

SA 3160. Mr. BOOKER (for himself, Ms. MURKOWSKI, Mr. MENENDEZ, and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3161. Mr. BOOKER submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3162. Mr. UDALL (for himself, Mr. PORTMAN, Mrs. BOXER, Mr. ALEXANDER, Mr. WYDEN, and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3163. Mrs. FISCHER (for herself, Mr. BOOKER, Mr. DAINES, and Mr. PETERS) submitted an amendment intended to be proposed by her to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3164. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3165. Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3166. Mrs. SHAHEEN (for herself and Mr. MARKEY) submitted an amendment intended to be proposed by her to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3167. Mr. BOOKER submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3168. Mr. PORTMAN (for himself, Ms. CANTWELL, Mrs. SHAHEEN, Mr. MCCONNELL, and Mr. DONNELLY) submitted an amendment intended to be proposed by him to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3169. Mr. SULLIVAN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3170. Mr. SULLIVAN (for himself, Mrs. CAPITO, and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3171. Ms. HEITKAMP submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3172. Ms. HEITKAMP (for herself and Mr. FRANKEN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3173. Ms. HEITKAMP (for herself and Mr. BOOKER) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3174. Ms. HEITKAMP (for herself, Mrs. CAPITO, Mr. BOOKER, Mr. WHITEHOUSE, Mr. TESTER, Mr. MANCHIN, Mr. BLUNT, and Mr. FRANKEN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3175. Mr. BURR (for himself and Mr. TILLIS) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3176. Mr. SCHATZ (for himself and Mr. WHITEHOUSE) submitted an amendment in-

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

SA 3177. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3178. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3179. Ms. KLOBUCHAR (for herself, Mr. HOEVEN, and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3180. Ms. KLOBUCHAR (for herself and Mr. GRAHAM) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3181. Ms. HEITKAMP (for herself and Mrs. CAPITO) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3182. Mr. ROUNDS submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3183. Ms. HIRONO submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3143. Mr. CARPER (for himself and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part III of subtitle D of title I, add the following:

SEC. 131. REAUTHORIZATION OF DIESEL EMISSIONS REDUCTION PROGRAM.

Section 797(a) of the Energy Policy Act of 2005 (42 U.S.C. 16137(a)) is amended by striking “2016” and inserting “2021”.

SA 3144. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 168, between lines 20 and 21, insert the following:

(d) **DRAWDOWN AND SALE OF REFINED PETROLEUM PRODUCTS.—**

(1) **DEFINITION OF SEVERE ENERGY SUPPLY INTERRUPTION.—**Section 3(8) of the Energy Policy and Conservation Act (42 U.S.C. 6202(8)) is amended by striking “or (iii)” and inserting “(iii) an interruption of the worldwide supply of crude petroleum that is likely to cause a severe increase in the price of domestic petroleum products, or (iv)”.

(2) **DRAWDOWN AND SALE OF PETROLEUM PRODUCTS.—**Section 161 of the Energy Policy

and Conservation Act (42 U.S.C. 6241) is amended by adding at the end the following:

“(k) **DRAWDOWN AND SALE OF REFINED PETROLEUM PRODUCTS.—**

“(1) **IN GENERAL.—**The Secretary may draw down and sell refined petroleum products in accordance with this subsection if the President finds that—

“(A) a circumstance exists that constitutes, or is likely to become, a regional severe energy supply interruption of significant scope or duration; and

“(B) action taken under this subsection would assist directly and significantly in preventing or reducing the adverse impact of the shortage.

“(2) **REFINED PETROLEUM PRODUCTS.—**Refined petroleum products covered by this subsection include all petroleum products other than crude oil held by the Secretary as part of—

“(A) the Strategic Petroleum Reserve established by section 154; or

“(B) the Northeast Home Heating Oil Reserve established under section 181.

“(3) **SALES.—**Sales of refined petroleum products under this subsection—

“(A) shall be made at public sale to the highest qualified bidder; but

“(B) do not need not comply with the requirements of subsection (e)(1) or section 183.”.

SA 3145. Mr. CARPER (for himself and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

Subtitle I—Thermal Energy

SEC. 3801. MODIFYING THE DEFINITION OF RENEWABLE ENERGY TO INCLUDE THERMAL ENERGY.

(a) **IN GENERAL.—**Section 203 of the Energy Policy Act of 2005 (42 U.S.C. 15852) (as amended by section 3001(b)) is amended—

(1) in subsection (a), by inserting “a number equivalent to” before “the total amount of electric energy”;

(2) in subsection (b)—

(A) by redesignating paragraph (2) as paragraph (3);

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

“(2) **QUALIFIED WASTE HEAT RESOURCE.—**The term ‘qualified waste heat resource’ means—

“(A) exhaust heat or flared gas from any industrial process;

“(B) waste gas or industrial tail gas that would otherwise be flared, incinerated, or vented;

“(C) a pressure drop in any gas for an industrial or commercial process; or

“(D) such other forms of waste heat as the Secretary determines appropriate.”; and

(C) in paragraph (3) (as redesignated by subparagraph (A))—

(i) by striking “produced from” and inserting “produced or, if resulting from a thermal energy project placed in service after December 31, 2014, thermal energy generated from, or avoided by.”; and

(ii) by inserting “qualified waste heat resource,” after “municipal solid waste.”; and

(3) in subsection (c)—

(A) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively, and indenting appropriately;

(B) in the matter preceding subparagraph (A) (as so redesignated), by striking “For purposes” and inserting the following:

“(1) **IN GENERAL.—**For purposes”; and

(C) by adding at the end the following:

“(2) SEPARATE CALCULATION.—

“(A) IN GENERAL.—For purposes of determining compliance with the requirements of this section, any energy consumption that is avoided through the use of renewable energy shall be considered to be renewable energy produced.

“(B) DENIAL OF DOUBLE BENEFIT.—Avoided energy consumption that is considered to be renewable energy produced under subparagraph (A) shall not also be counted for purposes of achieving compliance with another Federal energy efficiency goal.”.

(b) CONFORMING AMENDMENT.—Section 2410q(a) of title 10, United States Code, is amended by striking “section 203(b)(2) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)(2))” and inserting “section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b))”.

SA 3146. Mr. BARRASSO (for himself and Mr. SCHATZ) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE —BUREAU OF RECLAMATION

SEC. 01. SHORT TITLE.

This title may be cited as the “Bureau of Reclamation Transparency Act”.

SEC. 02. FINDINGS.

Congress finds that—

(1) the water resources infrastructure of the Bureau of Reclamation provides important benefits related to irrigated agriculture, municipal and industrial water, hydropower, flood control, fish and wildlife, and recreation in the 17 Reclamation States;

(2) as of 2013, the combined replacement value of the infrastructure assets of the Bureau of Reclamation was \$94,500,000,000;

(3) the majority of the water resources infrastructure facilities of the Bureau of Reclamation are at least 60 years old;

(4) the Bureau of Reclamation has previously undertaken efforts to better manage the assets of the Bureau of Reclamation, including an annual review of asset maintenance activities of the Bureau of Reclamation known as the “Asset Management Plan”; and

(5) actionable information on infrastructure conditions at the asset level, including information on maintenance needs at individual assets due to aging infrastructure, is needed for Congress to conduct oversight of Reclamation facilities and meet the needs of the public.

SEC. 03. DEFINITIONS.

In this title:

(1) ASSET.—

(A) IN GENERAL.—The term “asset” means any of the following assets that are used to achieve the mission of the Bureau of Reclamation to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the people of the United States:

(i) Capitalized facilities, buildings, structures, project features, power production equipment, recreation facilities, or quarters.

(ii) Capitalized and noncapitalized heavy equipment and other installed equipment.

(B) INCLUSIONS.—The term “asset” includes assets described in subparagraph (A) that are considered to be mission critical.

(2) ASSET MANAGEMENT REPORT.—The term “Asset Management Report” means—

(A) the annual plan prepared by the Bureau of Reclamation known as the “Asset Management Plan”; and

(B) any publicly available information relating to the plan described in subparagraph (A) that summarizes the efforts of the Bureau of Reclamation to evaluate and manage infrastructure assets of the Bureau of Reclamation.

(3) MAJOR REPAIR AND REHABILITATION NEED.—The term “major repair and rehabilitation need” means major nonrecurring maintenance at a Reclamation facility, including maintenance related to the safety of dams, extraordinary maintenance of dams, deferred major maintenance activities, and all other significant repairs and extraordinary maintenance.

(4) RECLAMATION FACILITY.—The term “Reclamation facility” means each of the infrastructure assets that are owned by the Bureau of Reclamation at a Reclamation project.

(5) RECLAMATION PROJECT.—The term “Reclamation project” means a project that is owned by the Bureau of Reclamation, including all reserved works and transferred works owned by the Bureau of Reclamation.

(6) RESERVED WORKS.—The term “reserved works” means buildings, structures, facilities, or equipment that are owned by the Bureau of Reclamation for which operations and maintenance are performed by employees of the Bureau of Reclamation or through a contract entered into by the Bureau of Reclamation, regardless of the source of funding for the operations and maintenance.

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

(8) TRANSFERRED WORKS.—The term “transferred works” means a Reclamation facility at which operations and maintenance of the facility is carried out by a non-Federal entity under the provisions of a formal operations and maintenance transfer contract or other legal agreement with the Bureau of Reclamation.

SEC. 04. ASSET MANAGEMENT REPORT ENHANCEMENTS FOR RESERVED WORKS.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress an Asset Management Report that—

(1) describes the efforts of the Bureau of Reclamation—

(A) to maintain in a reliable manner all reserved works at Reclamation facilities; and

(B) to standardize and streamline data reporting and processes across regions and areas for the purpose of maintaining reserved works at Reclamation facilities; and

(2) expands on the information otherwise provided in an Asset Management Report, in accordance with subsection (b).

(b) INFRASTRUCTURE MAINTENANCE NEEDS ASSESSMENT.—

(1) IN GENERAL.—The Asset Management Report submitted under subsection (a) shall include—

(A) a detailed assessment of major repair and rehabilitation needs for all reserved works at all Reclamation projects; and

(B) to the extent practicable, an itemized list of major repair and rehabilitation needs of individual Reclamation facilities at each Reclamation project.

(2) INCLUSIONS.—To the extent practicable, the itemized list of major repair and rehabilitation needs under paragraph (1)(B) shall include—

(A) a budget level cost estimate of the appropriations needed to complete each item; and

(B) an assignment of a categorical rating for each item, consistent with paragraph (3).

(3) RATING REQUIREMENTS.—

(A) IN GENERAL.—The system for assigning ratings under paragraph (2)(B) shall be—

(i) consistent with existing uniform categorization systems to inform the annual budget process and agency requirements; and

(ii) subject to the guidance and instructions issued under subparagraph (B).

(B) GUIDANCE.—As soon as practicable after the date of enactment of this Act, the Secretary shall issue guidance that describes the applicability of the rating system applicable under paragraph (2)(B) to Reclamation facilities.

(4) PUBLIC AVAILABILITY.—Except as provided in paragraph (5), the Secretary shall make publicly available, including on the Internet, the Asset Management Report required under subsection (a).

(5) CONFIDENTIALITY.—The Secretary may exclude from the public version of the Asset Management Report made available under paragraph (4) any information that the Secretary identifies as sensitive or classified, but shall make available to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a version of the report containing the sensitive or classified information.

(c) UPDATES.—Not later than 2 years after the date on which the Asset Management Report is submitted under subsection (a) and biennially thereafter, the Secretary shall update the Asset Management Report, subject to the requirements of section 05(b)(2).

(d) CONSULTATION.—To the extent that such consultation would assist the Secretary in preparing the Asset Management Report under subsection (a) and updates to the Asset Management Report under subsection (c), the Secretary shall consult with—

(1) the Secretary of the Army (acting through the Chief of Engineers); and

(2) water and power contractors.

SEC. 05. ASSET MANAGEMENT REPORT ENHANCEMENTS FOR TRANSFERRED WORKS.

(a) IN GENERAL.—The Secretary shall coordinate with the non-Federal entities responsible for the operation and maintenance of transferred works in developing reporting requirements for Asset Management Reports with respect to major repair and rehabilitation needs for transferred works that are similar to the reporting requirements described in section 04(b).

(b) GUIDANCE.—

(1) IN GENERAL.—After considering input from water and power contractors of the Bureau of Reclamation, the Secretary shall develop and implement a rating system for transferred works that incorporates, to the maximum extent practicable, the rating system for major repair and rehabilitation needs for reserved works developed under section 04(b)(3).

(2) UPDATES.—The ratings system developed under paragraph (1) shall be included in the updated Asset Management Reports under section 04(c).

SEC. 06. OFFSET.

Notwithstanding any other provision of law, in the case of the project authorized by section 1617 of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h–12c), the maximum amount of the Federal share of the cost of the project under section 1631(d)(1) of that Act (43 U.S.C. 390h–13(d)(1)) otherwise available as of the date of enactment of this Act shall be reduced by \$2,000,000.

SA 3147. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and

for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 23. RECOGNITION OF STATE OR LOCAL DETERMINATIONS.

Section 210(m) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 824a-3(m)) is amended—

(1) by redesignating paragraphs (3), (4), (5), (6), and (7) as paragraphs (4), (5), (6), (7), and (8), respectively;

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

“(3) STATE OR LOCAL DETERMINATION.—

“(A) IN GENERAL.—After the date of enactment of the Energy Policy Modernization Act of 2016, no electric utility shall be required to enter into a new contract or legally enforceable obligation to purchase electric energy from a qualifying small power production facility that produces electric energy solely by the use, as a primary energy source, of a resource other than waste and water, under this section if the State regulatory agency (with respect to each electric utility for which the State regulatory authority has ratemaking authority) or the nonregulated electric utility has determined that the electric utility has no need to acquire additional generation resources in order to meet the obligation of the electric utility to serve customers in the public interest.

“(B) REASSESSMENT.—Not later than 3 years after the date of a determination under subparagraph (A) and every 3 years thereafter, the State regulatory agency (with respect to each electric utility for which the State regulatory authority has ratemaking authority) or the nonregulated electric utility shall reassess the determination under that subparagraph.”;

(3) in paragraph (4) (as so redesignated)—

(A) in the second sentence, by striking “of this subsection”; and

(B) by inserting “or in paragraph (3)” after “paragraph (1)” each place it appears; and

(4) in paragraph (5) (as so redesignated)—

(A) in the first sentence, by striking “paragraph (3)” and inserting “paragraph (4)”;

(B) in the second sentence, by striking “of this subsection”; and

(C) by inserting “or in paragraph (3)” after “paragraph (1)” each place it appears.

SA 3148. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . . . PRESIDENT'S CLIMATE ACTION PLAN.

The Federal Government shall not take any action pursuant to the President's Climate Action Plan (published in June 2013), including implementation of the final rule entitled “Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units” (80 Fed. Reg. 64662 (October 23, 2015)), that would reduce electric grid reliability, which would—

(1) unnecessarily endanger the health and welfare of senior citizens in the United States; and

(2) result in increased electricity prices that disproportionately impact low-income and fixed-income households, minority communities, minority-owned and women-owned businesses, manufacturers, and rural communities.

SA 3149. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 31. REPORT REQUIREMENT FOR FEDERAL ONSHORE OIL AND GAS.

(a) IN GENERAL.—The Secretary of the Interior may not alter royalties for Federal onshore oil and gas development without first—

(1) submitting a report to Congress—

(A) demonstrating that the proposed action would not result in a net loss in jobs to the affected communities where the Federal onshore oil and gas development occurs;

(B) detailing any potential economic impacts the action would have on rural economies; and

(C) containing an independent analysis of the direct and indirect impact of the action on small businesses impacted by a change in royalty structure; and

(2) giving the appropriate committees of Congress not fewer than 90 days to review the report submitted under paragraph (1).

(b) REQUIREMENTS FOR REPORT.—The report submitted under subsection (a) shall include information describing the impact the action will have on—

(1) net revenue to the Treasury of the United States and to the States, taking into consideration the effect the new royalty will have on the net loss in jobs in affected communities where the Federal onshore oil and gas development occurs;

(2) rural economies, specifically areas dependent on the Federal onshore oil and gas development; and

(3) domestic energy production and energy independence.

SA 3150. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 31. ONLINE AUCTIONS AUTHORIZED.

Section 36 of the Mineral Leasing Act (30 U.S.C. 192) is amended by adding before the period at the end the following: “*And provided further*, that in the event of a protest activity or other unforeseen event causing a disruption to a sale under this section, the Secretary of the Interior, as expeditiously as practicable and in any case during the same quarter as the originally announced sale, shall hold the sale through an Internet-based lease sale in accordance with section 17(b)(1)(C)”.

SA 3151. Mr. BURR submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 30. EXTENSION OF DEADLINE FOR HYDROELECTRIC PROJECT.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal

Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 12642, the Commission may, at the request of the licensee for the project, and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the procedures of the Commission under that section, extend the time period during which the licensee is required to commence the construction of the project for up to 3 consecutive 2-year periods from the date of the expiration of the extension originally issued by the Commission.

(b) REINSTATEMENT OF EXPIRED LICENSE.—If the period required for commencement of construction of the project described in subsection (a) has expired prior to the date of enactment of this Act—

(1) the Federal Energy Regulatory Commission shall reinstate the license effective as of the date of the expiration of the license; and

(2) the first extension authorized under subsection (a) shall take effect on that expiration date.

SA 3152. Mr. BOOZMAN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . . . DEPARTMENT OF ENERGY INSPECTOR GENERAL EXTENDED VACANCY PREVENTION.

If the Council of the Inspectors General on Integrity and Efficiency (referred to in this section as the “Council”) determines that a vacancy exists at the position of Inspector General of the Office of Inspector General at the Department and the President has not nominated an Inspector General to fill that vacancy by the end of the 210-day period beginning on the date the vacancy began, notwithstanding any other provision of law, there shall be transferred from the salaries and expenses account of the White House to the Office of Inspector General account of the Department \$20,000 for each month during which the Council determines that the President has not nominated an Inspector General to fill that vacancy, to continue on a monthly basis until the President has made the nomination.

SA 3153. Mr. VITTER (for himself and Mr. CASSIDY) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 44. GAO INVESTIGATION OF BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT ACTIONS RELATING TO THE SEIZURE OF HELICOPTER FUEL.

(a) INVESTIGATION.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall conduct an investigation of actions taken by employees of the Bureau of Safety and Environmental Enforcement (referred to in this section as the “Bureau”) regarding the demand for, or seizure of, without permission and with or without offering to provide compensation in exchange for, privately

owned helicopter fuel from lessees, permit holders, or operators of federally leased offshore facilities, independent contractors, or third-party vendors.

(2) PURPOSES.—The purposes of the investigation conducted under paragraph (1) shall be to determine—

(A)(i) whether the Bureau has the explicit authority under law (including regulations consistent with the statutory authority of the Bureau) to demand or seize, whether for valid inspections or operational convenience, privately owned helicopter fuel from lessees, permit holders, or operators of federally leased offshore facilities, independent contractors, or third-party vendors, even in cases in which the Bureau offers compensation for the fuel demanded or seized; and

(ii) if the Comptroller General of the United States determines that the Bureau has the authority described in clause (i), whether—

(I) the Bureau may demand or seize the helicopter fuel at any time and for any purpose; or

(II) the authority under that clause is subject to conditions or limitations;

(B) whether an independent helicopter service provider not under agreement with the Bureau or a contracted helicopter service provider of the Bureau qualifies as “a designated operator or agent of the lessee(s), a pipeline right-of-way holder, or a State lessee granted a right-of-use and easement” under section 250.105 of title 30, Code of Federal Regulations (as in effect on the date of enactment of this Act);

(C) whether the Bureau is or has been conducting random, unscheduled inspections at any facility of a lessee or permit holder of the Bureau—

(i) to allow the Bureau to take helicopter fuel at the facility for the convenience of the Bureau; and

(ii) to justify the taking of helicopter fuel in connection with an inspection that otherwise would not have occurred; and

(D) whether employees of the Bureau, by demanding or seizing, or directing participation of third parties in the demand for or seizure of, helicopter fuel, through intimidation, coercion, or other means, directly or indirectly, without the consent of the private owner of the fuel, would be—

(i) subject to civil liability under section 2680(h) of title 28, United States Code; or

(ii) subject to civil or criminal liability under any other law.

(b) REPORT.—On completion of the investigation under subsection (a), the Comptroller General of the United States shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes the results of the investigation under that subsection.

SA 3154. Mr. HEINRICH (for himself and Mr. UDALL) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

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

(a) FINDINGS.—Congress finds that—

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

(2) the purposes of LDRD are—

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

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

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

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

(A) are selected competitively; and

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

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

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

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

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

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

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

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

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

(b) GENERAL AND ADMINISTRATIVE OVERHEAD FOR LABORATORY DIRECTED RESEARCH AND DEVELOPMENT.—The Secretary shall ensure that the laboratory operating contractors for Lawrence Livermore National Laboratory, Los Alamos National Laboratory, and Sandia National Laboratories do not allocate costs of general and administrative overhead to laboratory directed research and development.

