;

(2) administer oaths or affirmations; or

(3) compel the attendance of witnesses or the production of documentary and other evidence.

SEC. 208. DIRECTIVE TO SENTENCING COMMISSION.

(a) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission, shall review and, if appropriate, amend the Federal Sentencing Guidelines and policy statements applicable to a person convicted of a criminal violation of section 203 of this Act or any other Federal criminal law based

on the theft of specified metal by such person.

(b) CONSIDERATIONS.—In carrying out this section, the Sentencing Commission shall—

(1) ensure that the sentencing guidelines and policy statements reflect the—

(A) serious nature of the theft of specified metal; and

(B) need for an effective deterrent and appropriate punishment to prevent such theft;

(2) consider the extent to which the guidelines and policy statements appropriately account for—

(A) the potential and actual harm to the public from the offense, including any damage to critical infrastructure;

(B) the amount of loss, or the costs associated with replacement or repair, attributable to the offense;

(C) the level of sophistication and planning involved in the offense; and

(D) whether the offense was intended to or had the effect of creating a threat to public health or safety, injury to another person, or death;

(3) account for any additional aggravating or mitigating circumstances that may justify exceptions to the generally applicable sentencing ranges;

(4) assure reasonable consistency with other relevant directives and with other sentencing guidelines and policy statements; and

(5) assure that the sentencing guidelines and policy statements adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

SEC. 209. STATE AND LOCAL LAW NOT PREEMPTED.

Nothing in this title shall be construed to preempt any State or local law regulating the sale or purchase of specified metal, the reporting of such transactions, or any other aspect of the metal recycling industry.

SEC. 210. EFFECTIVE DATE.

This title shall take effect 180 days after the date of enactment of this Act.

SA 52. Ms. KLOBUCHAR (for herself and Mr. HOEVEN) submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ENERGY EFFICIENCY RETROFIT PILOT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) APPLICANT.—The term “applicant” means a nonprofit organization that applies for a grant under this section.

(2) ENERGY-EFFICIENCY IMPROVEMENT.—

(A) IN GENERAL.—The term “energy-efficiency improvement” means an installed measure (including a product, equipment, system, service, or practice) that results in a reduction in use by a nonprofit organization for energy or fuel supplied from outside the nonprofit building.

(B) INCLUSIONS.—The term “energy-efficiency improvement” includes an installed measure described in subparagraph (A) involving—

(i) repairing, replacing, or installing—

(I) a roof or lighting system, or component of a roof or lighting system;

(II) a window;

(III) a door, including a security door; or

(IV) a heating, ventilation, or air conditioning system or component of the system

(including insulation and wiring and plumbing improvements needed to serve a more efficient system);

(ii) a renewable energy generation or heating system, including a solar, photovoltaic, wind, geothermal, or biomass (including wood pellet) system or component of the system; and

(iii) any other measure taken to modernize, renovate, or repair a nonprofit building to make the nonprofit building more energy efficient.

(3) NONPROFIT BUILDING.—

(A) **IN GENERAL.**—The term “nonprofit building” means a building operated and owned by a nonprofit organization.

(B) **INCLUSIONS.**—The term “nonprofit building” includes a building described in subparagraph (A) that is—

- (i) a hospital;
- (ii) a youth center;
- (iii) a school;
- (iv) a social-welfare program facility;
- (v) a faith-based organization; and
- (vi) any other nonresidential and non-commercial structure.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of Energy.

(b) **ESTABLISHMENT.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish a pilot program to award grants for the purpose of retrofitting nonprofit buildings with energy-efficiency improvements.

(c) GRANTS.—

(1) **IN GENERAL.**—The Secretary may award grants under the program established under subsection (b).

(2) **APPLICATION.**—The Secretary may award a grant under this section if an applicant submits to the Secretary an application at such time, in such form, and containing such information as the Secretary may prescribe.

