Purpose: To provide for the timely consideration of all licenses, permits, and approvals required under Federal law with respect to gas transportation.

IN THE SENATE OF THE UNITED STATES—114th Cong., 1st Sess.

To provide for the modernization of the energy policy of the United States, and for other purposes.

Referred to the Committee on ________ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mrs. CAPITO

Viz:

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

SEC. 31. FERC PROCESS COORDINATION WITH RESPECT TO REGULATORY APPROVAL OF GAS PROJECTS.

(a) DEFINITIONS.—In this section:

(1) COMMISSION.—The term “Commission” means the Federal Energy Regulatory Commission.

(2) FEDERAL AUTHORIZATION.—

(A) IN GENERAL.—The term “Federal authorization” means any authorization required under Federal law with respect to an applica-
tion for authorization or a certificate of public
convenience and necessity relating to gas trans-
portation subject to the jurisdiction of the Com-
mission.

(B) Inclusions.—The term “Federal au-
thorization” includes any permits, special use
authorizations, certifications, opinions, or other
approvals as may be required under Federal law
with respect to an application for authorization
or a certificate of public convenience and neces-
sity relating to gas transportation subject to the
jurisdiction of the Commission.

(b) Designation as Lead Agency.—
(1) In General.—The Commission shall act as
the lead agency for the purposes of—
(A) coordinating all applicable Federal au-
thorizations; and
(B) compliance with the National Environ-
mental Policy Act of 1969 (42 U.S.C. 4321 et
seq.).

(2) Other Agencies.—Each Federal and
State agency considering an aspect of an application
for Federal authorization shall cooperate with the
Commission.

(c) Schedule.—
(1) Timing for issuance.—It is the sense of Congress that all Federal authorizations required for a project or facility should be issued by not later than the date that is 90 days after the date on which an application is considered to be complete by the Commission.

(2) Commission schedule.—

(A) In general.—The Commission shall establish a schedule for the issuance of all Federal authorizations.

(B) Requirements.—In establishing the schedule under subparagraph (A), the Commission shall—

(i) consult and cooperate with the Federal and State agencies responsible for a Federal authorization;

(ii) ensure the expeditious completion of all proceedings relating to a Federal authorization; and

(iii) comply with applicable schedules established under Federal law with respect to a Federal authorization.

(3) Resolution of interagency disputes.—If the Federal agency with responsibility fails to adhere to the schedule established by the
Commission under paragraph (2), or if a Federal authorization has been unreasonably denied, or if a Federal authorization would be inconsistent with the purposes of this section or other applicable law, the Commission shall refer the matter to the Chairman of the Council on Environmental Quality—

(A) to ensure timely participation;

(B) to ensure a timely decision;

(C) to mediate the dispute; or

(D) to refer the matter to the President.

(d) CONSOLIDATED RECORD.—The Commission shall maintain official consolidated records of all license proceedings under this section.

(e) DEFERENCE TO COMMISSION.—In making a decision with respect to a Federal authorization, each agency shall give deference, to the maximum extent authorized by law, to the scope of environmental review that the Commission determines to be appropriate.

(f) CONCURRENT REVIEWS.—Pursuant to the schedule established under subsection (e)(2), each agency considering an aspect of an application for Federal authorization shall—

(1) to the maximum extent authorized by law, carry out the obligations of that agency under applicable law concurrently and in conjunction with the
review required by the National Environmental Pol-

icy Act of 1969 (42 U.S.C. 4321 et seq.), unless
doing so would impair the ability of the agency to
conduct needed analysis or otherwise carry out those
obligations;

(2) formulate and implement administrative,
policy, and procedural mechanisms to enable the
agency to complete the required Federal authoriza-
tions in accordance with the schedule described in
subsection (c); and

(3) transmit to the Commission a statement—

(A) acknowledging notice of the schedule
described in subsection (c); and

(B) describing the plan formulated under
paragraph (2).

(g) FAILURE TO MEET DEADLINE.—If an agency
does not complete a proceeding for an approval that is
required for a Federal authorization in accordance with
the schedule described in subsection (c), the head of the
relevant Federal agency (including, in the case of a failure
by the State agency or unit of local government, the Fed-
eral agency overseeing the delegated authority) shall—

(1) notify Congress and the Commission of the
failure; and
(2) describe in that notification an implementation plan to ensure completion.

(h) ACCOUNTABILITY; TRANSPARENCY; EFFICIENCY.—

(1) IN GENERAL.—For applications requiring multiple Federal authorizations, the Commission, in consultation with any agency considering an aspect of the application, shall track and make available to the public on the website of the Commission information relating to the actions required to complete permitting, reviews, and other requirements.

(2) INCLUSIONS.—Information tracked under paragraph (1) shall include the following:

(A) The schedule described in subsection (c).

(B) A list of all the actions required by each applicable agency to complete permitting, reviews, and other requirements necessary to obtain a final decision on the Federal authorization.

(C) The expected completion date for each action listed under subparagraph (B).

(D) A point of contact at the agency accountable for each action listed under subparagraph (B).
(E) In the event that an action is still pending as of the expected date of completion, a brief explanation of the reason for the delay.
AMENDMENT NO. ________  Calendar No. ________

Purpose: To modify a provision to include Indian tribes.

IN THE SENATE OF THE UNITED STATES—114th Cong., 1st Sess.

(no.) ____________

To provide for the modernization of the energy policy of the United States, and for other purposes.