SA 3155. Mr. HEINRICH submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 320, between lines 2 and 3, insert the following:

(f) OUTREACH TO MINORITY-SERVING INSTITUTIONS.—In developing the strategy under subsection (a), the Board shall—

(1) give special consideration to increasing outreach to minority-serving institutions (including historically black colleges and universities, predominantly black institutions, Hispanic serving institutions, and tribal institutions);

(2) make resources available to minority-serving institutions with the objective of increasing the number of skilled minorities and women trained to go into the energy and manufacturing sectors; and

(3) encourage industry to improve the opportunities for students of minority-serving institutions to participate in industry internships and cooperative work-study programs.

On page 320, line 3, strike “(f)” and insert “(g)”.

On page 324, strike line 9 and insert the following:

(j) DIRECT ASSISTANCE.—In awarding grants under this section, the Secretary shall provide direct assistance (including technical expertise, wraparound services, career coaching, mentorships, internships, and partnerships) to entities that receive a grant under this section.

(k) TECHNICAL ASSISTANCE.—The Secretary shall

On page 324, line 14, strike “(k)” and insert “(l)”.

On page 325, line 3, strike “(l)” and insert “(m)”.

SA 3156. Ms. BALDWIN (for herself and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 130, strike line 18 and all that follows through page 131, line 5.

Beginning on page 419, line 26, strike “(as amended)” and all that follows through “1201(d)(3))” on page 420, line 1.

SA 3157. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 329, line 9, insert “unless the paper has been segregated for the purpose of assured destruction” after “electricity”.

SA 3158. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, between lines 21 and 22, insert the following:

(d) WEATHERIZATION ASSISTANCE PROGRAM FOR LOW-INCOME PERSONS.—Section 415 of the Energy Conservation and Production Act (42 U.S.C. 6865) (as amended by subsection (c)) is amended by adding at the end the following:

“(g) ADMINISTRATION.—

“(1) IN GENERAL.—A State shall use up to 8 percent of any grant made by the Secretary under this part to track applicants for and recipients of weatherization assistance under this part to determine the impact of the assistance and eliminate or reduce reliance on the low-income home energy assistance program established under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.), over a period of not more than 3 years.

“(2) USE OF SAVINGS.—Notwithstanding any other provision of law, of any savings obtained by the Secretary of Health and Human Services due to eliminated or reduced reliance on the low-income home energy assistance program established under

the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.) as a result of the weatherization assistance provided under this part, as determined under paragraph (1)—

“(A) 50 percent shall be transferred to the Secretary of Health and Human Services to provide assistance to States under this part, to be reallocated to the States pro rata based on the savings realized by each State under this part; and

“(B) 50 percent shall be deposited into the general fund of the Treasury for purposes of reducing the annual Federal budget deficit.

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

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

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

“(4) EVALUATION.—Of amounts appropriated for headquarters training and technical assistance for the Weatherization Assistance Program each fiscal year, the Secretary shall use not more than 25 percent—

“(A) to carry out a 3-year evaluation of the plans submitted under paragraph (3); and

“(B) to disseminate to each State weatherization program a report describing the results of the evaluation.

“(5) REPORT TO CONGRESS.—As soon as practicable, the Secretary shall submit to Congress a report describing the training and technical assistance efforts of the Department to assist States in carrying out paragraph (1).”

SA 3159. Mrs. CAPITO (for herself, Ms. HEITKAMP, and Mr. CASEY) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 322, strike lines 21 through 25 and insert the following:

(9) work with minority-serving institutions to provide job training to increase the number of skilled minorities and women in the energy sector;

(10) provide job training for displaced and unemployed workers in the energy sector; or

(11) establish or support an existing Center of Excellence for energy workforce training based in a community college or an institution of higher education offering 2-year technical programs that offers programs located in shale play areas of the United States.

SA 3160. Mr. BOOKER (for himself, Ms. MIKULSKI, Mr. MENENDEZ, and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 263, line 5, strike “or the Atlantic Ocean Basin”.

SA 3161. Mr. BOOKER submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms.

MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 35. FAIRNESS IN COMPETITION FOR SOLICITATIONS FOR INTERNATIONAL PROJECT ACTIVITIES.

Section 33 of the Atomic Energy Act of 1954 (42 U.S.C. 2053) is amended by adding at the end the following: “For purposes of this section, with respect to international research projects, the term ‘private facilities or laboratories’ means a facility or laboratory that is located in the United States.”.

SA 3162. Mr. UDALL (for himself, Mr. PORTMAN, Mrs. BOXER, Mr. ALEXANDER, Mr. WYDEN, and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . WATERSENSE.

(a) IN GENERAL.—Part B of title III of the Energy Policy and Conservation Act is amended by adding after section 324A (42 U.S.C. 6294a) the following:

“SEC. 324B. WATERSENSE.

“(a) ESTABLISHMENT OF WATERSENSE PROGRAM.—

“(1) IN GENERAL.—There is established within the Environmental Protection Agency a voluntary WaterSense program to identify and promote water-efficient products, buildings, landscapes, facilities, processes, and services that, through voluntary labeling of, or other forms of communications regarding, products, buildings, landscapes, facilities, processes, and services while meeting strict performance criteria, sensibly—

“(A) reduce water use;

“(B) reduce the strain on public and community water systems and wastewater and stormwater infrastructure;

“(C) conserve energy used to pump, heat, transport, and treat water; and

“(D) preserve water resources for future generations.

“(2) INCLUSIONS.—The Administrator of the Environmental Protection Agency (referred to in this section as the ‘Administrator’) shall, consistent with this section, identify water-efficient products, buildings, landscapes, facilities, processes, and services, including categories such as—

“(A) irrigation technologies and services;

“(B) point-of-use water treatment devices;

“(C) plumbing products;

“(D) reuse and recycling technologies;

“(E) landscaping and gardening products, including moisture control or water enhancing technologies;

“(F) xeriscaping and other landscape conversions that reduce water use;

“(G) whole house humidifiers; and

“(H) water-efficient buildings or facilities.

“(b) DUTIES.—The Administrator, coordinating as appropriate with the Secretary, shall—

“(1) establish—

“(A) a WaterSense label to be used for items meeting the certification criteria established in accordance with this section; and

“(B) the procedure, including the methods and means, and criteria by which an item may be certified to display the WaterSense label;

“(2) enhance public awareness regarding the WaterSense label through outreach, education, and other means;

“(3) preserve the integrity of the WaterSense label by—

“(A) establishing and maintaining feasible performance criteria so that products, buildings, landscapes, facilities, processes, and services labeled with the WaterSense label perform as well or better than less water-efficient counterparts;

“(B) overseeing WaterSense certifications made by third parties;

“(C) as determined appropriate by the Administrator, using testing protocols, from the appropriate, applicable, and relevant consensus standards, for the purpose of determining standards compliance; and

“(D) auditing the use of the WaterSense label in the marketplace and preventing cases of misuse; and

“(4) not more often than 6 years after adoption or major revision of any WaterSense specification, review and, if appropriate, revise the specification to achieve additional water savings;

“(5) in revising a WaterSense specification—

“(A) provide reasonable notice to interested parties and the public of any changes, including effective dates, and an explanation of the changes;

“(B) solicit comments from interested parties and the public prior to any changes;

“(C) as appropriate, respond to comments submitted by interested parties and the public; and

“(D) provide an appropriate transition time prior to the applicable effective date of any changes, taking into account the timing necessary for the manufacture, marketing, training, and distribution of the specific water-efficient product, building, landscape, process, or service category being addressed; and

“(6) not later than December 31, 2018, consider for review and revision any WaterSense specification adopted before January 1, 2012.

“(c) TRANSPARENCY.—The Administrator shall, to the maximum extent practicable and not less than annually, regularly estimate and make available to the public the production and relative market shares and savings of water, energy, and capital costs of water, wastewater, and stormwater attributable to the use of WaterSense-labeled products, buildings, landscapes, facilities, processes, and services.

“(d) DISTINCTION OF AUTHORITIES.—In setting or maintaining specifications for Energy Star pursuant to section 324A, and WaterSense under this section, the Secretary and Administrator shall coordinate to prevent duplicative or conflicting requirements among the respective programs.”.

(b) CONFORMING AMENDMENT.—The table of contents for the Energy Policy and Conservation Act (42 U.S.C. prec. 6201) is amended by inserting after the item relating to section 324A the following:

“Sec. 324B. WaterSense.”.

SA 3163. Mrs. FISCHER (for herself, Mr. BOOKER, Mr. DAINES, and Mr. PETERS) submitted an amendment intended to be proposed by her to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VI—SECURING AMERICA'S FUTURE ENERGY: PROTECTING OUR INFRASTRUCTURE OF PIPELINES AND ENHANCING SAFETY ACT

SEC. 6001. SHORT TITLE; REFERENCES.

(a) **SHORT TITLE.**—This title may be cited as the “Securing America’s Future Energy: Protecting our Infrastructure of Pipelines and Enhancing Safety Act” or the “SAFE PIPES Act”.

(b) **REFERENCES TO TITLE 49, UNITED STATES CODE.**—Except as otherwise expressly provided, wherever 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 title 49, United States Code.

SEC. 6002. AUTHORIZATION OF APPROPRIATIONS.

(a) **GAS AND HAZARDOUS LIQUID.**—Section 60125(a) is amended—

(1) in paragraph (1), by striking “there is authorized to be appropriated to the Department of Transportation for each of fiscal years 2012 through 2015, from fees collected under section 60301, \$90,679,000, of which \$4,746,000 is for carrying out such section 12 and \$ 36,194,000 is for making grants.” and inserting the following: “there are authorized to be appropriated to the Department of Transportation from fees collected under section 60301—

“(A) \$127,060,000 for fiscal year 2016, of which \$9,325,000 shall be expended for carrying out such section 12 and \$42,515,000 shall be expended for making grants;

“(B) \$129,671,000 for fiscal year 2017, of which \$9,418,000 shall be expended for carrying out such section 12 and \$42,941,000 shall be expended for making grants;

“(C) \$132,334,000 for fiscal year 2018, of which \$9,512,000 shall be expended for carrying out such section 12 and \$43,371,000 shall be expended for making grants; and

“(D) \$135,051,000 for fiscal year 2019, of which \$9,607,000 shall be expended for carrying out such section 12 and \$43,805,000 shall be expended for making grants.”; and

(2) in paragraph (2), by striking “there is authorized to be appropriated for each of fiscal years 2012 through 2015 from the Oil Spill Liability Trust Fund to carry out the provisions of this chapter related to hazardous liquid and section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note; Public Law 107-355), \$18,573,000, of which \$2,174,000 is for carrying out such section 12 and \$4,558,000 is for making grants.” and inserting the following: “there are authorized to be appropriated from the Oil Spill Liability Trust Fund to carry out the provisions of this chapter related to hazardous liquid and section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note; Public Law 107-355)—”

“(A) \$19,890,000 for fiscal year 2016, of which \$3,108,000 shall be expended for carrying out such section 12 and \$8,708,000 shall be expended for making grants;

“(B) \$20,288,000 for fiscal year 2017, of which \$3,139,000 shall be expended for carrying out such section 12 and \$8,795,000 shall be expended for making grants;

“(C) \$20,694,000 for fiscal year 2018, of which \$3,171,000 shall be expended for carrying out such section 12 and \$8,883,000 shall be expended for making grants; and

“(D) \$21,108,000 for fiscal year 2019, of which \$3,203,000 shall be expended for carrying out such section 12 and \$8,972,000 shall be expended for making grants.”.

(b) **EMERGENCY RESPONSE GRANTS.**—Section 60125(b)(2) is amended by striking “2012 through 2015” and inserting “2016 through 2019”.

(c) **ONE-CALL NOTIFICATION PROGRAMS.**—Section 6107 is amended—

(1) in subsection (a), by striking “\$1,000,000 for each of fiscal years 2012 through 2015” and inserting “\$1,060,000 for each of the fiscal years 2016 through 2019”; and

(2) in subsection (b), by striking “2012 through 2015” and inserting “2016 through 2019”.

(d) **STATE DAMAGE PREVENTION PROGRAMS.**—Section 60134(i) is amended by striking “2012 through 2015” and inserting “2016 through 2019”.

(e) **COMMUNITY PIPELINE SAFETY INFORMATION GRANTS.**—Section 60130(c) is amended by striking “2012 through 2015” and inserting “2016 through 2019”.

(f) **PIPELINE INTEGRITY PROGRAM.**—Section 12(f) of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note) is amended by striking “2012 through 2015” and inserting “2016 through 2019”.

SEC. 6003. REGULATORY UPDATES.

(a) **IN GENERAL.**—Not later than 120 days after the date of enactment of this Act, and every 90 days thereafter until a final rule has been issued for each of the requirements described under paragraphs (1), (2), and (3), the Secretary of Transportation shall publish an update on a public website regarding the status of a final rule for—

(1) regulations required under the Pipeline Safety Regulatory Certainty and Job Creation Act of 2011 (Public Law 112-90; 125 Stat. 1904) for which no interim final rule or direct final rule has been issued;

(2) any regulation relating to pipeline safety required by law, other than a regulation described under paragraph (1), for which for more than 2 years after the date of the enacting statute or statutory deadline no interim final rule or direct final rule has been issued; and

(3) any other pipeline safety rulemaking categorized as significant.

(b) **CONTENTS.**—Each report under subsection (a) shall include—

(1) a description of the work plan for the outstanding regulation;

(2) an updated rulemaking timeline for the outstanding regulation;

(3) current staff allocations;

(4) any other information collection request with substantial changes;

(5) current data collection or research relating to the development of the rulemaking;

(6) current collaborative efforts with safety experts and other stakeholders;

(7) any resource constraints impacting the rulemaking process for the outstanding regulation; and

(8) any other details associated with the development of the rulemaking that impact the progress of the rulemaking.

SEC. 6004. HAZARDOUS MATERIALS IDENTIFICATION NUMBERS.

The Administrator of the Pipeline and Hazardous Materials Safety Administration shall—

(1) rescind the implementation of the June 26, 2015 PHMSA interpretative letter (#14-0178); and

(2) reinstate paragraphs (4) and (5) of section 172.336(c) of title 49, Code of Federal Regulations, without the reference to “gas-ohol”, as was originally intended in the March 7, 2013 final rule (PHMSA-2011-0142).

SEC. 6005. STATUTORY PREFERENCE.

The Administrator of the Pipeline and Hazardous Materials Safety Administration shall prioritize the use of Office of Pipeline Safety resources for the development of each outstanding statutory requirement, including requirements for rulemakings and information collection requests, for a rulemaking described in a report under section 6003 before beginning any new rulemaking required after the date of the enactment of this Act unless the Secretary of Transportation cer-

tifies to Congress that there is a significant need to move forward with a new rulemaking.

SEC. 6006. NATURAL GAS INTEGRITY MANAGEMENT REVIEW.

(a) **REPORT.**—Not later than 18 months after the publication of a final rule regarding the safety of gas transmission pipelines (76 Fed. Reg. 53086), the Comptroller General of the United States shall submit a report to Congress regarding the natural gas integrity management program.

(b) **CONTENTS.**—The report under subsection (a) shall include—

(1) an analysis of the extent to which the natural gas integrity management program under section 60109(c) of title 49, United States Code, has improved the safety of natural gas transmission pipelines;

(2) an analysis or recommendations, including consideration of technical, operational, and economic feasibility, regarding changes to the program that would prevent inadvertent releases from pipelines and mitigate any adverse consequences of an inadvertent release, including changes to the current definition of high consequence area, or would expand integrity management beyond high consequence areas;

(3) a review of the cost effectiveness of the legacy class location regulations;

(4) an analysis of and recommendations regarding what impact pipeline features and conditions, including the age, condition, materials, and construction of a pipeline, should have on risk analysis of a particular pipeline;

(5) a description of any challenges affecting Federal or State regulators in their oversight of the program and how the challenges are being addressed; and

(6) a description of any challenges affecting the natural gas industry in complying with the program, and how the challenges are being addressed.

(c) **DEFINITION OF HIGH CONSEQUENCE AREA.**—In this section and in section 6007, the term “high consequence area” means an area described in section 60109(a) of title 49, United States Code.

SEC. 6007. HAZARDOUS LIQUID INTEGRITY MANAGEMENT REVIEW.

(a) **SAFETY STUDY.**—Not later than 18 months after the publication of a final rule regarding the safety of hazardous liquid pipelines (80 Fed. Reg. 61610), the Comptroller General of the United States shall submit a report to Congress regarding the hazardous liquid integrity management program.

(b) **CONTENTS.**—The report under subsection (a) shall include—

(1) an analysis of the extent to which liquid pipeline integrity management in high consequence areas for operators of certain hazardous liquid pipeline facilities, as regulated under sections 195.450 and 195.452 of title 49, Code of Federal Regulations, has improved the safety of hazardous liquid pipelines;

(2) recommendations, including consideration of technical, operational, and economic feasibility, regarding changes to the program that could prevent inadvertent releases from pipelines and mitigate any adverse consequences of an inadvertent release, including changes to the current definition of high consequence area;

(3) an analysis of how surveying, assessment, mitigation, and monitoring activities, including real-time hazardous liquid pipeline monitoring during significant flood events and information sharing with other Federal agencies, are being used to address risks associated with the dynamic and unique nature of rivers, flood plains, and lakes;

(4) an analysis of and recommendations regarding what impact pipeline features and

conditions, including the age, condition, materials, and construction of a pipeline, should have on risk analysis of a particular pipeline and what changes to the definition of high consequence area could be made to improve pipeline safety; and

(5) a description of any challenges affecting Federal or State regulators in their oversight of the program and how the challenges are being addressed.

SEC. 6008. TECHNICAL SAFETY STANDARDS COMMITTEES.

Section 60115(b)(4)(A) is amended by striking “State commissioners. The Secretary shall consult with the national organization of State commissions before selecting those 2 individuals.” and inserting “State officials. The Secretary shall consult with national organizations representing State commissioners or governors when making a selection under this subparagraph.”

SEC. 6009. INSPECTION REPORT INFORMATION.

(a) IN GENERAL.—Not later than 30 days after the completion of a pipeline safety inspection, the Administrator of the Pipeline and Hazardous Materials Safety Administration, or the State authority certified under section 60105 of title 49, United States Code, shall—

(1) conduct a post-inspection briefing with the operator outlining concerns, and to the extent practicable, provide written preliminary findings of the inspection; or

(2) issue to the operator a final report, notice of amendment of plans or procedures, safety order, or corrective action order, or such other applicable report, notice, or order.

(b) REPORT.—

(1) IN GENERAL.—The Administrator shall submit an annual report to Congress regarding—

(A) the actions that the Pipeline and Hazardous Materials Safety Administration has taken to ensure that inspections by State authorities provide effective and timely oversight; and

(B) statistics relating to the timeliness of the actions described in paragraphs (1) and (2) of subsection (a).

(2) CESSATION OF EFFECTIVENESS.—Paragraph (1) shall cease to be effective on September 30, 2019.

SEC. 6010. PIPELINE ODORIZATION STUDY.

Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that assesses—

(1) the feasibility of odorizing all combustible gas in transportation;

(2) the impacts of the odorization of all combustible gas in transportation on manufacturers, agriculture, and other end users; and

(3) the relative benefits and costs associated with odorizing all combustible gas in transportation, including impacts on health and safety, compared to using other methods to mitigate pipeline leaks.

SEC. 6011. IMPROVING DAMAGE PREVENTION TECHNOLOGY.

(a) STUDY.—The Secretary of Transportation, in consultation with stakeholders, shall conduct a study on improving existing damage prevention programs through technological improvements in location, mapping, excavation, and communications practices to prevent accidental excavation damage to a pipe or its coating, including considerations of technical, operational, and economic feasibility and existing damage prevention programs.

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

(1) an identification of any methods that could improve existing damage prevention programs through location and mapping practices or technologies in an effort to reduce unintended releases caused by excavation;

(2) an analysis of how increased use of GPS digital mapping technologies, predictive analytic tools, public awareness initiatives including one-call initiatives, the use of mobile devices, and other advanced technologies could supplement existing one-call notification and damage prevention programs to reduce the frequency and severity of incidents caused by excavation damage;

(3) an identification of any methods that could improve excavation practices or technologies in an effort to reduce pipeline damages;

(4) an analysis of the feasibility of a national data repository for pipeline excavation accident data that creates standardized data models for storing and sharing pipeline accident information; and

(5) an identification of opportunities for stakeholder engagement in preventing excavation damage.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Transportation shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives regarding the study under this section, including recommendations, that include the consideration of technical, operational, and economic feasibility, on how to incorporate, into existing damage prevention programs, technological improvements and practices that may help prevent accidental excavation damage.

SEC. 6012. WORKFORCE OF PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION.

(a) REVIEW.—Not later than 1 year after the date of the enactment of this Act, the Administrator of the Pipeline and Hazardous Materials Safety Administration shall submit to Congress a review of Pipeline and Hazardous Materials Safety Administration staff resource management, including geographic allocation plans, hiring challenges, and expected retirement rates and strategies. The review shall include recommendations to address hiring challenges, training needs, and any other identified staff resource challenges.

(b) CRITICAL HIRING NEEDS.—

(1) IN GENERAL.—Beginning on the date on which the review is submitted under subsection (a), the Administrator may certify to Congress, not less frequently than annually, that a severe shortage of qualified candidates or a critical hiring need exists for a position or group of positions in the Pipeline and Hazardous Material Safety Administration.