(3) **CRITERIA FOR GRANT.**—In determining whether to award a grant under this section, the Secretary shall apply performance-based criteria, which shall give priority to applications based on—

- (A) the energy savings achieved;
- (B) the cost-effectiveness of the energy-efficiency improvement;
- (C) an effective plan for evaluation, measurement, and verification of energy savings;
- (D) the financial need of the applicant; and
- (E) the percentage of the matching contribution by the applicant.

(4) **LIMITATION ON INDIVIDUAL GRANT AMOUNT.**—Each grant awarded under this section shall not exceed—

- (A) an amount equal to 50 percent of the energy-efficiency improvement; and
- (B) \$200,000.

(5) COST SHARING.—

(A) **IN GENERAL.**—A grant awarded under this section shall be subject to a minimum non-Federal cost-sharing requirement of 50 percent.

(B) **IN-KIND CONTRIBUTIONS.**—The non-Federal share may be provided in the form of in-kind contributions of materials or services.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$10,000,000 for each of fiscal years 2016 through 2020, to remain available until expended.

(e) **OFFSET.**—Section 942(f) of the Energy Policy Act of 2005 (42 U.S.C. 16251(f)) is amended by striking “\$250,000,000” and inserting “\$200,000,000”.

SA 53. Mr. WARNER (for himself and Mr. ALEXANDER) submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr.

FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ QUADRENNIAL ENERGY REVIEW.

(a) **FINDINGS.**—Congress finds that—

(1) the President’s Council of Advisors on Science and Technology recommends that the United States develop a Governmentwide Federal energy policy and update the policy regularly with strategic Quadrennial Energy Reviews similar to the reviews conducted by the Department of Defense;

(2) as the lead agency in support of energy science and technology innovation, the Department of Energy has conducted a Quadrennial Technology Review of the energy technology policies and programs of the Department;

(3) the Quadrennial Technology Review of the Department of Energy serves as the basis for coordination with other agencies and on other programs for which the Department has a key role;

(4) a Quadrennial Energy Review would—

(A) establish integrated, Governmentwide national energy objectives in the context of economic, environmental, and security priorities;

(B) coordinate actions across Federal agencies;

(C) identify the resources needed for the invention, adoption, and diffusion of energy technologies; and

(D) provide a strong analytical base for Federal energy policy decisions;

(5) a Quadrennial Energy Review should be established taking into account estimated Federal budgetary resources;

(6) the development of an energy policy resulting from a Quadrennial Energy Review would—

(A) enhance the energy security of the United States;

(B) create jobs; and

(C) mitigate environmental harm; and

(7) while a Quadrennial Energy Review will be a product of the executive branch, the review will have substantial input from—

(A) Congress;

(B) the energy industry;

(C) academia;

(D) nongovernmental organizations; and

(E) the public.

(b) **QUADRENNIAL ENERGY REVIEW.—**

(1) **IN GENERAL.**—Section 801 of the Department of Energy Organization Act (42 U.S.C. 7321) is amended to read as follows:

“SEC. 801. QUADRENNIAL ENERGY REVIEW.

“(a) DEFINITIONS.—In this section:

“(1) DIRECTOR.—The term ‘Director’ means the Director of the Office of Science and Technology Policy within the Executive Office of the President.

“(2) FEDERAL LABORATORY.—

“(A) IN GENERAL.—The term ‘Federal Laboratory’ has the meaning given the term ‘laboratory’ in section 12(d) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)).

“(B) INCLUSION.—The term ‘Federal Laboratory’ includes a federally funded research and development center sponsored by a Federal agency.

“(3) INTERAGENCY ENERGY COORDINATION COUNCIL.—The term ‘interagency energy coordination council’ means a council established under subsection (b)(1).

“(4) QUADRENNIAL ENERGY REVIEW.—The term ‘Quadrennial Energy Review’ means a comprehensive multiyear review, coordinated across Federal agencies, that—

“(A) focuses on energy programs and technologies;

“(B) establishes energy objectives across the Federal Government; and

“(C) covers each of the areas described in subsection (d)(2).

