

AMENDMENT NO. _____ Calendar No. _____

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.

(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 Mrs. CAPITO

Viz:

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

2 **SEC. 31__ . FERC PROCESS COORDINATION WITH RESPECT**

3 **TO REGULATORY APPROVAL OF GAS**

4 **PROJECTS.**

5 (a) DEFINITIONS.—In this section:

6 (1) COMMISSION.—The term “Commission”

7 means the Federal Energy Regulatory Commission.

8 (2) FEDERAL AUTHORIZATION.—

9 (A) IN GENERAL.—The term “Federal au-

10 thorization” means any authorization required

11 under Federal law with respect to an applica-

1 tion for authorization or a certificate of public
2 convenience and necessity relating to gas trans-
3 portation subject to the jurisdiction of the Com-
4 mission.

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

13 (b) DESIGNATION AS LEAD AGENCY.—

14 (1) IN GENERAL.—The Commission shall act as
15 the lead agency for the purposes of—

16 (A) coordinating all applicable Federal au-
17 thorizations; and

18 (B) compliance with the National Environ-
19 mental Policy Act of 1969 (42 U.S.C. 4321 et
20 seq.).

21 (2) OTHER AGENCIES.—Each Federal and
22 State agency considering an aspect of an application
23 for Federal authorization shall cooperate with the
24 Commission.

25 (c) SCHEDULE.—

1 (1) TIMING FOR ISSUANCE.—It is the sense of
2 Congress that all Federal authorizations required for
3 a project or facility should be issued by not later
4 than the date that is 90 days after the date on
5 which an application is considered to be complete by
6 the Commission.

7 (2) COMMISSION SCHEDULE.—

8 (A) IN GENERAL.—The Commission shall
9 establish a schedule for the issuance of all Fed-
10 eral authorizations.

11 (B) REQUIREMENTS.—In establishing the
12 schedule under subparagraph (A), the Commis-
13 sion shall—

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

17 (ii) ensure the expeditious completion
18 of all proceedings relating to a Federal au-
19 thorization; and

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

23 (3) RESOLUTION OF INTERAGENCY DIS-
24 PUTES.—If the Federal agency with responsibility
25 fails to adhere to the schedule established by the

1 Commission under paragraph (2), or if a Federal
2 authorization has been unreasonably denied, or if a
3 Federal authorization would be inconsistent with the
4 purposes of this section or other applicable law, the
5 Commission shall refer the matter to the Chairman
6 of the Council on Environmental Quality—

7 (A) to ensure timely participation;

8 (B) to ensure a timely decision;

9 (C) to mediate the dispute; or

10 (D) to refer the matter to the President.

11 (d) CONSOLIDATED RECORD.—The Commission shall
12 maintain official consolidated records of all license pro-
13 ceedings under this section.

14 (e) DEFERENCE TO COMMISSION.—In making a deci-
15 sion with respect to a Federal authorization, each agency
16 shall give deference, to the maximum extent authorized
17 by law, to the scope of environmental review that the Com-
18 mission determines to be appropriate.

19 (f) CONCURRENT REVIEWS.—Pursuant to the sched-
20 ule established under subsection (c)(2), each agency con-
21 sidering an aspect of an application for Federal authoriza-
22 tion shall—

23 (1) to the maximum extent authorized by law,
24 carry out the obligations of that agency under appli-
25 cable law concurrently and in conjunction with the

1 review required by the National Environmental Pol-
2 icy Act of 1969 (42 U.S.C. 4321 et seq.), unless
3 doing so would impair the ability of the agency to
4 conduct needed analysis or otherwise carry out those
5 obligations;

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

11 (3) transmit to the Commission a statement—

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

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

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

23 (1) notify Congress and the Commission of the
24 failure; and

1 (2) describe in that notification an implementa-
2 tion plan to ensure completion.

3 (h) ACCOUNTABILITY; TRANSPARENCY; EFFI-
4 CIENCY.—

5 (1) IN GENERAL.—For applications requiring
6 multiple Federal authorizations, the Commission, in
7 consultation with any agency considering an aspect
8 of the application, shall track and make available to
9 the public on the website of the Commission infor-
10 mation relating to the actions required to complete
11 permitting, reviews, and other requirements.

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

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

16 (B) A list of all the actions required by
17 each applicable agency to complete permitting,
18 reviews, and other requirements necessary to
19 obtain a final decision on the Federal author-
20 ization.

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

23 (D) A point of contact at the agency ac-
24 countable for each action listed under subpara-
25 graph (B).