(2) DIRECT HIRE AUTHORITY.—Notwithstanding sections 3309 through 3318 of title 5, United States Code, the Administrator, after making a certification under paragraph (1), may hire a candidate for the position or candidates for the group of positions indicated in the certification, as applicable.

(3) TERMINATIONS OF EFFECTIVENESS.—The direct hire authority provided under paragraph (2) shall terminate on September 30, 2019.

SEC. 6013. RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—In developing a research and development program plan under paragraph (3) of section 12(d) of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note), the Administrator of the Pipeline and Hazardous Material Safety Administration, in consultation with the Assistant Secretary for Research and Technology, shall—

(1) detail compliance with the consultation requirement under paragraph (2) of such section;

(2) provide opportunities for joint research ventures with non-Federal entities, whenever practicable and appropriate, to leverage limited Federal research resources; and

(3) permit collaborative research and development projects with appropriate non-Federal organizations.

(b) COLLABORATIVE SAFETY RESEARCH REPORT.—Section 60124(a)(6) is amended—

(1) in subparagraph (A), by striking “and” at the end;

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

(3) by adding at the end the following:

“(C) research activities in collaboration with non-Federal entities, including the intended improvements to safety technology, inspection technology, operator response time, and emergency responder incident response time.”

SEC. 6014. INFORMATION SHARING SYSTEM.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Transportation shall convene a working group to consider the development of a voluntary no-fault information sharing system to encourage collaborative efforts to improve inspection information feedback and information sharing with the purpose of improving natural gas transmission and hazardous liquid pipeline integrity risk analysis.

(b) MEMBERSHIP.—The working group described in subsection (a) shall include representatives from—

(1) the Pipeline and Hazardous Materials Safety Administration;

(2) industry stakeholders, including operators of pipeline facilities, inspection technology vendors, and pipeline inspection organizations;

(3) safety advocacy groups;

(4) research institutions;

(5) State public utility commissions or State officials responsible for pipeline safety oversight;

(6) State pipeline safety inspectors; and

(7) labor representatives.

(c) CONSIDERATIONS.—The working group described in subsection (a) shall consider and provide recommendations, if applicable, to the Secretary on—

(1) the need for and the identification of a system to ensure that dig verification data is shared with inline inspection operators to the extent consistent with the need to maintain proprietary and security sensitive data in a confidential manner to improve pipeline safety and inspection technology;

(2) ways to encourage the exchange of pipeline inspection information and the development of advanced pipeline inspection technologies and enhanced risk analysis;

(3) opportunities to share data, including dig verification data between operators of pipeline facilities and in-line inspector vendors to expand knowledge of the advantages and disadvantages of the different types of in-line inspection technology and methodologies;

(4) options to create a secure system that protects proprietary data while encouraging the exchange of pipeline inspection information and the development of advanced pipeline inspection technologies and enhanced risk analysis; and

(5) regulatory, funding, and legal barriers to sharing the information described in paragraphs (1) through (4).

(d) FACAs.—The working group shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(e) PUBLICATION.—The Secretary shall publish the recommendations provided under

subsection (c) on a publicly available website.

SEC. 6015. NATIONWIDE INTEGRATED PIPELINE SAFETY REGULATORY DATABASE.

(a) **REPORT.**—Not later than 18 months after the date of the enactment of this Act, the Secretary of Transportation shall submit a report to Congress on the feasibility of a national integrated pipeline safety regulatory inspection database to improve communication and collaboration between the Pipeline and Hazardous Materials Safety Administration and State pipeline regulators.

(b) **CONTENTS.**—The report under subsection (a) shall include—

(1) a description of any efforts currently underway to test a secure information-sharing system for the purpose described in subsection (a);

(2) a description of any progress in establishing common standards for maintaining, collecting, and presenting pipeline safety regulatory inspection data, and a methodology for the sharing of the data;

(3) a description of any existing inadequacies or gaps in State and Federal inspection, enforcement, geospatial, or other pipeline safety regulatory inspection data;

(4) a description of the potential safety benefits of a national integrated pipeline database; and

(5) recommendations for how to implement a secure information-sharing system that protects proprietary and security sensitive information and data for the purpose described in subsection (a).

(c) **CONSULTATION.**—In preparing the report under subsection (a), the Secretary shall consult with stakeholders, including each State authority operating under a certification to regulate intrastate pipelines under section 60105 of title 49, United States Code.

SEC. 6016. UNDERGROUND NATURAL GAS STORAGE FACILITIES.

(a) **DEFINED TERM.**—Section 60101(a) is amended—

(1) in paragraph (21)(B), by striking the period at the end and inserting a semicolon;

(2) in paragraph (24), by striking “and” at the end;

(3) in paragraph (25), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

“(27) ‘underground natural gas facility’ means a gas pipeline facility that stores gas in an underground facility, including—

“(A) a depleted hydrocarbon reservoir;

“(B) an aquifer reservoir; or

“(C) a solution mined salt cavern reservoir.”.

(b) **STANDARDS FOR UNDERGROUND NATURAL GAS STORAGE FACILITIES.**—Chapter 601 is amended by inserting after section 60103 the following:

“§ 60103A. Standards for underground natural gas storage facilities

“(a) **MINIMUM UNIFORM SAFETY STANDARDS.**—Not later than 2 years after the date of the enactment of the SAFE PIPES Act, the Secretary of Transportation, in consultation with the heads of other relevant Federal agencies, shall issue minimum uniform safety standards, incorporating, to the extent practicable, consensus standards for the operation, environmental protection, and integrity management of underground natural gas storage facilities.

“(b) **CONSIDERATIONS.**—In developing uniform safety standards under subsection (a), the Secretary shall—

“(1) consider the economic impacts of the regulations on individual gas customers to the extent practicable;

“(2) ensure that the regulations do not have a significant economic impact on end users to the extent practicable; and

“(3) consider existing consensus standards.

“(c) **USER FEES.**—

“(1) **IN GENERAL.**—A fee shall be imposed on an entity operating an underground natural gas storage facility to which this section applies. Any such fee imposed shall be collected before the end of the fiscal year to which it applies.

“(2) **MEANS OF COLLECTION.**—The Secretary shall prescribe procedures to collect fees under this subsection. The Secretary may use a department, agency, or instrumentality of the United States Government or of a State or local government to collect the fee and may reimburse the department, agency, or instrumentality a reasonable amount for its services.

“(3) **USE OF FEES.**—

“(A) **ACCOUNT.**—There is established an underground natural gas storage facility safety account in the Pipeline Safety Fund established under section 60301, in the Treasury of the United States.

“(B) **USE OF FEES.**—A fee collected under this subsection—

“(i) shall be deposited in the underground natural gas storage facility safety account; and

“(ii) if the fee is related to an underground natural gas storage facility, may be used only for an activity related to underground natural gas storage safety under this section.

“(C) **LIMITATION.**—Amounts collected under this subsection shall be made available only to the extent provided in advance in an appropriation law for an activity related to underground natural gas storage safety.

“(d) **RULES OF CONSTRUCTION.**—

“(1) **IN GENERAL.**—Nothing in this section may be construed to affect any Federal regulation relating to gas pipeline facilities that is in effect on the day before the date of enactment of the SAFE PIPES Act.

“(2) **LIMITATIONS.**—Nothing in this section may be construed to authorize the Secretary—

“(A) to prescribe the location of an underground natural gas storage facility; or

“(B) to require the Secretary’s permission to construct a facility referred to in subparagraph (A).”.

(c) **CLERICAL AMENDMENT.**—The table of sections for chapter 601 is amended by inserting after the item relating to section 60103 the following:

“60103A. Standards for underground natural gas storage facilities.”.

SEC. 6017. JOINT INSPECTION AND OVERSIGHT.

To ensure the safety of pipeline transportation, the Secretary of Transportation shall coordinate with States to ensure safety through the following:

(1) At the request of a State authority, the Secretary shall allow for a certified state authority under section 60105 of title 49, United States Code, to participate in the inspection of an interstate pipeline facility.

(2) Where appropriate, may provide temporary authority for a certified State authority under that section to participate in oversight of interstate pipeline safety transportation to ensure proper safety oversight and prevent an adverse impact on public safety.

SEC. 6018. RESPONSE PLANS.

In preparing or reviewing a response plan under part 194 of title 49, Code of Federal Regulations, the Administrator of the Pipeline and Hazardous Materials Safety Administration and an operator shall each address, to the maximum extent practicable, the impact of a worse case discharge of oil, or the substantial threat of such a discharge, into or on any navigable waters or adjoining shorelines that may be covered in whole or in part by ice.

SEC. 6019. HIGH CONSEQUENCE AREAS.

The Secretary of Transportation shall revise section 195.6(b) of title 49, Code of Federal Regulations to explicitly state that the Great Lakes are a USA ecological resource (as defined in section 195.6(b) of that title) for purposes of determining whether a pipeline is in a high consequence area (as defined in section 195.450 of that title).

SEC. 6020. SURFACE TRANSPORTATION SECURITY REVIEW.

Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to Congress on the staffing, resource allocation, oversight strategy, and management of the Transportation Security Administration’s pipeline security program and other surface transportation programs. The report shall include information on the coordination between the Transportation Security Administration, other Federal stakeholders, and industry.

SEC. 6021. SMALL SCALE LIQUEFIED NATURAL GAS FACILITIES.

(a) **DEFINED TERM.**—Section 60101(a), as amended by section 6016, is further amended by inserting after paragraph (25) the following:

“(26) ‘small scale liquefied natural gas facility’ means a permanent intrastate liquefied natural gas facility (other than a peak shaving facility) that produces liquefied natural gas for—

“(A) use as a fuel in the United States; or

“(B) transportation in the United States by a means other than a pipeline facility; and”.

(b) **SITING STANDARDS FOR PERMANENT SMALL SCALE LIQUEFIED NATURAL GAS FACILITIES.**—Section 60103(a) is amended to read as follows:

“(a) **LOCATION STANDARDS.**—

“(1) **IN GENERAL.**—The Secretary of Transportation shall prescribe minimum safety standards for deciding on the permanent location of a new liquefied natural gas pipeline facility or small scale liquefied natural gas facility.

“(2) **LIQUEFIED NATURAL GAS FACILITIES.**—In prescribing a minimum safety standard for deciding on the permanent location of a new liquefied natural gas facility, the Secretary of Transportation shall consider—

“(A) the kind and use of the facility;

“(B) the existing and projected population and demographic characteristics of the location;

“(C) the existing and proposed land uses near the location;

“(D) the natural physical aspects of the location;

“(E) medical, law enforcement, and fire prevention capabilities near the location that can cope with a risk caused by the facility; and

“(F) the need to encourage remote siting.

“(3) **SMALL SCALE LIQUEFIED NATURAL GAS FACILITIES.**—

“(A) **IN GENERAL.**—Not later than 18 months after the date of the enactment of the SAFE PIPES Act, the Secretary of Transportation shall prescribe minimum safety standards for permanent small scale liquefied natural gas facilities.

“(B) **CONSIDERATIONS.**—In prescribing minimum safety standards under this paragraph, the Secretary shall consider—

“(i) the value of establishing risk-based approaches;

“(ii) the benefit of incorporating industry standards and best practices;

“(iii) the need to encourage the use of best available technology; and

“(iv) the factors prescribed in paragraph (2), as appropriate.”.

SEC. 6022. REPORT ON NATURAL GAS LEAK REPORTING.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Administrator of the Pipeline and Hazardous Materials Safety Administration shall submit to Congress a report on the metrics provided to the Pipeline and Hazardous Materials Safety Administration and other Federal and State agencies related to lost and unaccounted for natural gas from distribution pipelines and systems.

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:

(1) An examination of different reporting requirements or standards for lost and unaccounted for natural gas to different agencies, the reasons for any such discrepancies, and recommendations for harmonizing and improving the accuracy of reporting.

(2) An analysis of whether separate or alternative reporting could better measure the amounts and identify the location of lost and unaccounted for natural gas from natural gas distribution systems.

(3) A description of potential safety issues associated with natural gas that is lost and unaccounted for from natural gas distribution systems.

(4) An assessment of whether alternate reporting and measures will resolve any safety issues identified under paragraph (3), including an analysis of the potential impact, including potential savings, on rate payers and end users of natural gas products of such reporting and measures.

(c) CONSIDERATION OF RECOMMENDATIONS.—If the Administrator determines that alternate reporting structures or recommendations included in the report required under subsection (a) would significantly improve the reporting and measurement of lost and unaccounted for gas or safety of systems, the Administrator shall, not later than 180 days after making such determination, issue regulations, as the Administrator determines appropriate, to implement the recommendations.

SEC. 6023. COMPTROLLER GENERAL REVIEW OF STATE POLICIES RELATING TO NATURAL GAS LEAKS.

(a) REVIEW.—The Comptroller General of the United States shall conduct a State-by-State review of State-level policies that—

(1) encourage the repair and replacement of leaking natural gas distribution pipelines or systems that pose a safety threat, such as timelines to repair leaks and limits on cost recovery from ratepayers; and

(2) that may create barriers for entities to conduct work to repair and replace leaking natural gas pipelines or distribution systems.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to Congress and the Pipeline and Hazardous Materials Safety Administration a report summarizing the findings of the review conducted under subsection (a) and making recommendations on Federal or State policies or best practices that may improve safety by accelerating the repair and replacement of natural gas pipelines or systems that are leaking or releasing natural gas, including policies within the jurisdiction of the Pipeline and Hazardous Materials Safety Administration. The report shall consider the potential impact, including potential savings, of the implementation of its recommendations on ratepayers or end users of the natural gas pipeline system.

(c) CONSIDERATION OF RECOMMENDATIONS.—If the Comptroller General makes recommendations in the report submitted under subsection (a) on Federal or State policies or best practices within the jurisdiction of the

Pipeline and Hazardous Materials Safety Administration, the Administrator shall, not later than 90 days after such submission, review such recommendations and report to Congress on the feasibility of implementing such recommendations. If the Administrator determines that the recommendations would significantly improve pipeline safety, the Administrator shall, not later than 180 days after making such determination and in coordination with the heads of other relevant agencies as appropriate, issue regulations, as the Administrator determines appropriate, to implement the recommendations.

SEC. 6024. PROVISION OF RESPONSE PLANS TO APPROPRIATE COMMITTEES OF CONGRESS.

(a) PROVISION OF RESPONSE PLANS TO APPROPRIATE COMMITTEES OF CONGRESS.—Notwithstanding subsection (a)(2) of section 60138 of title 49, United States Code, upon the request of the Chairperson or Ranking Member of an appropriate committee of Congress, the Administrator of the Pipeline and Hazardous Materials Safety Administration, shall provide the Chairperson or Ranking Member, as applicable, an unredacted copy of a response plan under that section.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as affecting the provision of any other report, data, or other information to Congress, or its handling thereof.

SEC. 6025. CONSULTATION WITH FERC AS PART OF PRE-FILING PROCEDURES AND PERMITTING PROCESS FOR NEW NATURAL GAS PIPELINE INFRASTRUCTURE.

Where appropriate, the Administrator of the Pipeline and Hazardous Materials Safety Administration shall consult with the Federal Energy Regulatory Commission during its pre-filing procedures and permitting process for new natural gas pipeline infrastructure to ensure the protection of people and the environment from the potential risks of hazardous materials transportation by pipeline.

SEC. 6026. MAINTENANCE OF EFFORT.

Section 60107(b) is amended to read as follows:

“(b) PAYMENTS.—After notifying and consulting with a State authority, the Secretary may withhold any part of a payment when the Secretary decides that the authority is not carrying out satisfactorily a safety program or not acting satisfactorily as an agent. The Secretary may pay an authority under this section only when the authority ensures the Secretary that it will provide the remaining costs of a safety program, except when the Secretary waives this requirement.”.

SA 3164. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . DELISTING OF MEXICAN GRAY WOLVES.

(a) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term “Director” means the Director of the United States Fish and Wildlife Service.

(2) MEXICAN GRAY WOLF.—

(A) IN GENERAL.—The term “Mexican gray wolf” means the subspecies Mexican gray wolf (*Canis lupus baileyi*) of the species gray wolf (*Canis lupus*).

(B) INCLUSION.—The term “Mexican gray wolf” includes any subspecies, distinct population segment, or experimental population

of the species gray wolf (*Canis lupus*) that the Director determines after the date of enactment of this Act will take the place of, or correspond with, the subspecies designated as Mexican gray wolf (*Canis lupus baileyi*) on that date of enactment.

(b) REQUIREMENT.—Notwithstanding any other provision of law (including regulations), effective beginning on the date on which the Director makes a positive determination under subsection (c)—

(1) the Mexican gray wolf shall no longer be included on any list of endangered species, threatened species, or experimental populations under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(2) management of the Mexican gray wolf shall be assumed by each State in which the Mexican gray wolf is present, effective beginning on the date of the determination.

(c) DETERMINATION BY DIRECTOR.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Director shall determine whether a population of not fewer than 100 Mexican gray wolves in a 5,000-square-mile area within the historic range of the Mexican gray wolf has been established, as described in the Mexican Wolf Recovery Plan of 1982 prepared by the Mexican Wolf Recovery Team (U.S. Fish and Wildlife Service, 1982. Mexican Wolf Recovery Plan. U.S. Fish and Wildlife Service, Albuquerque, New Mexico. 103 pp.)

(2) STANDARDS AND PROCEDURES.—A determination under paragraph (1) shall be made in accordance with applicable standards and procedures used by the Director in determining the status of a species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

SA 3165. Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 30 ____ . PUMPED STORAGE HYDROPOWER COMPENSATION.

Not later than 180 days after the date of enactment of this Act, the Federal Energy Regulatory Commission shall initiate a proceeding to identify and determine the market, procurement, and cost recovery mechanisms that would—

(1) encourage development of pumped storage hydropower assets; and

(2) properly compensate those assets for the full range of services provided to the power grid, including—

(A) balancing electricity supply and demand;

(B) ensuring grid reliability; and

(C) cost-effectively integrating intermittent power sources into the grid.

SA 3166. Mrs. SHAHEEN (for herself and Mr. MARKEY) submitted an amendment intended to be proposed by her to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 44 ____ . FEDERAL ENERGY REGULATORY COMMISSION PERMITTING AND REVIEW.

(a) FINDINGS.—The Senate finds that—

(1) the Federal Government plays a central role in the review and approval of projects to

maintain and build the energy infrastructure of the United States, including—

- (A) interstate gas pipelines;
- (B) projects that cross Federal land; and
- (C) projects that impact wildlife, cultural or historic resources, or waters of the United States;

(2) the Federal Energy Regulatory Commission—

(A) has jurisdiction under section 7 of the Natural Gas Act (15 U.S.C. 717f) to regulate interstate natural gas pipelines, including siting of the interstate natural gas pipelines; and

(B) is required under section 15 of the Natural Gas Act (15 U.S.C. 717n), as a lead agency, to coordinate with other Federal agencies in the environmental review and processing of each Federal authorization relating to natural gas infrastructure;

(3) a report of the Government Accountability Office entitled “Pipeline Permitting: Interstate and Intrastate Natural Gas Permitting Processes Include Multiple Steps, and Time Frames Vary”, and dated February 2013, reported that—

(A) public interest groups and State officials that were interviewed believed that members of the public need more opportunity to comment on a proposed pipeline project during the permitting process conducted by the Federal Energy Regulatory Commission; and

(B) officials from Federal and State agencies and representatives from industry and public interest groups reported several management practices that—

- (i) could help overcome challenges;
- (ii) are associated with an efficient permitting process and obtaining public input; and
- (iii) include—

(I) ensuring effective collaboration among the numerous stakeholders involved in the permitting process; and

(II) increasing opportunities for public comment; and

(4) robust engagement by the public and stakeholders is essential for the credibility of the siting, permitting, and review of Federal processes by the Federal Energy Regulatory Commission.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that, in accordance with Executive Order 13604 (5 U.S.C. 601 note; relating to improving performance of Federal permitting and review of infrastructure projects), the Federal Energy Regulatory Commission should prioritize meaningful public engagement and coordination with State and local governments to ensure that the Federal permitting and review processes of the Federal Energy Regulatory Commission—

- (1) remain transparent and consistent; and
- (2) ensure the health, safety, and security of the environment and each community affected by the Federal permitting and review processes.

SA 3167. Mr. BOOKER submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 239, strike lines 3 through 7 and insert the following:

“(B) an open loop system, which circulates ground or surface water directly into the building and returns the water to the same aquifer or surface water source; or

“(C) a heat exchanger to transfer heat between a potable municipal water supply and a closed interior loop employing heat pumps, in which the potable water could be returned

to the municipal water system after passing through the heat exchanger.

SA 3168. Mr. PORTMAN (for himself, Ms. CANTWELL, Mrs. SHAHEEN, Mr. MCCONNELL, and Mr. DONNELLY) submitted an amendment intended to be proposed by him to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____ . APPLICATION OF ENERGY CONSERVATION STANDARDS TO CERTAIN EXTERNAL POWER SUPPLIES.

(a) DEFINITION OF EXTERNAL POWER SUPPLY.—Section 321(36)(A) of the Energy Policy and Conservation Act (42 U.S.C. 6291(36)(A)) is amended—

(1) by striking the subparagraph designation and all that follows through “The term” and inserting the following:

“(A) EXTERNAL POWER SUPPLY.—
“(i) IN GENERAL.—The term”;

(2) by adding at the end the following:
“(ii) EXCLUSION.—The term ‘external power supply’ does not include a power supply circuit, driver, or device that is designed exclusively to be connected to, and power—

“(I) light-emitting diodes providing illumination;
“(II) organic light-emitting diodes providing illumination; or
“(III) ceiling fans using direct current motors.”.