“(b) INTERAGENCY ENERGY COORDINATION COUNCIL.—

“(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of the Keystone XL Pipeline Approval Act, and every 4 years thereafter, the President shall establish an interagency energy coordination council to coordinate the Quadrennial Energy Review.

“(2) CO-CHAIRPERSONS.—The appropriate senior Federal Government official designated by the President and the Director shall be co-chairpersons of the interagency energy coordination council.

“(3) MEMBERSHIP.—The interagency energy coordination council shall be comprised of representatives at level I or II of the Executive Schedule of—

“(A) the Department of Energy;

“(B) the Department of Commerce;

“(C) the Department of Defense;

“(D) the Department of State;

“(E) the Department of the Interior;

“(F) the Department of Agriculture;

“(G) the Department of the Treasury;

“(H) the Department of Transportation;

“(I) the Office of Management and Budget;

“(J) the National Science Foundation;

“(K) the Environmental Protection Agency; and

“(L) such other Federal organizations, departments, and agencies that the President considers to be appropriate.

“(c) CONDUCT OF REVIEW.—Each Quadrennial Energy Review shall be conducted to provide an integrated view of important national energy objectives and Federal energy policy, including the maximum practicable alignment of research programs, incentives, regulations, and partnerships.

“(d) SUBMISSION OF QUADRENNIAL ENERGY REVIEW TO CONGRESS.—

“(1) IN GENERAL.—Not later than August 1, 2016, and every 4 years thereafter, the President shall publish and submit to Congress a report on the Quadrennial Energy Review.

“(2) INCLUSIONS.—The report described in paragraph (1) should include, as appropriate—

“(A) an integrated view of short-, intermediate-, and long-term objectives for Federal energy policy in the context of economic, environmental, and security priorities;

“(B) anticipated Federal actions (including programmatic, regulatory, and fiscal actions) and resource requirements—

“(i) to achieve the objectives described in subparagraph (A); and

“(ii) to be coordinated across multiple agencies;

“(C) an analysis of the prospective roles of parties (including academia, industry, consumers, the public, and Federal agencies) in achieving the objectives described in subparagraph (A), including—

“(i) an analysis, by energy use sector, including—

“(I) commercial and residential buildings;

“(II) the industrial sector;

“(III) transportation; and

“(IV) electric power;

“(ii) requirements for invention, adoption, development, and diffusion of energy technologies that are mapped onto each of the energy use sectors; and

“(iii) other research that inform strategies to incentivize desired actions;

“(D) an assessment of policy options to increase domestic energy supplies and energy efficiency;

“(E) an evaluation of energy storage, transmission, and distribution requirements, including requirements for renewable energy;

“(F) an integrated plan for the involvement of the Federal Laboratories in energy programs;

“(G) portfolio assessments that describe the optimal deployment of resources, including prioritizing financial resources for energy programs;

“(H) a mapping of the linkages among basic research and applied programs, demonstration programs, and other innovation mechanisms across the Federal agencies;

“(I) an identification of, and projections for, demonstration projects, including timeframes, milestones, sources of funding, and management;

“(J) an identification of public and private funding needs for various energy technologies, systems, and infrastructure, including consideration of public-private partnerships, loans, and loan guarantees;

“(K) an assessment of global competitors and an identification of programs that can be enhanced with international cooperation;

“(L) an identification of policy gaps that need to be filled to accelerate the adoption and diffusion of energy technologies, including consideration of—

“(i) Federal tax policies; and

“(ii) the role of Federal agencies as early adopters and purchasers of new energy technologies;

“(M) a priority list for implementation of objectives and actions taking into account estimated Federal budgetary resources;

“(N) an analysis of—

“(i) points of maximum leverage for policy intervention to achieve outcomes; and

“(ii) areas of energy policy that can be most effective in meeting national goals for the energy sector; and

“(O) recommendations for executive branch organization changes to facilitate the development and implementation of Federal energy policies.