Referred to the Committee on ________________ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. FRANKEN

Viz:

1. Beginning on page 275, strike line 16 and all that follows through page 276, line 3, and insert the following:

“(6) STATE ENERGY FINANCING INSTITUTION.—

“(A) IN GENERAL.—The term ‘State energy financing institution’ means a quasi-independent entity or an entity within a State agency or financing authority established by a State—

“(i) to provide financing support or credit enhancements, including loan guarantees and loan loss reserves, for eligible projects; and
“(ii) to create liquid markets for eligible projects, including warehousing and securitization, or take other steps to reduce financial barriers to the deployment of existing and new eligible projects.

“(B) INCLUSION.—The term ‘State energy financing institution’ includes an entity or organization established to achieve the purposes described in clauses (i) and (ii) of subparagraph (A) by an Indian tribal entity or an Alaska Native Corporation.”.
AMENDMENT NO. ________ Calendar No. ________

Purpose: To direct the Secretary of Energy to establish microlabs to improve regional engagement with national laboratories.

IN THE SENATE OF THE UNITED STATES—114th Cong., 1st Sess.

(no.) ___________

To provide for the modernization of the energy policy of the United States, and for other purposes.

Referred to the Committee on _______ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. HEINRICH (for himself and Mr. GARDNER)

Viz:

1. At the end of subtitle C of title IV, insert the following:

3 SEC. 42. MICROLAB TECHNOLOGY COMMERCIALIZATION.

(a) DEFINITIONS.—In this section:

(1) MICROLAB.—The term “microlab” means a small laboratory established by the Secretary under subsection (b).

(2) NATIONAL LABORATORY.—The term “national laboratory” means—
(A) a National Laboratory, as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801); and

(B) a national security laboratory, as defined in section 3281 of the National Nuclear Security Administration Act (50 U.S.C. 2471).

(b) Establishment of Microlab Program.—

(1) In general.—The Secretary, in collaboration with the directors of national laboratories, may establish a microlab program under which the Secretary establishes microlabs that are located in close proximity to national laboratories and that are accessible to the public for the purposes of—

(A) enhancing collaboration with regional research groups, such as institutions of higher education and industry groups;

(B) accelerating technology transfer from national laboratories to the marketplace; and

(C) promoting regional workforce development through science, technology, engineering, and mathematics (“STEM”) instruction and training.

(2) Criteria.—In determining the placement of microlabs under paragraph (1), the Secretary shall consider—
(A) the commitment of a national laboratory to establishing a microlab;

(B) the existence of a joint research institute or a new facility that—

(i) is not on the main site of a national laboratory;

(ii) is in close proximity to a national laboratory; and

(iii) has the capability to house a microlab;

(C) whether employees of a national laboratory and persons from academia, industry, and government are available to be assigned to the microlab; and

(D) cost-sharing or in-kind contributions from State and local governments and private industry.

(3) TIMING.—If the Secretary, in collaboration with the directors of national laboratories, elects to establish a microlab program under this subsection, the Secretary, in collaboration with the directors of national laboratories, shall—

(A) not later than 60 days after the date of enactment of this Act, begin the process of
determining the placement of microlabs under paragraph (1); and

(B) not later than 180 days after the date of enactment of this Act, implement the microlab program under this subsection.

(c) REPORTS.—

(1) INITIAL REPORT.—Not later than 60 days after the date of implementation of the microlab program under subsection (b), the Secretary shall submit to the Committee on Armed Services of the Senate, the Committee on Armed Services of the House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the Committee on Science, Space, and Technology of the House of Representatives a report that provides an update on the implementation of the microlab program under subsection (b).

(2) PROGRESS REPORT.—Not later than 1 year after the date of implementation of the microlab program under subsection (b), the Secretary shall submit to the Committee on Armed Services of the Senate, the Committee on Armed Services of the House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the Committee on Science, Space, and Technology of the House of
Representatives a report on the microlab program
under subsection (b), including findings and rec-
ommendations of the Secretary.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is
authorized to be appropriated to carry out this Act
$50,000,000 for fiscal year 2016.
AMENDMENT NO. _______ Calendar No. _______

Purpose: To conform a definition of ‘State’ to the standard energy statutory definition.

IN THE SENATE OF THE UNITED STATES—114th Cong., 1st Sess.

(No.) ________________

To provide for the modernization of the energy policy of the United States, and for other purposes.

Referred to the Committee on ________________ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Ms. HIRONO

Viz:

1. On page 275, strike lines 16 and 17 and insert the following:

2. “(6) STATE.—The term ‘State’ has the meaning given the term in section 202 of the Energy Conservation and Production Act (42 U.S.C. 6802).

3. “(7) STATE ENERGY FINANCING INSTITUTION.—The term ‘State energy financing institution’
AMENDMENT NO. __________ Calendar No. ______

Purpose: To modify the section relating to hydropower regulatory improvements.

IN THE SENATE OF THE UNITED STATES—114th Cong., 1st Sess.

(no.) ______________

To provide for the modernization of the energy policy of the United States, and for other purposes.

Referred to the Committee on ______________ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Ms. CANTWELL

Viz:

1 On page 172, strike lines 1 through 15 and insert
   the following:

   (e) LICENSES FOR CONSTRUCTION.—Section 4(e) of
   the Federal Power Act (16 U.S.C. 797(e)) is amended,
   in the first proviso, by striking “deem” and inserting “de-
   termine to be”.

2 On page, 174, strike lines 8 through 20 and insert
   the following:

   (g) OPERATION OF NAVIGATION FACILITIES.—Sec-
   tion 18 of the Federal Power Act (16 U.S.C. 811) is
amended by striking the second, third, and fourth sentences.