(b) STANDARDS FOR LIGHTING POWER SUPPLY CIRCUITS.—

(1) DEFINITION.—Section 340(2)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6311(2)(B)) is amended by striking clause (v) and inserting the following:

“(v) electric lights and lighting power supply circuits.”.

(2) ENERGY CONSERVATION STANDARD FOR CERTAIN EQUIPMENT.—Section 342 of the Energy Policy and Conservation Act (42 U.S.C. 6313) is amended by adding at the end the following:

“(g) LIGHTING POWER SUPPLY CIRCUITS.—If the Secretary, acting pursuant to section 341(b), includes as a covered equipment solid state lighting power supply circuits, drivers, or devices described in section 321(36)(A)(ii), the Secretary may prescribe under this part, not earlier than 1 year after the date on which a test procedure has been prescribed, an energy conservation standard for such equipment.”.

(c) TECHNICAL CORRECTIONS.—

(1) Section 321(6)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6291(6)(B)) is amended by striking “(19)” and inserting “(20)”.

(2) Section 324 of the Energy Policy and Conservation Act (42 U.S.C. 6294) is amended by striking “(19)” each place it appears in each of subsections (a)(3), (b)(1)(B), (b)(3), and (b)(5) and inserting “(20)”.

(3) Section 325(1) of the Energy Policy and Conservation Act (42 U.S.C. 6295(1)) is amended by striking “paragraph (19)” each place it appears and inserting “paragraph (20)”.

SA 3169. Mr. SULLIVAN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 171, between lines 15 and 16, insert the following:

SEC. 22 ____ . EXPORT AUTHORIZATION EXCEPTION FOR SMALL-SCALE NATURAL GAS PROJECTS.

The export of low-level volumes of natural gas, measured at not more than 0.25 billion cubic feet per day of natural gas on an annualized basis per project, shall not require an authorization order of the Secretary under section 3(a) of the Natural Gas Act (15 U.S.C. 717b(a)).

SA 3170. Mr. SULLIVAN (for himself, Mrs. CAPITO, and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE VI—VESSEL INCIDENTAL DISCHARGE ACT

SEC. 601. SHORT TITLE.

This title may be cited as the “Vessel Incidental Discharge Act”.

SEC. 602. FINDINGS; PURPOSE.

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

(1) Since the enactment of the Act to Prevent Pollution from Ships (22 U.S.C. 1901 et seq.) in 1980, the United States Coast Guard has been the principal Federal authority charged with administering, enforcing, and prescribing regulations relating to the discharge of pollutants from vessels engaged in maritime commerce and transportation.

(2) The Coast Guard estimates there are approximately 21,560,000 State-registered recreational vessels, 75,000 commercial fishing vessels, and 33,000 freight and tank barges operating in United States waters.

(3) From 1973 to 2005, certain discharges incidental to the normal operation of a vessel were exempted by regulation from otherwise applicable permitting requirements.

(4) During the 32 years during which this regulatory exemption was in effect, Congress enacted several statutes to deal with the regulation of discharges incidental to the normal operation of a vessel, including—

(A) the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.) in 1980;

(B) the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 et seq.);

(C) the National Invasive Species Act of 1996 (110 Stat. 4073);

(D) section 415 of the Coast Guard Authorization Act of 1998 (112 Stat. 3434) and section 623 of the Coast Guard and Maritime Transportation Act of 2004 (33 U.S.C. 1901 note), which established interim and permanent requirements, respectively, for the regulation of vessel discharges of certain bulk cargo residue;

(E) title XIV of division B of Appendix D of the Consolidated Appropriations Act, 2001 (114 Stat. 2763), which prohibited or limited certain vessel discharges in certain areas of Alaska;

(F) section 204 of the Maritime Transportation Security Act of 2002 (33 U.S.C. 1902a), which established requirements for the regulation of vessel discharges of agricultural cargo residue material in the form of hold washings; and

(G) title X of the Coast Guard Authorization Act of 2010 (33 U.S.C. 3801 et seq.), which provided for the implementation of the International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001.

(b) PURPOSE.—The purpose of this title is to provide for the establishment of nationally uniform and environmentally sound

standards and requirements for the management of discharges incidental to the normal operation of a vessel.

SEC. 603. DEFINITIONS.

In this title:

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

(2) **AQUATIC NUISANCE SPECIES.**—The term “aquatic nuisance species” means a non-indigenous species (including a pathogen) that threatens the diversity or abundance of native species or the ecological stability of navigable waters or commercial, agricultural, aquacultural, or recreational activities dependent on such waters.

(3) **BALLAST WATER.**—

(A) **IN GENERAL.**—The term “ballast water” means any water and water-suspended matter taken aboard a vessel—

(i) to control or maintain trim, list, draught, stability, or stresses of the vessel; or

(ii) during the cleaning, maintenance, or other operation of a ballast water treatment technology of the vessel.

(B) **EXCLUSIONS.**—The term “ballast water” does not include any substance that is added to water described in subparagraph (A) that is not directly related to the operation of a properly functioning ballast water treatment technology under this title.

(4) **BALLAST WATER DISCHARGE STANDARD.**—The term “ballast water discharge standard” means the numerical ballast water discharge standard set forth in section 151.2030 of title 33, Code of Federal Regulations or section 151.1511 of title 33, Code of Federal Regulations, as applicable, or a revised numerical ballast water discharge standard established under subsection (a)(1)(B), (b), or (c) of section 605.

(5) **BALLAST WATER MANAGEMENT SYSTEM; MANAGEMENT SYSTEM.**—The terms “ballast water management system” and “management system” mean any system, including all ballast water treatment equipment and associated control and monitoring equipment, used to process ballast water to kill, remove, render harmless, or avoid the uptake or discharge of organisms.

(6) **BIOCIDE.**—The term “biocide” means a substance or organism, including a virus or fungus, that is introduced into or produced by a ballast water management system to reduce or eliminate aquatic nuisance species as part of the process used to comply with a ballast water discharge standard under this title.

(7) **DISCHARGE INCIDENTAL TO THE NORMAL OPERATION OF A VESSEL.**—

(A) **IN GENERAL.**—The term “discharge incidental to the normal operation of a vessel” means—

(i) a discharge into navigable waters from a vessel of—

(I)(aa) ballast water, graywater, bilge water, cooling water, oil water separator effluent, anti-fouling hull coating leachate, boiler or economizer blowdown, byproducts from cathodic protection, controllable pitch propeller and thruster hydraulic fluid, distillation and reverse osmosis brine, elevator pit effluent, firemain system effluent, freshwater layup effluent, gas turbine wash water, motor gasoline and compensating effluent, refrigeration and air condensate effluent, seawater pumping biofouling prevention substances, boat engine wet exhaust, sonar dome effluent, exhaust gas scrubber washwater, or stern tube packing gland effluent; or

(bb) any other pollutant associated with the operation of a marine propulsion system, shipboard maneuvering system, habitability system, or installed major equipment, or from a protective, preservative, or absorptive application to the hull of a vessel;

(II) weather deck runoff, deck wash, aqueous film forming foam effluent, chain locker effluent, non-oily machinery wastewater, underwater ship husbandry effluent, welldeck effluent, or fish hold and fish hold cleaning effluent; or

(III) any effluent from a properly functioning marine engine; or

(ii) a discharge of a pollutant into navigable waters in connection with the testing, maintenance, or repair of a system, equipment, or engine described in subclause (I)(bb) or (III) of clause (i) whenever the vessel is waterborne.

(B) **EXCLUSIONS.**—The term “discharge incidental to the normal operation of a vessel” does not include—

(i) a discharge into navigable waters from a vessel of—

(I) rubbish, trash, garbage, incinerator ash, or other such material discharged overboard;

(II) oil or a hazardous substance as those terms are defined in section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321);

(III) sewage as defined in section 312(a)(6) of the Federal Water Pollution Control Act (33 U.S.C. 1322(a)(6)); or

(IV) graywater referred to in section 312(a)(6) of the Federal Water Pollution Control Act (33 U.S.C. 1322(a)(6));

(ii) an emission of an air pollutant resulting from the operation onboard a vessel of a vessel propulsion system, motor driven equipment, or incinerator; or

(iii) a discharge into navigable waters from a vessel when the vessel is operating in a capacity other than as a means of transportation on water.

(8) **GEOGRAPHICALLY LIMITED AREA.**—The term “geographically limited area” means an area—

(A) with a physical limitation, including limitation by physical size and limitation by authorized route such as the Great Lakes and St. Lawrence River, that prevents a vessel from operating outside the area, as determined by the Secretary; or

(B) that is ecologically homogeneous, as determined by the Secretary, in consultation with the heads of other Federal departments or agencies as the Secretary considers appropriate.

(9) **MANUFACTURER.**—The term “manufacturer” means a person engaged in the manufacture, assemblage, or importation of ballast water treatment technology.

(10) **NAVIGABLE WATERS.**—The term “navigable waters” has the meaning given the term in section 2.36 of title 33, Code of Federal Regulations, as in effect on the date of the enactment of this Act.

(11) **SECRETARY.**—The term “Secretary” means the Secretary of the department in which the Coast Guard is operating.

(12) **VESSEL.**—The term “vessel” means every description of watercraft or other artificial contrivance used, or practically or otherwise capable of being used, as a means of transportation on water.

SEC. 604. REGULATION AND ENFORCEMENT.

(a) **IN GENERAL.**—

(1) **ESTABLISHMENT.**—The Secretary, in consultation with the Administrator, shall establish, implement, and enforce uniform national standards and requirements for the regulation of discharges incidental to the normal operation of a vessel.

(2) **BASIS.**—Except as provided under paragraph (3), the standards and requirements established under paragraph (1)—

(A) with respect to ballast water, shall be based upon the best available technology that is economically achievable;

(B) with respect to discharges incidental to the normal operation of a vessel other than ballast water, shall be based on best management practices; and

(C) shall supersede any permitting requirement or prohibition on discharges incidental to the normal operation of a vessel under any other provision of law.

(3) **RULE OF CONSTRUCTION.**—The standards and requirements established under paragraph (1) shall not supersede regulations, in place on the date of the enactment of this Act or established by a rulemaking proceeding after such date of enactment, which cover a discharge in a national marine sanctuary or in a marine national monument.

(b) **ADMINISTRATION AND ENFORCEMENT.**—The Secretary shall administer and enforce the uniform national standards and requirements under this title. Each State may enforce the uniform national standards and requirements under this title.

(c) **SANCTIONS.**—

(1) **CIVIL PENALTIES.**—

(A) **BALLAST WATER.**—Any person who violates a regulation issued pursuant to this title regarding a discharge incidental to the normal operation of a vessel of ballast water shall be liable for a civil penalty in an amount not to exceed \$25,000. Each day of a continuing violation constitutes a separate violation.

(B) **OTHER DISCHARGE.**—Any person who violates a regulation issued pursuant to this title regarding a discharge incidental to the normal operation of a vessel other than ballast water shall be liable for a civil penalty in an amount not to exceed \$10,000. Each day of a continuing violation constitutes a separate violation.

(C) **IN REM LIABILITY.**—A vessel operated in violation of a regulation issued under this title shall be liable in rem for any civil penalty assessed under this subsection for that violation.

(2) **CRIMINAL PENALTIES.**—

(A) **BALLAST WATER.**—Any person who knowingly violates a regulation issued pursuant to this title regarding a discharge incidental to the normal operation of a vessel of ballast water shall be punished by a fine of not more than \$100,000, imprisonment for not more than 2 years, or both.

(B) **OTHER DISCHARGE.**—Any person who knowingly violates a regulation issued pursuant to this title regarding a discharge incidental to the normal operation of a vessel other than ballast water shall be punished by a fine of not more than \$50,000, imprisonment for not more than 1 year, or both.

(3) **REVOCACTION OF CLEARANCE.**—The Secretary shall withhold or revoke the clearance of a vessel required under section 60105 of title 46, United States Code, if the owner or operator of the vessel is in violation of a regulation issued pursuant to this Act.

(4) **EXCEPTION TO SANCTIONS.**—It shall be an affirmative defense to any charge of a violation of this title that compliance with this title would, because of adverse weather, equipment failure, or any other relevant condition, have threatened the safety or stability of a vessel, its crew, or its passengers.

SEC. 605. UNIFORM NATIONAL STANDARDS AND REQUIREMENTS FOR THE REGULATION OF DISCHARGES INCIDENTAL TO THE NORMAL OPERATION OF A VESSEL.

(a) **REQUIREMENTS.**—

(1) **BALLAST WATER MANAGEMENT REQUIREMENTS.**—

(A) **IN GENERAL.**—Notwithstanding any other provision of law, the requirements set forth in the final rule, Standards for Living Organisms in Ships’ Ballast Water Discharged in U.S. Waters (77 Fed. Reg. 17254 (March 23, 2012), as corrected at 77 Fed. Reg. 33969 (June 8, 2012)), shall be the management requirements for a ballast water discharge incidental to the normal operation of

a vessel until the Secretary revises the ballast water discharge standard under subsection (b) or adopts a more stringent State standard under subparagraph (B).

(B) **ADOPTION OF MORE STRINGENT STATE STANDARD.**—If the Secretary makes a determination in favor of a State petition under section 610, the Secretary shall adopt the more stringent ballast water discharge standard specified in the statute or regulation that is the subject of that State petition instead of the ballast water discharge standard in the final rule described under subparagraph (A).

(2) **INITIAL MANAGEMENT REQUIREMENTS FOR DISCHARGES OTHER THAN BALLAST WATER.**—Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with the Administrator, shall issue a final rule establishing best management practices for discharges incidental to the normal operation of a vessel other than ballast water.

(b) **REVISED BALLAST WATER DISCHARGE STANDARD; 8-YEAR REVIEW.**—

(1) **IN GENERAL.**—Subject to the feasibility review under paragraph (2), not later than January 1, 2024, the Secretary, in consultation with the Administrator, shall issue a final rule revising the ballast water discharge standard under subsection (a)(1) so that a ballast water discharge incidental to the normal operation of a vessel will contain—

(A) less than 1 organism that is living or has not been rendered harmless per 10 cubic meters that is 50 or more micrometers in minimum dimension;

(B) less than 1 organism that is living or has not been rendered harmless per 10 milliliters that is less than 50 micrometers in minimum dimension and more than 10 micrometers in minimum dimension;

(C) concentrations of indicator microbes that are less than—

(i) 1 colony-forming unit of toxicogenic *Vibrio cholera* (serotypes O1 and O139) per 100 milliliters or less than 1 colony-forming unit of that microbe per gram of wet weight of zoological samples;

(ii) 126 colony-forming units of *Escherichia coli* per 100 milliliters; and

(iii) 33 colony-forming units of intestinal enterococci per 100 milliliters; and

(D) concentrations of such additional indicator microbes and of viruses as may be specified in regulations issued by the Secretary in consultation with the Administrator and such other Federal agencies as the Secretary and the Administrator consider appropriate.

(2) **FEASIBILITY REVIEW.**—

(A) **IN GENERAL.**—Not less than 2 years before January 1, 2024, the Secretary, in consultation with the Administrator, shall complete a review to determine the feasibility of achieving the revised ballast water discharge standard under paragraph (1).

(B) **CRITERIA FOR REVIEW OF BALLAST WATER DISCHARGE STANDARD.**—In conducting a review under subparagraph (A), the Secretary shall consider whether revising the ballast water discharge standard will result in a scientifically demonstrable and substantial reduction in the risk of introduction or establishment of aquatic nuisance species, taking into account—

(i) improvements in the scientific understanding of biological and ecological processes that lead to the introduction or establishment of aquatic nuisance species;

(ii) improvements in ballast water management systems, including—

(I) the capability of such management systems to achieve a revised ballast water discharge standard;

(II) the effectiveness and reliability of such management systems in the shipboard environment;

(III) the compatibility of such management systems with the design and operation of a vessel by class, type, and size;

(IV) the commercial availability of such management systems; and

(V) the safety of such management systems;

(iii) improvements in the capabilities to detect, quantify, and assess the viability of aquatic nuisance species at the concentrations under consideration;

(iv) the impact of ballast water management systems on water quality; and

(v) the costs, cost-effectiveness, and impacts of—

(I) a revised ballast water discharge standard, including the potential impacts on shipping, trade, and other uses of the aquatic environment; and

(II) maintaining the existing ballast water discharge standard, including the potential impacts on water-related infrastructure, recreation, propagation of native fish, shellfish, and wildlife, and other uses of navigable waters.

(C) **LOWER REVISED DISCHARGE STANDARD.**—

(i) **IN GENERAL.**—If the Secretary, in consultation with the Administrator, determines on the basis of the feasibility review and after an opportunity for a public hearing that no ballast water management system can be certified under section 606 to comply with the revised ballast water discharge standard under paragraph (1), the Secretary shall require the use of the management system that achieves the performance levels of the best available technology that is economically achievable.

(ii) **IMPLEMENTATION DEADLINE.**—If the Secretary, in consultation with the Administrator, determines that the management system under clause (i) cannot be implemented before the implementation deadline under paragraph (3) with respect to a class of vessels, the Secretary shall extend the implementation deadline for that class of vessels for not more than 36 months.

(iii) **COMPLIANCE.**—If the implementation deadline under paragraph (3) is extended, the Secretary shall recommend action to ensure compliance with the extended implementation deadline under clause (ii).

(D) **HIGHER REVISED DISCHARGE STANDARD.**—

(i) **IN GENERAL.**—If the Secretary, in consultation with the Administrator, determines that a ballast water management system exists that exceeds the revised ballast water discharge standard under paragraph (1) with respect to a class of vessels and is the best available technology that is economically achievable, the Secretary shall revise the ballast water discharge standard for that class of vessels to incorporate the higher discharge standard.

(ii) **IMPLEMENTATION DEADLINE.**—If the Secretary, in consultation with the Administrator, determines that the management system under clause (i) can be implemented before the implementation deadline under paragraph (3) with respect to a class of vessels, the Secretary shall accelerate the implementation deadline for that class of vessels. If the implementation deadline under paragraph (3) is accelerated, the Secretary shall provide not less than 24 months notice before the accelerated deadline takes effect.

(3) **IMPLEMENTATION DEADLINE.**—The revised ballast water discharge standard under paragraph (1) shall apply to a vessel beginning on the date of the first drydocking of the vessel on or after January 1, 2024, but not later than December 31, 2026.

(4) **REVISED DISCHARGE STANDARD COMPLIANCE DEADLINES.**—

(A) **IN GENERAL.**—The Secretary may establish a compliance deadline for compliance by a vessel (or a class, type, or size of vessel) with a revised ballast water discharge standard under this subsection.

(B) **PROCESS FOR GRANTING EXTENSIONS.**—In issuing regulations under this subsection, the Secretary shall establish a process for an owner or operator to submit a petition to the Secretary for an extension of a compliance deadline with respect to the vessel of the owner or operator.

(C) **PERIOD OF EXTENSIONS.**—An extension issued under subparagraph (B) may—

(i) apply for a period of not to exceed 18 months from the date of the applicable deadline under subparagraph (A); and

(ii) be renewable for an additional period of not to exceed 18 months.

(D) **FACTORS.**—In issuing a compliance deadline or reviewing a petition under this paragraph, the Secretary shall consider, with respect to the ability of an owner or operator to meet a compliance deadline, the following factors:

(i) Whether the management system to be installed is available in sufficient quantities to meet the compliance deadline.

(ii) Whether there is sufficient shipyard or other installation facility capacity.

(iii) Whether there is sufficient availability of engineering and design resources.

(iv) Vessel characteristics, such as engine room size, layout, or a lack of installed piping.

(v) Electric power generating capacity aboard the vessel.

(vi) Safety of the vessel and crew.

(vii) Any other factors the Secretary considers appropriate, including the availability of a ballast water reception facility or other means of managing ballast water.

(E) **CONSIDERATION OF PETITIONS.**—

(i) **DETERMINATIONS.**—The Secretary shall approve or deny a petition for an extension of a compliance deadline submitted by an owner or operator under this paragraph.

(ii) **DEADLINE.**—If the Secretary does not approve or deny a petition referred to in clause (i) on or before the last day of the 90-day period beginning on the date of submission of the petition, the petition shall be deemed approved.

(c) **FUTURE REVISIONS OF VESSEL INCIDENTAL DISCHARGE STANDARDS; DECENNIAL REVIEWS.**—

(1) **REVISED BALLAST WATER DISCHARGE STANDARDS.**—The Secretary, in consultation with the Administrator, shall complete a review, 10 years after the issuance of a final rule under subsection (b) and every 10 years thereafter, to determine whether further revision of the ballast water discharge standard would result in a scientifically demonstrable and substantial reduction in the risk of the introduction or establishment of aquatic nuisance species.

(2) **REVISED STANDARDS FOR DISCHARGES OTHER THAN BALLAST WATER.**—The Secretary, in consultation with the Administrator, may include in a decennial review under this subsection best management practices for discharges covered by subsection (a)(2). The Secretary shall initiate a rulemaking to revise 1 or more best management practices for such discharges after a decennial review if the Secretary, in consultation with the Administrator, determines that revising 1 or more of such practices would substantially reduce the impacts on navigable waters of discharges incidental to the normal operation of a vessel other than ballast water.