“(e) INTERIM REPORTS.—The President may prepare and publish interim reports as part of the Quadrennial Energy Review.

“(f) EXECUTIVE SECRETARIAT.—

“(1) IN GENERAL.—The Secretary of Energy shall provide the Quadrennial Energy Review with an Executive Secretariat who shall make available the necessary analytical, financial, and administrative support for the conduct of each Quadrennial Energy Review required under this section.

“(2) COOPERATION.—The heads of applicable Federal agencies shall cooperate with the Secretary and provide such assistance, information, and resources as the Secretary may require to assist in carrying out this section.”.

(2) ADMINISTRATION.—Nothing in this section or an amendment made by this section supersedes, modifies, amends, or repeals any provision of Federal law not expressly superseded, modified, amended, or repealed by this section.

SA 54. Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . ENSURING PERMANENT EXTENSION OF THE WIND PRODUCTION TAX CREDIT.

This Act shall not take effect prior to the date that, pursuant to an Act of Congress, the credit allowed under section 45 of the Internal Revenue Code of 1986 is permanently extended for facilities described in subsection (d)(1) of such section.

SA 55. Mr. PETERS (for himself and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . STUDY OF BY-PRODUCT ENVIRONMENTAL IMPACT.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall complete and make publicly available on the Internet a study assessing the potential environmental impact of by-products generated from the refining of oil transported through the pipeline referred to in section (2)(a), including petroleum coke.

(b) REPORT.—On completion of the study required under subsection (a), the Administrator of the Environmental Protection Agency shall submit to Congress a report on the results of the study, including a summary of best practices for the transportation, storage, and handling of petroleum coke.

SA 56. Mr. TESTER (for himself and Mr. DAINES) submitted an amendment intended to be proposed by him to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

On page 3, between lines 19 and 20, insert the following:

SEC. ____ . PROHIBITION ON PROPOSED POWDER RIVER 3 LOW MILITARY OPERATIONS AREA.

The Secretary of the Air Force may not approve the proposed Powder River 3 Low Military Operations Area (MOA), described in the final environmental impact statement for the Powder River Training Complex as “500 feet altitude above ground level (AGL) up to, but not including, 12,000 feet MSL” in the Powder River 3 section of the Powder River Training Complex.

NOTICE: REGISTRATION OF MASS MAILINGS

The filing date for the 2014 fourth quarter Mass Mailing report is Monday, January 26, 2015. If your office did no mass mailings during this period, please submit a form that states “none.”

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510-7116.

The Senate Office of Public Records will be open from 9 a.m. to 6 p.m. on the filing date to accept these filings.

For further information, please contact the Senate Office of Public Records at (202) 224-0322.

AUTHORIZING SENATE LEGAL COUNSEL

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 27, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 27) to authorize testimony and representation in United States of America v. Jeffrey A. Sterling.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, this resolution concerns a request for testimony in a criminal case under way in the United States District Court for the Eastern District of Virginia. In this case, a former CIA officer has been charged with unlawfully disclosing classified information. In 2010, the Senate agreed to S. Res. 600, in the 111th Congress, which authorized the Senate Select Committee on Intelligence to provide evidence in the investigation that preceded this indictment.

In addition to Senate Intelligence Committee staff, testimony as a fact witness has been requested from a former employee of the Senate Judiciary Committee. The chairman and ranking minority member of the Judiciary Committee would like to cooperate with the request for testimony in this case.

Accordingly, this resolution would authorize the former Judiciary Committee employee to testify at trial with representation by the Senate Legal Counsel.

Mr. MCCONNELL. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 27) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under “Submitted Resolutions.”)

MEASURE READ THE FIRST TIME—H.R. 240

Mr. MCCONNELL. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The bill clerk read as follows:

A bill (H.R. 240) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2015, and for other purposes.

Mr. MCCONNELL. I now ask for a second reading and, in order to place