- 1 (E) In the event that an action is still
- 2 pending as of the expected date of completion,
- 3 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
2 follows through page 276, line 3, and insert the following:

3 “(6) STATE ENERGY FINANCING INSTITU-
4 TION.—

5 “(A) IN GENERAL.—The term ‘State en-
6 ergy financing institution’ means a quasi-inde-
7 pendent entity or an entity within a State agen-
8 cy or financing authority established by a
9 State—

10 “(i) to provide financing support or
11 credit enhancements, including loan guar-
12 antees and loan loss reserves, for eligible
13 projects; and

1 “(ii) to create liquid markets for eligi-
2 ble projects, including warehousing and
3 securitization, or take other steps to reduce
4 financial barriers to the deployment of ex-
5 isting and new eligible projects.

6 “(B) INCLUSION.—The term ‘State energy
7 financing institution’ includes an entity or orga-
8 nization established to achieve the purposes de-
9 scribed in clauses (i) and (ii) of subparagraph
10 (A) by an Indian tribal entity or an Alaska Na-
11 tive 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 fol-
2 lowing:

3 **SEC. 42__.** **MICROLAB TECHNOLOGY COMMERCIALIZA-**
4 **TION.**

5 (a) **DEFINITIONS.**—In this section:

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

9 (2) **NATIONAL LABORATORY.**—The term “na-
10 tional laboratory” means—

1 (A) a National Laboratory, as defined in
2 section 2 of the Energy Policy Act of 2005 (42
3 U.S.C. 15801); and

4 (B) a national security laboratory, as de-
5 fined in section 3281 of the National Nuclear
6 Security Administration Act (50 U.S.C. 2471).

7 (b) ESTABLISHMENT OF MICROLAB PROGRAM.—

8 (1) IN GENERAL.—The Secretary, in collabora-
9 tion with the directors of national laboratories, may
10 establish a microlab program under which the Sec-
11 retary establishes microlabs that are located in close
12 proximity to national laboratories and that are ac-
13 cessible to the public for the purposes of—

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

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

19 (C) promoting regional workforce develop-
20 ment through science, technology, engineering,
21 and mathematics (“STEM”) instruction and
22 training.

23 (2) CRITERIA.—In determining the placement
24 of microlabs under paragraph (1), the Secretary
25 shall consider—

1 (A) the commitment of a national labora-
2 tory to establishing a microlab;

3 (B) the existence of a joint research insti-
4 tute or a new facility that—

5 (i) is not on the main site of a na-
6 tional laboratory;

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

9 (iii) has the capability to house a
10 microlab;

11 (C) whether employees of a national lab-
12 oratory and persons from academia, industry,
13 and government are available to be assigned to
14 the microlab; and

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

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

23 (A) not later than 60 days after the date
24 of enactment of this Act, begin the process of

1 determining the placement of microlabs under
2 paragraph (1); and

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

6 (c) REPORTS.—

7 (1) INITIAL REPORT.—Not later than 60 days
8 after the date of implementation of the microlab pro-
9 gram under subsection (b), the Secretary shall sub-
10 mit to the Committee on Armed Services of the Sen-
11 ate, the Committee on Armed Services of the House
12 of Representatives, the Committee on Energy and
13 Natural Resources of the Senate, and the Committee
14 on Science, Space, and Technology of the House of
15 Representatives a report that provides an update on
16 the implementation of the microlab program under
17 subsection (b).

18 (2) PROGRESS REPORT.—Not later than 1 year
19 after the date of implementation of the microlab pro-
20 gram under subsection (b), the Secretary shall sub-
21 mit to the Committee on Armed Services of the Sen-
22 ate, the Committee on Armed Services of the House
23 of Representatives, the Committee on Energy and
24 Natural Resources of the Senate, and the Committee
25 on Science, Space, and Technology of the House of

1 Representatives a report on the microlab program
2 under subsection (b), including findings and rec-
3 ommendations of the Secretary.

4 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
5 authorized to be appropriated to carry out this Act
6 \$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

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AMENDMENT intended to be proposed by Ms. HIRONO

Viz:

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

3 “(6) STATE.—The term ‘State’ has the mean-
4 ing given the term in section 202 of the Energy
5 Conservation and Production Act (42 U.S.C. 6802).

6 “(7) STATE ENERGY FINANCING INSTITU-
7 TION.—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

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AMENDMENTS intended to be proposed by Ms. CANTWELL

Viz:

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

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

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

9 (g) OPERATION OF NAVIGATION FACILITIES.—Sec-
10 tion 18 of the Federal Power Act (16 U.S.C. 811) is

1 amended by striking the second, third, and fourth sen-
2 tences.