(3) **CONSIDERATIONS.**—In conducting a review under paragraph (1), the Secretary, the Administrator, and the heads of other Federal agencies as the Secretary considers appropriate, shall consider the criteria under section 605(b)(2)(B).

(4) **REVISION AFTER DECENNIAL REVIEW.**—The Secretary shall initiate a rulemaking to revise the current ballast water discharge standard after a decennial review if the Secretary, in consultation with the Administrator, determines that revising the current ballast water discharge standard would result in a scientifically demonstrable and substantial reduction in the risk of the introduction or establishment of aquatic nuisance species.

(d) **ALTERNATIVE BALLAST WATER MANAGEMENT REQUIREMENTS.**—Nothing in this title may be construed to preclude the Secretary from authorizing the use of alternate means or methods of managing ballast water (including flow-through exchange, empty/refill exchange, and transfer to treatment facilities in place of a vessel ballast water management system required under this section) if the Secretary, in consultation with the Administrator, determines that such means or methods would not pose a greater risk of introduction of aquatic nuisance species in navigable waters than the use of a ballast water management system that achieves the applicable ballast water discharge standard.

(e) **GREAT LAKES REQUIREMENTS.**—In addition to the other standards and requirements imposed by this section, in the case of a vessel that enters the Great Lakes through the St. Lawrence River after operating outside the exclusive economic zone of the United States the Secretary, in consultation with the Administrator, shall establish a requirement that the vessel conduct saltwater flushing of all ballast water tanks onboard prior to entry.

SEC. 606. TREATMENT TECHNOLOGY CERTIFICATION.

(a) **CERTIFICATION REQUIRED.**—Beginning on the date that is 1 year after the date on which the requirements for testing protocols are issued under subsection (i), no manufacturer of a ballast water management system shall sell, offer for sale, or introduce or deliver for introduction into interstate commerce, or import into the United States for sale or resale, a ballast water management system for a vessel unless it has been certified under this section.

(b) **CERTIFICATION PROCESS.**—

(1) **EVALUATION.**—Upon application of a manufacturer, the Secretary shall evaluate a ballast water management system with respect to—

(A) the effectiveness of the management system in achieving the current ballast water discharge standard when installed on a vessel (or a class, type, or size of vessel);

(B) the compatibility with vessel design and operations;

(C) the effect of the management system on vessel safety;

(D) the impact on the environment;

(E) the cost effectiveness; and

(F) any other criteria the Secretary considers appropriate.

(2) **APPROVAL.**—If after an evaluation under paragraph (1) the Secretary determines that the management system meets the criteria, the Secretary may certify the management system for use on a vessel (or a class, type, or size of vessel).

(3) **SUSPENSION AND REVOCATION.**—The Secretary shall establish, by regulation, a process to suspend or revoke a certification issued under this section.

(c) **CERTIFICATION CONDITIONS.**—

(1) **IMPOSITION OF CONDITIONS.**—In certifying a ballast water management system under this section, the Secretary, in consultation with the Administrator, may impose any condition on the subsequent installation, use, or maintenance of the management system onboard a vessel as is necessary for—

(A) the safety of the vessel, the crew of the vessel, and any passengers aboard the vessel;

(B) the protection of the environment; or

(C) the effective operation of the management system.

(2) **FAILURE TO COMPLY.**—The failure of an owner or operator to comply with a condition imposed under paragraph (1) shall be considered a violation of this section.

(d) **PERIOD FOR USE OF INSTALLED TREATMENT EQUIPMENT.**—Notwithstanding anything to the contrary in this title or any other provision of law, the Secretary shall allow a vessel on which a management system is installed and operated to meet a ballast water discharge standard under this title to continue to use that system, notwithstanding any revision of a ballast water discharge standard occurring after the management system is ordered or installed until the expiration of the service life of the management system, as determined by the Secretary, if the management system—

(1) is maintained in proper working condition; and

(2) is maintained and used in accordance with the manufacturer's specifications and any management system certification conditions imposed by the Secretary under this section.

(e) **CERTIFICATES OF TYPE APPROVAL FOR THE TREATMENT TECHNOLOGY.**—

(1) **ISSUANCE.**—If the Secretary approves a ballast water management system for certification under subsection (b), the Secretary shall issue a certificate of type approval for the management system to the manufacturer in such form and manner as the Secretary determines appropriate.

(2) **CERTIFICATION CONDITIONS.**—A certificate of type approval issued under paragraph (1) shall specify each condition imposed by the Secretary under subsection (c).

(3) **OWNERS AND OPERATORS.**—A manufacturer that receives a certificate of type approval for the management system under this subsection shall provide a copy of the certificate to each owner and operator of a vessel on which the management system is installed.

(f) **INSPECTIONS.**—An owner or operator who receives a copy of a certificate under subsection (e)(3) shall retain a copy of the certificate onboard the vessel and make the copy of the certificate available for inspection at all times while the owner or operator is utilizing the management system.

(g) **BIOCIDES.**—The Secretary may not approve a ballast water management system under subsection (b) if—

(1) it uses a biocide or generates a biocide that is a pesticide, as defined in section 2 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136), unless the biocide is registered under that Act or the Secretary, in consultation with Administrator, has approved the use of the biocide in such management system; or

(2) it uses or generates a biocide the discharge of which causes or contributes to a violation of a water quality standard under section 303 of the Federal Water Pollution Control Act (33 U.S.C. 1313).

(h) **PROHIBITION.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the use of a ballast water management system by an owner or operator of a vessel shall not satisfy the requirements of this title unless it has been approved by the Secretary under subsection (b).

(2) **EXCEPTIONS.**—

(A) **COAST GUARD SHIPBOARD TECHNOLOGY EVALUATION PROGRAM.**—An owner or operator may use a ballast water management system that has not been certified by the Secretary to comply with the requirements of this section if the technology is being evaluated under the Coast Guard Shipboard Technology Evaluation Program.

(B) **BALLAST WATER MANAGEMENT SYSTEMS CERTIFIED BY FOREIGN ENTITIES.**—An owner or

operator may use a ballast water management system that has not been certified by the Secretary to comply with the requirements of this section if the management system has been certified by a foreign entity and the certification demonstrates performance and safety of the management system equivalent to the requirements of this section, as determined by the Secretary.

(i) **TESTING PROTOCOLS.**—Not later than 180 days after the date of the enactment of this Act, the Administrator, in consultation with the Secretary, shall issue requirements for land-based and shipboard testing protocols or criteria for—

(1) certifying the performance of each ballast water management system under this section; and

(2) certifying laboratories to evaluate such treatment technologies.

SEC. 607. EXEMPTIONS.

(a) **INCIDENTAL DISCHARGES.**—Except in a national marine sanctuary or a marine national monument, no permit shall be required or prohibition enforced under any other provision of law for, nor shall any standards regarding a discharge incidental to the normal operation of a vessel under this title apply to—

(1) a discharge incidental to the normal operation of a vessel if the vessel is less than 79 feet in length and engaged in commercial service (as such terms are defined in section 2101(5) of title 46, United States Code);

(2) a discharge incidental to the normal operation of a vessel if the vessel is a fishing vessel, including a fish processing vessel and a fish tender vessel, (as defined in section 2101 of title 46, United States Code); or

(3) a discharge incidental to the normal operation of a vessel if the vessel is a recreational vessel (as defined in section 2101(25) of title 46, United States Code).

(b) **DISCHARGES INTO NAVIGABLE WATERS.**—No permit shall be required or prohibition enforced under any other provision of law for, nor shall any standards regarding a discharge incidental to the normal operation of a vessel under this title apply to—

(1) any discharge into navigable waters from a vessel authorized by an on-scene coordinator in accordance with part 300 of title 40, Code of Federal Regulations, or part 153 of title 33, Code of Federal Regulations;

(2) any discharge into navigable waters from a vessel that is necessary to secure the safety of the vessel or human life, or to suppress a fire onboard the vessel or at a shore-side facility; or

(3) a vessel of the armed forces of a foreign nation when engaged in noncommercial service.

(c) **BALLAST WATER DISCHARGES.**—No permit shall be required or prohibition enforced under any other provision of law for, nor shall any ballast water discharge standard under this title apply to—

(1) a ballast water discharge incidental to the normal operation of a vessel determined by the Secretary to—

(A) operate exclusively within a geographically limited area;

(B) take up and discharge ballast water exclusively within 1 Captain of the Port Zone established by the Coast Guard unless the Secretary determines such discharge poses a substantial risk of introduction or establishment of an aquatic nuisance species;

(C) operate pursuant to a geographic restriction issued as a condition under section 3309 of title 46, United States Code, or an equivalent restriction issued by the country of registration of the vessel; or

(D) continuously take on and discharge ballast water in a flow-through system that does not introduce aquatic nuisance species into navigable waters;

(2) a ballast water discharge incidental to the normal operation of a vessel consisting entirely of water sourced from a United States public water system that meets the requirements under the Safe Drinking Water Act (42 U.S.C. 300f et seq.) or from a foreign public water system determined by the Administrator to be suitable for human consumption; or

(3) a ballast water discharge incidental to the normal operation of a vessel in an alternative compliance program established pursuant to section 608.

(d) **VESSELS WITH PERMANENT BALLAST WATER.**—No permit shall be required or prohibition enforced regarding a ballast water discharge incidental to the normal operation of a vessel under any other provision of law for, nor shall any ballast water discharge standard under this title apply to, a vessel that carries all of its permanent ballast water in sealed tanks that are not subject to discharge.

(e) **VESSELS OF THE ARMED FORCES.**—Nothing in this title may be construed to apply to—

(1) a vessel owned or operated by the Department of Defense (other than a time-chartered or voyage-chartered vessel); or

(2) a vessel of the Coast Guard, as designated by the Secretary of the department in which the Coast Guard is operating.

SEC. 608. ALTERNATIVE COMPLIANCE PROGRAM.

(a) **IN GENERAL.**—The Secretary, in consultation with the Administrator, may promulgate regulations establishing 1 or more compliance programs as an alternative to ballast water management regulations issued under section 605 for a vessel that—

(1) has a maximum ballast water capacity of less than 8 cubic meters; or

(2) is less than 3 years from the end of the useful life of the vessel, as determined by the Secretary.

(b) **RULEMAKING.**—

(1) **FACILITY STANDARDS.**—Not later than 1 year after the date of the enactment of this Act, the Administrator, in consultation with the Secretary, shall promulgate standards for—

(A) the reception of ballast water from a vessel into a reception facility; and

(B) the disposal or treatment of the ballast water under paragraph (1).

(2) **TRANSFER STANDARDS.**—The Secretary, in consultation with the Administrator, is authorized to promulgate standards for the arrangements necessary on a vessel to transfer ballast water to a facility.

SEC. 609. JUDICIAL REVIEW.

(a) **IN GENERAL.**—An interested person may file a petition for review of a final regulation promulgated under this title in the United States Court of Appeals for the District of Columbia Circuit.

(b) **DEADLINE.**—A petition shall be filed not later than 120 days after the date that notice of the promulgation appears in the Federal Register.

(c) **EXCEPTION.**—Notwithstanding subsection (b), a petition that is based solely on grounds that arise after the deadline to file a petition under subsection (b) has passed may be filed not later than 120 days after the date that the grounds first arise.

SEC. 610. EFFECT ON STATE AUTHORITY.

(a) **IN GENERAL.**—No State or political subdivision thereof may adopt or enforce any statute or regulation of the State or political subdivision with respect to a discharge incidental to the normal operation of a vessel after the date of enactment of this Act.

(b) **SAVINGS CLAUSE.**—Notwithstanding subsection (a), a State or political subdivision thereof may adopt or enforce a statute or regulation of the State or political subdivision with respect to ballast water dis-

charges incidental to the normal operation of a vessel that specifies a ballast water discharge standard that is more stringent than the ballast water discharge standard under section 605(a)(1)(A) if the Secretary, after consultation with the Administrator and any other Federal department or agency the Secretary considers appropriate, makes a determination that—

(1) compliance with any discharge standard specified in the statute or regulation can in fact be achieved and detected;

(2) the technology and systems necessary to comply with the statute or regulation are commercially available; and

(3) the statute or regulation is consistent with obligations under relevant international treaties or agreements to which the United States is a party.

(c) **PETITION PROCESS.**—

(1) **SUBMISSION.**—The Governor of a State seeking to adopt or enforce a statute or regulation under subsection (b) shall submit a petition to the Secretary requesting the Secretary to review the statute or regulation.

(2) **CONTENTS; TIMING.**—A petition shall be accompanied by the scientific and technical information on which the petition is based, and may be submitted within 1 year of the date of enactment of this Act and every 10 years thereafter.

(3) **DETERMINATIONS.**—The Secretary shall make a determination on a petition under this subsection not later than 90 days after the date on which the Secretary determines that a complete petition has been received.

SEC. 611. APPLICATION WITH OTHER STATUTES.

(a) **EXCLUSIVE STATUTORY AUTHORITY.**—Except as otherwise provided in this section and notwithstanding any other provision of law, this title shall be the exclusive statutory authority for regulation by the Federal Government of discharges incidental to the normal operation of a vessel to which this title applies.

(b) **EFFECT OF EXISTING REGULATIONS.**—Except as provided under section 605(a)(1)(A), any regulation in effect on the date immediately preceding the effective date of this Act relating to any permitting requirement for or prohibition on discharges incidental to the normal operation of a vessel to which this title applies—

(1) shall be deemed to be a regulation issued pursuant to the authority of this title; and

(2) shall remain in full force and effect unless or until superseded by new regulations issued under this title.

(c) **ACT TO PREVENT POLLUTION FROM SHIPS.**—The Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.) shall be the exclusive statutory authority for the regulation by the Federal Government of any discharge or emission that is covered under the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978, done at London February 17, 1978. Nothing in this title may be construed to alter or amend such Act or any regulation issued pursuant to the authority of such Act.

(d) **TITLE X OF THE COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2010.**—Title X of the Coast Guard and Maritime Transportation Act of 2010 (33 U.S.C. 3801 et seq.) shall be the exclusive statutory authority for the regulation by the Federal Government of any anti-fouling system that is covered under the International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001. Nothing in this title may be construed to alter or amend such title X or any regulation issued pursuant to the authority under such title.

SEC. 612. CONFORMING AMENDMENT.

Section 1205 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 1425) is repealed.

SEC. 613. SAVINGS PROVISION.

Any action taken by the Federal Government under this Act shall be in full compliance with its obligations under applicable provisions of international law.

SA 3171. Ms. HEITKAMP submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . . INCORPORATING RETROSPECTIVE REVIEW INTO NEW MAJOR RULES.

(a) **DEFINITIONS.**—In this section—

(1) the term “Administrator” means the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget;

(2) the terms “agency”, “rule”, and “rule making” have the meanings given those terms in section 551 of title 5, United States Code;

(3) the term “covered major rule” means major a rule that is promulgated by an agency in accordance with authority provided under this Act or any amendments made by this Act; and

(4) the term “major rule” means any rule that the Administrator finds has resulted in or is likely to result in—

(A) an annual effect on the economy of \$100,000,000 or more;

(B) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(C) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.

(b) **MAJOR RULE FRAMEWORKS.**—

(1) **IN GENERAL.**—Beginning 180 days after the date of enactment of this Act, when an agency publishes in the Federal Register—

(A) a proposed covered major rule, the agency shall include a clear statement of the regulatory objectives of the covered major rule and a general description of how the agency intends to measure the effectiveness of the covered major rule; or

(B) a final covered major rule, the agency shall include a framework for assessing the covered major rule under paragraph (2), which shall include—

(i) a clear statement of the regulatory objectives of the covered major rule, including a summary of the societal benefit and cost of the covered major rule;

(ii) the methodology by which the agency plans to analyze the covered major rule, including metrics by which the agency can measure—

(I) the effectiveness and benefits of the covered major rule in producing the regulatory objectives of the covered major rule; and

(II) the impacts, including any costs, of the covered major rule on regulated and other impacted entities;

(iii) a plan for gathering data regarding the metrics described in clause (ii) on an ongoing basis, or at periodic times, including a method by which the agency will invite the public to participate in the review process and seek input from other agencies; and

(iv) a specific time frame, as appropriate to the covered major rule and not more than 10 years after the effective date of the covered major rule, under which the agency shall

conduct the assessment of the covered major rule in accordance with paragraph (2)(A).

(2) ASSESSMENT.—

(A) IN GENERAL.—Each agency shall assess the data collected under paragraph (1)(B)(iii), using the methodology set forth in paragraph (1)(B)(ii) or any other appropriate methodology developed after the issuance of a final covered major rule to better determine whether the regulatory objective was achieved, with respect to a covered major rule—

(i) to analyze how the actual benefits and costs of the covered major rule may have varied from those anticipated at the time the covered major rule was issued; and

(ii) to determine whether—

(I) the covered major rule is accomplishing its regulatory objective;

(II) the covered major rule has been rendered unnecessary, taking into consideration—

(aa) changes in the subject area affected by the covered major rule; and

(bb) whether the covered major rule overlaps, duplicates, or conflicts with other rules or, to the extent feasible, State and local government regulations;

(III) the covered major rule needs to be strengthened in order to accomplish the regulatory objective; and

(IV) other alternatives to the covered major rule or modification of the covered major rule could better achieve the regulatory objective while imposing a smaller burden on society or increase net benefits, taking into consideration any cost already incurred.

(B) DIFFERENT METHODOLOGY.—If an agency uses a methodology other than the methodology set forth in paragraph (1)(B)(ii) to assess data under subparagraph (A), the agency shall include as part of the notice required under subparagraph (D) an explanation of the changes in circumstances that necessitated the use of that other methodology.

(C) SUBSEQUENT ASSESSMENTS.—

(i) IN GENERAL.—Except as provided in clause (ii), if, after an assessment of a covered major rule under subparagraph (A), an agency determines that the covered major rule will remain in effect with or without modification, the agency shall—

(I) determine a specific time, as appropriate to the covered major rule and not more than 10 years after the publication of the results of the previous assessment, under which the agency shall conduct another assessment of the covered major rule in accordance with subparagraph (A); and

(II) if the assessment conducted under subclause (I) does not result in a repeal of the covered major rule, periodically assess the covered major rule in accordance with subparagraph (A) to ensure the covered major rule continues to meet the regulatory objective.

(ii) EXEMPTION.—The Administrator may exempt an agency from conducting a subsequent assessment of a covered major rule under clause (i) if the Administrator determines that there is a foreseeable and apparent need for the covered major rule beyond the time frame required under clause (i)(I).

(D) PUBLICATION.—Not later than 180 days after the date on which an agency completes an assessment of a covered major rule under subparagraph (A), the agency shall publish a notice of availability of the results of the assessment in the Federal Register, including the specific time for any subsequent assessment of the covered major rule under subparagraph (C)(i), if applicable.

(3) OMB OVERSIGHT.—The Administrator shall—

(A) issue guidance for agencies regarding the development of the framework under

paragraph (1) and the conduct of the assessments under paragraph (2)(A);

(B) oversee the timely compliance of agencies with this subsection;

(C) ensure that the results of each assessment conducted under paragraph (2)(A) are—

(i) published promptly on a centralized Federal website; and

(ii) noticed in the Federal Register in accordance with paragraph (2)(D);

(D) encourage and assist agencies to streamline and coordinate the assessment of covered major rules with similar or related regulatory objectives;

(E) exempt an agency from including the framework required under paragraph (1)(B) when publishing a final covered major rule, if the agency did not issue a notice of proposed rule making for the covered major rule in order to provide a timely response to an emergency or comply with a statutorily imposed deadline, in accordance with paragraph (5)(B); and

(F) extend the deadline specified by an agency for an assessment of a covered major rule under paragraph (1)(B)(iv) or paragraph (2)(C)(i)(I) for a period of not more than 90 days if the agency justifies why the agency is unable to complete the assessment by that deadline.

(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to affect—

(A) the authority of an agency to assess or modify a covered major rule of the agency earlier than the end of the time frame specified for the covered major rule under paragraph (1)(B)(iv); or

(B) any other provision of law that requires an agency to conduct retrospective reviews of rules issued by the agency.

(5) APPLICABILITY.—

(A) IN GENERAL.—This subsection shall not apply to—

(i) a covered major rule of an agency for which the agency is required to conduct a retrospective review under any other provision of law that meets or exceeds the requirements of this subsection, as determined by the Administrator;

(ii) interpretative rules, general statements of policy, or rules of agency organization, procedure, or practice; or

(iii) routine and administrative rules.

(B) DIRECT AND INTERIM FINAL COVERED MAJOR RULE.—In the case of a covered major rule of an agency for which the agency is not required to issue a notice of proposed rule making in response to an emergency or a statutorily imposed deadline, the agency shall publish the framework required under paragraph (1)(B) in the Federal Register not later than 6 months after the date on which the agency publishes the final covered major rule.

(6) JUDICIAL REVIEW.—

(A) IN GENERAL.—Judicial review of agency compliance with this subsection is limited to—

(i) whether an agency published the framework for assessment of a covered major rule in accordance with paragraph (1); and

(ii) whether an agency completed and published the required assessment of a covered major rule in accordance with subparagraphs (A) and (D) of paragraph (2).

(B) REMEDY AVAILABLE.—In granting relief in an action brought under subparagraph (A), the court may only issue an order remanding the covered major rule to the agency to comply with paragraph (1) or subparagraph (A) or (D) of paragraph (2), as applicable.

(C) EFFECTIVE DATE OF COVERED MAJOR RULE.—If, in an action brought under subparagraph (A)(i), a court determines that the agency did not comply, the covered major rule shall take effect notwithstanding any order issued by the court.

(D) ADMINISTRATOR.—Any determination, action, or inaction of the Administrator shall not be subject to judicial review.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SA 3172. Ms. HEITKAMP (for herself and Mr. FRANKEN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 44 . INDIAN ENERGY OFFICE.

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

(1) by redesignating paragraph (3) as paragraph (4); and

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

“(3) INDIAN ENERGY REGULATORY OFFICE.—

“(A) ESTABLISHMENT.—To assist the Secretary in carrying out the Program, the Secretary shall establish within the office of the Deputy Secretary an Indian Energy Regulatory Office (referred to in this paragraph as the ‘Office’), to be located in Denver, Colorado.

“(B) EXISTING RESOURCES.—The Office shall use the existing resources of the Division of Energy and Mineral Development of the Office of Indian Energy and Economic Development.

“(C) DIRECTOR.—The Office shall be led by a Director who shall—

“(i) be compensated at a rate equal to that of level IV of the Executive Schedule under section 5315 of title 5, United States Code; and

“(ii) report directly to the Deputy Secretary.

“(D) FUNCTIONS.—The Office shall serve as a new Regional Office within the Bureau of Indian Affairs, which an energy-producing Indian tribe may select to replace the existing Regional Office of the Indian tribe—

“(i) notwithstanding any other law, to oversee, coordinate, process and approve all Federal leases, easements, rights-of-way, permits, policies, environmental reviews, and any other authorities related to energy development on Indian land;

“(ii)(I) to support review and evaluation by Agency Offices of the Bureau of Indian Affairs and Indian tribes of—

“(aa) energy proposals, permits, mineral leases, and rights-of-way; and

“(bb) Mineral Agreements entered into under section 3 of the Indian Mineral Development Act of 1982 (25 U.S.C. 2102) for final approval; and

“(II) to conduct environmental reviews and surface monitoring for the activities described in items (aa) and (bb) of subclause (I);

“(iii) to review and prepare Applications for Permits to Drill, communitization agreements, and well spacing proposals for approval;

“(iv) to provide production monitoring, inspection, and enforcement;

“(v) to oversee drainage issues;

“(vi) to provide energy-related technical assistance and financial management training to Agency Offices of the Bureau of Indian Affairs and Indian tribes;

“(vii) to develop best practices in the area of Indian energy development, including standardizing energy development processes, procedures, and forms among Agency and

Regional Offices of the Bureau of Indian Affairs;

“(viii) to minimize delays and obstacles to Indian energy development; and

“(ix) to provide technical assistance to Indian tribes in the areas of energy-related engineering, environmental analysis, management, and oversight of energy development, assessment of energy development resources, proposals and financing, and development of conventional and renewable energy resources.

“(E) RELATIONSHIP TO BUREAU OF INDIAN AFFAIRS REGIONAL AND AGENCY OFFICES.—

“(i) IN GENERAL.—The Office shall have the authority to review and approve all energy-related matters for Indian tribes that select to use the Office under subparagraph (D), without subsequent or duplicative review and approval by other Agency or Regional Offices of the Bureau of Indian Affairs or other agencies of the Department of the Interior.

“(ii) NON-ENERGY RELATED MATTERS.—Nothing in this paragraph affects the authority or duty of Regional Offices of the Bureau of Indian Affairs to oversee, support, and provide approvals for non-energy related matters.

“(iii) REGIONAL AND LOCAL SERVICES.—Nothing in this paragraph affects the authority or duty of Agency Offices of the Bureau of Indian Affairs and State and Field Offices of the Bureau of Land Management to provide regional and local services related to Indian energy development, including local realty functions, on-site evaluations and inspections, direct services as requested by Indian tribes and individual Indians, and any other local functions related to energy development on Indian land.

“(iv) TECHNICAL ASSISTANCE.—The Office shall provide technical assistance and support to the Bureau of Indian Affairs and the Bureau of Land Management in all areas related to energy development on Indian land.

“(F) DESIGNATION OF INTERIOR STAFF.—

“(i) IN GENERAL.—The Secretary shall designate and transfer to the Office existing staff and resources from—

“(I) the Division of Energy and Mineral Development of the Office of Indian Energy and Economic Development and other applicable offices of the Bureau of Indian Affairs;

“(II) the Bureau of Land Management;

“(III) the Office of Valuation Services;

“(IV) the Office of Natural Resources Revenue;

“(V) the United States Fish and Wildlife Service;

“(VI) the Office of Special Trustee;

“(VII) the Office of the Solicitor;

“(VIII) the Office of Surface Mining, including mining engineering and minerals realty specialists; and

“(IX) any other agency or office of the Department of the Interior involved in energy development on Indian land.

“(ii) FUNCTIONS.—Staff and resources transferred under clause (i) shall provide for—

“(I) review, processing, and approval of permits and regulatory matters under—

“(aa) the Act of February 5, 1948 (commonly known as the ‘Indian Right-of-Way Act’) (25 U.S.C. 323 et seq.);

“(bb) the Act of May 11, 1938 (commonly known as the ‘Indian Mineral Leasing Act of 1938’) (25 U.S.C. 396a et seq.);

“(cc) the first section of the Act of August 9, 1955 (25 U.S.C. 415);

“(dd) the Indian Mineral Development Act of 1982 (25 U.S.C. 2101 et seq.);

“(ee) this title;

“(ff) the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.);

“(gg) part 162 of title 25, Code of Federal Regulations (relating to leases and permits) (or successor regulations);

“(hh) part 169 of title 25, Code of Federal Regulations (relating to rights-of-way over Indian lands) (or successor regulations); and

“(ii) the Act of June 28, 1906 (34 Stat. 539, chapter 3572) (commonly known as the ‘Osage Allotment Act’);

“(II) consultations and preparation of biological opinions under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536);

“(III) preparation of environmental impact statements or similar analyses required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

“(IV) technical assistance and training for various forms of energy development on Indian land.

“(G) MANAGEMENT OF INDIAN LAND.—The Director shall ensure that—

“(i) all environmental reviews and permitting decisions—

“(I) comply with the unique legal relationship between the United States and Indian tribal governments (as set forth in the Constitution of the United States, treaties, statutes, Executive orders, and court decisions); and

“(II) are exercised in a manner that promotes tribal authority over Indian land, consistent with the policy of the Federal Government supporting Indian self-determination;

“(ii) Indian land shall not be—

“(I) considered to be Federal public land or part of the public domain; or

“(II) be managed in accordance with Federal public land laws and policies; and

“(iii) leases approved shall provide Indian tribes and Indian mineral owners with the maximum governmental and economic benefits associated with mineral leasing and development, including all revenue derived from mineral leasing and development, to encourage tribal self-determination and economic development on Indian land.

“(H) INDIAN SELF-DETERMINATION.—Programs and services operated by the Office shall be provided pursuant to contracts and grants awarded under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

“(I) TRANSFER OF FUNDS.—

“(i) IN GENERAL.—To fund the Office for a period not to exceed 2 years, the Secretary shall transfer such funds as are necessary from the annual budgets of—

“(I) the Bureau of Indian Affairs;

“(II) the United States Fish and Wildlife Service;

“(III) the Bureau Land Management;

“(IV) the Office of Surface Mining;

“(V) the Office of Natural Resources Revenue; and

“(VI) the Office of Mineral Valuation.

“(ii) BASE BUDGET.—At the end of the period described in clause (i), the combined total of the funds transferred under that clause shall serve as the base budget for the Office.

“(J) APPROPRIATIONS OFFSET.—All fees generated from Applications for Permits to Drill, inspection, nonproducing acreage, or any other fees related to energy development on Indian land—

“(i) shall, beginning on the date the Office is opened, be transferred to the budget of the Office; and

“(ii) may be used to advance or fulfill any of the stated duties and purposes of the Office.

“(K) REPORT.—The Office shall—

“(i) keep detailed records documenting the activities of the Office; and

“(ii) annually submit to Congress a report detailing—

“(I) the number and type of Federal approvals granted;

“(II) the time taken to process each type of application;

“(III) the need for additional similar offices to be located in other regions; and

“(IV) proposed changes in existing law to facilitate the development of energy resources on Indian land and improve oversight of energy development on Indian land.

“(L) COORDINATION WITH ADDITIONAL FEDERAL AGENCIES.—Not later than 1 year after establishing the Office, the Secretary shall enter into a memorandum of understanding to coordinate and streamline energy-related permits with—

“(i) the Administrator of the Environmental Protection Agency;

“(ii) the Assistant Secretary of the Army for Civil Works; and

“(iii) the Secretary of Agriculture.”

SA 3173. Ms. HEITKAMP (for herself and Mr. BOOKER) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 302, between lines 14 and 15, insert the following:

SEC. 3401. SENSE OF THE SENATE ON CARBON CAPTURE, USE, AND STORAGE DEVELOPMENT AND DEPLOYMENT.

It is the sense of the Senate that—

(1) carbon capture, use, and storage deployment is—

(A) an important part clean energy future and smart research and development investments of the United States; and

(B) critical—

(i) to increasing the energy security of the United States;

(ii) to reducing emissions; and

(iii) to maintaining a diverse and reliable energy resource;

(2) the fossil energy programs of the Department should continue to focus on research and development of technologies that will improve the capture, transportation, use, including for the production, through biofixation, of carbon-containing products, and injection processes essential for carbon capture, use, and storage activities in the electrical and industrial sectors;

(3) the Secretary should continue to partner with the private sector and explore avenues to bring down the cost of carbon capture, including through loans, grants, and sequestration credits to help make carbon capture, use, and storage technologies more competitive compared to other technologies that are a part of the clean energy future of the United States; and

(4) the Secretary should continue to work on existing, and expand on, international partnerships, agreements, projects, and information sharing activities of the Secretary to develop the latest and most cutting-edge carbon capture, use, and storage technologies for the electrical and industrial sectors.

On page 302, line 15, strike “3401” and insert “3402”.

On page 302, line 21, strike “3402” and insert “3403”.

On page 311, between lines 7 and 8, insert the following:

SEC. 3404. CONTRACTING AUTHORITY OF SECRETARY.

(a) DEFINITION OF ELECTRIC GENERATION UNIT.—In this section, the term “electric generation unit” means an electric generation unit that—

(1) uses coal-based generation technology; and

(2) is capable of capturing carbon dioxide emissions from the unit.

(b) **CONTRACTING AUTHORITY.**—The Secretary may enter into binding contracts, on behalf of the Federal Government, with qualified parties to provide price stabilization support for projects that capture carbon dioxide from certain industrial sources or projects that capture carbon dioxide from an electric generation unit and which captured carbon dioxide is sold to a purchaser for—

(1) the recovery of crude oil; or

(2) other purposes for which a commercial market exists.

(c) **TERM.**—The term of a contract entered into under subsection (b) shall not exceed 25 years.

(d) **NOTIFICATION.**—The Secretary shall notify Congress of—

(1) the intent of the Secretary to negotiate and enter into a price stabilization contract by the date that is not later than 30 days before negotiations begin; and

(2) the final terms of the contract, information on the range of overall costs for the project covered by the contract, and the range of potential costs and scenarios of the contract by the date that is not later than 30 days after the contract is executed.

(e) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report detailing—

(1) how the Secretary would establish, implement, and maintain the price stabilization contracting program described in this section; and

(2) options for how price stabilization contracts under this section may be structured.

(f) **REGULATIONS.**—Not later than 180 days after submission of the report under subsection (e), the Secretary shall promulgate regulations to establish and implement the price stabilization contracting program described in this section.

(g) **IMPLEMENTATION.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall implement the price stabilization contracting program described in this section.

(h) **FUNDING.**—There is authorized to be appropriated to carry out this section \$100,000,000 for the period of fiscal years 2017 through 2021.

SA 3174. Ms. HEITKAMP (for herself, Mrs. CAPITO, Mr. BOOKER, Mr. WHITEHOUSE, Mr. TESTER, Mr. MANCHIN, Mr. BLUNT, and Mr. FRANKEN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 302, between lines 14 and 15, insert the following:

SEC. 3401. SENSE OF THE SENATE ON CARBON CAPTURE, USE, AND STORAGE DEVELOPMENT AND DEPLOYMENT.

It is the sense of the Senate that—

(1) carbon capture, use, and storage deployment is—

(A) an important part of the clean energy future and smart research and development investments of the United States; and

(B) critical—

(i) to increasing the energy security of the United States;

(ii) to reducing emissions; and

(iii) to maintaining a diverse and reliable energy resource;

(2) the fossil energy programs of the Department should continue to focus on re-

search and development of technologies that will improve the capture, transportation, use (including for the production through bio-fixation of carbon-containing products), and injection processes essential for carbon capture, use, and storage activities in the electrical and industrial sectors;

(3) the Secretary should continue to partner with the private sector and explore avenues to bring down the cost of carbon capture, including through loans, grants, and sequestration credits to help make carbon capture, use, and storage technologies more competitive compared to other technologies that are a part of the clean energy future of the United States; and

(4) the Secretary should continue working with international partners on pre-existing agreements, projects, and information sharing activities of the Secretary to develop the latest and most cutting-edge carbon capture, use, and storage technologies for the electrical and industrial sectors.

On page 302, line 15, strike “3401” and insert “3402”.

On page 302, line 21, strike “3402” and insert “3403”.

On page 311, between lines 7 and 8, insert the following:

SEC. 3404. REPORT ON PRICE STABILIZATION SUPPORT.

(a) **DEFINITION OF ELECTRIC GENERATION UNIT.**—In this section, the term “electric generation unit” means an electric generation unit that—

(1) uses coal-based generation technology; and

(2) is capable of capturing carbon dioxide emissions from the unit.

(b) **REPORT.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall prepare and submit to the appropriate committees of Congress a report—

(1) on the benefits and costs of entering into long-term binding contracts on behalf of the Federal Government with qualified parties to provide price stabilization support for certain industrial sources for capturing carbon dioxide from electricity generated at an electric generation unit or carbon dioxide captured from an electric generation unit and sold to a purchaser for—

(A) the recovery of crude oil; or

(B) other purposes for which a commercial market exists; and

(2) that—

(A) contains an analysis of how the Department would establish, implement, and maintain a contracting program described in paragraph (1); and

(B) outlines options for how price stabilization contracts may be structured and regulations that would be necessary to implement a contracting program described in paragraph (1).

SA 3175. Mr. BURR (for himself and Mr. TILLIS) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 44. WILD HORSES IN AND AROUND THE CURRITUCK NATIONAL WILDLIFE REFUGE.

(a) **AGREEMENT REQUIRED.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior (referred to in this section as the “Secretary”) shall enter into an agreement with the Corolla Wild Horse

Fund (a nonprofit corporation established under the laws of the State of North Carolina), the County of Currituck, North Carolina, and the State of North Carolina to provide for management of free-roaming wild horses in and around the Currituck National Wildlife Refuge.

(2) **TERMS.**—The agreement shall—

(A) allow a herd of not fewer than 110 and not more than 130 free-roaming wild horses in and around the refuge, with a target population of between 120 and 130 free-roaming wild horses;

(B) provide for cost-effective management of the horses while ensuring that natural resources within the refuge are not adversely impacted;

(C) provide for introduction of a small number of free-roaming wild horses from the herd at Cape Lookout National Seashore as is necessary to maintain the genetic viability of the herd in and around the Currituck National Wildlife Refuge; and

(D) specify that the Corolla Wild Horse Fund shall pay the costs associated with—

(i) coordinating a periodic census and inspecting the health of the horses;

(ii) maintaining records of the horses living in the wild and in confinement;

(iii) coordinating the removal and placement of horses and monitoring of any horses removed from the Currituck County Outer Banks; and

(iv) administering a viable population control plan for the horses, including auctions, adoptions, contraceptive fertility methods, and other viable options.

(b) **CONDITIONS FOR EXCLUDING WILD HORSES FROM REFUGE.**—The Secretary shall not exclude free-roaming wild horses from any portion of the Currituck National Wildlife Refuge unless—

(1) the Secretary finds that the presence of free-roaming wild horses on a portion of that refuge threatens the survival of an endangered species for which that land is designated as critical habitat under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(2) the finding is based on a credible peer-reviewed scientific assessment; and

(3) the Secretary provides a period of public notice and comment on that finding.

(c) **REQUIREMENTS FOR INTRODUCTION OF HORSES FROM CAPE LOOKOUT NATIONAL SEASHORE.**—During the effective period of the memorandum of understanding between the National Park Service and the Foundation for Shackelford Horses, Inc. (a non-profit corporation organized under the laws of and doing business in the State of North Carolina) signed in 2007, no horse may be removed from Cape Lookout National Seashore for introduction at Currituck National Wildlife Refuge except—

(1) with the approval of the Foundation; and

(2) consistent with the terms of the memorandum (or any successor agreement) and the Management Plan for the Shackelford Banks Horse Herd signed in January 2006 (or any successor management plan).

(d) **NO LIABILITY CREATED.**—Nothing in this section creates liability for the United States for any damage caused by the free-roaming wild horses to any person or property located inside or outside the boundaries of the Currituck National Wildlife Refuge.

SA 3176. Mr. SCHATZ (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . PHASE OUT OF TAX PREFERENCES FOR FOSSIL FUELS.

(a) FINDINGS.—Congress finds the following:

(1) United States tax policy has provided tax preferences, such as special deductions, special tax rates, tax credits, and grants in lieu of tax credits, for oil and gas production for 100 years.

(2) United States tax policy has provided tax preferences for coal production for over 80 years.

(3) In order to ensure that all sources of energy compete on an equal footing, as tax credits for renewable energy are phased out over the next 4 years, fossil fuel tax preferences should be phased out on the same schedule.

(b) EXPENSING OF INTANGIBLE DRILLING COSTS.—Section 263 of the Internal Revenue Code of 1986 is amended—

(1) in subsection (c), by striking “subsection (i)” and inserting “subsections (i) and (j)”, and

(2) by adding at the end the following new subsection:

“(j) PHASE OUT OF DEDUCTION FOR INTANGIBLE DRILLING COSTS.—In the case of a dual capacity taxpayer which is a major integrated oil company (within the meaning of section 167(h)(5)), for any intangible drilling and development costs paid or incurred with respect to an oil or gas well, the amount of such costs allowed as a deduction under subsection (c) shall be reduced by—

“(1) in the case of any costs paid or incurred after December 31, 2016, and before January 1, 2018, 20 percent,

“(2) in the case of any costs paid or incurred after December 31, 2017, and before January 1, 2019, 40 percent,

“(3) in the case of any costs paid or incurred after December 31, 2018, and before January 1, 2020, 60 percent, and

“(4) in the case of any costs paid or incurred after December 31, 2019, 100 percent.”.

(c) PERCENTAGE DEPLETION FOR OIL AND NATURAL GAS WELLS.—Section 613A(d) of such Code is amended by adding at the end the following new paragraph:

“(6) PHASE OUT OF PERCENTAGE DEPLETION FOR OIL AND NATURAL GAS WELLS.—In the case of a dual capacity taxpayer which is a major integrated oil company (within the meaning of section 167(h)(5)), the amount allowed as a deduction for the taxable year which is attributable to the application of subsection (c) (determined after the application of paragraphs (1) through (5) of this subsection and without regard to this paragraph) shall be reduced by—

“(A) in the case of any crude oil or natural gas produced after December 31, 2016, and before January 1, 2018, 20 percent,

“(B) in the case of any crude oil or natural gas produced after December 31, 2017, and before January 1, 2019, 40 percent,

“(C) in the case of any crude oil or natural gas produced after December 31, 2018, and before January 1, 2020, 60 percent, and

“(D) in the case of any crude oil or natural gas produced after December 31, 2019, 100 percent.”.

(d) DOMESTIC MANUFACTURING DEDUCTION FOR FOSSIL FUELS.—Section 199(d)(9) of such Code is amended by adding at the end the following new subparagraph:

“(D) PHASE OUT OF DEDUCTION FOR OIL RELATED QUALIFIED PRODUCTION ACTIVITIES INCOME.—In the case of a dual capacity taxpayer which is a major integrated oil company (within the meaning of section 167(h)(5)), the amount allowable as a deduction under subsection (a) (determined after the application of subparagraph (A) and

without regard to this subparagraph) shall be reduced by—

“(i) in the case of any oil related qualified production activities income received or accrued after December 31, 2016, and before January 1, 2018, 20 percent,

“(ii) in the case of any oil related qualified production activities income received or accrued after December 31, 2017, and before January 1, 2019, 40 percent,

“(iii) in the case of any oil related qualified production activities income received or accrued after December 31, 2018, and before January 1, 2020, 60 percent, and

“(iv) in the case of any oil related qualified production activities income received or accrued after December 31, 2019, 100 percent.”.

(e) AMORTIZATION OF GEOLOGICAL AND GEOPHYSICAL EXPENDITURES.—Section 167(h) of such Code is amended by adding at the end the following new paragraph:

“(6) PHASE OUT OF AMORTIZATION OF GEOLOGICAL AND GEOPHYSICAL EXPENDITURES.—In the case of a dual capacity taxpayer which is a major integrated oil company (within the meaning of section 167(h)(5)), the amount of geological and geophysical expenses paid or incurred by a taxpayer which are allowed as a deduction under this subsection (without regard to this paragraph) shall be reduced by—

“(A) in the case of any such expenses paid or incurred after December 31, 2016, and before January 1, 2018, 20 percent,

“(B) in the case of any such expenses paid or incurred after December 31, 2017, and before January 1, 2019, 40 percent,

“(C) in the case of any such expenses paid or incurred after December 31, 2018, and before January 1, 2020, 60 percent, and

“(D) in the case of any such expenses paid or incurred after December 31, 2019, 100 percent.”.

(f) PERCENTAGE DEPLETION FOR OIL SHALE.—Section 613 of such Code is amended by adding at the end the following new subsection:

“(f) PHASE OUT OF PERCENTAGE DEPLETION FOR OIL SHALE.—In the case of a dual capacity taxpayer which is a major integrated oil company (within the meaning of section 167(h)(5)), the allowance for depletion for oil shale determined under this section (without regard to this subsection) shall be reduced by—

“(1) in the case of any income received or accrued from the property after December 31, 2016, and before January 1, 2018, 20 percent,

“(2) in the case of any income received or accrued from the property after December 31, 2017, and before January 1, 2019, 40 percent,

“(3) in the case of any income received or accrued from the property after December 31, 2018, and before January 1, 2020, 60 percent, and

“(4) in the case of any income received or accrued from the property after December 31, 2019, 100 percent.”.

(g) EXPENSING OF EXPLORATION AND DEVELOPMENT COSTS FOR OIL SHALE.—Section 617 of such Code is amended—

(1) by redesignating subsection (i) as subsection (j), and

(2) by inserting after subsection (h) the following new subsection:

“(i) PHASE OUT OF EXPENSING OF EXPLORATION AND DEVELOPMENT COSTS FOR OIL SHALE.—In the case of a dual capacity taxpayer which is a major integrated oil company (within the meaning of section 167(h)(5)), the amount of expenditures related to oil shale which are allowed as a deduction under subsection (a) shall be reduced by—

“(1) in the case of any such expenditures paid or incurred after December 31, 2016, and before January 1, 2018, 20 percent,

“(2) in the case of any such expenditures paid or incurred after December 31, 2017, and before January 1, 2019, 40 percent,

“(3) in the case of any such expenditures paid or incurred after December 31, 2018, and before January 1, 2020, 60 percent, and

“(4) in the case of any such expenditures paid or incurred after December 31, 2019, 100 percent.”.

(h) CAPITAL GAINS TREATMENT FOR ROYALTIES OF COAL.—Section 631 of such Code is amended by adding at the end the following new subsection:

“(d) PHASE OUT OF CAPITAL GAINS TREATMENT FOR ROYALTIES OF COAL.—In the case of coal (including lignite), the amount of gain or loss on the sale of such coal to which subsection (c) applies shall be reduced by—

“(1) in the case of any such gain or loss after December 31, 2016, and before January 1, 2018, 20 percent,

“(2) in the case of any such gain or loss after December 31, 2017, and before January 1, 2019, 40 percent,

“(3) in the case of any such gain or loss after December 31, 2018, and before January 1, 2020, 60 percent, and

“(4) in the case of any such gain or loss after December 31, 2019, 100 percent.”.

(i) DEDUCTION FOR TERTIARY INJECTANTS.—Section 193 of such Code is amended by adding at the end the following new subsection:

“(d) PHASE OUT OF DEDUCTION FOR TERTIARY INJECTANTS.—In the case of a dual capacity taxpayer which is a major integrated oil company (within the meaning of section 167(h)(5)), the amount of qualified tertiary injectant expenses allowable as a deduction under subsection (a) shall be reduced by—

“(1) in the case of any such expenditures paid or incurred after December 31, 2016, and before January 1, 2018, 20 percent,

“(2) in the case of any such expenditures paid or incurred after December 31, 2017, and before January 1, 2019, 40 percent,

“(3) in the case of any such expenditures paid or incurred after December 31, 2018, and before January 1, 2020, 60 percent, and

“(4) in the case of any such expenditures paid or incurred after December 31, 2019, 100 percent.”.

(j) EXCEPTION TO PASSIVE LOSS LIMITATION FOR WORKING INTERESTS IN OIL AND NATURAL GAS PROPERTIES.—Section 469(c) of such Code is amended by adding at the end the following new paragraph:

“(8) PHASE OUT OF EXCEPTION TO PASSIVE LOSS LIMITATION FOR WORKING INTERESTS IN OIL AND NATURAL GAS PROPERTIES.—In the case of a dual capacity taxpayer which is a major integrated oil company (within the meaning of section 167(h)(5)), for any loss from a working interest in any oil or gas property, the amount of such loss to which paragraph (3) applies shall be reduced by—

“(A) in the case of any such loss after December 31, 2016, and before January 1, 2018, 20 percent,

“(B) in the case of any such loss after December 31, 2017, and before January 1, 2019, 40 percent,

“(C) in the case of any such loss after December 31, 2018, and before January 1, 2020, 60 percent, and

“(D) in the case of any such loss after December 31, 2019, 100 percent.”.

(k) MARGINAL WELLS CREDIT.—Section 451(d) of such Code is amended by adding at the end the following new paragraph:

“(4) PHASE OUT OF MARGINAL WELLS CREDIT.—In the case of a dual capacity taxpayer which is a major integrated oil company (within the meaning of section 167(h)(5)), the amount of the credit determined under subsection (a) shall be reduced by—

“(A) in the case of any qualified crude oil production or qualified natural gas production after December 31, 2016, and before January 1, 2018, 20 percent,

“(B) in the case of any qualified crude oil production or qualified natural gas production after December 31, 2017, and before January 1, 2019, 40 percent,

“(C) in the case of any qualified crude oil production or qualified natural gas production after December 31, 2018, and before January 1, 2020, 60 percent, and

“(D) in the case of any qualified crude oil production or qualified natural gas production after December 31, 2019, 100 percent.”.

SA 3177. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VI—PROTECTING AND ENHANCING OPPORTUNITIES FOR HUNTING, FISHING, AND RECREATIONAL SHOOTING

Subtitle A—National Policy

SEC. 6001. CONGRESSIONAL DECLARATION OF NATIONAL POLICY.

(a) IN GENERAL.—Congress declares that it is the policy of the United States that Federal departments and agencies, in accordance with the missions of the departments and agencies, Executive Orders 12962 and 13443 (60 Fed. Reg. 30769 (June 7, 1995); 72 Fed. Reg. 46537 (August 16, 2007)), and applicable law, shall—

(1) facilitate the expansion and enhancement of hunting, fishing, and recreational shooting opportunities on Federal land, in consultation with the Wildlife and Hunting Heritage Conservation Council, the Sport Fishing and Boating Partnership Council, State and tribal fish and wildlife agencies, and the public;

(2) conserve and enhance aquatic systems and the management of game species and the habitat of those species on Federal land, including through hunting and fishing, in a manner that respects—

(A) State management authority over wildlife resources; and

(B) private property rights; and

(3) consider hunting, fishing, and recreational shooting opportunities as part of all Federal plans for land, resource, and travel management.

(b) EXCLUSION.—In this title, the term “fishing” does not include commercial fishing in which fish are harvested, either in whole or in part, that are intended to enter commerce through sale.

Subtitle B—Sportsmen's Access to Federal Land

SEC. 6011. DEFINITIONS.

In this subtitle:

(1) FEDERAL LAND.—The term “Federal land” means—

(A) any land in 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))) that is administered by the Secretary of Agriculture, acting through the Chief of the Forest Service; and

(B) public lands (as defined in section 103 of the Federal Land Policy and 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.

(2) SECRETARY CONCERNED.—The term “Secretary concerned” means—

(A) the Secretary of Agriculture, with respect to land described in paragraph (1)(A); and

(B) the Secretary of the Interior, with respect to land described in paragraph (1)(B).

SEC. 6012. FEDERAL LAND OPEN TO HUNTING, FISHING, AND RECREATIONAL SHOOTING.

(a) IN GENERAL.—Subject to subsection (b), Federal land shall be open to hunting, fishing, and recreational shooting, in accordance with applicable law, unless the Secretary concerned closes an area in accordance with section 6013.

(b) EFFECT OF SUBTITLE.—Nothing in this subtitle opens to hunting, fishing, or recreational shooting any land that is not open to those activities as of the date of enactment of this Act.

SEC. 6013. CLOSURE OF FEDERAL LAND TO HUNTING, FISHING, AND RECREATIONAL SHOOTING.

(a) AUTHORIZATION.—

(1) IN GENERAL.—Subject to paragraph (2) and in accordance with section 302(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732(b)), the Secretary concerned may designate any area on Federal land in which, and establish any period during which, for reasons of public safety, administration, or compliance with applicable laws, no hunting, fishing, or recreational shooting shall be permitted.

(2) REQUIREMENT.—In making a designation under paragraph (1), the Secretary concerned shall designate the smallest area for the least amount of time that is required for public safety, administration, or compliance with applicable laws.

(b) CLOSURE PROCEDURES.—

(1) IN GENERAL.—Except in an emergency, before permanently or temporarily closing any Federal land to hunting, fishing, or recreational shooting, the Secretary concerned shall—

(A) consult with State fish and wildlife agencies; and

(B) provide public notice and opportunity for comment under paragraph (2).

(2) PUBLIC NOTICE AND COMMENT.—

(A) IN GENERAL.—Public notice and comment shall include—

(i) a notice of intent—

(I) published in advance of the public comment period for the closure—

(aa) in the Federal Register;

(bb) on the website of the applicable Federal agency;

(cc) on the website of the Federal land unit, if available; and

(dd) in at least 1 local newspaper;

(II) made available in advance of the public comment period to local offices, chapters, and affiliate organizations in the vicinity of the closure that are signatories to the memorandum of understanding entitled “Federal Lands Hunting, Fishing, and Shooting Sports Roundtable Memorandum of Understanding”; and

(III) that describes—

(aa) the proposed closure; and

(bb) the justification for the proposed closure, including an explanation of the reasons and necessity for the decision to close the area to hunting, fishing, or recreational shooting; and

(ii) an opportunity for public comment for a period of—

(I) not less than 60 days for a permanent closure; or

(II) not less than 30 days for a temporary closure.

(B) FINAL DECISION.—In a final decision to permanently or temporarily close an area to hunting, fishing, or recreation shooting, the Secretary concerned shall—

(i) respond in a reasoned manner to the comments received;

(ii) explain how the Secretary concerned resolved any significant issues raised by the comments; and

(iii) show how the resolution led to the closure.

(c) TEMPORARY CLOSURES.—

(1) IN GENERAL.—A temporary closure under this section may not exceed a period of 180 days.

(2) RENEWAL.—Except in an emergency, a temporary closure for the same area of land closed to the same activities—

(A) may not be renewed more than 3 times after the first temporary closure; and

(B) must be subject to a separate notice and comment procedure in accordance with subsection (b)(2).

(3) EFFECT OF TEMPORARY CLOSURE.—Any Federal land that is temporarily closed to hunting, fishing, or recreational shooting under this section shall not become permanently closed to that activity without a separate public notice and opportunity to comment in accordance with subsection (b)(2).

(d) REPORTING.—On an annual basis, the Secretaries concerned shall—

(1) publish on a public website a list of all areas of Federal land temporarily or permanently subject to a closure under this section; and

(2) submit to the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Natural Resources and the Committee on Agriculture of the House of Representatives a report that identifies—

(A) a list of each area of Federal land temporarily or permanently subject to a closure;

(B) the acreage of each closure; and

(C) a survey of—

(i) the aggregate areas and acreage closed under this section in each State; and

(ii) the percentage of Federal land in each State closed under this section with respect to hunting, fishing, and recreational shooting.

(e) APPLICATION.—This section shall not apply if the closure is—

(1) less than 14 days in duration; and

(2) covered by a special use permit.

SEC. 6014. SHOOTING RANGES.

(a) IN GENERAL.—Except as provided in subsection (b), the Secretary concerned may, in accordance with this section and other applicable law, lease or permit the use of Federal land for a shooting range.

(b) EXCEPTION.—The Secretary concerned shall not lease or permit the use of Federal land for a shooting range, within—

(1) a component of the National Landscape Conservation System;

(2) a component of the National Wilderness Preservation System;

(3) any area that is—

(A) designated as a wilderness study area;

(B) administratively classified as—

(i) wilderness-eligible; or

(ii) wilderness-suitable; or

(C) a primitive or semiprimitive area;

(4) a national monument, national volcanic monument, or national scenic area; or

(5) a component of the National Wild and Scenic Rivers System (including areas designated for study for potential addition to the National Wild and Scenic Rivers System).

SEC. 6015. FEDERAL ACTION TRANSPARENCY.

(a) MODIFICATION OF EQUAL ACCESS TO JUSTICE PROVISIONS.—

(1) AGENCY PROCEEDINGS.—Section 504 of title 5, United States Code, is amended—

(A) in subsection (c)(1), by striking “, United States Code”;

(B) by redesignating subsection (f) as subsection (i); and

(C) by striking subsection (e) and inserting the following:

“(e)(1) Not later than March 31 of the first fiscal year beginning after the date of enactment of the Energy Policy Modernization Act of 2016, and every fiscal year thereafter,

the Chairman of the Administrative Conference of the United States, after consultation with the Chief Counsel for Advocacy of the Small Business Administration, shall submit to Congress and make publicly available online a report on the amount of fees and other expenses awarded during the preceding fiscal year under this section.

“(2) Each report under paragraph (1) shall describe the number, nature, and amount of the awards, the claims involved in the controversy, and any other relevant information that may aid Congress in evaluating the scope and impact of such awards.

“(3)(A) Each report under paragraph (1) shall account for all payments of fees and other expenses awarded under this section that are made pursuant to a settlement agreement, regardless of whether the settlement agreement is sealed or otherwise subject to a nondisclosure provision.

“(B) The disclosure of fees and other expenses required under subparagraph (A) shall not affect any other information that is subject to a nondisclosure provision in a settlement agreement.

“(f) As soon as practicable, and in any event not later than the date on which the first report under subsection (e)(1) is required to be submitted, the Chairman of the Administrative Conference of the United States shall create and maintain online a searchable database containing, with respect to each award of fees and other expenses under this section made on or after the date of enactment of the Energy Policy Modernization Act of 2016, the following information:

“(1) The case name and number of the adversary adjudication, if available, hyperlinked to the case, if available.

“(2) The name of the agency involved in the adversary adjudication.

“(3) A description of the claims in the adversary adjudication.

“(4) The name of each party to whom the award was made as such party is identified in the order or other court document making the award.

“(5) The amount of the award.

“(6) The basis for the finding that the position of the agency concerned was not substantially justified.

“(g) The online searchable database described in subsection (f) may not reveal any information the disclosure of which is prohibited by law or a court order.

“(h) The head of each agency shall provide to the Chairman of the Administrative Conference of the United States in a timely manner all information requested by the Chairman to comply with the requirements of subsections (e), (f), and (g).”

(2) COURT CASES.—Section 2412(d) of title 28, United States Code, is amended by adding at the end the following:

“(5)(A) Not later than March 31 of the first fiscal year beginning after the date of enactment of the Energy Policy Modernization Act of 2016, and every fiscal year thereafter, the Chairman of the Administrative Conference of the United States shall submit to Congress and make publicly available online a report on the amount of fees and other expenses awarded during the preceding fiscal year pursuant to this subsection.

“(B) Each report under subparagraph (A) shall describe the number, nature, and amount of the awards, the claims involved in the controversy, and any other relevant information that may aid Congress in evaluating the scope and impact of such awards.

“(C)(i) Each report under subparagraph (A) shall account for all payments of fees and other expenses awarded under this subsection that are made pursuant to a settlement agreement, regardless of whether the settlement agreement is sealed or otherwise subject to a nondisclosure provision.

“(ii) The disclosure of fees and other expenses required under clause (i) shall not affect any other information that is subject to a nondisclosure provision in a settlement agreement.

“(D) The Chairman of the Administrative Conference of the United States shall include and clearly identify in each annual report under subparagraph (A), for each case in which an award of fees and other expenses is included in the report—

“(i) any amounts paid under section 1304 of title 31 for a judgment in the case;

“(ii) the amount of the award of fees and other expenses; and

“(iii) the statute under which the plaintiff filed suit.

“(6) As soon as practicable, and in any event not later than the date on which the first report under paragraph (5)(A) is required to be submitted, the Chairman of the Administrative Conference of the United States shall create and maintain online a searchable database containing, with respect to each award of fees and other expenses under this subsection made on or after the date of enactment of the Energy Policy Modernization Act of 2016, the following information:

“(A) The case name and number, hyperlinked to the case, if available.

“(B) The name of the agency involved in the case.

“(C) The name of each party to whom the award was made as such party is identified in the order or other court document making the award.

“(D) A description of the claims in the case.

“(E) The amount of the award.

“(F) The basis for the finding that the position of the agency concerned was not substantially justified.

“(7) The online searchable database described in paragraph (6) may not reveal any information the disclosure of which is prohibited by law or a court order.

“(8) The head of each agency (including the Attorney General of the United States) shall provide to the Chairman of the Administrative Conference of the United States in a timely manner all information requested by the Chairman to comply with the requirements of paragraphs (5), (6), and (7).”

(3) TECHNICAL AND CONFORMING AMENDMENTS.—Section 2412 of title 28, United States Code, is amended—

(A) in subsection (d)(3), by striking “United States Code,”; and

(B) in subsection (e)—

(i) by striking “of section 2412 of title 28, United States Code,” and inserting “of this section”; and

(ii) by striking “of such title” and inserting “of this title”.

(b) JUDGMENT FUND TRANSPARENCY.—Section 1304 of title 31, United States Code, is amended by adding at the end the following:

“(d) Beginning not later than the date that is 60 days after the date of enactment of the Energy Policy Modernization Act of 2016, and unless the disclosure of such information is otherwise prohibited by law or a court order, the Secretary of the Treasury shall make available to the public on a website, as soon as practicable, but not later than 30 days after the date on which a payment under this section is tendered, the following information with regard to that payment:

“(1) The name of the specific agency or entity whose actions gave rise to the claim or judgment.

“(2) The name of the plaintiff or claimant.

“(3) The name of counsel for the plaintiff or claimant.

“(4) The amount paid representing principal liability, and any amounts paid representing any ancillary liability, including attorney fees, costs, and interest.

“(5) A brief description of the facts that gave rise to the claim.

“(6) The name of the agency that submitted the claim.”

Subtitle C—Filming on Federal Land Management Agency Land

SEC. 6021. COMMERCIAL FILMING.

(a) IN GENERAL.—Section 1 of Public Law 106-206 (16 U.S.C. 4601-6d) is amended—

(1) by redesignating subsections (a) through (f) as subsections (b) through (g), respectively;

(2) by inserting before subsection (b) (as so redesignated) the following:

“(a) DEFINITION OF SECRETARY.—The term ‘Secretary’ means the Secretary of the Interior or the Secretary of Agriculture, as applicable, with respect to land under the respective jurisdiction of the Secretary.”;

(3) in subsection (b) (as so redesignated)—

(A) in paragraph (1)—

(i) in the first sentence, by striking “of the Interior or the Secretary of Agriculture (hereafter individually referred to as the ‘Secretary’ with respect to land (except land in a System unit as defined in section 100102 of title 54, United States Code) under their respective jurisdictions”;

(ii) in subparagraph (B), by inserting “, except in the case of film crews of 3 or fewer individuals” before the period at the end; and

(B) by adding at the end the following:

“(3) FEE SCHEDULE.—Not later than 180 days after the date of enactment of the Energy Policy Modernization Act of 2016, to enhance consistency in the management of Federal land, the Secretaries shall publish a single joint land use fee schedule for commercial filming and still photography.”;

(4) in subsection (c) (as so redesignated), in the second sentence, by striking “subsection (a)” and inserting “subsection (b)”;

(5) in subsection (d) (as so redesignated), in the heading, by inserting “Commercial” before “Still”;

(6) in paragraph (1) of subsection (f) (as so redesignated), by inserting “in accordance with the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801 et seq.)” after “without further appropriation.”;

(7) in subsection (g) (as so redesignated)—

(A) by striking “The Secretary shall” and inserting the following:

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

(B) by adding at the end the following:

“(2) CONSIDERATIONS.—The Secretary shall not consider subject matter or content as a criterion for issuing or denying a permit under this Act.”; and

(8) by adding at the end the following:

“(h) EXEMPTION FROM COMMERCIAL FILMING OR STILL PHOTOGRAPHY PERMITS AND FEES.—The Secretary shall not require persons holding commercial use authorizations or special recreation permits to obtain an additional permit or pay a fee for commercial filming or still photography under this Act if the filming or photography conducted is—

“(1) incidental to the permitted activity that is the subject of the commercial use authorization or special recreation permit; and

“(2) the holder of the commercial use authorization or special recreation permit is an individual or small business concern (within the meaning of section 3 of the Small Business Act (15 U.S.C. 632)).

“(i) EXCEPTION FROM CERTAIN FEES.—Commercial filming or commercial still photography shall be exempt from fees under this Act, but not from recovery of costs under subsection (c), if the activity—

“(1) is conducted by an entity that is a small business concern (within the meaning of section 3 of the Small Business Act (15 U.S.C. 632));

“(2) is conducted by a crew of not more than 3 individuals; and

“(3) uses only a camera and tripod.

“(j) APPLICABILITY TO NEWS GATHERING ACTIVITIES.—

“(1) IN GENERAL.—News gathering shall not be considered a commercial activity.

“(2) INCLUDED ACTIVITIES.—In this subsection, the term ‘news gathering’ includes, at a minimum, the gathering, recording, and filming of news and information related to news in any medium.”.

(b) CONFORMING AMENDMENTS.—Chapter 1009 of title 54, United States Code, is amended—

(1) by striking section 100905; and

(2) in the table of sections for chapter 1009 of title 54, United States Code, by striking the item relating to section 100905.

Subtitle D—Bows, Wildlife Management, and Access Opportunities for Recreation, Hunting, and Fishing

SEC. 6031. BOWS IN PARKS.

(a) IN GENERAL.—Chapter 1049 of title 54, United States Code (as amended by section 5001(a)), is amended by adding at the end the following:

“§ 104909. Bows in parks

“(a) DEFINITION OF NOT READY FOR IMMEDIATE USE.—The term ‘not ready for immediate use’ means—

“(1) a bow or crossbow, the arrows of which are secured or stowed in a quiver or other arrow transport case; and

“(2) with respect to a crossbow, uncocked.

“(b) VEHICULAR TRANSPORTATION AUTHORIZED.—The Director shall not promulgate or enforce any regulation that prohibits an individual from transporting bows and crossbows that are not ready for immediate use across any System unit in the vehicle of the individual if—

“(1) the individual is not otherwise prohibited by law from possessing the bows and crossbows;

“(2) the bows or crossbows that are not ready for immediate use remain inside the vehicle of the individual throughout the period during which the bows or crossbows are transported across System land; and

“(3) the possession of the bows and crossbows is in compliance with the law of the State in which the System unit is located.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 1049 of title 54, United States Code (as amended by section 5001(b)), is amended by inserting after the item relating to section 104908 the following:

“104909. Bows in parks.”.

SEC. 6032. WILDLIFE MANAGEMENT IN PARKS.

(a) IN GENERAL.—Chapter 1049 of title 54, United States Code (as amended by section 6031(a)), is amended by adding at the end the following:

“SEC. 104910. WILDLIFE MANAGEMENT IN PARKS.

“(a) USE OF QUALIFIED VOLUNTEERS.—If the Secretary determines it is necessary to reduce the size of a wildlife population on System land in accordance with applicable law (including regulations), the Secretary may use qualified volunteers to assist in carrying out wildlife management on System land.

“(b) REQUIREMENTS FOR QUALIFIED VOLUNTEERS.—Qualified volunteers providing assistance under subsection (a) shall be subject to—

“(1) any training requirements or qualifications established by the Secretary; and

“(2) any other terms and conditions that the Secretary may require.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 1049 of title 54 (as amended by section 6031(b)), United States Code, is amended by inserting after the item relating to section 104909 the following:

“104910. Wildlife management in parks.”.

SEC. 6033. IDENTIFYING OPPORTUNITIES FOR RECREATION, HUNTING, AND FISHING ON FEDERAL LAND.

(a) DEFINITIONS.—In this section:

(1) SECRETARY.—The term “Secretary” means—

(A) the Secretary of the Interior, with respect to land administered by—

(i) the Director of the National Park Service;

(ii) the Director of the United States Fish and Wildlife Service; and

(iii) the Director of the Bureau of Land Management; and

(B) the Secretary of Agriculture, with respect to land administered by the Chief of the Forest Service.

(2) STATE OR REGIONAL OFFICE.—The term “State or regional office” means—

(A) a State office of the Bureau of Land Management; or

(B) a regional office of—

(i) the National Park Service;

(ii) the United States Fish and Wildlife Service; or

(iii) the Forest Service.

(3) TRAVEL MANAGEMENT PLAN.—The term “travel management plan” means a plan for the management of travel—

(A) with respect to land under the jurisdiction of the National Park Service, on park roads and designated routes under section 4.10 of title 36, Code of Federal Regulations (or successor regulations);

(B) with respect to land under the jurisdiction of the United States Fish and Wildlife Service, on the land under a comprehensive conservation plan prepared under section 4(e) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(e));

(C) with respect to land under the jurisdiction of the Forest Service, on National Forest System land under part 212 of title 36, Code of Federal Regulations (or successor regulations); and

(D) with respect to land under the jurisdiction of the Bureau of Land Management, under a resource management plan developed under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(b) PRIORITY LISTS REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, annually during the 10-year period beginning on the date on which the first priority list is completed, and every 5 years after the end of the 10-year period, the Secretary shall prepare a priority list, to be made publicly available on the website of the applicable Federal agency referred to in subsection (a)(1), which shall identify the location and acreage of land within the jurisdiction of each State or regional office on which the public is allowed, under Federal or State law, to hunt, fish, or use the land for other recreational purposes but—

(A) to which there is no public access or egress; or

(B) to which public access or egress to the legal boundaries of the land is significantly restricted (as determined by the Secretary).

(2) MINIMUM SIZE.—Any land identified under paragraph (1) shall consist of contiguous acreage of at least 640 acres.

(3) CONSIDERATIONS.—In preparing the priority list required under paragraph (1), the Secretary shall consider with respect to the land—

(A) whether access is absent or merely restricted, including the extent of the restriction;

(B) the likelihood of resolving the absence of or restriction to public access;

(C) the potential for recreational use;

(D) any information received from the public or other stakeholders during the nomination process described in paragraph (5); and

(E) any other factor as determined by the Secretary.

(4) ADJACENT LAND STATUS.—For each parcel of land on the priority list, the Secretary shall include in the priority list whether resolving the issue of public access or egress to the land would require acquisition of an easement, right-of-way, or fee title from—

(A) another Federal agency;

(B) a State, local, or tribal government; or

(C) a private landowner.

(5) NOMINATION PROCESS.—In preparing a priority list under this section, the Secretary shall provide an opportunity for members of the public to nominate parcels for inclusion on the priority list.

(c) ACCESS OPTIONS.—With respect to land included on a priority list described in subsection (b), the Secretary shall develop and submit to the Committees on Appropriations and Energy and Natural Resources of the Senate and the Committees on Appropriations and Natural Resources of the House of Representatives a report on options for providing access that—

(1) identifies how public access and egress could reasonably be provided to the legal boundaries of the land in a manner that minimizes the impact on wildlife habitat and water quality;

(2) specifies the steps recommended to secure the access and egress, including acquiring an easement, right-of-way, or fee title from a willing owner of any land that abuts the land or the need to coordinate with State land management agencies or other Federal, State, or tribal governments to allow for such access and egress; and

(3) is consistent with the travel management plan in effect on the land.

(d) PROTECTION OF PERSONALLY IDENTIFYING INFORMATION.—In making the priority list and report prepared under subsections (b) and (c) available, the Secretary shall ensure that no personally identifying information is included, such as names or addresses of individuals or entities.

(e) WILLING OWNERS.—For purposes of providing any permits to, or entering into agreements with, a State, local, or tribal government or private landowner with respect to the use of land under the jurisdiction of the government or landowner, the Secretary shall not take into account whether the State, local, or tribal government or private landowner has granted or denied public access or egress to the land.

(f) MEANS OF PUBLIC ACCESS AND EGRESS INCLUDED.—In considering public access and egress under subsections (b) and (c), the Secretary shall consider public access and egress to the legal boundaries of the land described in those subsections, including access and egress—

(1) by motorized or non-motorized vehicles; and

(2) on foot or horseback.

(g) EFFECT.—

(1) IN GENERAL.—This section shall have no effect on whether a particular recreational use shall be allowed on the land included in a priority list under this section.

(2) EFFECT OF ALLOWABLE USES ON AGENCY CONSIDERATION.—In preparing the priority list under subsection (b), the Secretary shall only consider recreational uses that are allowed on the land at the time that the priority list is prepared.

Subtitle E—Federal Land Transaction Facilitation Act

SEC. 6041. FEDERAL LAND TRANSACTION FACILITATION ACT.

(a) IN GENERAL.—The Federal Land Transaction Facilitation Act is amended—

(1) in section 203(2) (43 U.S.C. 2302(2)), by striking “on the date of enactment of this Act was” and inserting “is”;

(2) in section 205 (43 U.S.C. 2304)—

(A) in subsection (a), by striking “(as in effect on the date of enactment of this Act)”;

and

(B) by striking subsection (d);

(3) in section 206 (43 U.S.C. 2305), by striking subsection (f); and

(4) in section 207(b) (43 U.S.C. 2306(b))—

(A) in paragraph (1)—

(i) by striking “96-568” and inserting “96-586”; and

(ii) by striking “; or” and inserting a semicolon;

(B) in paragraph (2)—

(i) by inserting “Public Law 105-263;” before “112 Stat.”; and

(ii) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(3) the White Pine County Conservation, Recreation, and Development Act of 2006 (Public Law 109-432; 120 Stat. 3028);

“(4) the Lincoln County Conservation, Recreation, and Development Act of 2004 (Public Law 108-424; 118 Stat. 2403);

“(5) subtitle F of title I of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 1132 note; Public Law 111-11);

“(6) subtitle O of title I of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 460www note, 1132 note; Public Law 111-11);

“(7) section 2601 of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 1108); or

“(8) section 2606 of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 1121).”

(b) FUNDS TO TREASURY.—Of the amounts deposited in the Federal Land Disposal Account, there shall be transferred to the general fund of the Treasury \$1,000,000 for each of fiscal years 2016 through 2025.

Subtitle F—Miscellaneous

SEC. 6051. RESPECT FOR TREATIES AND RIGHTS.

Nothing in this title or the amendments made by this title—

(1) affects or modifies any treaty or other right of any federally recognized Indian tribe; or

(2) modifies any provision of Federal law relating to migratory birds or to endangered or threatened species.

SEC. 6052. NO PRIORITY.

Nothing in this title or the amendments made by this title provides a preference to hunting, fishing, or recreational shooting over any other use of Federal land or water.

TITLE VII—REFUNDS OF FUNDS USED BY STATES TO OPERATE UNITS OF THE NATIONAL PARK SYSTEM DURING A SHUTDOWN

SEC. 7001. REFUND OF FUNDS USED BY STATES TO OPERATE NATIONAL PARKS DURING SHUTDOWN.

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

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

SA 3178. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Strike subsection (e) of section 1306 (relating to a vehicle research and development program) and insert the following:

(e) FEDERAL DEMONSTRATION OF TECHNOLOGIES.—

(1) DEFINITIONS.—In this subsection:

(A) ELECTRIC TRANSPORTATION TECHNOLOGY.—The term “electric transportation technology” has the meaning given the term in section 131(a) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17011(a)).

(B) TRANSPORTATION TECHNOLOGY.—The term “transportation technology” means transportation technology other than electric transportation technology.

(2) ASSESSMENT AND REPORT.—The Secretary, in coordination with the Administrator of General Services, shall—

(A) make information available to procurement programs of Federal agencies regarding the potential to demonstrate technologies resulting from activities funded through programs under this Act; and

(B) complete an assessment of the electric transportation technology of each Federal agency, including the vehicle fleets of the United States Postal Service and the Department of Defense, and submit to Congress a report that describes—

(i) for each Federal agency, which types of transportation technology the agency uses that would or would not be suitable for near-term and medium-term conversion to electric transportation technology, taking into account the types of transportation technology for which electric transportation technology could provide comparable functionality and lifecycle costs;

(ii) how many plug-in electric drive vehicles and other electric transportation technologies could be deployed by the Federal Government in the 5-year-period and the 10-year-period following the date of the report, assuming that electric transportation technologies are available and are purchased when new transportation technologies are needed or existing transportation technologies are replaced;

(iii) the estimated cost to the Federal Government, including estimated fuel and operating costs savings over the life of the transportation technology and the estimated payback period, for transportation technology purchases under clause (ii);

(iv) a description of any updates to the assessment and report based on new market data; and

(v) a description of—

(I) how the United States Postal Service is carrying out its plan to replace the fleet of Long Life Vehicles of the United States Postal Service; and

(II) what steps are being taken to ensure that—

(aa) the procurement takes advantage of new fuel saving technologies through regular transition of the fleet; and

(bb) best industry practices that take into account fuel efficiency, including the use of electric transport technology, are followed.

(3) INVENTORY AND DATA COLLECTION.—

(A) IN GENERAL.—In carrying out the assessment and report under paragraph (2), the Secretary, in consultation with the Administrator of General Services, shall—

(i) develop an information request for each Federal agency that operates a fleet of not fewer than 20 motor vehicles; and

(ii) establish guidelines for each Federal agency to use in developing a plan to deploy electric transportation technologies.

(B) AGENCY RESPONSES.—Each Federal agency that operates a fleet of not fewer than 20 motor vehicles shall—

(i) collect information on the vehicle fleet and other transportation technologies of the agency in response to the information request described in subparagraph (A)(i); and

(ii) develop a plan to deploy electric transportation technologies.

(C) ANALYSIS OF RESPONSES.—The Secretary shall—

(i) analyze the information submitted by each Federal agency under subparagraph (B)(i);

(ii) approve or suggest amendments to the plan of each Federal agency to ensure that the plan is consistent with the goals and requirements of this Act; and

(iii) submit a plan to Congress and the Administrator of General Services to be used in developing the pilot program described in paragraph (4).

(4) PILOT PROGRAM TO DEPLOY ELECTRIC TRANSPORTATION TECHNOLOGIES IN THE FEDERAL TRANSPORTATION TECHNOLOGY FLEET.—

(A) IN GENERAL.—The Administrator of General Services shall acquire electric transportation technologies and the requisite charging infrastructure to be deployed in a range of locations in the Federal fleet during the 5-year period beginning on the date of enactment of this Act.

(B) DATA COLLECTION.—The Administrator of General Services shall collect data regarding—

(i) the cost, performance, and use of electric transportation technologies in the Federal fleet;

(ii) the deployment and integration of electric transportation technologies in the Federal fleet; and

(iii) the contribution of electric transportation technologies in the Federal fleet toward reducing the use of fossil fuels and greenhouse gas emissions.

(C) REPORT.—Not later than 6 years after the date of enactment of this Act, the Administrator of General Services shall submit to the appropriate committees of Congress a report that—

(i) describes the status of electric transportation technologies in the Federal fleet; and

(ii) includes an analysis of the data collected under this paragraph.

(5) FEDERAL REPORTING REQUIREMENTS.—Electricity consumed by Federal agencies to fuel electric transportation technologies shall be—

(A) considered to be an alternative fuel as defined in—

(i) section 400AA(g) of the Energy Policy and Conservation Act (42 U.S.C. 6374(g)); and

(ii) section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211); and

(B) accounted for under Federal fleet management reporting requirements rather than under Federal building management reporting requirements.

SA 3179. Ms. KLOBUCHAR (for herself, Mr. HOEVEN, and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 174, line 5, insert “, electric thermal, electromechanical,” after “materials”.

SA 3180. Ms. KLOBUCHAR (for herself and Mr. GRAHAM) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VI—METAL THEFT PREVENTION ACT

SEC. 6001. SHORT TITLE.

This title may be cited as the “Metal Theft Prevention Act of 2016”.

SEC. 6002. DEFINITIONS.

In this title—

(1) the term “critical infrastructure” has the meaning given the term in section 1016(e) of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 (42 U.S.C. 5195c(e));

(2) 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); and

(3) 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.

SEC. 6003. 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. 6004. 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 6002(2), 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. 6005. 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. 6006. 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. 6007. 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 6003 of this title 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. 6008. CONFIDENTIALITY.

Any information collected or retained under this title may be disclosed to any Federal, State, or local law enforcement authority or as otherwise directed by a court of law.

SEC. 6009. 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. 6010. EFFECTIVE DATE.

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

SA 3181. Ms. HEITKAMP (for herself and Mrs. CAPITO) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . NEW SOURCE REVIEW.

Section 111 of the Clean Air Act (42 U.S.C. 7411) is amended by adding at the end the following:

“(k) NEW SOURCE REVIEW NOT REQUIRED.—

“(1) IN GENERAL.—Any physical change in an existing source, or in the method of operation of an existing source, that increases the efficiency of the existing source or reduces mass emissions of the existing source that are subject to the provisions of this Act (as compared to the average annual emissions of the existing source in any 1 of the preceding 10 calendar years), for purposes of compliance with a regulation promulgated under this Act, by lowering the rate or mass

of carbon dioxide emissions from the existing source shall not require, cause, or otherwise trigger a new source review under this Act.”.

SA 3182. Mr. ROUNDS submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 50. CONSERVATION INCENTIVES LANDOWNER EDUCATION PROGRAM.

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall establish a conservation incentives landowner education program (referred to in this section as the “program”).

(b) **PURPOSE OF PROGRAM.**—The program shall provide information on Federal conservation programs available to landowners interested in undertaking conservation actions on the land of the landowners, including options under each conservation program available to achieve the conservation goals of the program, such as—

- (1) fee title land acquisition;
- (2) donation; and
- (3) perpetual and term conservation easements or agreements.

(c) **AVAILABILITY.**—The Secretary of the Interior and the Secretary of Agriculture shall ensure that the information provided under the program is made available to—

- (1) interested landowners; and
- (2) the public.

(d) **NOTIFICATION.**—In any case in which the Secretary of the Interior or the Secretary of Agriculture contacts a landowner directly about participation in a Federal conservation program, that Secretary shall, in writing—

- (1) notify the landowner of the program; and
- (2) make available information on the conservation program options that may be available to the landowner.

SA 3183. Ms. HIRONO submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 2204. CLEAN ENERGY TECHNOLOGY MANUFACTURING AND EXPORT ASSISTANCE.

(a) **DEFINITIONS.**—In this section:

(1) **CLEAN ENERGY TECHNOLOGY.**—The term “clean energy technology” means a technology related to the production, use, transmission, storage, control, or conservation of energy that will contribute to a stabilization of atmospheric greenhouse gas concentrations through reduction, avoidance, or sequestration of energy-related emissions and—

(A) reduce the need for additional energy supplies by using existing energy supplies with greater efficiency or by transmitting, distributing, or transporting energy with greater effectiveness; or

(B) diversify the sources of energy supply of the United States to strengthen energy security and to increase supplies with a favorable balance of environmental effects if the entire technology system is considered.

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

(b) **STRATEGY.**—The Secretary, consistent with the National Export Initiative (established by Executive Order 13534 (75 Fed. Reg. 12,433)), shall develop a strategy that includes providing information, tools, and other assistance to United States businesses to promote clean energy technology manufacturing and facilitate the export of clean energy technology products and services. Such strategy shall include—

(1) developing critical analysis of policies to reduce production costs and promote innovation, investment, and productivity in the clean energy technology sector;

(2) helping educate companies about how to tailor their activities to specific markets with respect to their product slate, financing, marketing, assembly, and logistics;

(3) helping United States companies learn about the export process and export opportunities in foreign markets;

(4) helping United States companies to navigate foreign markets; and

(5) helping United States companies provide input regarding clean energy technology manufacturing and trade policy developments and trade promotion.

(c) **REPORT TO CONGRESS.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the strategy required by subsection (b) that—

(1) describes how the strategy will—

(A) focus on small- and medium-sized United States businesses;

(B) encourage the creation and maintenance of the greatest number of clean energy technology jobs in the United States; and

(C) encourage the domestic production of clean energy technology products and services, including materials, components, equipment, parts, and supplies related in any way to the product or service; and

(2) may include recommendations for such legislative action as would facilitate carrying out the strategy.

PRIVILEGES OF THE FLOOR

Mr. UDALL. Mr. President, I ask unanimous consent that Jack Gardner, a member of my staff, be granted floor privileges for the remainder of the 114th Congress.

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

HONORING THE MEMORY AND LEGACY OF ANITA ASHOK DATAR

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 354, S. Res. 347.

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

The legislative clerk read as follows:

A resolution (S. Res. 347) honoring the memory and legacy of Anita Ashok Datar and condemning the terrorist attack in Bamako, Mali, on November 20, 2015.

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

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action and debate.

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

The resolution (S. Res. 347) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of January 20, 2016, under “Submitted Resolutions.”)

**ORDERS FOR TUESDAY,
FEBRUARY 2, 2016**

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Tuesday, February 2; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following leader remarks, the Senate be in a period of morning business until 11 a.m., with Senators permitted to speak therein for up to 10 minutes each; further, that following morning business, the Senate resume consideration of S. 2012; finally, that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly conference meetings.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

**ADJOURNMENT UNTIL 10 A.M.
TOMORROW**

Ms. MURKOWSKI. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:41 p.m., adjourned until Tuesday, February 2, 2016, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

R. DAVID HARDEN, OF MARYLAND, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE NANCY E. LINDBORG.

IN THE ARMY

THE FOLLOWING OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS A CHAPLAIN UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

D012199

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

JASON B. BLEVINS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

JAMES C. SULLIVAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

MARK R. BIEHL

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064: