obtain assistive technology: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 4, 2020, as ''National Assistive Technology Awareness Day''; and

(2) commends—

(A) assistive technology specialists and program coordinators for their hard work and dedication to serving individuals with disabilities who are in need of finding the proper assistive technology to meet their individual needs; and

(B) professional organizations and researchers dedicated to facilitating the access and acquisition of assistive technology for individuals with disabilities and older adults in need of assistive technology devices.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1480. Mrs. FISCHER (for herself, Mr. SCHATZ, Mr. GARDNER, and Mr. BOOKER) submitted an amendment intended to be proposed to amendment SA 1407 proposed by Ms. MURKOWSKI to the bill S. 2657, to support innovation in advanced geothermal research and development, and for other purposes; which was ordered to lie on the table.

SA 1481. Mr. BRAUN (for himself and Ms. ERNST) submitted an amendment intended to be proposed to amendment SA 1407 proposed by Ms. MURKOWSKI to the bill S. 2657, supra; which was ordered to lie on the table.

SA 1482. Mr. BRAUN (for himself and Ms. ERNST) submitted an amendment intended to be proposed to amendment SA 1407 proposed by Ms. MURKOWSKI to the bill S. 2657, supra; which was ordered to lie on the table.

SA 1483. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1407 proposed by Ms. MURKOWSKI to the bill S. 2657, supra; which was ordered to lie on the table.

SA 1484. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 1407 proposed by Ms. MURKOWSKI to the bill S. 2657, supra; which was ordered to lie on the table.

SA 1485. Mr. LEE (for himself and Mr. ROMNEY) submitted an amendment intended to be proposed to amendment SA 1407 proposed by Ms. MURKOWSKI to the bill S. 2657, supra; which was ordered to lie on the table.

SA 1486. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1407 proposed by Ms. MURKOWSKI to the bill S. 2657, supra; which was ordered to lie on the table.

SA 1487. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1407 proposed by Ms. MURKOWSKI to the bill S. 2657, supra; which was ordered to lie on the table.

SA 1488. Ms. STABENOW (for herself, Mr. UDALL, and Mr. DURBIN) submitted an amendment intended to be proposed to amendment SA 1407 proposed by Ms. MURKOWSKI to the bill S. 2657, supra; which was ordered to lie on the table.

SA 1489. Mr. UDALL submitted an amendment intended to be proposed to amendment SA 1407 proposed by Ms. MURKOWSKI to the bill S. 2657, supra; which was ordered to lie on the table.

SA 1490. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 1407 proposed by Ms. MURKOWSKI to the bill S. 2657, supra; which was ordered to lie on the table.

SA 1491. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1407 proposed by Ms. MURKOWSKI to the bill S. 2657, supra; which was ordered to lie on the table.

SA 1492. Mrs. GILLIBRAND (for Mr. SANDERS (for himself, Mrs . GILLIBRAND, Ms. HARRIS, and Mr. MARKEY)) submitted an amendment intended to be proposed to amendment SA 1407 proposed by Ms. MURKOWSKI to the bill S. 2657, supra; which was ordered to lie on the table.

SA 1493. Mr. LEE (for himself, Mr. CRUZ, Mr. RISCH, and Mr. CRAPO) submitted an amendment intended to be proposed to amendment SA 1407 proposed by Ms. MURKOWSKI to the bill S. 2657, supra; which was ordered to lie on the table.

SA 1494. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1407 proposed by Ms. MURKOWSKI to the bill S. 2657, supra; which was ordered to lie on the table.

SA 1495. Mr. CASSIDY (for himself, Mr. CORNYN, Mr. INHOFE, Mr. LANKFORD, Mrs. HYDE-SMITH, Mr. SULLIVAN, Mr. BARRASSO, Mrs. CAPITO, Mr. RISCH, Mr. CRAMER, Mr. TILLIS, Mr. CRAPO, Mr. BRAUN, Mr. CRUZ, Mr. HOEVEN, and Mr. TOOMEY) submitted an amendment intended to be proposed to amendment SA 1407 proposed by Ms. MURKOWSKI to the bill S. 2657, supra; which was ordered to lie on the table.

SA 1496. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1407 proposed by Ms. MURKOWSKI to the bill S. 2657, supra; which was ordered to lie on the table.

SA 1497. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 1407 proposed by Ms. MURKOWSKI to the bill S. 2657, supra; which was ordered to lie on the table.

SA 1498. Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 1407 proposed by Ms. MURKOWSKI to the bill S. 2657, supra; which was ordered to lie on the table.

SA 1499. Mr. BENNET (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed to amendment SA 1407 proposed by Ms. MURKOWSKI to the bill S. 2657, supra; which was ordered to lie on the table.

SA 1500. Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 1407 proposed by Ms. MURKOWSKI to the bill S. 2657, supra; which was ordered to lie on the table.

SA 1501. Mr. YOUNG (for himself and Mr. BRAUN) submitted an amendment intended to be proposed to amendment SA 1407 proposed by Ms. MURKOWSKI to the bill S. 2657, supra; which was ordered to lie on the table.

SA 1502. Mr. BRAUN (for himself and Mr. YOUNG) submitted an amendment intended to be proposed to amendment SA 1407 proposed by Ms. MURKOWSKI to the bill S. 2657, supra; which was ordered to lie on the table.

SA 1503. Mr. BRAUN submitted an amendment intended to be proposed to amendment SA 1407 proposed by Ms. MURKOWSKI to the bill S. 2657, supra; which was ordered to lie on the table.

SA 1504. Mr. KENNEDY (for himself, Mr. CARPER, Mr. CASSIDY, Mr. COONS, Ms. COLLINS, Mr. WHITEHOUSE, Mr. YOUNG, Mrs. FEINSTEIN, Mr. MORAN, Mr. SCHATZ, Mr. GRAHAM, Mr. BOOKER, Ms. ERNST, Mr. MERKLEY, Mr. COTTON, Mr. VAN HOLLEN, Mr. GRASSLEY, Mr. MARKEY, Mr. BOOZMAN, Mr. JONES, Mr. BLUNT, Mr. BLUMENTHAL, Mr. PERDUE, Mr. HEINRICH, Mrs. HYDE-SMITH, Mr. CARDIN, Mr. BURR, Mr. MURPHY, and Mr. KING) submitted an amendment intended to be proposed to amendment SA 1407 proposed by Ms. MURKOWSKI to the bill S. 2657, supra; which was ordered to lie on the table.

SA 1505. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 1407 proposed by Ms. MURKOWSKI to the bill S. 2657, supra; which was ordered to lie on the table.

SA 1506. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 6074, making emergency supplemental appropriations for the fiscal year ending September 30, 2020, and for other purposes; which was ordered to lie on the table.

SA 1507. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 1407 proposed by Ms. MURKOWSKI to the bill S. 2657, to support innovation in advanced geothermal research and development, and for other purposes; which was ordered to lie on the table.

SA 1508. Mr. HAWLEY submitted an amendment intended to be proposed to amendment SA 1407 proposed by Ms. MURKOWSKI to the bill S. 2657, supra; which was ordered to lie on the table.

SA 1509. Ms. MCSALLY (for herself and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 1407 proposed by Ms. MURKOWSKI to the bill S. 2657, supra; which was ordered to lie on the table.

SA 1510. Mr. MCCONNELL (for Mr. CORNYN) proposed an amendment to the bill S. 893, to require the President to develop a strategy to ensure the security of next generation mobile telecommunications systems and infrastructure in the United States and to assist allies and strategic partners in maximizing the security of next generation mobile telecommunications systems, infrastructure, and software, and for other purposes.

SA 1511. Mr. ROMNEY (for himself, Ms. WARREN, and Ms. SINEMA) submitted an amendment intended to be proposed to amendment SA 1407 proposed by Ms. MURKOWSKI to the bill S. 2657, to support innovation in advanced geothermal research and development, and for other purposes; which was ordered to lie on the table.

SA 1512. Mr. HOEVEN submitted an amendment intended to be proposed to amendment SA 1407 proposed by Ms. MURKOWSKI to the bill S. 2657, supra; which was ordered to lie on the table.

SA 1513. Mr. HOEVEN submitted an amendment intended to be proposed to amendment SA 1407 proposed by Ms. MURKOWSKI to the bill S. 2657, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1480. Mrs. FISCHER (for herself, Mr. SCHATZ, Mr. GARDNER, and Mr. BOOKER) submitted an amendment intended to be proposed to amendment SA 1407 proposed by Ms. MURKOWSKI to the bill S. 2657, to support innovation in advanced geothermal research and development, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE IV—INTERNET OF THINGS

SEC. 4001. SHORT TITLE.

This title may be cited as the ''Developing Innovation and Growing the Internet of Things Act'' or the ''DIGIT Act''.

SEC. 4002. FINDINGS; SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds that—

(1) the Internet of Things refers to the growing number of connected and interconnected devices;

(2) estimates indicate that more than 125,000,000,000 devices will be connected to the internet by 2030;

(3) the Internet of Things has the potential to generate trillions of dollars in new economic activity around the world in the transportation, energy, agriculture, manufacturing, and health care sectors and in other sectors that are critical to the growth of the gross domestic product of the United States;

(4) businesses across the United States can develop new services and products, improve

the efficiency of operations and logistics, cut costs, improve worker and public safety, and pass savings on to consumers by utilizing the Internet of Things and related innovations;

(5) the Internet of Things will—

(A) be vital in furthering innovation and the development of emerging technologies; and

(B) play a key role in developing artificial intelligence and advanced computing capabilities;

(6) the United States leads the world in the development of technologies that support the internet, the United States technology sector is well-positioned to lead in the development of technologies for the Internet of Things, and the appropriate prioritization of a national strategy with respect to the Internet of Things would strengthen that position;

(7) the Federal Government can implement this technology to better deliver services to the public; and

(8) the Senate unanimously passed Senate Resolution 110, 114th Congress, agreed to March 24, 2015, calling for a national strategy for the development of the Internet of Things.

(b) SENSE OF CONGRESS.—It is the sense of Congress that policies governing the Internet of Things should—

(1) promote solutions with respect to the Internet of Things that are secure, scalable, interoperable, industry-driven, and standards-based; and

(2) maximize the development and deployment of the Internet of Things to benefit all stakeholders, including businesses, governments, and consumers.

SEC. 4003. DEFINITIONS.

In this title:

(1) COMMISSION.—The term ''Commission'' means the Federal Communications Commission.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

(3) STEERING COMMITTEE.—The term ''steering committee'' means the steering committee established under section 4004(e)(1).

(4) WORKING GROUP.—The term ''working group'' means the working group convened under section 4004(a).

SEC. 4004. FEDERAL WORKING GROUP.

(a) IN GENERAL.—The Secretary shall convene a working group of Federal stakeholders for the purpose of providing recommendations and a report to Congress relating to the aspects of the Internet of Things described in subsection (b).

(b) DUTIES.—The working group shall—

(1) identify any Federal regulations, statutes, grant practices, budgetary or jurisdictional challenges, and other sector-specific policies that are inhibiting, or could inhibit, the development or deployment of the Internet of Things;

(2) consider policies or programs that encourage and improve coordination among Federal agencies that have responsibilities that are relevant to the objectives of this title;

(3) consider any findings or recommendations made by the steering committee and, where appropriate, act to implement those recommendations;

(4) examine—

(A) how Federal agencies can benefit from utilizing the Internet of Things;

(B) the use of Internet of Things technology by Federal agencies as of the date on which the working group performs the examination;

(C) the preparedness and ability of Federal agencies to adopt Internet of Things technology as of the date on which the working group performs the examination and in the future; and

(D) any additional security measures that Federal agencies may need to take to—

(i) safely and securely use the Internet of Things, including measures that ensure the security of critical infrastructure; and

(ii) enhance the resiliency of Federal systems against cyber threats to the Internet of Things; and

(5) in carrying out the examinations required under clauses (i) and (ii) of paragraph (4)(D), ensure to the maximum extent possible the coordination of the current and future activities of the Federal Government relating to security with respect to the Internet of Things.

(c) AGENCY REPRESENTATIVES.—In convening the working group under subsection (a), the Secretary shall have discretion to appoint representatives from Federal agencies and departments as appropriate and shall specifically consider seeking representation from—

(1) the Department of Commerce, including—

(A) the National Telecommunications and Information Administration;

(B) the National Institute of Standards and Technology; and

(C) the National Oceanic and Atmospheric Administration;

(2) the Department of Transportation;

(3) the Department of Homeland Security;

(4) the Office of Management and Budget;

(5) the National Science Foundation;

(6) the Commission;

(7) the Federal Trade Commission;

(8) the Office of Science and Technology Policy;

(9) the Department; and

(10) the Federal Energy Regulatory Commission.

(d) NONGOVERNMENTAL STAKEHOLDERS.—The working group shall consult with nongovernmental stakeholders with expertise relating to the Internet of Things, including—

(1) the steering committee;

(2) information and communications technology manufacturers, suppliers, service providers, and vendors;

(3) subject matter experts representing industrial sectors other than the technology sector that can benefit from the Internet of Things, including the transportation, energy, agriculture, and health care sectors;

(4) small, medium, and large businesses;

(5) think tanks and academia;

(6) nonprofit organizations and consumer groups;

(7) security experts;

(8) rural stakeholders; and

(9) other stakeholders with relevant expertise, as determined by the Secretary.

(e) STEERING COMMITTEE.—

(1) ESTABLISHMENT.—There is established within the Department of Commerce a steering committee to advise the working group.

(2) DUTIES.—The steering committee shall advise the working group with respect to—

(A) the identification of any Federal regulations, statutes, grant practices, programs, budgetary or jurisdictional challenges, and other sector-specific policies that are inhibiting, or could inhibit, the development of the Internet of Things;

(B) situations in which the use of the Internet of Things is likely to deliver significant and scalable economic and societal benefits to the United States, including benefits from or to—

(i) smart traffic and transit technologies;

(ii) augmented logistics and supply chains;

(iii) sustainable infrastructure;

(iv) precision agriculture;

(v) environmental monitoring;

(vi) public safety; and

(vii) health care;

(C) whether adequate spectrum is available to support the growing Internet of Things and what legal or regulatory barriers may exist to providing any spectrum needed in the future;

(D) policies, programs, or multi-stakeholder activities that—

(i) promote or are related to the privacy of individuals who use or are affected by the Internet of Things;

(ii) may enhance the security of the Internet of Things, including the security of critical infrastructure;

(iii) may protect users of the Internet of Things; and

(iv) may encourage coordination among Federal agencies with jurisdiction over the Internet of Things;

(E) the opportunities and challenges associated with the use of Internet of Things technology by small businesses; and

(F) any international proceeding, international negotiation, or other international matter affecting the Internet of Things to which the United States is or should be a party.

(3) MEMBERSHIP.—The Secretary shall appoint to the steering committee members representing a wide range of stakeholders outside of the Federal Government with expertise relating to the Internet of Things, including—

(A) information and communications technology manufacturers, suppliers, service providers, and vendors;

(B) subject matter experts representing industrial sectors other than the technology sector that can benefit from the Internet of Things, including the transportation, energy, agriculture, and health care sectors;

(C) small, medium, and large businesses;

(D) think tanks and academia;

(E) nonprofit organizations and consumer groups;

(F) security experts;

(G) rural stakeholders; and

(H) other stakeholders with relevant expertise, as determined by the Secretary.

(4) REPORT.—Not later than 1 year after the date of enactment of this Act, the steering committee shall submit to the working group a report that includes any findings or recommendations of the steering committee.

(5) INDEPENDENT ADVICE.—

(A) IN GENERAL.—The steering committee shall set the agenda of the steering committee in carrying out the duties of the steering committee under paragraph (2).

(B) SUGGESTIONS.—The working group may suggest topics or items for the steering committee to study, and the steering committee shall take those suggestions into consideration in carrying out the duties of the steering committee.

(C) REPORT.—The steering committee shall ensure that the report submitted under paragraph (4) is the result of the independent judgment of the steering committee.

(6) NO COMPENSATION FOR MEMBERS.—A member of the steering committee shall serve without compensation.

(7) TERMINATION.—The steering committee shall terminate on the date on which the working group submits the report under subsection (f).

(f) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the working group shall submit to Congress a report that includes—

(A) the findings and recommendations of the working group with respect to the duties of the working group under subsection (b);

(B) the report submitted by the steering committee under subsection (e)(4), as the report was received by the working group;

(C) recommendations for action or reasons for inaction, as applicable, with respect to

each recommendation made by the steering committee in the report submitted under subsection (e)(4); and

(D) an accounting of any progress made by Federal agencies to implement recommendations made by the working group or the steering committee.

(2) COPY OF REPORT.—The working group shall submit a copy of the report described in paragraph (1) to—

(A) the Committee on Commerce, Science, and Transportation and the Committee on Energy and Natural Resources of the Senate;

(B) the Committee on Energy and Commerce of the House of Representatives; and

(C) any other committee of Congress, upon request to the working group.

SEC. 4005. ASSESSING SPECTRUM NEEDS.

(a) IN GENERAL.—The Commission, in consultation with the National Telecommunications and Information Administration, shall issue a notice of inquiry seeking public comment on the current, as of the date of enactment of this Act, and future spectrum needs to enable better connectivity relating to the Internet of Things.

(b) REQUIREMENTS.—In issuing the notice of inquiry under subsection (a), the Commission shall seek comments that consider and evaluate—

(1) whether adequate spectrum is available, or is planned for allocation, for commercial wireless services that could support the growing Internet of Things;

(2) if adequate spectrum is not available for the purposes described in paragraph (1), how to ensure that adequate spectrum is available for increased demand with respect to the Internet of Things;

(3) what regulatory barriers may exist to providing any needed spectrum that would support uses relating to the Internet of Things; and

(4) what the role of unlicensed and licensed spectrum is and will be in the growth of the Internet of Things.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report summarizing the comments submitted in response to the notice of inquiry issued under subsection (a).

SA 1481. Mr. BRAUN (for himself and Ms. ERNST) submitted an amendment intended to be proposed to amendment SA 1407 proposed by Ms. MURKOWSKI to the bill S. 2657, to support innovation in advanced geothermal research and development, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE IV—AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986

SEC. 4001. LIMIT CREDIT FOR NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES TO VEHICLES COSTING LESS THAN $45,000.

(a) IN GENERAL.—Section 30D(d)(1) of the Internal Revenue Code of 1986 is amended—

(1) in subparagraph (E), by striking ''and'' at the end,

(2) in subparagraph (F)(ii), by striking the period at the end and inserting '', and'', and

(3) by adding at the end the following new subparagraph:

''(G) for which the manufacturer's suggested retail price is less than $45,000.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to vehicles sold during any calendar quarter beginning after the date of enactment of this Act.

SA 1482. Mr. BRAUN (for himself and Ms. ERNST) submitted an amendment intended to be proposed to amendment SA 1407 proposed by Ms. MURKOWSKI to the bill S. 2657, to support innovation in advanced geothermal research and development, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE IV—AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986

SEC. 4001. ELIMINATION OF PERSONAL CREDIT BASED ON ADJUSTED GROSS INCOME.

(a) IN GENERAL.—Subsection (c) of section 30D of the Internal Revenue Code of 1986 is amended—

(1) in paragraph (2), by inserting ''and (3)'' after ''paragraph (1)'', and

(2) by adding at the end the following new paragraph:

''(3) ELIMINATION OF PERSONAL CREDIT BASED ON ADJUSTED GROSS INCOME.—

''(A) IN GENERAL.—For purposes of paragraph (2), in the case of any new qualified plug-in electric drive motor vehicle which is placed in service by a taxpayer during any taxable year, if the adjusted gross income of such taxpayer for such taxable year exceeds the threshold amount, the amount of the credit otherwise allowable under subsection (a) for such taxable year shall be reduced to zero.

''(B) THRESHOLD AMOUNT.—For purposes of this paragraph, the term 'threshold amount' means—

''(i) in the case of any taxpayer filing a joint return for the taxable year, $326,600, and

''(ii) in the case of any taxpayer not filing a joint return for the taxable year, $163,300.

''(C) INFLATION ADJUSTMENT.—

''(i) IN GENERAL.—In the case of any taxable year beginning after 2020, each of the dollar amounts in subparagraph (B) shall be increased by an amount equal to—

''(I) such dollar amount, multiplied by

''(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins by substituting 'calendar year 2019' for 'calendar year 2016' in subparagraph (A)(ii) thereof.

''(ii) ROUNDING.—If any increase determined under clause (i) is not a multiple of $100, such increase shall be rounded to the nearest multiple of $100.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2019.

SA 1483. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1407 proposed by Ms. MURKOWSKI to the bill S. 2657, to support innovation in advanced geothermal research and development, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1808 and insert the following:

SEC. 1808. NO ARPA–E FUNDS.

Funds appropriated to the Department shall not be made available to carry out section 5012 of the America COMPETES Act (42 U.S.C. 16538).

SA 1484. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 1407 proposed by Ms. MURKOWSKI to the bill S. 2657, to support innovation in advanced geothermal research and development, and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following:

TITLE IV—MISCELLANEOUS

SEC. 4001. SULFUR HEXAFLUORIDE RESEARCH.

The Secretary shall carry out research to find alternatives for the use of sulfur hexafluoride in power generation and transmission equipment, including circuit breakers, switchgear, and gas insulated lines.

SA 1485. Mr. LEE (for himself and Mr. ROMNEY) submitted an amendment intended to be proposed to amendment SA 1407 proposed by Ms. MURKOWSKI to the bill S. 2657, to support innovation in advanced geothermal research and development, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE IV—MISCELLANEOUS

SEC. 4001. LIMITATION ON THE EXTENSION OR ESTABLISHMENT OF NATIONAL MONUMENTS IN THE STATE OF UTAH.

Section 320301(d) of title 54, United States Code, is amended—

(1) in the heading, by striking ''WYOMING'' and inserting ''THE STATE OF WYOMING OR UTAH''; and

(2) by striking ''Wyoming'' and inserting ''the State of Wyoming or Utah''.

SA 1486. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1407 proposed by Ms. MURKOWSKI to the bill S. 2657, to support innovation in advanced geothermal research and development, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

Subtitle D—Miscellaneous

SEC. 24 _____. MINERAL ENTRY AUTHORIZED.

(a) IN GENERAL.—The Federal land described in subsection (b) shall be open to location, entry, and patent under the mining laws.

(b) FEDERAL LAND DESCRIBED.—The Federal land referred to in subsections (a) and (c) is the area of land depicted as ''Mineral Withdrawal'' on the map prepared by the Bureau of Land Management entitled ''Grand Canyon Centennial Protection Act'' and dated February 26, 2019.

(c) LIMITATION ON WITHDRAWAL.—

(1) IN GENERAL.—The Federal land described in subsection (b) may not be withdrawn from location, entry, and patent under the mining laws except by Act of Congress.

(2) APPLICATION OF CERTAIN LAW.—The authority of the Secretary of the Interior under sections 202(e)(3) and 204 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712(e)(3), 1714) shall not apply to the Federal land described in subsection (b).

SA 1487. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1407 proposed by Ms. MURKOWSKI to the bill S. 2657, to support innovation in advanced geothermal research and development, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE IV—MISCELLANEOUS

SEC. 4001. PROTECTION, MANAGEMENT, AND CONTROL OF WILD FREE-ROAMING HORSES AND BURROS.

Section 3 of Public Law 92–195 (16 U.S.C. 1333) is amended—

(1) in subsection (b)—

(A) by striking the subsection designation and all that follows through ''The Secretary'' in the first sentence of paragraph (1) and inserting the following:

''(b) INVENTORY; OVERPOPULATION; RESEARCH STUDY.—

''(1) INVENTORY.—

''(A) IN GENERAL.—The Secretary'';

(B) in subparagraph (A) of paragraph (1) (as so designated)—

(i) in the third sentence, by striking ''In making such determinations the Secretary'' and inserting the following:

''(C) CONSULTATION.—In making a determination under subparagraph (B), the Secretary''; and

(ii) in the second sentence, by striking ''The purpose of such inventory shall be to: make'' and inserting the following:

''(B) DETERMINATIONS.—The purpose of the inventory under subparagraph (A) shall be to make'';

(C) in paragraph (2)—

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

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

(iii) by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), respectively, and indenting the clauses appropriately; and

(iv) by striking the paragraph designation and all that follows through ''management levels. Such action shall be taken, in'' and inserting the following:

''(2) OVERPOPULATION.—

''(A) IN GENERAL.—On a determination by the Secretary in accordance with subparagraph (B) that an overpopulation of wild free-roaming horses or burros exists on a given area of public land, and that action is necessary to remove excess horses or burros, the Secretary shall immediately remove excess horses or burros from the public land range as the Secretary determines to be necessary to achieve appropriate management levels of wild free-roaming horses or burros.

''(B) BASIS OF DETERMINATIONS.—The Secretary shall make a determination under subparagraph (A) on the basis of—

''(i)(I) the current inventory of land within the jurisdiction of the Secretary;

''(II) information contained in any relevant land use planning completed pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712);

''(III) relevant information contained in court ordered environmental impact statements (as defined in section 3 of the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1902)); and

''(IV) such additional information as becomes available to the Secretary from time to time, including any information developed in the research study under paragraph (3); or

''(ii) in the absence of information described in clause (i), all information otherwise available to the Secretary.

''(C) APPLICABILITY OF NEPA.—

''(i) IN GENERAL.—During any period with respect to which the Secretary determines under subparagraph (A) that an overpopulation of wild free-roaming horses or burros exists, the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall not apply to—

''(I) the use of any vehicle, including an all-terrain vehicle or helicopter, that the Secretary determines to be necessary to capture excess wild free-roaming horses or burros; or

''(II) the sterilization by a licensed professional of any male or female wild free-roaming horse or burro.

''(ii) RESUMPTION.—The National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall apply to the activities described in subclauses (I) and (II) of clause (i) beginning on the date on which the Secretary determines that the appropriate management level of wild free-roaming horses or burros has been attained with respect to an applicable area of public land.

''(D) ORDER AND PRIORITY.—An action under subparagraph (A) shall be carried out in''; and

(D) in paragraph (3)—

(i) in the third sentence, by striking ''Such study'' and inserting the following:

''(C) DEADLINE.—The study under this paragraph'';

(ii) in the second sentence, by striking ''The terms and outline of such research study'' and inserting the following:

''(B) RESEARCH DESIGN PANEL.—The terms and outline of the study under this paragraph''; and

(iii) by striking ''(3) For the purpose'' and inserting the following:

''(3) RESEARCH STUDY.—

''(A) IN GENERAL.—For the purpose''; and

(2) in subsection (d)—

(A) in each of paragraphs (2) and (3), by striking ''or'' at the end; and

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

''(1) on passage of title pursuant to subsection (c), subject to the limitation described in that subsection;''.

SA 1488. Ms. STABENOW (for herself, Mr. UDALL, and Mr. DURBIN) submitted an amendment intended to be proposed to amendment SA 1407 proposed by Ms. MURKOWSKI to the bill S. 2657, to support innovation in advanced geothermal research and development, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 426, strike line 7 and all that follows through page 432, line 6, and insert the following:

(e) PERMITTING.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) critical minerals are fundamental to the economy, competitiveness, and security of the United States; and

(B) to the maximum extent practicable, the critical mineral needs of the United States should be satisfied by minerals responsibly produced and recycled in the United States.

(2) REVIEW AND REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary (acting through the Director of the Bureau of Land Management) and the Secretary of Agriculture (acting through the Chief of the Forest Service) (referred to in this subsection as the ''Secretaries'') shall submit to Congress a report that—

(A) identifies additional measures (including regulatory and legislative proposals, as appropriate) that would increase the timeliness of permitting activities for the exploration and development of domestic critical minerals;

(B) identifies options (including cost recovery paid by permit applicants) for ensuring adequate staffing and training of Federal entities and personnel responsible for the consideration of applications, operating plans, leases, licenses, permits, and other use authorizations for critical mineral-related activities on Federal land; and

(C) quantifies the amount of time typically required (including range derived from minimum and maximum durations, mean, median, variance, and other statistical measures or representations) to complete each step (including those aspects outside the control of the executive branch, such as judicial review, applicant decisions, or State and local government involvement) associated with the development and processing of applications, operating plans, leases, licenses, permits, and other use authorizations for critical mineral-related activities on Federal land, which shall serve as a baseline for purposes of paragraph (3)(B).

(3) ANNUAL REPORTS.—Beginning with the first budget submission by the President under section 1105 of title 31, United States Code, after the date of enactment of this Act, and annually thereafter, the Secretaries shall submit to Congress a report that—

(A) summarizes the implementation of recommendations, measures, and options identified in subparagraphs (A) and (B) of paragraph (2);

(B) describes progress made by the executive branch, as compared to the baseline established under paragraph (2)(C), on expediting the permitting of activities that will increase exploration for, and development of, domestic critical minerals; and

(C) compares the United States to other countries in terms of permitting efficiency and any other criteria relevant to the globally competitive critical minerals industry.

SA 1489. Mr. UDALL submitted an amendment intended to be proposed to amendment SA 1407 proposed by Ms. MURKOWSKI to the bill S. 2657, to support innovation in advanced geothermal research and development, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. STUDY ON ENVIRONMENTAL IMPACTS OF NEW PLASTIC PRODUCTION FACILITIES.

(a) DEFINITIONS.—In this section:

(1) COVERED FACILITY.—The term ''covered facility'' means—

(A) an industrial facility that transforms natural gas liquids into ethylene and propylene for later conversion into plastic polymers;

(B) a plastic polymerization or polymer production facility; and

(C) an industrial facility that repolymerizes plastic polymers into chemical feedstocks for use in new products or as fuel.

(2) COVERED PRODUCTS.—The term ''covered plastic'' means—

(A) ethylene;

(B) propylene;

(C) polyethylene in any form (including pellets, resin, nurdle, powder, and flakes);

(D) polypropylene in any form (including pellets, resin, nurdle, powder, and flakes);

(E) polyvinyl chloride in any form (including pellets, resin, nurdle, powder, and flakes); or

(F) other plastic polymer raw materials in any form (including pellets, resin, nurdle, powder, and flakes).

(3) ENVIRONMENTAL JUSTICE.—The term ''environmental justice'' means the fair treatment and meaningful involvement of all individuals, regardless of race, color, national origin, educational level, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies to ensure that—

(A) communities of color, indigenous communities, and low-income communities have access to public information and opportunities for meaningful public participation with respect to human health and environmental planning, regulations, and enforcement;

(B) no community of color, indigenous community, or low-income community is exposed to a disproportionate burden of the negative human health and environmental

impacts of pollution or other environmental hazards; and

(C) the 17 principles described in the document entitled ''The Principles of Environmental Justice'', written and adopted at the First National People of Color Environmental Leadership Summit held on October 24 through 27, 1991, in Washington, DC, are upheld.

(b) STUDY.—

(1) IN GENERAL.—The Secretary shall offer to enter into an agreement with the National Academy of Sciences and the National Institutes of Health to conduct a study of—

(A) the existing and planned expansion of the industry of the producers of covered products, including the entire supply chain, end uses, disposal fate, and lifecycle impacts of covered products;

(B) the environmental justice and pollution impacts of covered facilities and the products of covered facilities;

(C) the existing standard technologies and practices of covered facilities with respect to the discharge and emission of pollutants into the environment; and

(D) the best available technologies and practices that reduce or eliminate the environmental justice and pollution impacts of covered facilities and the products of covered facilities.

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

(A) consider—

(i) the direct, indirect, and cumulative environmental impacts of the industries of covered facilities to date; and

(ii) the impacts of the planned expansion of those industries, including local, regional, national, and international air, water, waste, climate change, public health, and environmental justice impacts of those industries; and

(B) recommend technologies, standards, and practices to remediate or eliminate the local, regional, national, and international air, water, waste, climate change, public health, and environmental justice impacts of covered facilities and the industries of covered facilities.

(3) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study under paragraph (1).

SA 1490. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 1407 proposed by Ms. MURKOWSKI to the bill S. 2657, to support innovation in advanced geothermal research and development, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE IV—ENERGY SECURITY COOPERATION

SEC. 4001. SHORT TITLE.

This title may be cited as the ''Energy Security Cooperation with Allied Partners in Europe Act of 2020''.

SEC. 4002. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to reduce the dependency of allies and partners of the United States on Russian energy resources, especially natural gas, in order for those countries to achieve lasting and dependable energy security;

(2) to condemn the Government of the Russian Federation for, and to deter that government from, using its energy resources as a geopolitical weapon to coerce, intimidate, and influence other countries;

(3) to improve energy security in Europe by increasing access to diverse, reliable, and affordable energy;

(4) to promote energy security in Europe by working with the European Union and other allies of the United States to develop liberalized energy markets that provide diversified energy sources, suppliers, and routes;

(5) to continue to strongly oppose the Nord Stream 2 pipeline based on its detrimental effects on the energy security of the European Union and the economy of Ukraine and other countries in Central Europe through which natural gas is transported; and

(6) to support countries that are allies or partners of the United States by expediting the export of energy resources from the United States.

SEC. 4003. NORTH ATLANTIC TREATY ORGANIZATION.

The President should direct the United States Permanent Representative on the Council of the North Atlantic Treaty Organization (in this title referred to as ''NATO'') to use the voice and influence of the United States to encourage NATO member countries to work together to achieve energy security for those countries and countries in Europe and Eurasia that are partners of NATO.

SEC. 4004. TRANSATLANTIC ENERGY STRATEGY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States and other NATO member countries should explore ways to ensure that NATO member countries diversify their energy supplies and routes in order to enhance their energy security, including through the development of a transatlantic energy strategy.

(b) TRANSATLANTIC ENERGY STRATEGY.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Administrator of the United States Agency for International Development and the Secretary of Energy, shall submit to the appropriate congressional committees a transatlantic energy strategy for the United States—

(A) to enhance the energy security of NATO member countries and countries that are partners of NATO; and

(B) to increase exports of energy, energy technologies, and energy development services from the United States to such countries.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Relations of the Senate; and

(B) the Committee on Foreign Affairs of the House of Representatives.

SEC. 4005. EXPEDITED APPROVAL OF EXPORTATION OF NATURAL GAS TO UNITED STATES ALLIES.

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

(1) by inserting ''(1)'' before ''For purposes'';

(2) by striking ''nation with which there is in effect a free trade agreement requiring national treatment for trade in natural gas'' and inserting ''foreign country described in paragraph (2)''; and

(3) by adding at the end the following:

''(2) A foreign country described in this paragraph is—

''(A) a nation with which there is in effect a free trade agreement requiring national treatment for trade in natural gas;

''(B) a member country of the North Atlantic Treaty Organization;

''(C) subject to paragraph (3), Japan; and

''(D) any other foreign country if the Secretary of State, in consultation with the Secretary of Defense, determines that exportation of natural gas to that foreign country would promote the national security interests of the United States.

''(3) The exportation of natural gas to Japan shall be deemed to be consistent with the public interest pursuant to paragraph (1), and applications for such exportation shall be granted without modification or delay under that paragraph, during only such period as the Treaty of Mutual Cooperation and Security, signed at Washington January 19, 1960, and entered into force June 23, 1960 (11 UST 1632; TIAS 4509), between the United States and Japan, remains in effect.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to applications for the authorization to export natural gas under section 3 of the Natural Gas Act (15 U.S.C. 717b) that are pending on, or filed on or after, the date of the enactment of this Act.

SA 1491. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1407 proposed by Ms. MURKOWSKI to the bill S. 2657, to support innovation in advanced geothermal research and development, and for other purposes; which was ordered to lie on the table; as follows:

In section 2304(b)(4), strike ''or 2306''.

Strike section 2306.

SA 1492. Mrs. GILLIBRAND (for Mr. SANDERS (for himself, Mrs. GILLIBRAND, Ms. HARRIS, and Mr. MARKEY)) submitted an amendment intended to be proposed to amendment SA 1407 proposed by Ms. MURKOWSKI to the bill S. 2657, to support innovation in advanced geothermal research and development, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 15___. POST-SHUTDOWN DECOMMISSIONING ACTIVITIES REPORTS.

(a) IN GENERAL.—Chapter 10 of title I of the Atomic Energy Act of 1954 (42 U.S.C. 2131 et seq.) is amended by adding at the end the following:

''SEC. 113. POST-SHUTDOWN DECOMMISSIONING ACTIVITIES REPORTS.

''a. DEFINITIONS.—In this section:

''(1) AFFECTED STATE.—The term 'affected State' means—

''(A) the host State of a covered facility; and

''(B) each State located within 50 miles of a covered facility.

''(2) COMMISSION.—The term 'Commission' means the Nuclear Regulatory Commission.

''(3) COVERED FACILITY.—The term 'covered facility' means a facility of a licensee for which a PSDAR is required.

''(4) HOST STATE.—The term 'host State' means the State in which a covered facility is located.

''(5) LICENSE; LICENSEE.—The terms 'license' and 'licensee' have the meanings given those terms in section 50.2 of title 10, Code of Federal Regulations (or successor regulations).

''(6) PSDAR.—The term 'PSDAR' means a post-shutdown decommissioning activities report submitted to the Commission and affected States under section 50.82(a)(4)(i) of title 10, Code of Federal Regulations (or successor regulations).

''(7) TRANSFEREE.—The term 'transferee' means an entity to which a licensee proposes to transfer a license for a covered facility.

''(8) TRIBAL GOVERNMENT.—The term 'Tribal government' means the governing body of an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)).

''b. CONSULTATION REQUIRED.—Notwithstanding any other provision of law (including regulations), a licensee may not submit

to the Commission a proposed PSDAR, or transfer to another entity the license, for a covered facility until the licensee and the transferee, if applicable, conduct consultation regarding the development of the proposed PSDAR or the proposed license transfer, as applicable, with—

''(1) each affected State; and

''(2) each unit of State government or Tribal government that—

''(A) is located in an affected State; and

''(B) has jurisdiction over land located within 50 miles of the covered facility.

''c. SUBMISSION TO COMMISSION; ADDITIONAL CONSULTATION.—

''(1) IN GENERAL.—After carrying out the consultation required under subsection b. with respect to a proposed PSDAR or transfer of a license for a covered facility, the licensee shall—

''(A) submit to the Commission, as applicable—

''(i) the proposed PSDAR; or

''(ii) an application for transfer of a license; and

''(B) subject to paragraph (3), make the proposed PSDAR or application for transfer of a license, as applicable, available to the public.

''(2) PUBLIC AVAILABILITY.—On receipt of a proposed PSDAR or notice of a proposed license transfer under paragraph (1)(A), the Commission shall, subject to paragraph (3), make the proposed PSDAR or application for transfer of a license, as applicable, available to the public.

''(3) EXCLUSION OF CERTAIN INFORMATION.—In making a proposed PSDAR or application for transfer of a license, as applicable, available to the public under paragraph (1)(B) or (2), the Commission or the licensee, as applicable, may redact such information as the Commission or the licensee, as applicable, determines to be necessary to protect—

''(A) trade secrets and commercial or financial information under section 552(b)(4) of title 5, United States Code; or

''(B) national security.

''d. PUBLIC PARTICIPATION.—For a period of not less than 90 days beginning on the date on which a licensee submits a proposed PSDAR to the Commission under subsection c. (1)(A) or the date on which the Commission dockets an application for transfer of a license under section 2.101 of title 10, Code of Federal Regulations (or successor regulations), as applicable, the Commission shall solicit in the host State public comments regarding the proposed PSDAR or notice of proposed license transfer, including through—

''(1) the solicitation of written comments; and

''(2) the conduct of not fewer than 2 public meetings.

''e. SUPPORT, CONDITIONAL SUPPORT, OR NONSUPPORT BY HOST STATE.—

''(1) IN GENERAL.—Not later than 60 days after the date of receipt of a proposed PSDAR or the date on which the Commission dockets an application for transfer of a license under section 2.101 of title 10, Code of Federal Regulations (or successor regulations), as applicable, for a covered facility, the Commission shall notify the host State of the opportunity to file with the Commission, by the date that is 60 days after the date on which the host State receives the notification—

''(A) a statement of support for the proposed PSDAR or license transfer;

''(B) a statement of conditional support for the proposed PSDAR or license transfer, together with specific recommendations for changes that could lead the host State to support the proposed PSDAR or license transfer; or

''(C) a statement of nonsupport for the proposed PSDAR or license transfer.

''(2) STATEMENT OF SUPPORT OR NONSUPPORT; FAILURE TO SUBMIT.—

''(A) IN GENERAL.—If the host State files with the Commission a statement of support under paragraph (1)(A) or a statement of nonsupport under paragraph (1)(C), or fails to file a statement with the Commission by the deadline specified in paragraph (1), the Commission shall issue a determination regarding whether the proposed PSDAR is adequate or inadequate or a determination regarding whether to provide consent for the proposed license transfer, as applicable—

''(i) based on the considerations described in subparagraph (B); and

''(ii) after taking into consideration—

''(I) any written comments submitted by the host State, other affected States, and local communities with respect to the proposed PSDAR or license transfer; and

''(II) any input from the public under subsection d.

''(B) CONSIDERATIONS.—The Commission shall consider a proposed PSDAR or license transfer to be adequate under subparagraph (A) if the Commission determines that—

''(i) the proposed PSDAR or license transfer provides for—

''(I) the overall protection of human health and the environment; and

''(II) adequate protection to the health and safety of the public and the common defense and security;

''(ii) the licensee (and, if applicable, the transferee) has a substantial likelihood of implementing the proposed PSDAR or license transfer within the timeframe described in the proposed PSDAR or license transfer application;

''(iii) the proposed PSDAR or license transfer is in accordance with applicable law (including regulations); and

''(iv) the licensee (and, if applicable, the transferee) has demonstrated that the licensee has, or will have, the funds required to fully implement the proposed PSDAR or license transfer within the timeframe described in the proposed PSDAR or license transfer application, based on—

''(I) a comprehensive radiological site assessment and characterization; and

''(II) a nonradiological site assessment and characterization conducted by the host State.

''(C) DETERMINATION OF ADEQUACY.—Subject to paragraph (4), if the Commission determines that a proposed PSDAR or license transfer is adequate under subparagraphs (A) and (B), the Commission shall issue a decision document approving the PSDAR or license transfer.

''(D) DETERMINATION OF INADEQUACY.—If the Commission determines that a proposed PSDAR or license transfer is inadequate under subparagraphs (A) and (B)—

''(i) the Commission shall issue a decision document rejecting the proposed PSDAR or license transfer, including a description of the reasons for the decision, by the applicable deadline under paragraph (4); and

''(ii) not later than 2 years after the date of cessation of operations at the applicable covered facility, the licensee shall develop and submit to the Commission a new proposed PSDAR or license transfer in accordance with this section.

''(3) CONDITIONAL SUPPORT BY HOST STATE.—

''(A) IN GENERAL.—In any case in which the host State files with the Commission a statement of conditional support of a proposed PSDAR or license transfer under paragraph (1)(B), the Commission shall determine whether the proposed PSDAR or license transfer is permissible under applicable law (including regulations).

''(B) CHANGES.—Notwithstanding the adequate protection of public health and safety or the common defense and security, for each change recommended by the host State under paragraph (1)(B), the Commission shall—

''(i) provide for the inclusion of the change into the final PSDAR or license transfer, unless the Commission determines the change to be inappropriate for inclusion, based on clear and convincing evidence that—

''(I) the change violates applicable law; or

''(II) the total costs of the change substantially outweigh the safety, economic, or environmental benefits of the change to the host State; and

''(ii) if applicable, provide the rationale for each determination of inappropriateness under clause (i).

''(C) DECISION DOCUMENT.—

''(i) IN GENERAL.—Subject to paragraph (4), based on the determinations made under subparagraphs (A) and (B), the Commission shall issue a decision document relating to a proposed PSDAR or license transfer that, as applicable—

''(I) approves the proposed PSDAR or license transfer with any changes recommended by the host State that are not determined to be inappropriate under subparagraph (B); or

''(II) rejects the proposed PSDAR or license transfer.

''(ii) APPLICABLE LAW.—A decision document issued under clause (i) or subparagraph (C) or (D)(i) of paragraph (2) shall be considered to be a final order entered in a proceeding under section 189 a.

''(D) TREATMENT ON APPROVAL.—On approval by the Commission of a proposed PSDAR or license transfer under subparagraph (C)(i)(I) or paragraph (2)(C)—

''(i) the PSDAR or approval of the license transfer by the Commission shall be final; and

''(ii) the licensee may begin implementation of the PSDAR.

''(E) REJECTION.—If the Commission rejects a proposed PSDAR or license transfer under subparagraph (C)(i)(II), not later than 2 years after the date of cessation of operations at the applicable covered facility, the licensee shall develop and submit to the Commission a new proposed PSDAR or license transfer in accordance with this section.

''(4) DEADLINE FOR DECISION DOCUMENT.—

''(A) IN GENERAL.—Subject to subparagraphs (B) and (C), the Commission shall issue a decision document relating to a proposed PSDAR or license transfer under subparagraph (C) or (D)(i) of paragraph (2) or paragraph (3)(C)(i) by not later than 1 year after the date on which the proposed PSDAR or an application for transfer of a license, as applicable, is submitted to the Commission under subsection c. (1)(A).

''(B) PROPOSED INTERMEDIATE LICENSE TRANSFERS.—

''(i) DEFINITION OF PROPOSED INTERMEDIATE LICENSE TRANSFER.—In this subparagraph, the term 'proposed intermediate license transfer' means a proposed transfer of license—

''(I) for a covered facility on behalf of which a proposed PSDAR has been submitted by the licensee to the Commission under subsection c. (1)(A)(i); and

''(II) the notice of which is submitted to the Commission under subsection c. (1)(A)(ii) before the applicable deadline under subparagraph (A) for the issuance by the Commission of a decision document relating to the proposed PSDAR described in subclause (I).

''(ii) DEADLINE.—Subject to subparagraph (C), in any case in which a licensee submits to the Commission a notice of a proposed intermediate license transfer of a covered facility, the Commission shall issue a decision

document relating to the proposed PSDAR of the covered facility by not later than 1 year after the date of receipt of the application for transfer of a license.

''(C) EXTENSION.—If there are unforeseen circumstances, including unexpected technical issues, site-specific characteristics, or other external factors that could affect the ability of the Commission to issue a decision document by a deadline specified in subparagraph (A) or (B)(ii), the Commission may extend the applicable deadline for a reasonable period of time, as determined by the Commission.

''f. ADDITIONAL REQUIREMENTS.—

''(1) ACTION BY TRANSFEREES.—On transfer of a license for a covered facility by a licensee to a transferee in accordance with this section, the transferee shall conduct consultation in accordance with subsection b. with respect to each proposed PSDAR developed by the transferee for the covered facility.

''(2) STATE ENVIRONMENTAL LAW COMPLIANCE.—Notwithstanding any other provision of this section, the Commission shall not approve a proposed PSDAR or license transfer under this section unless the proposed PSDAR or license transfer for a covered facility includes a requirement that the licensee and the transferee, if applicable, shall comply with applicable State law relating to air, water, or soil quality or radiological standards with respect to the implementation of the proposed PSDAR or license transfer in any case in which the applicable State law is more restrictive than an applicable Federal law.

''g. APPLICATION TO EXISTING DECOMMISSIONING ACTIVITIES.—

''(1) IN GENERAL.—The Commission shall notify—

''(A) each licensee or transferee, if applicable, of the opportunity to develop and submit to the Commission for approval a revised PSDAR for any covered facility of the licensee for which, as of the date of enactment of this section—

''(i) decontamination and dismantlement activities described in the PSDAR have not commenced at the covered facility; or

''(ii) decontamination and dismantlement activities described in the PSDAR have been commenced at the covered facility for a period of less than 5 years; and

''(B) each affected State with respect to a covered facility described in subparagraph (A) of the opportunity to consult with a licensee or transferee described in that subparagraph in accordance with subsection b.

''(2) PROCESS.—

''(A) IN GENERAL.—Except as provided in paragraphs (3) and (4), if a licensee or transferee described in paragraph (1)(A) elects to submit to the Commission a revised PSDAR under that paragraph, the process for consideration and approval of the revised PSDAR shall be carried out in accordance with—

''(i) the process for consideration and approval of a proposed PSDAR for a covered facility under subsections b., c., d., and f.; and

''(ii) the process for support, conditional support, or nonsupport by the host State under subsection e.

''(B) NONSELECTION.—If a licensee or transferee described in paragraph (1)(A) elects not to revise an original PSDAR under that paragraph, the host State may file a statement of support, conditional support, or nonsupport for the original PSDAR in accordance with the process for support, conditional support, or nonsupport by a host State under subsection e.

''(3) DECISION DOCUMENT.—A decision document for a revised PSDAR submitted under paragraph (1)(A), or for an original PSDAR in any case in which the licensee or transferee elects not to revise the original PSDAR, shall be issued in accordance with subparagraph (C) or (D)(I) of subsection e. (2) or subsection e. (3)(C), as applicable, except that the Commission shall issue the decision document by the date that is 1 year after the date on which the applicable decontamination and dismantlement activities commence at the applicable covered facility.

''(4) REVISION AFTER DETERMINATION OF INADEQUACY.—If the Commission rejects a revised PSDAR submitted by a licensee or transferee under paragraph (1)(A) in accordance with subsection e. (2)(D) or subsection e. (3)(E), the licensee or transferee shall develop and submit to the Commission a new revised PSDAR in accordance with this subsection by not later than 2 years after the date of the rejection.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—The Atomic Energy Act of 1954 is amended—

(A) in section 103 (42 U.S.C. 2133)—

(i) in subsection d., in the second sentence, by striking ''any any'' and inserting ''any''; and

(ii) by redesignating subsection f. as subsection e.; and

(B) in section 111 (42 U.S.C. 2141), by striking the section designation and all that follows through ''The Nuclear'' in subsection a. and inserting the following:

''SEC. 111. LICENSING BY NUCLEAR REGULATORY COMMISSION OF DISTRIBUTION OF CERTAIN MATERIALS BY DEPARTMENT OF ENERGY.

''a. The Nuclear''.

(2) TABLE OF CONTENTS.—The table of contents of the Atomic Energy Act of 1954 (68 Stat. 919; 126 Stat. 2216) is amended by striking the items relating to chapter 10 of title I and inserting the following:

''CHAPTER 10. ATOMIC ENERGY LICENSES

''Sec. 101. License required.
''Sec. 102. Utilization and production facilities for industrial or commercial purposes.
''Sec. 103. Commercial licenses.
''Sec. 104. Medical therapy and research and development.
''Sec. 105. Antitrust provisions.
''Sec. 106. Classes of facilities.
''Sec. 107. Operators' licenses.
''Sec. 108. War or national emergency.
''Sec. 109. Component and other parts of facilities.
''Sec. 110. Exclusions.
''Sec. 111. Licensing by Nuclear Regulatory Commission of distribution of certain materials by Department of Energy.
''Sec. 112. Domestic medical isotope production.
''Sec. 113. Post-shutdown decommissioning activities reports.''.

(c) ECONOMIC ADJUSTMENT ASSISTANCE FOR COMMUNITY ADVISORY BOARDS.—

(1) DEFINITIONS.—In this subsection:

(A) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Economic Development Administration.

(B) COMMUNITY ADVISORY BOARD.—

(i) IN GENERAL.—The term ''community advisory board'' means a local community committee or other advisory organization established for the purpose of fostering communication and information exchange between—

(I) a licensee planning for, and involved in, the decommissioning of a nuclear facility owned or operated by the licensee; and

(II) members of a community that the decommissioning referred to in subclause (I) may affect.

(ii) INCLUSIONS.—The term ''community advisory board'' includes an organization described in clause (i) that is—

(I) sponsored by a licensee; or

(II) required under applicable State law (including regulations).

(C) LICENSEE.—The term ''licensee'' means a person licensed by the Nuclear Regulatory Commission under chapter 10 of title I of the Atomic Energy Act of 1954 (42 U.S.C. 2131 et seq.).

(2) AUTHORIZATION OF ASSISTANCE.—Notwithstanding any other provision of law, the Administrator shall establish a program under which the Administrator shall provide to community advisory boards economic adjustment assistance grants under section 209 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149) or any other economic adjustment assistance program of the Administrator.

(3) ELIGIBILITY.—A community advisory board shall be eligible to receive a grant under this subsection if, as determined by the Administrator, the community advisory board—

(A) is composed of an organized group of individuals (including local community leaders and elected officials, State representatives, and staff of the applicable licensee) interested in safe decommissioning practices and spent nuclear fuel management at a nuclear facility that is—

(i)(I) undergoing decommissioning; or

(II) projected to undergo decommissioning not later than 3 years after the date on which an application is submitted under subparagraph (C); and

(ii) located in the area in which the individuals reside or are employed;

(B) has in effect a governing charter to establish the roles and responsibilities of members; and

(C) submits to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require.

(4) USE OF FUNDS.—A grant provided under this subsection—

(A) may be used for the administrative costs of the recipient community advisory board, including the costs of—

(i) staffing; and

(ii) hiring any expert or other professional to assist the community advisory board in navigating the decommissioning process to ensure that the understanding and relevant capabilities of the community advisory board are equivalent to those of industry stakeholders, including the applicable licensee; but

(B) shall not be used for any economic development activity.

(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this subsection $5,000,000 for each of fiscal years 2021 through 2025.

SA 1493. Mr. LEE (for himself, Mr. CRUZ, Mr. RISCH, and Mr. CRAPO) submitted an amendment intended to be proposed to amendment SA 1407 proposed by Ms. MURKOWSKI to the bill S. 2657, to support innovation in advanced geothermal research and development, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. SMALL REFINERY EXEMPTIONS.

Section 211(o)(9) of the Clean Air Act (42 U.S.C. 7545(o)(9)) is amended—

(1) in subparagraph (A)(ii)(II), by inserting ''grant or'' after ''the Administrator shall''; and

(2) in subparagraph (B)(i), by inserting ''for a new exemption or'' after ''the Administrator''.

SA 1494. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1407 proposed by Ms. MURKOWSKI to the bill S. 2657, to support innovation in advanced geothermal research and development, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE IV—REPEAL OF ENERGY TAX EXPENDITURES

SEC. 4001. SHORT TITLE; ETC.

(a) SHORT TITLE.—This title may be cited as the ''Energy Tax Expenditure Repeal Act of 2020''.

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

SEC. 4002. REPEAL OF CREDIT FOR NONBUSINESS ENERGY PROPERTY.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 is amended by striking section 25C (and by striking the item relating to such section in the table of sections of such subpart).

(b) CONFORMING AMENDMENT.—Section 1016(a) is amended by striking paragraph (33).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2017.

SEC. 4003. REPEAL OF CREDIT FOR RESIDENTIAL ENERGY EFFICIENT PROPERTY.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 is amended by striking section 25D (and by striking the item relating to such section in the table of sections for such subpart).

(b) CONFORMING AMENDMENTS.—

(1) Section 23(c)(1) is amended by striking ''and section 25D''.

(2) Section 25(e)(1)(C) is amended by striking ''sections 23 and 25D'' and inserting ''section 23''.

(3) Section 1016(a) is amended by striking paragraph (34).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2020.

SEC. 4004. REPEAL OF ALTERNATIVE MOTOR VEHICLE CREDIT.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 is amended by striking section 30B (and by striking the item relating to such section in the table of sections for such subpart).

(b) CONFORMING AMENDMENTS.—

(1) Section 38(b) is amended by striking paragraph (24).

(2) Section 1016(a) is amended by striking paragraph (35).

(3) Section 6501(m) is amended by striking ''30B(h)(9),''.

(4) Section 301(3)(B) of the Energy Policy Act of 1992 (42 U.S.C. 13211(3)(B)) is amended—

(A) in clause (i), by inserting '', as in effect on the day before the date of the enactment of the Energy Tax Expenditure Repeal Act of 2020'' after ''section 30B(b)(3) of title 26'',

(B) in clause (ii), by inserting '', as in effect on the day before the date of the enactment of that Act'' after ''section 30B(c)(3) of that title'', and

(C) in clause (iii), by inserting '', as in effect on the day before the date of the enactment of that Act'' after ''section 30B(d)(3) of that title''.

(5) Section 508(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 13258(a)(2)) is amended by inserting '', as in effect on the day before the date of the enactment of the Energy Tax Expenditure Repeal Act of 2020'' after ''section 30B(d)(3) of title 26''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property purchased after December 31, 2017.

SEC. 4005. REPEAL OF ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY CREDIT.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 is amended by striking section 30C (and by striking the item relating to such section in the table of sections for such subpart).

(b) CONFORMING AMENDMENTS.—

(1) Section 38(b) is amended by striking paragraph (25).

(2) Section 55(c)(3) is amended by striking ''sections 30C(d)(2) and 38(c)'' and inserting ''section 38(c)''.

(3) Section 1016(a) is amended by striking paragraph (36).

(4) Section 6501(m) is amended by striking ''30C(e)(5),''.

(5) Section 244(b) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17052(b)) is amended by striking paragraph (6).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2017.

SEC. 4006. REPEAL OF CREDIT FOR NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 is amended by striking section 30D (and by striking the item relating to such section in the table of sections for such subpart).

(b) CONFORMING AMENDMENTS.—

(1) Section 38(b) is amended by striking paragraph (30).

(2) Section 1016(a) is amended by striking paragraph (37).

(3) Section 6501(m) is amended by striking ''30D(e)(4),''.

(4) Section 166(b)(5)(A)(ii) of title 23, United States Code, is amended by inserting '', as in effect on the day before the date of the enactment of the Energy Tax Expenditure Repeal Act of 2020'' after ''section 30D(d)(1) of the Internal Revenue Code of 1986''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to vehicles acquired after December 31, 2020.

SEC. 4007. REPEAL OF ENHANCED OIL RECOVERY CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 is amended by striking section 43 (and by striking the item relating to such section in the table of sections for such subpart).

(b) CONFORMING AMENDMENTS.—

(1) Section 38(b) is amended by striking paragraph (6).

(2) Section 45K(b) is amended by striking paragraph (5).

(3) Section 196(c) is amended by striking paragraph (5).

(4) Section 6501(m) is amended by striking ''43,''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2020.

SEC. 4008. REPEAL OF CREDIT FOR ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE RESOURCES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 is amended by striking section 45 (and by striking the item relating to such section in the table of sections for such subpart).

(b) CONFORMING AMENDMENTS.—

(1) Section 38 is amended—

(A) in subsection (b), by striking paragraph (8), and

(B) in subsection (c)(4)(B), by striking clauses (iv) and (v).

(2) Section 45K(g)(2) is amended by striking subparagraph (E).

(3) Section 55(c)(1) is amended by striking ''45(e)(11)(C),''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2020.

SEC. 4009. REPEAL OF CREDIT FOR PRODUCING OIL AND GAS FROM MARGINAL WELLS.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 is amended by striking section 45I (and by striking the item relating to such section in the table of sections for such subpart).

(b) CONFORMING AMENDMENT.—Section 38(b) is amended by striking paragraph (19).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2020.

SEC. 4010. REPEAL OF CREDIT FOR PRODUCTION FROM ADVANCED NUCLEAR POWER FACILITIES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 is amended by striking section 45J (and by striking the item relating to such section in the table of sections for such subpart).

(b) CONFORMING AMENDMENTS.—

(1) Section 38(b) is amended by striking paragraph (21).

(2) Section 501(c)(12) is amended by striking subparagraph (I).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to electricity produced and sold after December 31, 2020.

SEC. 4011. REPEAL OF NEW ENERGY EFFICIENT HOME CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 is amended by striking section 45L (and by striking the item relating to such section in the table of sections for such subpart).

(b) CONFORMING AMENDMENTS.—

(1) Section 38(b) is amended by striking paragraph (23).

(2) Section 196(c) is amended—

(A) by inserting ''and'' at the end of paragraph (12),

(B) by striking paragraph (13), and

(C) by redesignating paragraph (14) as paragraph (13).

(3) Section 1016(a) is amended by striking paragraph (32).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to homes acquired after December 31, 2017.

SEC. 4012. REPEAL OF CREDIT FOR CARBON OXIDE SEQUESTRATION.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 is amended by striking section 45Q (and by striking the item relating to such section in the table of sections for such subpart).

(b) CONFORMING AMENDMENT.—Section 38(b) is amended by striking paragraph (29).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2020.

SEC. 4013. REPEAL OF ENERGY CREDIT.

(a) IN GENERAL.—Subpart E of part IV of subchapter A of chapter 1 is amended by striking section 48 (and by striking the item relating to such section in the table of sections for such subpart).

(b) CONFORMING AMENDMENTS.—

(1) Section 38(c)(4)(B) is amended by striking clause (x).

(2) Section 45K(b)(3)(A)(i)(III) is amended by inserting '', as in effect on the day before the date of the enactment of the Energy Tax Expenditure Repeal Act of 2020'' after ''section 48(a)(4)(C)''.

(3) Section 168(e)(3)(B)(vi)(I) is amended by inserting '', as in effect on the day before the date of the enactment of the Energy Tax Expenditure Repeal Act of 2020'' after ''section 48(a)(3)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2020.

SEC. 4014. REPEAL OF QUALIFYING ADVANCED COAL PROJECT CREDIT.

(a) IN GENERAL.—Subpart E of part IV of subchapter A of chapter 1 is amended by striking section 48A (and by striking the item relating to such section in the table of sections for such subpart).

(b) CONFORMING AMENDMENT.—Section 411 of the Energy Policy Act of 2005 (42 U.S.C. 15971) is amended by striking subsection (d).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2020.

SEC. 4015. REPEAL OF QUALIFYING GASIFICATION PROJECT CREDIT.

(a) IN GENERAL.—Subpart E of part IV of subchapter A of chapter 1 is amended by striking section 48B (and by striking the item relating to such section in the table of sections for such subpart).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2020.

SEC. 4016. REPEAL OF QUALIFYING ADVANCED ENERGY PROJECT CREDIT.

(a) IN GENERAL.—Subpart E of part IV of subchapter A of chapter 1 is amended by striking section 48C (and by striking the item relating to such section in the table of sections for such subpart).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2020.

SEC. 4017. REPEAL OF EXCLUSION OF ENERGY CONSERVATION SUBSIDIES PROVIDED BY PUBLIC UTILITIES.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 is amended by striking section 136 (and by striking the item relating to such section in the table of sections for such part).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts received after December 31, 2020.

SEC. 4018. EXPENSING OF GEOLOGICAL AND GEOPHYSICAL EXPENDITURES.

(a) IN GENERAL.—Part VI of subchapter B of chapter 1 is amended by inserting after section 176 the following new section:

"SEC. 177. GEOLOGICAL AND GEOPHYSICAL EXPENDITURES.

''(a) TREATMENT AS EXPENSES.—A taxpayer may elect to treat any geological and geophysical expenses paid or incurred in connection with the exploration for, or development of, oil or gas within the United States (as defined in section 638) which are paid or incurred by the taxpayer during the taxable year as expenses which are not chargeable to capital account. The expenditures so treated shall be allowed as a deduction.

''(b) ELECTION.—An election under subsection (a) shall be made at such time and in such manner as the Secretary prescribes by regulations.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 167 is amended by striking subsection (h).

(2) Section 263A(c)(3) is amended by striking ''167(h),''.

(3) The table of sections for part VI of subchapter B of chapter 1 is amended by inserting after the item relating to section 176 the following new item:

''Sec. 177. Geological and geophysical expenditures.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2020.

SEC. 4019. PERMANENT EXPENSING OF COSTS RELATED TO SPECIFIED ENERGY PROPERTY.

(a) IN GENERAL.—Section 168(k) is amended by adding at the end the following new paragraph:

''(11) PERMANENT EXPENSING OF COSTS RELATED TO SPECIFIED ENERGY PROPERTY.—

''(A) IN GENERAL.—In the case of any specified energy property—

''(i) paragraphs (2)(A)(iii) and (8) shall not apply, and

''(ii) the applicable percentage shall be 100 percent.

''(B) SPECIFIED ENERGY PROPERTY.—For purposes of this paragraph, the term 'specified energy property' means any qualified property which is described in—

''(i) clause (vi) of subparagraph (B) of subsection (e)(3),

''(ii) clauses (iii) and (iv) of subparagraph (C) of such subsection,

''(iii) clause (iii) or (iv) of subparagraph (D) of such subsection, or

''(iv) clauses (iii) through (vi) of subparagraph (E) of such subsection.''.

(b) CONFORMING AMENDMENT.—Section 168(k)(6)(A) is amended by inserting ''or paragraph (11)'' after ''this paragraph''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2020.

SEC. 4020. PERMANENT EXPENSING OF COSTS RELATED TO CERTAIN ATMOSPHERIC POLLUTION CONTROL FACILITIES.

(a) IN GENERAL.—Paragraph (11) of section 168(k), as added by section 4019 of this Act, is amended—

(1) in the heading, by inserting ''AND CERTAIN ATMOSPHERIC POLLUTION CONTROL FACILITIES'' after ''SPECIFIED ENERGY PROPERTY'', and

(2) in subparagraph (A), by inserting ''or any atmospheric pollution control facility (as described in section 169(d)(5))'' after ''specified energy property''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2020.

SEC. 4021. REPEAL OF DEDUCTION FOR ENERGY EFFICIENT COMMERCIAL BUILDINGS.

(a) IN GENERAL.—Part VI of subchapter B of chapter 1 is amended by striking section 179D (and by striking the item relating to such section in the table of sections for such part).

(b) CONFORMING AMENDMENT.—

(1) Section 263(a)(1) is amended—

(A) in subparagraph (I), by adding ''or'' at the end,

(B) by striking subparagraph (J), and

(C) by redesignating subparagraph (K) as subparagraph (J).

(2) Section 312(k)(3)(B) is amended by striking '', 179D'' each place it appears.

(3) Section 1016(a) is amended by striking paragraph (31).

(4) Section 1245(a) is amended—

(A) in paragraph (2)(C), by striking ''179,'', and

(B) in paragraph (3)(C), by striking ''179,''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2017.

SEC. 4022. REPEAL OF PERCENTAGE DEPLETION.

(a) IN GENERAL.—Part I of subchapter I of chapter 1 is amended by striking sections 613 and 613A (and by striking the items relating to such sections in the table of sections for such part).

(b) CONFORMING AMENDMENTS.—

(1) Section 45H(d) is amended by inserting '', as in effect on the day before the date of the enactment of the Energy Tax Expenditure Repeal Act of 2020'' after ''section 613A(d)(3)''.

(2) Section 57(a)(1) is amended by striking the second sentence.

(3) Section 263(i)(2)(A) is amended by striking ''(determined without regard to section 613)''.

(4) Section 291(a) is amended by striking paragraph (2).

(5) Section 381(c) is amended by striking paragraph (18).

(6) Section 465(c)(1)(E) is amended by inserting '', as in effect on the day before the date of the enactment of the Energy Tax Expenditure Repeal Act of 2020'' after ''section 613(e)(2)''.

(7) Section 611(a) is amended by striking the second sentence.

(8) Section 614(d) is amended by striking ''includes only'' and all that follows and inserting ''includes only an interest burdened by the costs of production.''.

(9) Section 631(c) is amended by striking the second sentence.

(10) Section 636(a) is amended by striking ''(for purposes of section 613)''.

(11) Section 705(a) is amended—

(A) in paragraph (1), by adding ''and'' at the end of subparagraph (C),

(B) in paragraph (2), by striking ''; and'' at the end of subparagraph (B) and inserting a period, and

(C) by striking paragraph (3).

(12) Section 901(e)(1)(A) is amended by striking ''(or, if smaller'' and all that follows through ''under section 613)''.

(13) Section 993(c)(2)(C) is amended by inserting ''(as each such section was in effect on the day before the date of the enactment of the Energy Tax Expenditure Repeal Act of 2020)'' after ''section 613 or 613A''.

(14) Section 1202(e)(3)(D) is amended by inserting ''(as each such section was in effect on the day before the date of the enactment of the Energy Tax Expenditure Repeal Act of 2020)'' after ''section 613 or 613A''.

(15) Section 1367(a)(2) is amended by adding ''and'' at the end of subparagraph (C), by striking '', and'' at the end of subparagraph (D) and inserting a period, and by striking subparagraph (E).

(16) Section 1446(c) is amended by striking paragraph (2) and by redesignating paragraph (3) as paragraph (2).

(17) Section 4612(a)(7) is amended by inserting ''(as in effect on the day before the date of the enactment of the Energy Tax Expenditure Repeal Act of 2020)'' after ''section 613''.

(18) Section 4940(c)(3)(B) is amended—

(A) by striking clause (ii), and

(B) by striking all that precedes ''The deduction provided'' and inserting the following:

''(B) MODIFICATIONS.—For purposes of subparagraph (A), the deduction provided''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2020.

SEC. 4023. REPEAL OF CREDIT FOR ALCOHOL FUEL, BIODIESEL, AND ALTERNATIVE FUEL MIXTURES.

(a) IN GENERAL.—Subchapter B of chapter 65 of subtitle F is amended by striking section 6426 (and by striking the item relating to such section in the table of sections for such subchapter).

(b) CONFORMING AMENDMENTS.—

(1) Section 40(c) is amended by striking '', section 6426,''.

(2) Section 40A is amended—

(A) in subsection (c), by striking ''6426 or'', and

(B) in subsection (f)(4)(B), by striking ''and section 6426(c)''.

(3) Section 4101(a)(1) is amended by inserting ''(as each such section was in effect on the day before the date of the enactment of the Energy Tax Expenditure Repeal Act of 2020)'' after ''section 6426(b)(4)(A)''.

(4) Section 4104(a)(2) is amended by striking '', 6426,''.

(5) Section 6427 is amended—

(A) by striking subsection (e), and

(B) in subsection (i), by striking paragraph (3).

(6) Section 9503(b)(1) is amended by striking ''taxes received under sections 4041 and

4081 shall be determined without reduction for credits under section 6426 and''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2020.

SEC. 4024. CONFORMING AMENDMENTS RELATING TO MULTIPLE SECTIONS.

(a) IN GENERAL.—

(1) AT-RISK RULES.—Section 49(a)(1)(C) is amended by striking ''means'' and all that follows through the period and inserting ''means the portion of the basis of any qualified rehabilitated building attributable to qualified rehabilitation expenditures.''.

(2) PROGRESS EXPENDITURES FOR INVESTMENT CREDIT PROPERTY.—Section 50(a)(2) is amended by striking subparagraph (E).

(3) APPLICABLE SECTION 38 CREDITS.—Section 59A(b)(4) is amended by striking ''properly allocable'' and all that follows through the period and inserting ''properly allocable to the low-income housing credit determined under section 42(a).''.

(4) AMOUNT OF INVESTMENT CREDIT.—Section 46 is amended—

(A) in paragraph (1), by inserting ''and'' at the end,

(B) by striking paragraphs (2) through (5), and

(C) by redesignating paragraph (6) as paragraph (2).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2020.

SA 1495. Mr. CASSIDY (for himself, Mr. CORNYN, Mr. INHOFE, Mr. LANKFORD, Mrs. HYDE-SMITH, Mr. SULLIVAN, Mr. BARRASSO, Mrs. CAPITO, Mr. RISCH, Mr. CRAMER, Mr. TILLIS, Mr. CRAPO, Mr. BRAUN, Mr. CRUZ, Mr. HOEVEN, and Mr. TOOMEY) submitted an amendment intended to be proposed to amendment SA 1407 proposed by Ms. MURKOWSKI to the bill S. 2657, to support innovation in advanced geothermal research and development, and for other purposes; which was ordered to lie on the table; as follows:

Strike sections 1701 through 1705 and insert the following:

SEC. 1701. OBJECTIVES.

The objectives of this subtitle are—

(1) to establish a consistent and consolidated authority for the vehicle technology program at the Department;

(2) to develop United States technologies and practices that improve the fuel efficiency and emissions of all vehicles produced in the United States;

(3) to support domestic research, development, engineering, demonstration, and commercial application and manufacturing of advanced vehicles, engines, and components;

(4) to enable vehicles to move larger volumes of goods and more passengers with less energy and emissions;

(5) to develop cost-effective advanced technologies for wide-scale utilization throughout the passenger, commercial, government, and transit vehicle sectors;

(6) to allow for greater consumer choice of vehicle technologies and fuels;

(7) shorten technology development and integration cycles in the vehicle industry;

(8) to ensure a proper balance and diversity of Federal investment in vehicle technologies; and

(9) to strengthen partnerships between Federal and State governmental agencies and the private and academic sectors.

SEC. 1702. COORDINATION AND NONDUPLICATION.

The Secretary shall ensure, to the maximum extent practicable, that the activities authorized by this subtitle do not duplicate those of other programs within the Department or other relevant research agencies.

SEC. 1703. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary for research, development, engineering, demonstration, and commercial application of vehicles and related technologies in the United States, including activities authorized under this subtitle—

(1) for fiscal year 2021, $313,567,000;

(2) for fiscal year 2022, $326,109,000;

(3) for fiscal year 2023, $339,154,000;

(4) for fiscal year 2024, $352,720,000; and

(5) for fiscal year 2025, $366,829,000.

SEC. 1704. REPORTING.

(a) TECHNOLOGIES DEVELOPED.—Not later than 18 months after the date of enactment of this Act and annually thereafter through 2025, the Secretary shall submit to Congress a report regarding the technologies developed as a result of the activities authorized by this subtitle, with a particular emphasis on whether the technologies were successfully adopted for commercial applications, and if so, whether products relying on those technologies are manufactured in the United States.

(b) ADDITIONAL MATTERS.—At the end of each fiscal year through 2025, the Secretary shall submit to the relevant Congressional committees of jurisdiction an annual report describing activities undertaken in the previous year under this subtitle, active industry participants, the status of public-private partnerships, progress of the program in meeting goals and timelines, and a strategic plan for funding of activities across agencies.

SEC. 1705. VEHICLE RESEARCH AND DEVELOPMENT.

(a) PROGRAM.—

(1) ACTIVITIES.—The Secretary shall conduct a program of basic and applied research, development, engineering, demonstration, and commercial application activities on materials, technologies, and processes with the potential to substantially reduce emissions of the passenger and commercial vehicles of the United States, including activities in the areas of—

(A) electrification of vehicle systems;

(B) batteries, ultracapacitors, and other energy storage devices;

(C) power electronics;

(D) vehicle, component, and subsystem manufacturing technologies and processes;

(E) engine efficiency and combustion optimization;

(F) waste heat recovery;

(G) transmission and drivetrains;

(H) hydrogen vehicle technologies, including fuel cells and internal combustion engines, and hydrogen infrastructure, including hydrogen energy storage to enable renewables and provide hydrogen for fuel and power;

(I) natural gas vehicle technologies;

(J) aerodynamics, rolling resistance (including tires and wheel assemblies), and accessory power loads of vehicles and associated equipment;

(K) vehicle weight reduction, including lightweighting materials and the development of manufacturing processes to fabricate, assemble, and use dissimilar materials;

(L) friction and wear reduction;

(M) engine and component durability;

(N) innovative propulsion systems;

(O) advanced boosting systems;

(P) hydraulic hybrid technologies;

(Q) engine compatibility with and optimization for a variety of transportation fuels including natural gas and other liquid and gaseous fuels;

(R) predictive engineering, modeling, and simulation of vehicle and transportation systems;

(S) refueling and charging infrastructure for alternative fueled and electric or plug-in electric hybrid vehicles, including the unique challenges facing rural areas;

(T) gaseous fuels storage systems and system integration and optimization;

(U) sensing, communications, and actuation technologies for vehicle, electrical grid, and infrastructure;

(V) efficient use, substitution, and recycling of potentially critical materials in vehicles, including rare earth elements and precious metals, at risk of supply disruption;

(W) aftertreatment technologies;

(X) thermal management of battery systems;

(Y) retrofitting advanced vehicle technologies to existing vehicles;

(Z) development of common standards, specifications, and architectures for both transportation and stationary battery applications;

(AA) advanced internal combustion engines;

(BB) mild hybrid;

(CC) engine down speeding;

(DD) vehicle-to-vehicle, vehicle-to-pedestrian, and vehicle-to-infrastructure technologies; and

(EE) other research areas as determined by the Secretary.

(2) TRANSFORMATIONAL TECHNOLOGY.—The Secretary shall ensure that the Department continues to support research, development, engineering, demonstration, and commercial application activities and maintains competency in mid- to long-term transformational vehicle technologies with potential to achieve reductions in emissions, including activities in the areas of—

(A) hydrogen vehicle technologies, including fuel cells, hydrogen storage, infrastructure, and activities in hydrogen technology validation and safety codes and standards;

(B) multiple battery chemistries and novel energy storage devices, including nonchemical batteries and electromechanical storage technologies such as hydraulics, flywheels, and compressed air storage;

(C) communication and connectivity among vehicles, infrastructure, and the electrical grid; and

(D) other innovative technologies research and development, as determined by the Secretary.

(3) INDUSTRY PARTICIPATION.—

(A) IN GENERAL.—To the maximum extent practicable, activities under this subtitle shall be carried out in partnership or collaboration with automotive manufacturers, heavy commercial, vocational, and transit vehicle manufacturers, qualified plug-in electric vehicle manufacturers, compressed natural gas vehicle manufacturers, vehicle and engine equipment and component manufacturers, manufacturing equipment manufacturers, advanced vehicle service providers, fuel producers and energy suppliers, electric utilities, universities, National Laboratories, and independent research laboratories.

(B) REQUIREMENTS.—In carrying out this subtitle, the Secretary shall—

(i) determine whether a wide range of companies that manufacture or assemble vehicles or components in the United States are represented in ongoing public-private partnership activities, including firms that have not traditionally participated in federally sponsored research and development activities, and where possible, partner with such firms that conduct significant and relevant research and development activities in the United States;

(ii) leverage the capabilities and resources of, and formalize partnerships with, industry-led stakeholder organizations, nonprofit organizations, industry consortia, and trade

associations with expertise in the research and development of, and education and outreach activities in, advanced automotive and commercial vehicle technologies;

(iii) develop more effective processes for transferring research findings and technologies to industry;

(iv) support public-private partnerships, dedicated to overcoming barriers in commercial application of transformational vehicle technologies, that use such industry-led technology development facilities of entities with demonstrated expertise in successfully designing and engineering pre-commercial generations of such transformational technology; and

(v) promote efforts to ensure that technology research, development, engineering, and commercial application activities funded under this subtitle are carried out in the United States.

(4) INTERAGENCY AND INTRAAGENCY COORDINATION.—To the maximum extent practicable, the Secretary shall coordinate research, development, demonstration, and commercial application activities among—

(A) relevant programs within the Department, including—

(i) the Office of Energy Efficiency and Renewable Energy;

(ii) the Office of Science;

(iii) the Office of Electricity Delivery and Energy Reliability;

(iv) the Office of Fossil Energy;

(v) the Advanced Research Projects Agency—Energy; and

(vi) other offices as determined by the Secretary; and

(B) relevant technology research and development programs within other Federal agencies, as determined by the Secretary.

(5) FEDERAL DEMONSTRATION OF TECHNOLOGIES.—The Secretary shall make information available to procurement programs of Federal agencies regarding the potential to demonstrate technologies resulting from activities funded through programs under this subtitle.

(6) INTERGOVERNMENTAL COORDINATION.—The Secretary shall seek opportunities to leverage resources and support initiatives of State and local governments in developing and promoting advanced vehicle technologies, manufacturing, and infrastructure.

(7) CRITERIA.—In awarding grants under the program under this subsection, the Secretary shall give priority to those technologies (either individually or as part of a system) that—

(A) provide the greatest aggregate fuel savings based on the reasonable projected sales volumes of the technology; and

(B) provide the greatest increase in United States employment.

(8) SECONDARY USE APPLICATIONS.—

(A) IN GENERAL.—The Secretary shall carry out a research, development, and demonstration program that—

(i) builds on any work carried out under section 915 of the Energy Policy Act of 2005 (42 U.S.C. 16195);

(ii) identifies possible uses of a vehicle battery after the useful life of the battery in a vehicle has been exhausted;

(iii) conducts long-term testing to verify performance and degradation predictions and lifetime valuations for secondary uses;

(iv) evaluates innovative approaches to recycling materials from plug-in electric drive vehicles and the batteries used in plug-in electric drive vehicles;

(v)(I) assesses the potential for markets for uses described in clause (ii) to develop; and

(II) identifies any barriers to the development of those markets; and

(vi) identifies the potential uses of a vehicle battery—

(I) with the most promise for market development; and

(II) for which market development would be aided by a demonstration project.

(B) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress an initial report on the findings of the program described in subparagraph (A), including recommendations for stationary energy storage and other potential applications for batteries used in plug-in electric drive vehicles.

(C) SECONDARY USE DEMONSTRATION.—

(i) IN GENERAL.—Based on the results of the program described in subparagraph (A), the Secretary shall develop guidelines for projects that demonstrate the secondary uses and innovative recycling of vehicle batteries.

(ii) PUBLICATION OF GUIDELINES.—Not later than 18 months after the date of enactment of this Act, the Secretary shall—

(I) publish the guidelines described in clause (i); and

(II) solicit applications for funding for demonstration projects.

(iii) PILOT DEMONSTRATION PROGRAM.—Not later than 21 months after the date of enactment of this Act, the Secretary shall select proposals for grant funding under this subsection, based on an assessment of which proposals are mostly likely to contribute to the development of a secondary market for batteries.

(b) MANUFACTURING.—The Secretary shall carry out a research, development, engineering, demonstration, and commercial application program of advanced vehicle manufacturing technologies and practices, including innovative processes—

(1) to increase the production rate and decrease the cost of advanced battery and fuel cell manufacturing;

(2) to vary the capability of individual manufacturing facilities to accommodate different battery chemistries and configurations;

(3) to reduce waste streams, emissions, and energy intensity of vehicle, engine, advanced battery, and component manufacturing processes;

(4) to recycle and remanufacture used batteries and other vehicle components for reuse in vehicles or stationary applications;

(5) to develop manufacturing processes to effectively fabricate, assemble, and produce cost-effective lightweight materials such as advanced aluminum and other metal alloys, polymeric composites, and carbon fiber for use in vehicles;

(6) to produce lightweight high pressure storage systems for gaseous fuels;

(7) to design and manufacture purpose-built hydrogen fuel cell vehicles and components;

(8) to improve the calendar life and cycle life of advanced batteries; and

(9) to produce permanent magnets for advanced vehicles.

SA 1496. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1407 proposed by Ms. MURKOWSKI to the bill S. 2657, to support innovation in advanced geothermal research and development, and for other purposes; which was ordered to lie on the table; as follows:

After section 2, insert the following:

SEC. 3. NONAPPLICABILITY OF DAVIS-BACON ACT.

(a) IN GENERAL.—Notwithstanding any other provision of law, the requirements of subchapter IV of chapter 31 of title 40, United States Code (commonly known as the ''Davis-Bacon Act''), shall not apply to any contract or subcontract supported, in whole or in part, by funds provided under this Act or under the amendments made by this Act.

(b) PREVENTING OTHER PREVAILING WAGE REQUIREMENTS.—This Act shall be applied without regard to subsection (g) of section 1004 and paragraph (4) of section 1204(b) of this Act, and such subsection and paragraph are deemed null, void, and of no effect.

SA 1497. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 1407 proposed by Ms. MURKOWSKI to the bill S. 2657, to support innovation in advanced geothermal research and development, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 14____. SALE OF COAL-FIRED ELECTRIC GENERATING FACILITIES BY THE TENNESSEE VALLEY AUTHORITY.

(a) IN GENERAL.—Before the Tennessee Valley Authority retires a coal-fired electric generating facility, the Tennessee Valley Authority shall—

(1) offer the facility for sale; and

(2) sell the facility to the highest bidder, subject to the condition that the purchaser shall agree to continue to operate the facility for electric generation for not less than 10 years beginning on the date of the sale.

(b) REVERTER.—On the violation by a purchaser of the condition described in subsection (a)(2), the applicable facility shall revert to the Tennessee Valley Authority.

SA 1498. Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 1407 proposed by Ms. MURKOWSKI to the bill S. 2657, to support innovation in advanced geothermal research and development, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. MODEL GUIDANCE FOR COMBINED HEAT AND POWER SYSTEMS AND WASTE HEAT TO POWER SYSTEMS.

(a) DEFINITIONS.—In this section:

(1) ADDITIONAL SERVICES.—The term ''additional services'' means the provision of supplementary power, backup or standby power, maintenance power, or interruptible power to an electric consumer by an electric utility.

(2) WASTE HEAT TO POWER SYSTEM.—

(A) IN GENERAL.—The term ''waste heat to power system'' means a system that generates electricity through the recovery of waste energy.

(B) EXCLUSION.—The term ''waste heat to power system'' does not include a system that generates electricity through the recovery of a heat resource from a process the primary purpose of which is the generation of electricity using a fossil fuel.

(3) OTHER TERMS.—

(A) PURPA.—The terms ''electric consumer'', ''electric utility'', ''interconnection service'', and ''State regulatory authority'' have the meanings given those terms in the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.), within the meaning of title I of that Act (16 U.S.C. 2611 et seq.).

(B) EPCA.—The terms ''combined heat and power system'' and ''waste energy'' have the meanings given those terms in section 371 of the Energy Policy and Conservation Act (42 U.S.C. 6341).

(b) REVIEW.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the Federal Energy Regulatory Commission and other appropriate entities, shall review existing rules and procedures relating to interconnection service and additional services throughout the United States for electric generation with nameplate capacity up to 20 megawatts to identify barriers to the deployment of combined heat and power systems and waste heat to power systems.

(2) INCLUSION.—The review under this subsection shall include a review of existing rules and procedures relating to—

(A) determining and assigning costs of interconnection service and additional services; and

(B) ensuring adequate cost recovery by an electric utility for interconnection service and additional services.

(c) MODEL GUIDANCE.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary, in consultation with the Federal Energy Regulatory Commission and other appropriate entities, shall issue model guidance for interconnection service and additional services for use by State regulatory authorities to reduce the barriers identified under subsection (b)(1).

(2) CURRENT BEST PRACTICES.—The model guidance issued under this subsection shall reflect, to the maximum extent practicable, current best practices to encourage the deployment of combined heat and power systems and waste heat to power systems while ensuring the safety and reliability of the interconnected units and the distribution and transmission networks to which the units connect, including—

(A) relevant current standards developed by the Institute of Electrical and Electronic Engineers; and

(B) model codes and rules adopted by—

(i) States; or

(ii) associations of State regulatory agencies.

(3) FACTORS FOR CONSIDERATION.—In establishing the model guidance under this subsection, the Secretary shall take into consideration—

(A) the appropriateness of using standards or procedures for interconnection service that vary based on unit size, fuel type, or other relevant characteristics;

(B) the appropriateness of establishing fast-track procedures for interconnection service;

(C) the value of consistency with Federal interconnection rules established by the Federal Energy Regulatory Commission as of the date of enactment of this Act;

(D) the best practices used to model outage assumptions and contingencies to determine fees or rates for additional services;

(E) the appropriate duration, magnitude, or usage of demand charge ratchets;

(F) potential alternative arrangements with respect to the procurement of additional services, including—

(i) contracts tailored to individual electric consumers for additional services;

(ii) procurement of additional services by an electric utility from a competitive market; and

(iii) waivers of fees or rates for additional services for small electric consumers; and

(G) outcomes such as increased electric reliability, fuel diversification, enhanced power quality, and reduced electric losses that may result from increased use of combined heat and power systems and waste heat to power systems.

SA 1499. Mr. BENNET (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed to amendment SA 1407 proposed by Ms. MURKOWSKI to the bill S. 2657, to support innovation in advanced geothermal research and development, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ENHANCED ENERGY EFFICIENCY UNDERWRITING CRITERIA.

(a) DEFINITIONS.—In this section, the following definitions shall apply:

(1) ADMINISTRATION.—The term ''Administration'' means the Federal Housing Administration.

(2) COVERED LOAN.—The term ''covered loan'' means a loan secured by a home that is insured by the Administration under title II of the National Housing Act (12 U.S.C. 1707 et seq.).

(3) HOMEOWNER.—The term ''homeowner'' means the mortgagor under a covered loan.

(4) MORTGAGEE.—The term ''mortgagee'' means an original lender under a covered loan or the holder of a covered loan at the time at which that mortgage transaction is consummated.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Housing and Urban Development.

(b) ENHANCED ENERGY EFFICIENCY UNDERWRITING CRITERIA.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall, in consultation with the advisory group established under subsection (e)(3), develop and issue guidelines for the Administration to implement enhanced loan eligibility requirements, for use when testing the ability of a loan applicant to repay a covered loan, that account for the expected energy cost savings for a loan applicant at a subject property, in the manner set forth in paragraphs (2) and (3).

(2) REQUIREMENTS TO ACCOUNT FOR ENERGY COST SAVINGS.—

(A) IN GENERAL.—The enhanced loan eligibility requirements under paragraph (1) shall require that, for all covered loans for which an energy efficiency report is voluntarily provided to the mortgagee by the homeowner, the Administration and the mortgagee shall take into consideration the estimated energy cost savings expected for the owner of the subject property in determining whether the loan applicant has sufficient income to service the mortgage debt plus other regular expenses.

(B) USE AS OFFSET.—To the extent that the Administration uses a test such as a debt-to-income test that includes certain regular expenses, such as hazard insurance and property taxes—

(i) the expected energy cost savings shall be included as an offset to these expenses; and

(ii) the Administration may not use the offset described in clause (i) to qualify a loan applicant for insurance under title II of the National Housing Act (12 U.S.C. 1707 et seq.) with respect to a loan that would not otherwise meet the requirements for such insurance.

(C) TYPES OF ENERGY COSTS.—Energy costs to be assessed under this paragraph shall include the cost of electricity, natural gas, oil, and any other fuel regularly used to supply energy to the subject property.

(3) DETERMINATION OF ESTIMATED ENERGY COST SAVINGS.—

(A) IN GENERAL.—The guidelines to be issued under paragraph (1) shall include instructions for the Administration to calculate estimated energy cost savings using—

(i) the energy efficiency report;

(ii) an estimate of baseline average energy costs; and

(iii) additional sources of information as determined by the Secretary.

(B) REPORT REQUIREMENTS.—For the purposes of subparagraph (A), an energy efficiency report shall—

(i) estimate the expected energy cost savings specific to the subject property, based on specific information about the property;

(ii) be prepared in accordance with the guidelines to be issued under paragraph (1); and

(iii) be prepared—

(I) in accordance with the Residential Energy Service Network's Home Energy Rating System (commonly known as ''HERS'') by an individual certified by the Residential Energy Service Network, unless the Secretary finds that the use of HERS does not further the purposes of this section;

(II) in accordance with the Alaska Housing Finance Corporation energy rating system by an individual certified by the Alaska Housing Finance Corporation as an authorized Energy Rater; or

(III) by other methods approved by the Secretary, in consultation with the Secretary of Energy and the advisory group established under subsection (e)(3), for use under this section, which shall include a third-party quality assurance procedure.

(4) USE BY APPRAISER.—If an energy efficiency report is used under paragraph (2), the energy efficiency report shall be provided to the appraiser to estimate the energy efficiency of the subject property and for potential adjustments for energy efficiency.

(5) PRICING OF LOANS.—

(A) IN GENERAL.—The Administration may price covered loans originated under the enhanced loan eligibility requirements required under this subsection in accordance with the estimated risk of the loans.

(B) IMPOSITION OF CERTAIN MATERIAL COSTS, IMPEDIMENTS, OR PENALTIES.—In the absence of a publicly disclosed analysis that demonstrates significant additional default risk or prepayment risk associated with the loans, the Administration shall not impose material costs, impediments, or penalties on covered loans merely because the loan uses an energy efficiency report or the enhanced loan eligibility requirements required under this subsection.

(6) LIMITATIONS.—

(A) IN GENERAL.—The Administration may price covered loans originated under the enhanced loan eligibility requirements required under this subsection in accordance with the estimated risk of those loans.

(B) PROHIBITED ACTIONS.—The Administration shall not—

(i) modify existing underwriting criteria or adopt new underwriting criteria that intentionally negate or reduce the impact of the requirements or resulting benefits that are set forth or otherwise derived from the enhanced loan eligibility requirements required under this subsection; or

(ii) impose greater buy back requirements, credit overlays, or insurance requirements, including private mortgage insurance, on covered loans merely because the loan uses an energy efficiency report or the enhanced loan eligibility requirements required under this subsection.

(7) APPLICABILITY AND IMPLEMENTATION DATE.—Not later than 3 years after the date of enactment of this Act, and before December 31, 2023, the enhanced loan eligibility requirements required under this subsection shall be implemented by the Administration to—

(A) apply to any covered loan for the sale, or refinancing of any loan for the sale, of any home;

(B) be available on any residential real property (including individual units of condominiums and cooperatives) that qualifies for a covered loan; and

(C) provide prospective mortgagees with sufficient guidance and applicable tools to implement the required underwriting methods.

(c) ENHANCED ENERGY EFFICIENCY UNDERWRITING VALUATION GUIDELINES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall—

(A) in consultation with the Federal Financial Institutions Examination Council and the advisory group established under subsection (e)(3), develop and issue guidelines for the Administration to determine the maximum permitted loan amount based on the value of the property for all covered loans made on properties with an energy efficiency report that meets the requirements of subsection (b)(3)(B); and

(B) in consultation with the Secretary of Energy, issue guidelines for the Administration to determine the estimated energy savings under subsection (b) for properties with an energy efficiency report.

(2) REQUIREMENTS.—The enhanced energy efficiency underwriting valuation guidelines required under paragraph (1) shall include—

(A) a requirement that if an energy efficiency report that meets the requirements of subsection (b)(3)(B) is voluntarily provided to the mortgagee, such report shall be used by the mortgagee or the Administration to determine the estimated energy savings of the subject property; and

(B) a requirement that the estimated energy savings of the subject property be added to the appraised value of the subject property by a mortgagee or the Administration for the purpose of determining the loan-to-value ratio of the subject property, unless the appraisal includes the value of the overall energy efficiency of the subject property, using methods to be established under the guidelines issued under paragraph (1).

(3) DETERMINATION OF ESTIMATED ENERGY SAVINGS.—

(A) AMOUNT OF ENERGY SAVINGS.—The amount of estimated energy savings shall be determined by calculating the difference between the estimated energy costs for the average comparable houses, as determined in guidelines to be issued under paragraph (1), and the estimated energy costs for the subject property based upon the energy efficiency report.

(B) DURATION OF ENERGY SAVINGS.—The duration of the estimated energy savings shall be based upon the estimated life of the applicable equipment, consistent with the rating system used to produce the energy efficiency report.

(C) PRESENT VALUE OF ENERGY SAVINGS.—The present value of the future savings shall be discounted using the average interest rate on conventional 30-year mortgages, in the manner directed by guidelines issued under paragraph (1).

(4) ENSURING CONSIDERATION OF ENERGY EFFICIENT FEATURES.—Section 1110 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3339) is amended—

(A) in paragraph (2), by striking ''; and'' at the end;

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

(C) by inserting after paragraph (3) the following:

''(4) that State certified and licensed appraisers have timely access, whenever practicable, to information from the property owner and the lender that may be relevant in developing an opinion of value regarding the energy-saving improvements or features of a property, such as—

''(A) labels or ratings of buildings;

''(B) installed appliances, measures, systems or technologies;

''(C) blueprints;

''(D) construction costs;

''(E) financial or other incentives regarding energy-efficient components and systems installed in a property;

''(F) utility bills;

''(G) energy consumption and benchmarking data; and

''(H) third-party verifications or representations of energy and water efficiency performance of a property, observing all financial privacy requirements adhered to by certified and licensed appraisers, including section 501 of the Gramm-Leach-Bliley Act (15 U.S.C. 6801).

Unless a property owner consents to a lender, an appraiser, in carrying out the requirements of paragraph (4), shall not have access to the commercial or financial information of the owner that is privileged or confidential.''.

(5) TRANSACTIONS REQUIRING STATE CERTIFIED APPRAISERS.—Section 1113 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3342) is amended—

(A) in paragraph (1), by inserting before the semicolon the following: '', or any real property on which the appraiser makes adjustments using an energy efficiency report''; and

(B) in paragraph (2), by inserting after before the period at the end the following: '', or an appraisal on which the appraiser makes adjustments using an energy efficiency report''.

(6) PROTECTIONS.—

(A) AUTHORITY TO IMPOSE LIMITATIONS.—The guidelines to be issued under paragraph (1) shall include such limitations and conditions as determined by the Secretary to be necessary to protect against meaningful under or over valuation of energy cost savings or duplicative counting of energy efficiency features or energy cost savings in the valuation of any subject property that is used to determine a loan amount.

(B) ADDITIONAL AUTHORITY.—At the end of the 7-year period following the implementation of enhanced eligibility and underwriting valuation requirements under this subsection, the Secretary may modify or apply additional exceptions to the approach described in paragraph (2), where the Secretary finds that the unadjusted appraisal will reflect an accurate market value of the efficiency of the subject property or that a modified approach will better reflect an accurate market value.

(7) APPLICABILITY AND IMPLEMENTATION DATE.—Not later than 3 years after the date of enactment of this Act, and before December 31, 2023, the Administration shall implement the guidelines required under this subsection, which shall—

(A) apply to any covered loan for the sale, or refinancing of any loan for the sale, of any home; and

(B) be available on any residential real property, including individual units of condominiums and cooperatives, that qualifies for a covered loan.

(d) MONITORING.—Not later than 1 year after the date on which the enhanced eligibility and underwriting valuation requirements are implemented under this subsection, and every year thereafter, the Administration shall issue and make available to the public a report that—

(1) enumerates the number of covered loans of the Administration for which there was an energy efficiency report, and that used energy efficiency appraisal guidelines and enhanced loan eligibility requirements;

(2) includes the default rates and rates of foreclosures for each category of loans; and

(3) describes the risk premium, if any, that the Administration has priced into covered loans for which there was an energy efficiency report.

(e) RULEMAKING.—

(1) IN GENERAL.—The Secretary shall prescribe regulations to carry out this section, in consultation with the Secretary of Energy and the advisory group established in paragraph (3), which may contain such classifications, differentiations, or other provisions, and may provide for such proper implementation and appropriate treatment of different types of transactions, as the Secretary determines are necessary or proper to effectuate the purposes of this section, to prevent circumvention or evasion thereof, or to facilitate compliance therewith.

(2) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to authorize the Secretary to require any homeowner or other party to provide energy efficiency reports, energy efficiency labels, or other disclosures to the Administration or to a mortgagee.

(3) ADVISORY GROUP.—To assist in carrying out this section, the Secretary shall establish an advisory group, consisting of individuals representing the interests of—

(A) mortgage lenders;

(B) appraisers;

(C) energy raters and residential energy consumption experts;

(D) energy efficiency organizations;

(E) real estate agents;

(F) home builders and remodelers;

(G) consumer advocates;

(H) State energy officials; and

(I) others as determined by the Secretary.

(f) ADDITIONAL STUDY.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary shall reconvene the advisory group established under subsection (e)(3), in addition to water and locational efficiency experts, to advise the Secretary on the implementation of the enhanced energy efficiency underwriting criteria established under subsections (b) and (c).

(2) RECOMMENDATIONS.—The advisory group established in subsection (e)(3) shall provide recommendations to the Secretary on any revisions or additions to the enhanced energy efficiency underwriting criteria deemed necessary by the group, which may include alternate methods to better account for home energy costs and additional factors to account for substantial and regular costs of homeownership such as location-based transportation costs and water costs. The Secretary shall forward any legislative recommendations from the advisory group to Congress for its consideration.

SA 1500. Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 1407 proposed by Ms. MURKOWSKI to the bill S. 2657, to support innovation in advanced geothermal research and development, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. SMALL BUSINESS ENERGY EFFICIENCY.

(a) FINDINGS.—Congress finds the following:

(1) According to the Small Business Administration, small businesses account for 99.7 percent of United States employer firms and employ approximately half of all private-sector employees in the United States.

(2) A 2012 report from the National Federation of Independent Businesses found that energy costs are—

(A) the third most serious problem for small business owners; and

(B) one of the top 3 business expenses in 35 percent of small businesses;

(3) Investments in energy efficiency enhance energy savings and improve the competitiveness, profitability, production, product quality, and environmental sustainability of United States businesses and manufacturers;

(4) According to the Department of Energy, small buildings—

(A) are predominantly occupied by small business entities;

(B) consume 44 percent of the overall energy use in buildings in the United States; and

(C) present an estimated potential energy savings equal to 1,070,000,000,000,000 Btu of energy savings or $30,000,000,000 in cost savings per year.

(5) Market barriers exist to the widespread adoption of energy efficiency technologies and practices among small businesses, including a lack of—

(A) expertise about energy and the opportunities to reduce costs through energy efficiency measures;

(B) internal capacity to develop and implement energy efficiency projects; and

(C) capital or access to incentives and affordable financing for energy retrofits.

(6) Addressing the barriers described in paragraph (5) is in the interest of the United States.

(7) The United States would benefit from a concerted and focused effort to advance the adoption of energy efficiency technologies and practices among small businesses, which will facilitate greater economic growth in this sector.

(b) DEFINITIONS.—In this section—

(1) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof;

(2) the term ''covered lender'' means—

(A) a development company (as defined in section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662)) that is eligible to participate in the program established under title V of such Act (15 U.S.C. 695 et seq.); and

(B) a lender under section 7(a) of the Small Business Act (15 U.S.C. 636(a));

(3) the term ''energy efficiency'' means a decrease in consumption of energy (including electricity and thermal energy) that produces significant energy savings and is achieved without reducing the quality of energy services through—

(A) a measure or program that targets customer behavior;

(B) appliances, equipment, or energy systems;

(C) fixtures; or

(D) other devices;

(4) the term ''energy efficiency improvement'' means any project or activity the primary purpose of which is increasing energy efficiency;

(5) the term ''energy savings'' means a reduction in net energy costs (including electricity and thermal energy), fuel costs, water costs, other utility costs, or related net operating costs from or as compared to an established baseline of those costs;

(6) the term ''on-bill financing'' means a financial product that is serviced by, or in partnership with, a utility company for energy efficiency improvements in a building, and repaid by the building owner or tenant on his or her monthly utility bill; and

(7) the term ''small business concern'' has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 632).

(c) CERTIFIED DEVELOPMENT COMPANY AND LOAN UNDERWRITING REFORM.—

(1) INCREASED LOAN AMOUNTS UNDER THE 504/CDC PROGRAM.—Section 502(2) of the Small Business Investment Act of 1958 (15 U.S.C. 696(2)) is amended by adding at the end the following:

''(C) LOANS FOR ENERGY EFFICIENCY SAVINGS.—

''(i) IN GENERAL.—The Administration may make loans under this section to a borrower in an amount greater than the maximum amount under subparagraph (A)(i) if the loan proceeds are directed toward a project that results in energy savings for a small business concern as a result of the installation or implementation of energy efficiency improvements.

''(ii) AMOUNT.—The Administration may increase the maximum amount under subparagraph (A)(i) for a small business concern by not more than the amount equal to the anticipated increased income or resources due to energy savings from the project.''.

(2) GUIDANCE FOR LOAN UNDERWRITING.—Not later than 180 days after the date of enactment of this Act, the Administrator shall issue guidance requiring covered lenders to incorporate energy efficiency considerations and life-cycle cost savings into the underwriting process for loans provided under title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.) and section 7(a) of the Small Business Act (15 U.S.C. 636(a)).

(3) EXISTING FEDERAL PROGRAMS.—Nothing in this subsection or the amendments made by this subsection shall be construed to restrict or otherwise affect efforts of the Federal Government in existence on the day before the date of enactment of this Act that would expand financing opportunities for small business concerns.

(d) WORKING GROUP AND UTILITY-LENDER FINANCING INCENTIVE PILOT PROGRAM.—

(1) FINDINGS.—Congress finds the following:

(A) Small businesses account for more than 90 percent of utility commercial customers and nearly half of all commercial electricity usage.

(B) According to the National Small Business Association, small businesses, particularly those with fewer than 35 employees in the manufacturing sector, pay 35 percent more per unit for their electricity than comparable larger firms.

(C) Utility-administered energy efficiency programs, including on-bill financing—

(i) reduce or eliminate the first costs for energy efficiency improvements;

(ii) leverage existing billing relationships between consumers and utilities;

(iii) can be tied to a property so that energy savings are transferred to multiple owners or tenants;

(iv) incur low default rates ranging from 0 to 3 percent; and

(v) have been implemented in 23 States.

(D) Utilities have encountered challenges to the widespread adoption of on-bill financing programs among small businesses, including—

(i) modification of utility billing systems in order to provide on-bill financing options to customers;

(ii) desire among utilities to act as a financial institution;

(iii) insufficient human resources to navigate or comply with Federal and State regulatory reporting requirements involved with the implementation of on-bill financing programs; and

(iv) risk of non-payment and challenges associated with non-payment penalties for customers.

(E) Because of the challenges for utilities described in subparagraph (D), participation rates for on-bill financing programs among small businesses are generally low.

(F) Federal agency action can encourage on-bill financing programs and maximize their impact on the small business sector.

(2) REQUIREMENT.—The Administrator shall carry out efforts to advance the availability and utilization of utility-based financing programs for energy efficiency improvements among small business entities.

(3) CREATION OF A STAKEHOLDER WORKING GROUP.—

(A) IN GENERAL.—In carrying out the efforts under paragraph (2), and not later than 180 days after the date of enactment of this Act, the Administrator shall convene a working group (in this paragraph referred to as the ''Group'') to address barriers that limit energy efficiency improvements among small business concerns.

(B) PURPOSE.—The purpose of the Group is to provide guidance on how to—

(i) address the market barriers for small business concerns described in subsection (a)(5) and the challenges to utilities listed in paragraph (1)(D) that limit widespread adoption of on-bill financing programs;

(ii) develop Federal incentives or other mechanisms that encourage utility-based financing programs that target small business concerns; and

(iii) encourage coordination between lenders and utilities regarding existing incentive programs for small business concerns and potential sources of energy efficiency financing.

(C) MEMBERSHIP.—

(i) IN GENERAL.—The Group shall be composed of representatives of all groups determined by the Administrator to have a material interest in the development and implementation of on-bill financing programs that target small business concerns.

(ii) CRITERIA.—The Administrator shall select members of the Group—

(I) from among representatives that apply as a result of a public announcement from the Administrator; and

(II) based on qualifications and balance of interests represented by the selected individuals.

(D) DUTIES.—The Group shall provide recommendations to the Administrator for actions that should be taken to carry out the efforts under paragraph (2).

(E) REPORT.—Not later than 2 years after the date of enactment of this Act, the Administrator shall prepare and submit to Congress a publicly available report based on the recommendations of the Group under subparagraph (D).

(F) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection, but not more than $2,000,000 in any 1 fiscal year.

(4) PILOT PROGRAM.—

(A) IN GENERAL.—Based on the findings in the report submitted under paragraph (3)(E) and not later than 3 years after the date of enactment of this Act, the Administrator shall establish a pilot program to encourage the availability and utilization of on-bill financing for small business concerns.

(B) ELIGIBLE ENTITIES.—Any individual entity or group of entities may submit to the Administrator proposals for demonstration projects to be carried out under the pilot program established under subparagraph (A), including—

(i) State and local agencies;

(ii) electric and gas utilities;

(iii) electric cooperatives;

(iv) municipal utilities; or

(v) covered lenders.

(C) APPLICATION.—

(i) IN GENERAL.—An eligible entity described in subparagraph (B) that desires to participate in the pilot program established under subparagraph (A) shall submit to the

Administrator an application at such time, in such manner, and containing such information as the Administrator may require.

(ii) CRITERIA.—The Administrator shall evaluate an application submitted under clause (i) on the basis of merit using criteria identified by the Administrator, including—

(I) demonstrated support from lenders that offer financing to small business concerns in the State or region;

(II) demonstrated support from utilities, electric cooperatives, or municipal utilities in the State or region; and

(III) availability of existing financing programs for small business concerns and utility incentive programs in the State or region.

(D) BEST PRACTICES.—In carrying out the pilot program established under subparagraph (A), the Administrator shall establish best practices for the establishment and maintenance of relationships between lenders and utility companies to expand access to financing for energy efficiency measures.

(E) REPORT.—Not later than 1 year after the date on which the pilot program is established under subparagraph (A), and each year thereafter for 4 years, the Administrator shall submit to Congress a report on the efficacy of the pilot program in establishing connections between utility companies that offer energy efficiency incentives to small business concerns and lenders that offer financing to small business concerns.

(F) TERMINATION.—The pilot program established under subparagraph (A) shall terminate on the date that is 5 years after the date on which the Administrator establishes the pilot program.

(G) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection, but not more than $5,000,000 in any 1 fiscal year.

(5) COORDINATION WITH STATE PROGRAMS.—In establishing and implementing this subsection, the Administrator shall, to the maximum extent practicable, preserve the integrity and incorporate best practices of State on-bill financing programs in existence on the day before the date of enactment of this Act.

(e) MENTORING AND BEST PRACTICE PROGRAMS.—

(1) ENERGY MANAGEMENT MENTORING PROGRAM.—Section 8 of the Small Business Act (15 U.S.C. 637) is amended by striking subsection (c) and inserting the following:

''(c) ENERGY EFFICIENCY MANAGEMENT AND FINANCING IN SCORE PROGRAM.—

''(1) DEFINITION.—In this subsection, the term 'SCORE program' means the Service Corps of Retired Executives authorized under subsection (b)(1)(B).

''(2) VOLUNTEERS.—Under the SCORE program, the Administrator shall recruit volunteers with expertise in energy management, to be known as 'energy coaches', who shall work on-site directly with small business concerns to provide assistance relating to energy efficiency and energy management for a specified period of time.

''(3) CLEARINGHOUSES OF ENERGY EFFICIENCY INCENTIVES AND FINANCING RESOURCES.—The Administrator shall—

''(A) compile clearinghouses of grant, rebate, and financing programs, with an emphasis on programs that use utility on-bill financing and recovery and other energy efficiency incentives, offered by States, quasi-State entities, local governments, and utility companies; and

''(B) train energy coaches described in paragraph (2) to match small business concerns with the programs described in subparagraph (A) and provide advice in applying for assistance from those programs.''.

(2) SMALL BUSINESS ENERGY BEST PRACTICES PROGRAM.—The Administrator shall require each regional office of the Administration to—

(A) compile comprehensive clearinghouses of energy efficiency resources for small business concerns; and

(B) disseminate those clearinghouses, in the applicable geographic region, to—

(i) mentors and coaches of the Service Corps of Retired Executives authorized under section 8(b)(1)(B) of the Small Business Act (15 U.S.C. 637(b)(1)(B));

(ii) small business concerns; and

(iii) covered lenders.

(3) LOAN PERFORMANCE DATA TO ENCOURAGE ENERGY EFFICIENCY OPPORTUNITIES.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to Congress a report on establishing a framework for standardizing and aggregating for securitization and data collection loan performance information that may be used by lenders to increase or expand energy efficiency financing opportunities from small business concerns.

(f) ENERGY EFFICIENCY AWARDS.—

(1) ENERGY EFFICIENCY LEADERSHIP AWARD.—The Administrator shall establish an award entitled the ''Small Business Award for Energy Efficiency Leadership'', which shall be awarded annually to a small business concern that makes extraordinary efforts or significant investments in energy efficiency.

(2) CROSS-ENDORSEMENT OF ENERGY EFFICIENCY AWARDS.—The Administrator, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall establish a small business-focused version of existing recognition programs at the Department of Energy and the Environmental Protection Agency, to identify, acknowledge, and better encourage energy efficiency among small business concerns.

SA 1501. Mr. YOUNG (for himself and Mr. BRAUN) submitted an amendment intended to be proposed to amendment SA 1407 proposed by Ms. MURKOWSKI to the bill S. 2657, to support innovation in advanced geothermal research and development, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 14_____. WASTE GAS UTILIZATION.

(a) IN GENERAL.—Subtitle F of title IX of the Energy Policy Act of 2005 (42 U.S.C. 16291 et seq.) (as amended by section 1405(a)) is amended by adding at the end the following:

''SEC. 969B. WASTE GAS UTILIZATION.

''(a) IN GENERAL.—The Secretary shall carry out a program of research, development, and demonstration for waste gas utilization.

''(b) COMPONENTS.—In carrying out the program under subsection (a), the Secretary shall—

''(1) identify and evaluate new uses for light hydrocarbons, such as methane, ethane, propane, butane, pentane, and hexane, produced during oil and shale gas production, including the production of chemicals or transportation fuels;

''(2) develop advanced gas conversion technologies that—

''(A) are modular and compact; and

''(B) may leverage advanced manufacturing technologies;

''(3) support demonstration activities at operating oil and gas facilities to test the performance and cost-effectiveness of new gas conversion technologies; and

''(4) assess and monitor potential changes in lifecycle greenhouse gas emissions that may result from the use of technologies developed under the program.''.

(b) TECHNICAL AMENDMENT.—The table of contents for the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 600) (as amended by section 1405(b)) is amended by adding at the end of the items relating to subtitle F of title IX the following:

''Sec. 969B. Waste gas utilization.''.

SA 1502. Mr. BRAUN (for himself and Mr. YOUNG) submitted an amendment intended to be proposed to amendment SA 1407 proposed by Ms. MURKOWSKI to the bill S. 2657, to support innovation in advanced geothermal research and development, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 274, strike line 23 and all that follows through page 275, line 8, and insert the following:

''(2) HYDROGEN CONVERSION PROGRAM.—Not later than 180 days after the date of enactment of this section, the Secretary shall establish a demonstration program for the purpose of partnering with private institutions to accelerate the commercial deployment of technology to convert solids with high carbon content, including coal or petroleum coke, to hydrogen and hydrogen products.

''(3) COST SHARING.—Activities under paragraphs (1) and (2) shall be subject to the cost-sharing requirements of section 988.

''(c) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this section (other than subsection (b)(2))—

''(A) $29,000,000 for fiscal year 2021;

''(B) $30,250,000 for fiscal year 2022;

''(C) $31,562,500 for fiscal year 2023;

''(D) $32,940,625 for fiscal year 2024; and

''(E) $34,387,656 for fiscal year 2025.

''(2) HYDROGEN CONVERSION PROGRAM.—There are authorized to be appropriated to the Secretary to carry out subsection (b)(2)—

''(A) $105,400,000 for fiscal year 2021;

''(B) $50,650,000 for fiscal year 2022; and

''(C) $55,125,000 for fiscal year 2023.''.

SA 1503. Mr. BRAUN submitted an amendment intended to be proposed to amendment SA 1407 proposed by Ms. MURKOWSKI to the bill S. 2657, to support innovation in advanced geothermal research and development, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE IV—MISCELLANEOUS

SEC. 4001. BUREAU OF LAND MANAGEMENT LAND ACQUISITION DATA.

The Secretary of the Interior (acting through the Director of the Bureau of Land Management) shall—

(1) collect centralized data on land acquired for administration by the Bureau of Land Management using amounts from the Land and Water Conservation Fund established under section 200302 of title 54, United States Code, including data on—

(A) the method used for the acquisition; and

(B) the type of interest acquired;

(2) not later than 1 year after the date of enactment of this Act, and annually thereafter, submit to Congress a report describing the information collected under paragraph (1); and

(3) develop guidance to ensure that land acquisition data collected under paragraph (1) is entered correctly and properly coded in

the data system of the Bureau of Land Management.

SA 1504. Mr. KENNEDY (for himself, Mr. CARPER, Mr. CASSIDY, Mr. COONS, Ms. COLLINS, Mr. WHITEHOUSE, Mr. YOUNG, Mrs. FEINSTEIN, Mr. MORAN, Mr. SCHATZ, Mr. GRAHAM, Mr. BOOKER, Ms. ERNST, Mr. MERKLEY, Mr. COTTON, Mr. VAN HOLLEN, Mr. GRASSLEY, Mr. MARKEY, Mr. BOOZMAN, Mr. JONES, Mr. BLUNT, Mr. BLUMENTHAL, Mr. PERDUE, Mr. HEINRICH, Mrs. HYDE-SMITH, Mr. CARDIN, Mr. BURR, Mr. MURPHY, and Mr. KING) submitted an amendment intended to be proposed to amendment SA 1407 proposed by Ms. MURKOWSKI to the bill S. 2657, to support innovation in advanced geothermal research and development, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. AMERICAN INNOVATION AND MANUFACTURING.

(a) FINDINGS; SENSE OF CONGRESS.—

(1) FINDINGS.—Congress finds that—

(A) industries in the United States that use and produce fluorocarbons—

(i) contribute more than $158,000,000,000 annually in goods and services to the economy of the United States; and

(ii) provide employment to more than 700,000 individuals, with an industry-wide payroll of more than $32,000,000,000;

(B) the support and promotion of the technological leadership of the United States in fluorocarbon production and related products, equipment, and other uses provided by this section is expected—

(i) to create approximately 33,000 new manufacturing jobs in the United States; and

(ii) to add approximately $12,500,000,000 per year to the economy of the United States;

(C) supporting and promoting the technological leadership of the United States in fluorocarbon production and related products, equipment, and other uses also creates a significant new export advantage for manufacturers of fluorinated compounds and related products and equipment in the United States;

(D) the new markets for fluorinated products and equipment created by this section are expected to increase the share of the United States of the global fluorocarbon product and equipment market by 25 percent (to 9 percent from 7.2 percent); and

(E) this section incentivizes the investment of approximately $5,000,000,000 in the United States through fiscal year 2025 to exploit the new markets for fluorinated products and equipment created by this section.

(2) SENSE OF CONGRESS.—It is the sense of Congress that the Administrator should provide for a safe hydrofluorocarbon transition by ensuring that heating, ventilation, air conditioning, and refrigeration practitioners are positioned to comply with safe servicing, repair, disposal, or installation procedures.

(b) DEFINITIONS.—In this section:

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

(2) ALLOWANCE.—The term ''allowance'' means a limited authorization for the production or consumption of a regulated substance established under subsection (e).

(3) CONSUMPTION.—The term ''consumption'', with respect to a regulated substance, means a quantity equal to the difference between—

(A) a quantity equal to the sum of—

(i) the quantity of that regulated substance produced in the United States; and

(ii) the quantity of the regulated substance imported into the United States; and

(B) the quantity of the regulated substance exported from the United States.

(4) CONSUMPTION BASELINE.—The term ''consumption baseline'' means the baseline established for the consumption of regulated substances under subsection (e)(1)(C).

(5) EXCHANGE VALUE.—The term ''exchange value'' means the value assigned to a regulated substance in accordance with subsections (c) and (e), as applicable.

(6) IMPORT.—The term ''import'' means to land on, bring into, or introduce into, or attempt to land on, bring into, or introduce into, any place subject to the jurisdiction of the United States, regardless of whether that landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States.

(7) PRODUCE.—

(A) IN GENERAL.—The term ''produce'' means the manufacture of a regulated substance from a raw material or feedstock chemical (but not including the destruction of a regulated substance by a technology approved by the Administrator).

(B) EXCLUSIONS.—The term ''produce'' does not include—

(i) the manufacture of a regulated substance that is used and entirely consumed (except for trace quantities) in the manufacture of another chemical; or

(ii) the reuse or recycling of a regulated substance.

(8) PRODUCTION BASELINE.—The term ''production baseline'' means the baseline established for the production of regulated substances under subsection (e)(1)(B).

(9) RECLAIM.—The term ''reclaim'' means—

(A) the reprocessing of a recovered regulated substance to at least the purity described in standard 700–2016 of the Air-Conditioning, Heating, and Refrigeration Institute (or an appropriate successor standard adopted by the Administrator); and

(B) the verification of the purity of that regulated substance using, at a minimum, the analytical methodology described in the standard referred to in subparagraph (A).

(10) RECOVER.—The term ''recover'' means the process by which a regulated substance is—

(A) removed, in any condition, from equipment; and

(B) stored in an external container, with or without testing or processing the regulated substance.

(11) REGULATED SUBSTANCE.—The term ''regulated substance'' means—

(A) a substance listed in the table contained in subsection (c)(1); and

(B) a substance included as a regulated substance by the Administrator under subsection (c)(3).

(c) LISTING OF REGULATED SUBSTANCES.—

(1) LIST OF REGULATED SUBSTANCES.—Each of the following substances, and any isomers of such a substance, shall be a regulated substance:

Chemical Name	Common Name	Exchange Value
CHF_2CHF_2	HFC–134	1100
CH_2FCF_3	HFC–134a	1430
CH_2FCHF_2	HFC–143	353
$CHF_2CH_2CF_3$	HFC–245fa	1030
$CF_3CH_2CF_2CH_3$	HFC–365mfc	794
CF_3CHFCF_3	HFC–227ea	3220
$CH_2FCF_2CF_3$	HFC–236cb	1340
CHF_2CHFCF_3	HFC–236ea	1370
$CF_3CH_2CF_3$	HFC–236fa	9810
$CH_2FCF_2CHF_2$	HFC–245ca	693
$CF_3CHFCHFCF_2CF_3$	HFC–43–10mee	1640
CH_2F_2	HFC–32	675
CHF_2CF_3	HFC–125	3500
CH_3CF_3	HFC–143a	4470
CH_3F	HFC–41	92

Chemical Name	Common Name	Exchange Value
CH_2FCH_2F	HFC–152	53
CH_3CHF_2	HFC–152a	124
CHF_3	HFC–23	14800.

(2) REVIEW.—The Administrator may—

(A) review the exchange values listed in the table contained in paragraph (1) on a periodic basis; and

(B) subject to notice and opportunity for public comment, adjust the exchange values solely on the basis of—

(i) publicly available, peer-reviewed scientific data; and

(ii) other information consistent with widely used or commonly accepted existing exchange values.

(3) OTHER REGULATED SUBSTANCES.—

(A) IN GENERAL.—Subject to notice and opportunity for public comment, the Administrator may designate a substance not included in the table contained in paragraph (1) as a regulated substance if—

(i) the substance—

(I) is a chemical substance that is a saturated hydrofluorocarbon; and

(II) has an exchange value, as determined by the Administrator in accordance with the basis described in paragraph (2)(B), of greater than 53; and

(ii) the designation of the substance as a regulated substance would be consistent with the purposes of this section.

(B) SAVINGS PROVISION.—Nothing in this paragraph authorizes the Administrator to designate as a regulated substance a blend of substances that includes a saturated hydrofluorocarbon for purposes of phasing down production or consumption of regulated substances under subsection (e), even if the saturated hydrofluorocarbon is, or may be, designated as a regulated substance.

(d) MONITORING AND REPORTING REQUIREMENTS.—

(1) PRODUCTION, IMPORT, AND EXPORT LEVEL REPORTS.—

(A) IN GENERAL.—On a periodic basis, to be determined by the Administrator, but not less frequently than annually, each person who, within the applicable reporting period, produces, imports, exports, destroys, transforms, uses as a process agent, or reclaims a regulated substance shall submit to the Administrator a report that describes, as applicable, the quantity of the regulated substance that the person—

(i) produced, imported, and exported;

(ii) reclaimed;

(iii) destroyed by a technology approved by the Administrator;

(iv) used and entirely consumed (except for trace quantities) in the manufacture of another chemical; or

(v) used as a process agent.

(B) REQUIREMENTS.—

(i) SIGNED AND ATTESTED.—The report under subparagraph (A) shall be signed and attested by a responsible officer (within the meaning of the Clean Air Act (42 U.S.C. 7401 et seq.)).

(ii) NO FURTHER REPORTS REQUIRED.—A report under subparagraph (A) shall not be required from a person if the person—

(I) permanently ceases production, importation, exportation, destruction, transformation, use as a process agent, or reclamation of all regulated substances; and

(II) notifies the Administrator in writing that the requirement under subclause (I) has been met.

(iii) BASELINE PERIOD.—Each report under subparagraph (A) shall include, as applicable, the information described in that subparagraph for the baseline period of calendar years 2011 through 2013.

(2) COORDINATION.—The Administrator may allow any person subject to the requirements of paragraph (1)(A) to combine and include the information required to be reported under that paragraph with any other related information that the person is required to report to the Administrator.

(e) PHASE-DOWN OF PRODUCTION AND CONSUMPTION OF REGULATED SUBSTANCES.—

(1) BASELINES.—

(A) IN GENERAL.—Subject to subparagraph (D), the Administrator shall establish for the phase-down of regulated substances—

(i) a production baseline for the production of all regulated substances in the United States, as described in subpagraph (B)); and

(ii) a consumption baseline for the consumption of all regulated substances in the United States, as described in subparagraph (C).

(B) PRODUCTION BASELINE DESCRIBED.—The production baseline referred to in subparagraph (A)(i) is the quantity equal to the sum of—

(i) the average annual quantity of all regulated substances produced in the United States during the period—

(I) beginning on January 1, 2011; and

(II) ending on December 31, 2013; and

(ii) the quantity equal to the sum of—

(I) 15 percent of the production level of hydrochlorofluorocarbons in calendar year 1989; and

(II) 0.42 percent of the production level of chlorofluorocarbons in calendar year 1989.

(C) CONSUMPTION BASELINE DESCRIBED.—The consumption baseline referred to in subparagraph (A)(ii) is the quantity equal to the sum of—

(i) the average annual quantity of all regulated substances consumed in the United States during the period—

(I) beginning on January 1, 2011; and

(II) ending on December 31, 2013; and

(ii) the quantity equal to the sum of—

(I) 15 percent of the consumption level of hydrochlorofluorocarbons in calendar year 1989; and

(II) 0.42 percent of the consumption level of chlorofluorocarbons in calendar year 1989.

(D) EXCHANGE VALUES.—

(i) IN GENERAL.—For purposes of subparagraphs (B) and (C), the Administrator shall use the following exchange values for hydrochlorofluorocarbons and chlorofluorocarbons:

Table 2

Chemical Name	Common Name	Exchange Value
$CHFC1_2$	HCFC–21	151
CHF_2C1	HCFC–22	1810
$C_2HF_3C1_2$	HCFC–123	77
C_2HF_4C1	HCFC–124	609
CH_3CFC1_2	HCFC–141b	725
CH_3CF_2C1	HCFC–142b	2310
$CF_3CF_2CHC1_2$	HCFC–225ca	122
CF_2C1CF_2CHC1F	HCFC–225cb	595

Table 3

Chemical Name	Common Name	Exchange Value
$CFC1_3$	CFC–11	4750
CF_2C1_2	CFC–12	10900

Table 3		
Chemical Name	Common Name	Exchange Value
$C_2F_3Cl_3$	CFC–113	6130
$C_2F_4Cl_2$	CFC–114	10000
C_2F_5Cl	CFC–115	7370

(ii) REVIEW.—The Administrator may—

(I) review the exchange values listed in the tables contained in paragraph (1) on a periodic basis; and

(II) subject to notice and opportunity for public comment, adjust the exchange values solely on the basis of—

(aa) publicly available, peer-reviewed scientific data; and

(bb) other information consistent with widely used or commonly accepted existing exchange values.

(2) PRODUCTION AND CONSUMPTION PHASE-DOWN.—

(A) IN GENERAL.—During the period beginning on January 1 of each year listed in the table contained in subparagraph (C) and ending on December 31 of the year before the next year listed on that table, except as otherwise permitted under this section, no person shall—

(i) produce a quantity of a regulated substance without a corresponding quantity of production allowances, except as provided in paragraph (5); or

(ii) consume a quantity of a regulated substance without a corresponding quantity of consumption allowances.

(B) COMPLIANCE.—For each year listed on the table contained in subparagraph (C), the Administrator shall ensure that the annual quantity of all regulated substances produced or consumed in the United States does not exceed the product obtained by multiplying—

(i) the production baseline or consumption baseline, as applicable; and

(ii) the applicable percentage listed on the table contained in subparagraph (C).

(C) RELATION TO BASELINE.—On January 1 of each year listed in the following table, the Administrator shall apply the applicable percentage, as described in subparagraph (A):

Date	Percentage of Production Baseline	Percentage of Consumption Baseline
2020–2023	90 percent	90 percent
2024–2028	60 percent	60 percent
2029–2033	30 percent	30 percent
2034–2035	20 percent	20 percent
2036 and thereafter	15 percent	15 percent

(D) ALLOWANCES.—

(i) QUANTITY.—Not later than October 1 of each calendar year, the Administrator shall use the quantity calculated under subparagraph (B) to determine the quantity of allowances for the production and consumption of regulated substances that may be used for the following calendar year.

(ii) NATURE OF ALLOWANCES.—

(I) IN GENERAL.—An allowance allocated under this section—

(aa) does not constitute a property right; and

(bb) is a limited authorization for the production or consumption of a regulated substance under this section.

(II) SAVINGS PROVISION.—Nothing in this section or in any other provision of law limits the authority of the United States to terminate or limit an authorization described in subclause (I)(bb).

(3) REGULATIONS REGARDING PRODUCTION AND CONSUMPTION OF REGULATED SUBSTANCES.—Not later than 270 days after the date of enactment of this Act, the Administrator shall issue a final rule—

(A) phasing down the production of regulated substances in the United States through an allowance allocation and trading program in accordance with this section; and

(B) phasing down the consumption of regulated substances in the United States through an allowance allocation and trading program in accordance with the schedule under paragraph (2)(C) (subject to the same exceptions and other requirements as are applicable to the phase-down of production of regulated substances under this section).

(4) EXCEPTIONS.—

(A) FEEDSTOCKS AND PROCESS AGENTS.—Except for the reporting requirements described in subsection (d)(1), this section does not apply to—

(i) a regulated substance that is used and entirely consumed (except for trace quantities) in the manufacture of another chemical; or

(ii) a regulated substance that is used and not entirely consumed in the manufacture of another chemical, if the remaining amounts of the regulated substance are subsequently destroyed.

(B) ESSENTIAL USES.—

(i) IN GENERAL.—Not earlier than January 1, 2034, the Administrator may, after notice and opportunity for public comment, authorize the production or consumption of a regulated substance for a period of not more than 5 years in a quantity in excess of the quantities authorized under paragraph (2)(A) for the exclusive use of the regulated substance in an application with respect to which the Administrator determines that—

(I) no substitute will be available during the applicable period for that application, considering technological achievability, commercial demands, safety, and other relevant factors; and

(II) the total supply of the regulated substance authorized under paragraph (2)(A), including any quantities of a regulated substance available from reclaiming, prior production, or prior import, is insufficient to accommodate the application.

(ii) LIMITATION.—No person receiving an authorization under clause (i) may, on an annual basis, produce or consume a quantity of a regulated substance that is greater than 10 percent of the quantity that the person produced or consumed to contribute to the production baseline or the consumption baseline, as applicable.

(iii) REVIEW.—

(I) IN GENERAL.—For each application for which the Administrator has authorized the production or consumption, as applicable, of a regulated substance under clause (i), the Administrator shall review the availability of substitutes, including any quantities of the regulated substance available from reclaiming or prior production, not less frequently than once every 5 years, considering technological achievability, commercial demands, safety, and other relevant factors.

(II) EXTENSION.—If the Administrator determines, subject to notice and opportunity for public comment, that no substitute will be available for an application for which the Administrator granted a waiver under clause (i) during a subsequent period, the Administrator may authorize the production or consumption, as applicable, of any regulated substance used in the application for not more than an additional 5 years in a quantity in excess of the quantity authorized under paragraph (2)(A) for exclusive use in the application.

(5) DOMESTIC MANUFACTURING.—Notwithstanding paragraph (2)(A)(i), the Administrator may authorize a person to produce a regulated substance in excess of the number of production allowances held by that person, subject to the conditions that—

(A) the authorization is—

(i) for a renewable period of not more than 5 years; and

(ii) subject to notice and opportunity for public comment; and

(B) the production—

(i) is at a facility located in the United States;

(ii) is solely for export to, and use in, a foreign country that is not subject to the prohibition in subsection (j)(1); and

(iii) would not violate paragraph (2)(B).

(f) ACCELERATED SCHEDULE.—

(1) IN GENERAL.—Subject to paragraph (4), the Administrator may, in response to a petition submitted to the Administrator in accordance with paragraph (3) and after notice and opportunity for public comment, promulgate regulations that establish a schedule for phasing down the production or consumption of regulated substances that is more stringent than the production and consumption levels of regulated substances required under subsection (e)(2)(C) if, based on the availability of substitutes for regulated substances, the Administrator determines that a more-stringent schedule is practicable, taking into account technological

achievability, commercial demands, safety, and other relevant factors, including the quantities of regulated substances available from reclaiming, prior production, or prior import.

(2) REQUIREMENT.—In making a determination on whether to implement a more-stringent phase-down schedule under paragraph (1), the Administrator shall—

(A) consider—

(i) the remaining phase-down period for regulated substances under subsection (e), if applicable; and

(ii) relevant, publicly available, peer-reviewed scientific data;

(B) apply uniformly any regulations promulgated pursuant to paragraph (1) to the allocation of production and consumption allowances for regulated substances, in accordance with subsection (e)(3); and

(C) adjust the production and consumption allowances accordingly.

(3) PETITION.—

(A) IN GENERAL.—A person may petition the Administrator to promulgate regulations for an accelerated schedule for the phase-down of production or consumption of regulated substances under paragraph (1).

(B) REQUIREMENT.—A petition submitted under subparagraph (A) shall—

(i) be made at such time, in such manner, and containing such information as the Administrator shall require; and

(ii) include a showing by the petitioner that there are data to support the petition.

(C) TIMELINES.—

(i) PETITIONS.—The Administrator shall grant or deny the petition under subparagraph (A) by not later than 270 days after the date on which the Administrator receives the petition.

(ii) REGULATIONS.—If the Administrator grants a petition under subparagraph (A), the final regulations with respect to the petition shall be promulgated by not later than 1 year after the date on which the Administrator grants the petition.

(D) DENIAL.—If the Administrator denies a petition under subparagraph (A), the Administrator shall publish a description of the reason for the denial.

(E) INSUFFICIENT INFORMATION.—If the Administrator determines that the data included under subparagraph (B)(ii) in a petition are not sufficient to make a determination under this paragraph, the Administrator shall use any authority available to the Administrator to acquire the necessary data.

(4) APPLICABILITY.—The Administrator may not promulgate under paragraph (1) a regulation for the production or consumption of regulated substances that is more stringent than the production or consumption levels required under subsection (e)(2)(C) that takes effect before January 1, 2024.

(g) EXCHANGE AUTHORITY.—

(1) TRANSFERS.—Not later than 270 days after the date of enactment of this Act, the Administrator shall promulgate a final regulation that governs the transfer of allowances for the production of regulated substances under subsection (e)(3)(A) that uses—

(A) the applicable exchange values described in the table contained in subsection (c)(1); or

(B) the exchange value described in the rule designating the substance as a regulated substance under subsection (c)(3).

(2) REQUIREMENTS.—The final rule promulgated pursuant to paragraph (1)(A) shall—

(A) ensure that the transfers under this subsection will result in greater total reductions in the production of regulated substances in each year than would occur during the year in the absence of the transfers;

(B) permit 2 or more persons to transfer production allowances if the transferor of the allowances will be subject, under the final rule, to an enforceable and quantifiable reduction in annual production that—

(i) exceeds the reduction otherwise applicable to the transferor under this section;

(ii) exceeds the quantity of production represented by the production allowances transferred to the transferee; and

(iii) would not have occurred in the absence of the transaction; and

(C) provide for the trading of consumption allowances in the same manner as is applicable under this subsection to the trading of production allowances.

(h) MANAGEMENT OF REGULATED SUBSTANCES.—

(1) IN GENERAL.—For purposes of maximizing reclaiming and minimizing the release of a regulated substance from equipment and ensuring the safety of technicians and consumers, the Administrator shall promulgate regulations to control, where appropriate, any practice, process, or activity regarding the servicing, repair, disposal, or installation of equipment (including requiring, where appropriate, that any such servicing, repair, disposal, or installation be performed by a trained technician meeting minimum standards, as determined by the Administrator) that involves—

(A) a regulated substance;

(B) a substitute for a regulated substance;

(C) the reclaiming of a regulated substance used as a refrigerant; or

(D) the reclaiming of a substitute for a regulated substance used as a refrigerant.

(2) RECLAIMING.—

(A) IN GENERAL.—In carrying out this section, the Administrator shall consider the use of authority available to the Administrator under this section to increase opportunities for the reclaiming of regulated substances used as refrigerants.

(B) RECOVERY.—A regulated substance used as a refrigerant that is recovered shall be reclaimed before the regulated substance is sold or transferred to a new owner, except where the recovered regulated substance is sold or transferred to a new owner solely for the purposes of being reclaimed or destroyed.

(3) COORDINATION.—In promulgating regulations to carry out this subsection, the Administrator may coordinate those regulations with any other regulations promulgated by the Administrator that involve—

(A) the same or a similar practice, process, or activity regarding the servicing, repair, disposal, or installation of equipment; or

(B) reclaiming.

(i) TECHNOLOGY TRANSITIONS.—

(1) AUTHORITY.—Subject to the provisions of this subsection, the Administrator may by rule restrict, fully, partially, or on a graduated schedule, the use of a regulated substance in the sector or subsector in which the regulated substance is used.

(2) NEGOTIATED RULEMAKING.—

(A) CONSIDERATION REQUIRED.—Before proposing a rule for the use of a regulated substance for a sector or subsector under paragraph (1), the Administrator shall consider negotiating with stakeholders in the sector or subsector subject to the potential rule in accordance with the negotiated rulemaking procedure provided for under subchapter III of chapter 5 of title 5, United States Code (commonly known as the ''Negotiated Rulemaking Act of 1990'').

(B) NEGOTIATED RULEMAKINGS.—If the Administrator negotiates a rulemaking with stakeholders using the procedure described in subparagraph (A), the Administrator shall, to the extent practicable, give priority to completing that rulemaking over completing rulemakings that were not negotiated using that procedure.

(C) NO NEGOTIATED RULEMAKING.—If the Administrator does not negotiate a rulemaking with stakeholders using the procedure described in subparagraph (A), the Administrator shall, before commencement of the rulemaking process for a rule under paragraph (1), publish an explanation of the decision of the Administrator to not use that procedure.

(3) TRANSITION.—

(A) PROPOSALS.—Not later than 18 months after the date of enactment of this Act, the Administrator shall publish in the Federal Register a proposal of 1 or more dates after which the use of a regulated substance in a sector or subsector shall be restricted.

(B) FINAL RULES.—Not later than 18 months after the date on which the Administrator publishes a proposed rule under subparagraph (A) in the Federal Register, the Administrator shall issue a final rule for that proposed rule.

(4) PETITIONS.—

(A) IN GENERAL.—A person may petition the Administrator to issue a rule under paragraph (1) for the restriction on use of a regulated substance in a sector or subsector, which may include a request that the Administrator negotiate with stakeholders in accordance with paragraph (2)(A).

(B) RESPONSE.—The Administrator shall grant or deny a petition under subparagraph (A) not later than 180 days after the date of receipt of the petition.

(C) REQUIREMENTS.—

(i) EXPLANATION.—If the Administrator denies a petition under subparagraph (B), the Administrator shall publish in the Federal Register an explanation of the denial.

(ii) FINAL RULE.—If the Administrator grants a petition under subparagraph (B), the Administrator shall issue a final rule not later than 2 years after the date on which the Administrator grants the petition.

(iii) PUBLICATION OF PETITIONS.—Not later than 30 days after the date on which the Administrator receives a petition under subparagraph (A), the Administrator shall publish in the Federal Register that petition in full.

(5) CRITERIA.—In issuing a rule under paragraph (1), the Administrator shall consider the need—

(A) to promote and support domestic economic development;

(B) to maximize protections for human health and the environment;

(C) to minimize costs for the production, use, and reclaiming of regulated substances;

(D) to maximize flexibility for the recovery, reclaiming, and reuse of regulated substances;

(E) to ensure consumer safety;

(F) for the availability of substitutes, taking into account technological achievability, commercial demands, safety, and other relevant factors, including lead times for equipment conversion; and

(G) to minimize any additional costs to consumers.

(6) EVALUATION.—In carrying out this subsection, the Administrator shall evaluate substitutes for regulated substances in a sector or subsector, taking into account technological achievability, commercial demands, safety, and other relevant factors.

(j) INTERNATIONAL COOPERATION.—

(1) IN GENERAL.—Subject to paragraph (2), no person subject to the requirements of this section shall trade or transfer a production allowance or, after January 1, 2033, export a regulated substance to a person in a foreign country that, as determined by the Administrator, has not enacted or otherwise established within a reasonable timeframe after the date of enactment of this Act the same or similar requirements or otherwise undertaken commitments regarding the production and consumption of regulated substances as are contained in this section.

(2) TRANSFERS.—Pursuant to paragraph (1), a person in the United States may engage in a trade or transfer of a production allowance—

(A) to a person in a foreign country if, at the time of the transfer, the Administrator revises the number of allowances for production under subsection (e)(2), as applicable, for the United States such that the aggregate national production of the regulated substance to be traded under the revised production limits is equal to the least of—

(i) the maximum production level permitted for the applicable regulated substance in the year of the transfer under this section, less the production allowances transferred;

(ii) the maximum production level permitted for the applicable regulated substances in the transfer year under applicable law, less the production allowances transferred; and

(iii) the average of the actual national production level of the applicable regulated substances for the 3-year period ending on the date of the transfer, less the production allowances transferred; or

(B) from a person in a foreign country if, at the time of the trade or transfer, the Administrator finds that the foreign country has revised the domestic production limits of the regulated substance in the same manner as provided with respect to transfers by a person in United States under this subsection.

(3) EFFECT OF TRANSFERS ON PRODUCTION LIMITS.—The Administrator may—

(A) reduce the production limits established under subsection (e)(2)(B) as required as a prerequisite to a transfer described in paragraph (2)(A); or

(B) increase the production limits established under subsection (e)(2)(B) to reflect production allowances acquired under a trade or transfer described in paragraph (2)(B).

(4) REGULATIONS.—The Administrator shall—

(A) not later than 1 year after the date of enactment of this Act, promulgate a final rule to carry out this subsection; and

(B) not less frequently than annually, review and, if necessary, revise the final rule promulgated pursuant to subparagraph (A).

(k) RELATIONSHIP TO OTHER LAW.—

(1) IMPLEMENTATION.—

(A) RULEMAKINGS.—The Administrator may promulgate such regulations as are necessary to carry out the functions of the Administrator under this section.

(B) DELEGATION.—The Administrator may delegate to any officer or employee of the Environmental Protection Agency such of the powers and duties of the Administrator under this section as the Administrator determines to be appropriate.

(C) CLEAN AIR ACT.—Sections 113, 114, 304, and 307 of the Clean Air Act (42 U.S.C. 7413, 7414, 7604, 7607) shall apply to this section and any regulations promulgated by the Administrator pursuant to this section as though this section were expressly included in each of those sections, as applicable, and the requirements of this section were part of that Act (42 U.S.C. 7401 et seq.).

(2) AUTHORITY.—On issuance of a final rule under subsection (e)(3) for the production and consumption of regulated substances, notwithstanding any other provision of law, the Administrator shall have no authority to regulate the production or consumption of regulated substances under section 614(b) of the Clean Air Act (42 U.S.C. 7671m(b)).

SA 1505. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 1407 proposed by Ms. MURKOWSKI to the bill S. 2657, to support innovation in advanced geothermal research and development, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SBIR AND STTR PROGRAMS OF THE DEPARTMENT OF ENERGY.

(a) ACCELERATING SBIR AND STTR AWARD TIMELINES AT THE DEPARTMENT OF ENERGY.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(1) in subsection (g)(8)—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) in subparagraph (C), by adding ''and'' at the end; and

(C) by adding at the end the following:

''(D) with respect to the SBIR program of the Department of Energy, the average and median amount of time that the Department of Energy takes to review and make a final decision on proposals submitted under the program;'';

(2) in subsection (o)(9)—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) in subparagraph (C), by adding ''and'' at the end; and

(C) by adding at the end the following:

''(D) with respect to the STTR program of the Department of Energy, the average and median amount of time that the Department of Energy takes to review and make a final decision on proposals submitted under the program;'';

(3) in subsection (hh), by adding at the end the following:

''(3) REQUIREMENT TO ACCELERATE DEPARTMENT OF ENERGY SBIR AND STTR AWARDS.—Not later than 1 year after the date of enactment of this paragraph, the Department of Energy shall establish a program to reduce the time for awards under the SBIR and STTR programs of the Department of Energy by—

''(A) developing simplified and standardized procedures and model contracts or awards throughout the Department of Energy for Phase I, Phase II, and Phase III SBIR awards;

''(B) for Phase I SBIR and STTR awards, reducing the amount of time between solicitation closure and award;

''(C) for Phase II SBIR and STTR awards, reducing the amount of time between the end of a Phase I award and the start of the Phase II award;

''(D) for Phase II SBIR and STTR awards that skip Phase I, reducing the amount of time between solicitation closure and award;

''(E) for sequential Phase II SBIR and STTR awards, reducing the amount of time between Phase II awards; and

''(F) reducing the award times described in subparagraphs (B), (C), (D), and (E) to be as close to 90 days as possible.''; and

(4) in subsection (ii), by adding at the end the following:

''(3) ADDITIONAL COMPTROLLER GENERAL REPORTS FOR THE DEPARTMENT OF ENERGY.—The Comptroller General of the United States shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, with respect to the SBIR and STTR programs Department of Energy—

''(A) not later than 2 years after the date of enactment of this paragraph, a report that—

''(i) provides the average and median amount of time that the Department takes to review and make a final decision on proposals submitted under each program; and

''(ii) compares that average and median amount of time with that of the previous 5 fiscal years; and

''(B) not later than March 31, 2024, a report that—

''(i) includes the information described in subparagraph (A);

''(ii) assesses where the Department of Energy needs improvement with respect to the proposal review and award times under each program;

''(iii) identifies best practices for shortening the proposal review and award times under each program; and

''(iv) analyzes the efficacy of the program established under subsection (hh)(3).''.

(b) IMPROVEMENTS TO COMMERCIALIZATION SELECTION.—

(1) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(A) in subsection (g)—

(i) in paragraph (11), by striking ''and'' at the end;

(ii) in paragraph (12), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(13) with respect to peer review carried out under the SBIR program of the Department of Energy, to the extent practicable, include in the peer review—

''(A) the likelihood of commercialization in addition to scientific and technical merit and feasibility; and

''(B) not less than 1 reviewer with commercialization expertise who is capable of assessing the likelihood of commercialization.'';

(B) in subsection (o)—

(i) in paragraph (15), by striking ''and'' at the end;

(ii) in paragraph (16), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(17) with respect to peer review carried out under the STTR program of the Department of Energy, to the extent practicable, include in the peer review—

''(A) the likelihood of commercialization in addition to scientific and technical merit and feasibility; and

''(B) not less than 1 reviewer with commercialization expertise who is capable of assessing the likelihood of commercialization.'';

(C) in subsection (cc)—

(i) by striking ''During fiscal years 2012 through 2022, the National Institutes of Health, the Department of Defense, and the Department of Education'' and inserting the following:

''(1) IN GENERAL.—During fiscal years 2020 through 2025, the National Institutes of Health, the Department of Defense, the Department of Education, and the Department of Energy''; and

(ii) by adding at the end the following:

''(2) LIMITATION.—The total value of awards provided by a Federal agency described in paragraph (1) under this subsection in a fiscal year shall be not more than 10 percent of the total funds allocated to the SBIR and STTR programs of the Federal agency during that fiscal year.

''(3) EXTENSION.—During fiscal years 2024 and 2025, each Federal agency described in paragraph (1) may continue phase flexibility as described in this subsection only if the reports required under subsection (tt)(1)(B) have been submitted to the appropriate committees.'';

(D) in subsection (hh)(2)(A)(i), by inserting ''application process and requirements'' after ''simplified and standardized''; and

(E) by adding at the end the following:

''(vv) TECHNOLOGY COMMERCIALIZATION OFFICIAL IN THE DEPARTMENT OF ENERGY.—The Department of Energy shall designate a Technology Commercialization Official in the Department of Energy, who shall—

''(1) have sufficient commercialization experience;

''(2) provide assistance to SBIR and STTR program awardees in commercializing and transitioning technologies;

''(3) identify SBIR and STTR program technologies with sufficient technology and commercialization readiness to advance to Phase III awards or other non-SBIR or STTR program contracts;

''(4) coordinate with the Technology Commercialization Officials of other Federal agencies to identify additional markets and commercialization pathways for promising SBIR and STTR program technologies;

''(5) submit to the Administration an annual report on the number of technologies from the SBIR or STTR program that have advanced commercialization activities, including information required in the commercialization impact assessment under subsection (xx) and how those activities may relate to support of the diversification of the United States supply chain;

''(6) submit to the Administration an annual report on actions taken by the Federal agency, and the results of those actions, to simplify, standardize, and expedite the application process and requirements, procedures, and contracts as required under subsection (hh) and described in subsection (xx)(E); and

''(7) carry out such other duties as the Department of Energy determines necessary.''.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Small Business Administration shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives summarizing the metrics relating to and an evaluation of the authority provided under section 9(hh) of the Small Business Act (15 U.S.C. 638(hh)) to the Department of Energy, as amended by subsection (a), which shall include the size and location of the small business concerns, as defined in section 3 of the Small Business Act (15 U.S.C. 632), receiving awards under the SBIR or STTR program, as defined in section 9(e) of the Small Business Act (15 U.S.C. 638(e)), of the Department of Energy.

SA 1506. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 6074, making emergency supplemental appropriations for the fiscal year ending September 30, 2020, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. RESCISSIONS.

(a) EDUCATIONAL AND CULTURAL ASSISTANCE PROGRAMS.—Notwithstanding any other provision of law, all amounts made available for fiscal year 2020 for the East-West Center under title I of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2020 (division G of Public Law 116–94), the Inter-American Foundation under title III of such Act, and educational and cultural exchange programs under title I of such Act that remain unobligated as of the date of the enactment of this Act are rescinded.

(b) PROPORTIONAL RESCISSIONS OF OTHER UNOBLIGATED DISCRETIONARY APPROPRIATIONS.—

(1) IN GENERAL.—Except as provided under paragraph (2), after rescinding the amounts required under subsection (a), the Director of the Office of Management and Budget shall rescind, on a proportional basis, such amounts as may be necessary to fully offset (in conjunction with the rescissions under subsection (a)) the amounts appropriated by this Act from the unobligated amounts appropriated for fiscal year 2020 for—

(A) the Economic Support Fund under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.); and

(B) the United States Agency for International Development.

(2) EXCLUSIONS.—In making the rescissions required under paragraph (1), the Director shall not rescind any amounts appropriated for—

(A) global health programs under title III of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2020 (division G of Public Law 116–94); or

(B) assistance to Israel.

SA 1507. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 1407 proposed by Ms. MURKOWSKI to the bill S. 2657, to support innovation in advanced geothermal research and development, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 21_____. LOAN GUARANTEES FOR PROJECTS THAT INCREASE THE DOMESTIC SUPPLY OF CRITICAL MINERALS.

(a) IN GENERAL.—Section 1703(b) of the Energy Policy Act of 2005 (42 U.S.C. 16513(b)) is amended by adding at the end the following:

''(11) Projects that increase the domestic supply of critical minerals (as designated by the Secretary of the Interior under section 2101(c) of the American Energy Innovation Act of 2020), including through mining, processing, recycling, and the fabrication of mineral alternatives.''.

(b) PROHIBITION ON USE OF APPROPRIATED FUNDS.—Amounts appropriated to the Department before the date of enactment of this Act shall not be made available for the cost of loan guarantees made under paragraph (11) of section 1703(b) of the Energy Policy Act of 2005 (42 U.S.C. 16513(b)).

SA 1508. Mr. HAWLEY submitted an amendment intended to be proposed to amendment SA 1407 proposed by Ms. MURKOWSKI to the bill S. 2657, to support innovation in advanced geothermal research and development, and for other purposes; which was ordered to lie on the table; as follows:

On page 362, strike lines 14 through 16 and insert the following:

(EE) biofuel vehicle technologies, including ethanol and biodiesel combustion systems, and biofuel infrastructure, including the use of agricultural feedstocks to provide fuel and power; and

(FF) other research areas as determined by the Secretary.

SA 1509. Ms. MCSALLY (for herself and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 1407 proposed by Ms. MURKOWSKI to the bill S. 2657, to support innovation in advanced geothermal research and development, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE IV—MISCELLANEOUS

SEC. 4001. FIREWOOD BANKS.

(a) DEFINITIONS.—In this section:

(1) COOPERATING PARTY.—The term ''cooperating party'' means a State, local, or Tribal government, a private company, a nonprofit organization, and a cooperative.

(2) FIREWOOD BANK.—The term ''firewood bank'' means a site—

(A) at which firewood is collected, processed, or stored; and

(B) that is used by a cooperating party to distribute firewood to low-income or disabled individuals for personal use.

(3) SECRETARIES.—The term ''Secretaries'' means the Secretary, the Secretary of the Interior, and the Secretary of Agriculture.

(4) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) the Secretary of the Interior, in the case of Federal land administered by the Secretary of the Interior, including trust land (as defined in section 3765 of title 38, United States Code); and

(B) the Secretary of Agriculture, in the case of Federal land administered by the Secretary of Agriculture, acting through the Chief of the Forest Service.

(b) PROMOTION OF FIREWOOD BANKS.—The Secretaries shall promote the use of firewood banks by carrying out this section.

(c) FIREWOOD BANKS WITHIN COMMUNITIES.—

(1) IN GENERAL.—The Secretary and the Secretary of Agriculture (referred to in this subsection as the ''Secretaries'') may establish a program to acquire a parcel of land or an interest in a parcel of land within 1 or more communities to be used as a local firewood bank.

(2) ACQUISITIONS.—The land referred to in paragraph (1) may be acquired through a fee-simple purchase, an easement, or a donation.

(3) PARCEL REQUIREMENTS.—A parcel of land acquired under paragraph (1)—

(A) shall be in a community in which at least 20 percent of the residents primarily heat their homes with a wood-burning stove;

(B) shall be not less than ½ acre and not more than 6 acres in size;

(C) shall be able to store not fewer than 100 cords of firewood;

(D) may have equipment on site to process logs into firewood; and

(E) may be subject to any other requirements that the Secretaries, in consultation with cooperating parties under paragraph (4), determine to be necessary for the efficient, effective, and safe administration of the firewood bank.

(4) COOPERATING PARTIES.—The Secretaries may authorize or consult with cooperating parties—

(A) to maintain the parcel of land acquired under paragraph (1); and

(B) to operate the firewood bank.

(5) USE OF LAND.—The Secretaries, or the cooperating parties, as applicable, shall use a parcel of land acquired under paragraph (1) exclusively as a firewood bank.

(d) FIREWOOD BANKS ON FEDERAL LAND.—

(1) IN GENERAL.—The Secretary concerned may authorize 1 or more firewood banks to be established and operated on Federal land, including trust land (as defined in section 3765 of title 38, United States Code).

(2) REQUIREMENTS.—A firewood bank described in paragraph (1)—

(A) may only be established if the firewood bank—

(i) will be located within 50 miles of a community in which at least 20 percent of the residents primarily heat their homes with a wood-burning stove;

(ii) will occupy an area not less than ½ acre and not more than 6 acres in size; and

(iii) will be able to store not fewer than 20 cords of firewood; and

(B) may have privately or publicly owned equipment on site to process logs into firewood.

(3) COOPERATING PARTIES.—The Secretary concerned may authorize or consult with cooperating parties—

(A) to maintain the Federal land on which the firewood bank is established under this subsection; and

(B) to operate the firewood bank.

(4) USE OF FEDERAL LAND.—The Secretary concerned, or a cooperating party, as applicable, shall use the land on which a firewood bank is established under this subsection exclusively as a firewood bank.

(e) SECURE SUPPLIES OF FIREWOOD FOR FIREWOOD BANKS.—

(1) IN GENERAL.—The Secretary concerned shall—

(A) designate trees for cutting and removal on Federal land by marking; and

(B) make those trees available to firewood banks, consistent with this subsection.

(2) DESIGNATION.—The Secretary concerned shall designate trees under paragraph (1)(A)—

(A) in an area located within 50 miles of each firewood bank established under subsection (d); and

(B) in other areas that the Secretary concerned determines to be appropriate.

(3) REQUIREMENT.—The Secretaries concerned shall designate trees under paragraph (1)(A) in a sufficient quantity to provide at least 100 cords of firewood continuously.

(4) NO FEE REQUIRED.—

(A) IN GENERAL.—Any Federal employee or party designated by a firewood bank may cut, remove, and transport to a firewood bank a tree designated under paragraph (1)(A) without incurring any fee.

(B) LIMITATIONS.—

(i) PERMITS.—The Secretary concerned may require a permit for the cutting and removal of a tree designated under paragraph (1)(A).

(ii) NO SIGNIFICANT DAMAGE TO RESOURCES.—A Federal employee or party designated by a firewood bank shall not be permitted to significantly damage any resource while cutting or removing a tree designated under paragraph (1)(A).

(5) CLOSED ENTRY.—The Secretary concerned may close to entry an area with trees designated under paragraph (1)(A), or make that entry subject to such conditions as the Secretary concerned determines are necessary—

(A) for periods of not longer than 60 consecutive calendar days; and

(B) for not longer than 150 calendar days during any 1 calendar year.

(f) REPORT.—

(1) IN GENERAL.—Not later than 5 years after the date of enactment of this Act, and every 5 years thereafter, the Secretaries shall prepare a report describing the implementation of this section.

(2) CONSULTATION.—The Secretaries may prepare the report described in paragraph (1) in consultation with cooperating parties.

(3) CONTENTS.—The Secretaries shall include in the report described in paragraph (1)—

(A) an assessment of whether, and to what extent, the program under this section—

(i) is providing assistance to low-income and disabled individuals;

(ii) is using cooperating parties to establish, operate, and maintain firewood banks; and

(iii) is supplying firewood from trees designated under subsection (e)(1)(A);

(B) lists describing—

(i) the acquisitions made under subsection (c) and the locations at which the acquisitions were made;

(ii) the locations of firewood banks established under subsection (d)(1);

(iii) the cooperating parties that are assisting in operating firewood banks established under subsection (d)(1); and

(iv) the units of Federal land on which the Secretary concerned has designated trees under subsection (e)(1); and

(C) recommendations to Congress on ways to improve the administration, efficacy, and effectiveness of the program under this section.

(4) SUBMISSION.—On completion of each report described in paragraph (1), the Secretaries shall submit the report to—

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

(B) the Committee on Appropriations of the Senate;

(C) the Committee on Natural Resources of the House of Representatives; and

(D) the Committee on Appropriations of the House of Representatives.

SA 1510. Mr. MCCONNELL (for Mr. CORNYN) proposed an amendment to the bill S. 893, to require the President to develop a strategy to ensure the security of next generation mobile telecommunications systems and infrastructure in the United States and to assist allies and strategic partners in maximizing the security of next generation mobile telecommunications systems, infrastructure, and software, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Secure 5G and Beyond Act of 2020''.

SEC. 2. APPROPRIATE COMMITTEES OF CONGRESS DEFINED.

In this Act, the term ''appropriate committees of Congress'' means—

(1) the Select Committee on Intelligence, the Committee on Commerce, Science, and Transportation, the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(2) the Permanent Select Committee on Intelligence, the Committee on Energy and Commerce, the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Homeland Security of the House of Representatives.

SEC. 3. STRATEGY TO ENSURE SECURITY OF NEXT GENERATION WIRELESS COMMUNICATIONS SYSTEMS AND INFRASTRUCTURE.

(a) STRATEGY REQUIRED.—Not later than 180 days after the date of enactment of this Act, the President, in consultation with the Chairman of the Federal Communications Commission, the Secretary of Commerce, the Assistant Secretary of Commerce for Communications and Information, the Secretary of Homeland Security, the Director of National Intelligence, the Attorney General, the Secretary of State, the Secretary of Energy, and the Secretary of Defense, and consistent with the protection of national security information, shall develop and submit to the appropriate committees of Congress a strategy—

(1) to ensure the security of 5th and future generations wireless communications systems and infrastructure within the United States;

(2) to provide technical assistance to mutual defense treaty allies of the United States, strategic partners of the United States, and other countries, when in the security and strategic interests of the United States, to maximize the security of 5th and future generations wireless communications systems and infrastructure inside their countries; and

(3) to protect the competitiveness of United States companies, privacy of United States consumers, and integrity and impartiality of standards-setting bodies and processes related to 5th and future generations wireless communications systems and infrastructure.

(b) DESIGNATION.—The strategy developed under subsection (a) shall be known as the ''National Strategy to Secure 5G and Next Generation Wireless Communications'' (referred to in this Act as the ''Strategy'').

(c) ELEMENTS.—The Strategy shall represent a whole-of-government approach and shall include the following:

(1) A description of efforts to facilitate domestic 5th and future generations wireless communications rollout.

(2) A description of efforts to assess the risks to and identify core security principles of 5th and future generations wireless communications infrastructure.

(3) A description of efforts to address risks to the national security of the United States during development and deployment of 5th and future generations wireless communications infrastructure worldwide.

(4) A description of efforts to promote responsible global development and deployment of 5th and future generations wireless communications, including through robust international engagement, leadership in the development of international standards, and incentivizing market competitiveness of secure 5th and future generation wireless communications infrastructure options.

(d) PUBLIC CONSULTATION.—In developing the Strategy, the President shall consult with relevant groups that represent consumers or the public interest, private sector communications providers, and communications infrastructure and systems equipment developers.

SEC. 4. STRATEGY IMPLEMENTATION PLAN.

Not later than 180 days after the date of enactment of this Act, the President shall develop and submit to the appropriate committees of Congress an implementation plan for the Strategy (referred to in this Act as the ''Implementation Plan''), which shall include, at a minimum, the following:

(1) A description of United States national and economic security interests pertaining to the deployment of 5th and future generations wireless communications systems and infrastructure.

(2) An identification and assessment of potential security threats and vulnerabilities to the infrastructure, equipment, systems, software, and virtualized networks that support 5th and future generations wireless communications systems, infrastructure, and enabling technologies, which shall, as practicable, include a comprehensive evaluation of the full range of threats to, and unique security challenges posed by, 5th and future generations wireless communications systems and infrastructure, as well as steps that public and private sector entities can take to mitigate those threats.

(3) An identification and assessment of the global competitiveness and vulnerabilities of United States manufacturers and suppliers of 5th and future generations wireless communications equipment.

(4) An evaluation of available domestic suppliers of 5th and future generations wireless communications equipment and other suppliers in countries that are mutual defense allies or strategic partners of the United States and a strategy to assess their ability to produce and supply 5th generation and future generations wireless communications systems and infrastructure.

(5) Identification of where security gaps exist in the United States domestic or mutual defense treaty allies and strategic partners communications equipment supply chain for 5th and future generations wireless communications systems and infrastructure.

(6) Identification of incentives and policy options to help close or narrow any security gaps identified under paragraph (5) in, and ensure the economic viability of, the United

States domestic industrial base, including research and development in critical technologies and workforce development in 5th and future generations wireless communications systems and infrastructure.

(7) Identification of incentives and policy options for leveraging the communications equipment suppliers from mutual defense treaty allies, strategic partners, and other countries to ensure that private industry in the United States has adequate sources for secure, effective, and reliable 5th and future generations wireless communications systems and infrastructure equipment.

(8) A plan for diplomatic engagement with mutual defense treaty allies, strategic partners, and other countries to share security risk information and findings pertaining to 5th and future generations wireless communications systems and infrastructure equipment and cooperation on mitigating those risks.

(9) A plan for engagement with private sector communications infrastructure and systems equipment developers and critical infrastructure owners and operators who have a critical dependency on communications infrastructure to share information and findings on 5th and future generations wireless communications systems and infrastructure equipment standards to secure platforms.

(10) A plan for engagement with private sector communications infrastructure and systems equipment developers to encourage the maximum participation possible on standards-setting bodies related to such systems and infrastructure equipment standards by public and private sector entities from the United States.

(11) A plan for diplomatic engagement with mutual defense treaty allies, strategic partners, and other countries to share information and findings on 5th and future generations wireless communications systems and infrastructure equipment standards to promote maximum interoperability, competitiveness, openness, and secure platforms.

(12) A plan for diplomatic engagement with mutual defense treaty allies, strategic partners, and other countries to share information and findings on 5th and future generations wireless communications infrastructure and systems equipment concerning the standards-setting bodies related to such systems and infrastructure equipment to promote maximum transparency, openness, impartiality, integrity, and neutrality.

(13) A plan for joint testing environments with mutual defense treaty allies, strategic partners, and other countries to ensure a trusted marketplace for 5th and future generations wireless communications systems and infrastructure equipment.

(14) A plan for research and development by the Federal Government, in close partnership with trusted supplier entities, mutual defense treaty allies, strategic partners, and other countries to reach and maintain United States leadership in 5th and future generations wireless communications systems and infrastructure security, including the development of an ongoing capability to identify security vulnerabilities in 5th and future generations wireless communications systems.

(15) Options for identifying and helping to mitigate the security risks of 5th and future generations wireless communications systems and infrastructure that have security flaws or vulnerabilities, or are utilizing equipment sourced from countries of concern, and that have already been put in place within the systems and infrastructure of mutual defense treaty allies, strategic partners, and other countries, when in the security interests of the United States.

(16) A description of the roles and responsibilities of the appropriate executive branch agencies and interagency mechanisms to coordinate implementation of the Strategy, as provided in section 5(d).

(17) An identification of the key diplomatic, development, intelligence, military, and economic resources necessary to implement the Strategy, including specific budgetary requests.

(18) As necessary, a description of such legislative or administrative action needed to carry out the Strategy.

SEC. 5. LIMITATIONS AND BRIEFINGS.

(a) LIMITATIONS.—

(1) IN GENERAL.—The Strategy and the Implementation Plan shall not include a recommendation or a proposal to nationalize 5th or future generations wireless communications systems or infrastructure.

(2) FEDERAL AGENCY AUTHORITY.—Nothing in this Act shall be construed to limit any authority or ability of any Federal agency.

(b) PUBLIC COMMENT.—Not later than 60 days after the date of enactment of this Act, the President shall seek public comment regarding the development and implementation of the Implementation Plan.

(c) BRIEFING.—

(1) IN GENERAL.—Not later than 21 days after the date on which the Implementation Plan is completed, the President shall direct appropriate representatives from the departments and agencies involved in the formulation of the Strategy to provide the appropriate committees of Congress a briefing on the implementation of the Strategy.

(2) UNCLASSIFIED SETTING.—The briefing under paragraph (1) shall be held in an unclassified setting to the maximum extent possible.

(d) IMPLEMENTATION.—

(1) IN GENERAL.—The President and the National Telecommunications and Information Administration, in conjunction, shall—

(A) implement the Strategy;

(B) keep congressional committees apprised of progress on implementation; and

(C) not implement any proposal or recommendation involving non-Federal spectrum administered by the Federal Communications Commission unless the implementation of such proposal or recommendation is first approved by the Commission.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to affect the authority or jurisdiction of the Federal Communications Commission or confer upon the President or any other executive branch agency the power to direct the actions of the Commission, whether directly or indirectly.

(e) FORM.—The Strategy and Implementation Plan shall be submitted to the appropriate committees of Congress in unclassified form, but may include a classified annex.

SA 1511. Mr. ROMNEY (for himself, Ms. WARREN, and Ms. SINEMA) submitted an amendment intended to be proposed to amendment SA 1407 proposed by Ms. MURKOWSKI to the bill S. 2657, to support innovation in advanced geothermal research and development, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE IV—NAVAJO UTAH WATER RIGHTS SETTLEMENT

SEC. 4001. SHORT TITLE.

This title may be cited as the ''Navajo Utah Water Rights Settlement Act of 2020''.

SEC. 4002. PURPOSES.

The purposes of this title are—

(1) to achieve a fair, equitable, and final settlement of all claims to water rights in the State of Utah for—

(A) the Navajo Nation; and

(B) the United States, for the benefit of the Nation;

(2) to authorize, ratify, and confirm the Agreement entered into by the Nation and the State, to the extent that the Agreement is consistent with this title;

(3) to authorize and direct the Secretary—

(A) to execute the Agreement; and

(B) to take any actions necessary to carry out the agreement in accordance with this title; and

(4) to authorize funds necessary for the implementation of the Agreement and this title.

SEC. 4003. DEFINITIONS.

In this title:

(1) AGREEMENT.—The term ''agreement'' means—

(A) the document entitled ''Navajo Utah Water Rights Settlement Agreement'' dated December 14, 2015, and the exhibits attached thereto; and

(B) any amendment or exhibit to the document or exhibits referenced in subparagraph (A) to make the document or exhibits consistent with this title.

(2) ALLOTMENT.—The term ''allotment'' means a parcel of land—

(A) granted out of the public domain that is—

(i) located within the exterior boundaries of the Reservation; or

(ii) Bureau of Indian Affairs parcel number 792 634511 in San Juan County, Utah, consisting of 160 acres located in Township 41S, Range 20E, sections 11, 12, and 14, originally set aside by the United States for the benefit of an individual identified in the allotting document as a Navajo Indian; and

(B) held in trust by the United States—

(i) for the benefit of an individual, individuals, or an Indian Tribe other than the Navajo Nation; or

(ii) in part for the benefit of the Navajo Nation as of the enforceability date.

(3) ALLOTTEE.—The term ''allottee'' means an individual or Indian Tribe with a beneficial interest in an allotment held in trust by the United States.

(4) ENFORCEABILITY DATE.—The term ''enforceability date'' means the date on which the Secretary publishes in the Federal Register the statement of findings described in section 4008(a).

(5) GENERAL STREAM ADJUDICATION.—The term ''general stream adjudication'' means the adjudication pending, as of the date of enactment, in the Seventh Judicial District in and for Grand County, State of Utah, commonly known as the ''Southeastern Colorado River General Adjudication'', Civil No. 810704477, conducted pursuant to State law.

(6) INJURY TO WATER RIGHTS.—The term ''injury to water rights'' means an interference with, diminution of, or deprivation of water rights under Federal or State law, excluding injuries to water quality.

(7) MEMBER.—The term ''member'' means any person who is a duly enrolled member of the Navajo Nation.

(8) NAVAJO NATION OR NATION.—The term ''Navajo Nation'' or ''Nation'' means a body politic and federally recognized Indian nation, as published on the list established under section 104(a) of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131(a)), also known variously as the ''Navajo Nation'', the ''Navajo Nation of Arizona, New Mexico, & Utah'', and the ''Navajo Nation of Indians'' and other similar names, and includes all bands of Navajo Indians and chapters of the Navajo Nation and all divisions, agencies, officers, and agents thereof.

(9) NAVAJO WATER DEVELOPMENT PROJECTS.—The term ''Navajo water development projects'' means projects for domestic

municipal water supply, including distribution infrastructure, and agricultural water conservation, to be constructed, in whole or in part, using monies from the Navajo Water Development Projects Account.

(10) NAVAJO WATER RIGHTS.—The term ''Navajo water rights'' means the Nation's water rights in Utah described in the agreement and this title.

(11) OM&R.—The term ''OM&R'' means operation, maintenance, and replacement.

(12) PARTIES.—The term ''parties'' means the Navajo Nation, the State, and the United States.

(13) RESERVATION.—The term ''Reservation'' means, for purposes of the agreement and this title, the Reservation of the Navajo Nation in Utah as in existence on the date of enactment of this Act and depicted on the map attached to the agreement as Exhibit A, including any parcel of land granted out of the public domain and held in trust by the United States entirely for the benefit of the Navajo Nation as of the enforceability date.

(14) SECRETARY.—The term ''Secretary'' means the Secretary of the United States Department of the Interior or a duly authorized representative thereof.

(15) STATE.—The term ''State'' means the State of Utah and all officers, agents, departments, and political subdivisions thereof.

(16) UNITED STATES.—The term ''United States'' means the United States of America and all departments, agencies, bureaus, officers, and agents thereof.

(17) UNITED STATES ACTING IN ITS TRUST CAPACITY.—The term ''United States acting in its trust capacity'' means the United States acting for the benefit of the Navajo Nation or for the benefit of allottees.

SEC. 4004. RATIFICATION OF AGREEMENT.

(a) APPROVAL BY CONGRESS.—Except to the extent that any provision of the agreement conflicts with this title, Congress approves, ratifies, and confirms the agreement (including any amendments to the agreement that are executed to make the agreement consistent with this title).

(b) EXECUTION BY SECRETARY.—The Secretary is authorized and directed to promptly execute the agreement to the extent that the agreement does not conflict with this title, including—

(1) any exhibits to the agreement requiring the signature of the Secretary; and

(2) any amendments to the agreement necessary to make the agreement consistent with this title.

(c) ENVIRONMENTAL COMPLIANCE.—

(1) IN GENERAL.—In implementing the agreement and this title, the Secretary shall comply with all applicable provisions of—

(A) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

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

(C) all other applicable environmental laws and regulations.

(2) EXECUTION OF THE AGREEMENT.—Execution of the agreement by the Secretary as provided for in this title shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 4005. NAVAJO WATER RIGHTS.

(a) CONFIRMATION OF NAVAJO WATER RIGHTS.—

(1) QUANTIFICATION.—The Navajo Nation shall have the right to use water from water sources located within Utah and adjacent to or encompassed within the boundaries of the Reservation resulting in depletions not to exceed 81,500 acre-feet annually as described in the agreement and as confirmed in the decree entered by the general stream adjudication court.

(2) SATISFACTION OF ALLOTTEE RIGHTS.—Depletions resulting from the use of water on an allotment shall be accounted for as a depletion by the Navajo Nation for purposes of depletion accounting under the agreement, including recognition of—

(A) any water use existing on an allotment as of the date of enactment of this Act and as subsequently reflected in the hydrographic survey report referenced in section 4007(b);

(B) reasonable domestic and stock water uses put into use on an allotment; and

(C) any allotment water rights that may be decreed in the general stream adjudication or other appropriate forum.

(3) SATISFACTION OF ON-RESERVATION STATE LAW-BASED WATER RIGHTS.—Depletions resulting from the use of water on the Reservation pursuant to State law-based water rights existing as of the date of enactment of this Act shall be accounted for as depletions by the Navajo Nation for purposes of depletion accounting under the agreement.

(4) IN GENERAL.—The Navajo water rights are ratified, confirmed, and declared to be valid.

(5) USE.—Any use of the Navajo water rights shall be subject to the terms and conditions of the agreement and this title.

(6) CONFLICT.—In the event of a conflict between the agreement and this title, the provisions of this title shall control.

(b) TRUST STATUS OF NAVAJO WATER RIGHTS.—The Navajo water rights—

(1) shall be held in trust by the United States for the use and benefit of the Nation in accordance with the agreement and this title; and

(2) shall not be subject to forfeiture or abandonment.

(c) AUTHORITY OF THE NATION.—

(1) IN GENERAL.—The Nation shall have the authority to allocate, distribute, and lease the Navajo water rights for any use on the Reservation in accordance with the agreement, this title, and applicable Tribal and Federal law.

(2) OFF-RESERVATION USE.—The Nation may allocate, distribute, and lease the Navajo water rights for off-Reservation use in accordance with the agreement, subject to the approval of the Secretary.

(3) ALLOTTEE WATER RIGHTS.—The Nation shall not object in the general stream adjudication or other applicable forum to the quantification of reasonable domestic and stock water uses on an allotment, and shall administer any water use on the Reservation in accordance with applicable Federal law, including recognition of—

(A) any water use existing on an allotment as of the date of enactment of this Act and as subsequently reflected in the hydrographic survey report referenced in section 4007(b);

(B) reasonable domestic and stock water uses on an allotment; and

(C) any allotment water rights decreed in the general stream adjudication or other appropriate forum.

(d) EFFECT.—Except as otherwise expressly provided in this section, nothing in this title—

(1) authorizes any action by the Nation against the United States under Federal, State, Tribal, or local law; or

(2) alters or affects the status of any action brought pursuant to section 1491(a) of title 28, United States Code.

SEC. 4006. NAVAJO TRUST ACCOUNTS.

(a) ESTABLISHMENT.—The Secretary shall establish a trust fund, to be known as the ''Navajo Utah Settlement Trust Fund'' (referred to in this title as the ''Trust Fund''), to be managed, invested, and distributed by the Secretary and to remain available until expended, consisting of the amounts deposited in the Trust Fund under subsection (c), together with any interest earned on those amounts, for the purpose of carrying out this title.

(b) ACCOUNTS.—The Secretary shall establish in the Trust Fund the following Accounts:

(1) The Navajo Water Development Projects Account.

(2) The Navajo OM&R Account.

(c) DEPOSITS.—The Secretary shall deposit in the Trust Fund Accounts—

(1) in the Navajo Water Development Projects Account, the amounts made available pursuant to section 4007(a)(1); and

(2) in the Navajo OM&R Account, the amount made available pursuant to section 4007(a)(2).

(d) MANAGEMENT AND INTEREST.—

(1) MANAGEMENT.—Upon receipt and deposit of the funds into the Trust Fund Accounts, the Secretary shall manage, invest, and distribute all amounts in the Trust Fund in a manner that is consistent with the investment authority of the Secretary under—

(A) the first section of the Act of June 24, 1938 (25 U.S.C. 162a);

(B) the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.); and

(C) this section.

(2) INVESTMENT EARNINGS.—In addition to the deposits under subsection (c), any investment earnings, including interest, credited to amounts held in the Trust Fund are authorized to be appropriated to be used in accordance with the uses described in subsection (h).

(e) AVAILABILITY OF AMOUNTS.—Amounts appropriated to, and deposited in, the Trust Fund, including any investment earnings, shall be made available to the Nation by the Secretary beginning on the enforceability date and subject to the uses and restrictions set forth in this section.

(f) WITHDRAWALS.—

(1) WITHDRAWALS UNDER THE AMERICAN INDIAN TRUST FUND MANAGEMENT REFORM ACT OF 1994.—The Nation may withdraw any portion of the funds in the Trust Fund on approval by the Secretary of a tribal management plan submitted by the Nation in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(A) REQUIREMENTS.—In addition to the requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the Tribal management plan under this paragraph shall require that the Nation shall spend all amounts withdrawn from the Trust Fund and any investment earnings accrued through the investments under the Tribal management plan in accordance with this title.

(B) ENFORCEMENT.—The Secretary may carry out such judicial and administrative actions as the Secretary determines to be necessary to enforce the Tribal management plan to ensure that amounts withdrawn by the Nation from the Trust Fund under this paragraph are used in accordance with this title.

(2) WITHDRAWALS UNDER EXPENDITURE PLAN.—The Nation may submit to the Secretary a request to withdraw funds from the Trust Fund pursuant to an approved expenditure plan.

(A) REQUIREMENTS.—To be eligible to withdraw funds under an expenditure plan under this paragraph, the Nation shall submit to the Secretary for approval an expenditure plan for any portion of the Trust Fund that the Nation elects to withdraw pursuant to this paragraph, subject to the condition that the funds shall be used for the purposes described in this title.

(B) INCLUSIONS.—An expenditure plan under this paragraph shall include a description of the manner and purpose for which the amounts proposed to be withdrawn from the Trust Fund will be used by the Nation, in accordance with subsections (c) and (h).

(C) APPROVAL.—On receipt of an expenditure plan under this paragraph, the Secretary shall approve the plan, if the Secretary determines that the plan—

(i) is reasonable;

(ii) is consistent with, and will be used for, the purposes of this title; and

(iii) contains a schedule which described that tasks will be completed within 18 months of receipt of withdrawn amounts.

(D) ENFORCEMENT.—The Secretary may carry out such judicial and administrative actions as the Secretary determines to be necessary to enforce an expenditure plan to ensure that amounts disbursed under this paragraph are used in accordance with this title.

(g) EFFECT OF TITLE.—Nothing in this title gives the Nation the right to judicial review of a determination of the Secretary regarding whether to approve a Tribal management plan or an expenditure plan except under subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the ''Administrative Procedure Act'').

(h) USES.—Amounts from the Trust Fund shall be used by the Nation for the following purposes:

(1) The Navajo Water Development Projects Account shall be used to plan, design, and construct the Navajo water development projects and for the conduct of related activities, including to comply with Federal environmental laws.

(2) The Navajo OM&R Account shall be used for the operation, maintenance, and replacement of the Navajo water development projects.

(i) LIABILITY.—The Secretary and the Secretary of the Treasury shall not be liable for the expenditure or investment of any amounts withdrawn from the Trust Fund by the Nation under subsection (f).

(j) NO PER CAPITA DISTRIBUTIONS.—No portion of the Trust Fund shall be distributed on a per capita basis to any member of the Nation.

(k) EXPENDITURE REPORTS.—The Navajo Nation shall submit to the Secretary annually an expenditure report describing accomplishments and amounts spent from use of withdrawals under a Tribal management plan or an expenditure plan as described in this title.

SEC. 4007. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—There are authorized to be appropriated to the Secretary—

(1) for deposit in the Navajo Water Development Projects Account of the Trust Fund established under section 4006(b)(1), $198,300,000, which funds shall be retained until expended, withdrawn, or reverted to the general fund of the Treasury; and

(2) for deposit in the Navajo OM&R Account of the Trust Fund established under section 4006(b)(2), $11,100,000, which funds shall be retained until expended, withdrawn, or reverted to the general fund of the Treasury.

(b) IMPLEMENTATION COSTS.—There is authorized to be appropriated non-trust funds in the amount of $1,000,000 to assist the United States with costs associated with the implementation of the title, including the preparation of a hydrographic survey of historic and existing water uses on the Reservation and on allotments.

(c) STATE COST SHARE.—The State shall contribute $8,000,000 payable to the Secretary for deposit into the Navajo Water Development Projects Account of the Trust Fund established under section 4006(b)(1) in installments in each of the 3 years following the execution of the agreement by the Secretary as provided for in subsection (b) of section 4004.

(d) FLUCTUATION IN COSTS.—The amount authorized to be appropriated under subsection (a) shall be increased or decreased, as appropriate, by such amounts as may be justified by reason of ordinary fluctuations in costs occurring after the date of enactment of this Act as indicated by the Bureau of Reclamation Construction Cost Index—Composite Trend.

(1) REPETITION.—The adjustment process under this subsection shall be repeated for each subsequent amount appropriated until the amount authorized, as adjusted, has been appropriated.

(2) PERIOD OF INDEXING.—The period of indexing adjustment for any increment of funding shall end on the date on which funds are deposited into the Trust Fund.

SEC. 4008. CONDITIONS PRECEDENT.

(a) IN GENERAL.—The waivers and release contained in section 4009 shall become effective as of the date the Secretary causes to be published in the Federal Register a statement of findings that—

(1) to the extent that the agreement conflicts with the Act, the agreement has been revised to conform with this title;

(2) the agreement, so revised, including waivers and releases of claims set forth in section 4009, has been executed by the parties, including the United States;

(3) Congress has fully appropriated, or the Secretary has provided from other authorized sources, all funds authorized under subsection (a) of section 4007;

(4) the State has enacted any necessary legislation and provided the funding required under the agreement and subsection (c) of section 4007; and

(5) the court has entered a final or interlocutory decree that—

(A) confirms the Navajo water rights consistent with the agreement and this title; and

(B) with respect to the Navajo water rights, is final and nonappealable.

(b) EXPIRATION DATE.—If all the conditions precedent described in subsection (a) have not been fulfilled to allow the Secretary's statement of findings to be published in the Federal Register by October 31, 2030—

(1) the agreement and this title, including waivers and releases of claims described in those documents, shall no longer be effective;

(2) any funds that have been appropriated pursuant to section 4007 but not expended, including any investment earnings on funds that have been appropriated pursuant to such section, shall immediately revert to the general fund of the Treasury; and

(3) any funds contributed by the State pursuant to subsection (c) of section 4007 but not expended shall be returned immediately to the State.

(c) EXTENSION.—The expiration date set forth in subsection (b) may be extended if the Navajo Nation, the State, and the United States (acting through the Secretary) agree that an extension is reasonably necessary.

SEC. 4009. WAIVERS AND RELEASES.

(a) IN GENERAL.—

(1) WAIVER AND RELEASE OF CLAIMS BY THE NATION AND THE UNITED STATES ACTING IN ITS CAPACITY AS TRUSTEE FOR THE NATION.—Subject to the retention of rights set forth in subsection (c), in return for confirmation of the Navajo water rights and other benefits set forth in the agreement and this title, the Nation, on behalf of itself and the members of the Nation (other than members in their capacity as allottees), and the United States, acting as trustee for the Nation and members of the Nation (other than members in their capacity as allottees), are authorized and directed to execute a waiver and release of—

(A) all claims for water rights within Utah based on any and all legal theories that the Navajo Nation or the United States acting in its trust capacity for the Nation, asserted, or could have asserted, at any time in any proceeding, including to the general stream adjudication, up to and including the enforceability date, except to the extent that such rights are recognized in the agreement and this title; and

(B) all claims for damages, losses, or injuries to water rights or claims of interference with, diversion, or taking of water rights (including claims for injury to lands resulting from such damages, losses, injuries, interference with, diversion, or taking of water rights) within Utah against the State, or any person, entity, corporation, or municipality, that accrued at any time up to and including the enforceability date.

(b) CLAIMS BY THE NAVAJO NATION AGAINST THE UNITED STATES.—The Navajo Nation, on behalf of itself (including in its capacity as allottee) and its members (other than members in their capacity as allottees), shall execute a waiver and release of—

(1) all claims the Navajo Nation may have against the United States relating in any manner to claims for water rights in, or water of, Utah that the United States acting in its trust capacity for the Nation asserted, or could have asserted, in any proceeding, including the general stream adjudication;

(2) all claims the Navajo Nation may have against the United States relating in any manner to damages, losses, or injuries to water, water rights, land, or other resources due to loss of water or water rights (including damages, losses, or injuries to hunting, fishing, gathering, or cultural rights due to loss of water or water rights; claims relating to interference with, diversion, or taking of water; or claims relating to failure to protect, acquire, replace, or develop water or water rights) within Utah that first accrued at any time up to and including the enforceability date;

(3) all claims the Nation may have against the United States relating in any manner to the litigation of claims relating to the Nation's water rights in proceedings in Utah; and

(4) all claims the Nation may have against the United States relating in any manner to the negotiation, execution, or adoption of the agreement or this title.

(c) RESERVATION OF RIGHTS AND RETENTION OF CLAIMS BY THE NAVAJO NATION AND THE UNITED STATES.—Notwithstanding the waivers and releases authorized in this title, the Navajo Nation, and the United States acting in its trust capacity for the Nation, retain—

(1) all claims for injuries to and the enforcement of the agreement and the final or interlocutory decree entered in the general stream adjudication, through such legal and equitable remedies as may be available in the decree court or the Federal District Court for the District of Utah;

(2) all rights to use and protect water rights acquired after the enforceability date;

(3) all claims relating to activities affecting the quality of water, including any claims under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq. (including claims for damages to natural resources)), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), and the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the regulations implementing those Acts, and the common law;

(4) all claims for water rights, and claims for injury to water rights, in states other than the State of Utah;

(5) all claims, including environmental claims, under any laws (including regulations and common law) relating to human health, safety, or the environment; and

(6) all rights, remedies, privileges, immunities, and powers not specifically waived and released pursuant to the agreement and this title.

(d) EFFECT.—Nothing in the agreement or this title—

(1) affects the ability of the United States acting in its sovereign capacity to take actions authorized by law, including any laws relating to health, safety, or the environment, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), and the regulations implementing those laws;

(2) affects the ability of the United States to take actions in its capacity as trustee for any other Indian Tribe or allottee;

(3) confers jurisdiction on any State court to—

(A) interpret Federal law regarding health, safety, or the environment or determine the duties of the United States or other parties pursuant to such Federal law; and

(B) conduct judicial review of Federal agency action; or

(4) modifies, conflicts with, preempts, or otherwise affects—

(A) the Boulder Canyon Project Act (43 U.S.C. 617 et seq.);

(B) the Boulder Canyon Project Adjustment Act (43 U.S.C. 618 et seq.);

(C) the Act of April 11, 1956 (commonly known as the ''Colorado River Storage Project Act'') (43 U.S.C. 620 et seq.);

(D) the Colorado River Basin Project Act (43 U.S.C. 1501 et seq.);

(E) the Treaty between the United States of America and Mexico respecting utilization of waters of the Colorado and Tijuana Rivers and of the Rio Grande, signed at Washington February 3, 1944 (59 Stat. 1219);

(F) the Colorado River Compact of 1922, as approved by the Presidential Proclamation of June 25, 1929 (46 Stat. 3000); and

(G) the Upper Colorado River Basin Compact as consented to by the Act of April 6, 1949 (63 Stat. 31, chapter 48).

(e) TOLLING OF CLAIMS.—

(1) IN GENERAL.—Each applicable period of limitation and time-based equitable defense relating to a claim waived by the Navajo Nation described in this section shall be tolled for the period beginning on the date of enactment of this Act and ending on the enforceability date.

(2) EFFECT OF SUBSECTION.—Nothing in this subsection revives any claim or tolls any period of limitation or time-based equitable defense that expired before the date of enactment of this Act.

(3) LIMITATION.—Nothing in this section precludes the tolling of any period of limitations or any time-based equitable defense under any other applicable law.

SEC. 4010. MISCELLANEOUS PROVISIONS.

(a) PRECEDENT.—Nothing in this title establishes any standard for the quantification or litigation of Federal reserved water rights or any other Indian water claims of any other Indian Tribe in any other judicial or administrative proceeding.

(b) OTHER INDIAN TRIBES.—Nothing in the agreement or this title shall be construed in any way to quantify or otherwise adversely affect the water rights, claims, or entitlements to water of any Indian Tribe, band, or community, other than the Navajo Nation.

SEC. 4011. RELATION TO ALLOTTEES.

(a) NO EFFECT ON CLAIMS OF ALLOTTEES.—Nothing in this title or the agreement shall affect the rights or claims of allottees, or the United States, acting in its capacity as trustee for or on behalf of allottees, for water rights or damages related to lands allotted by the United States to allottees, except as provided in section 4005(a)(2).

(b) RELATIONSHIP OF DECREE TO ALLOTTEES.—Allottees, or the United States, acting in its capacity as trustee for allottees, are not bound by any decree entered in the general stream adjudication confirming the Navajo water rights and shall not be precluded from making claims to water rights in the general stream adjudication. Allottees, or the United States, acting in its capacity as trustee for allottees, may make claims and such claims may be adjudicated as individual water rights in the general stream adjudication.

SEC. 4012. ANTIDEFICIENCY.

The United States shall not be liable for any failure to carry out any obligation or activity authorized by this title (including any obligation or activity under the agreement) if adequate appropriations are not provided expressly by Congress to carry out the purposes of this title.

SA 1512. Mr. HOEVEN submitted an amendment intended to be proposed to amendment SA 1407 proposed by Ms. MURKOWSKI to the bill S. 2657, to support innovation in advanced geothermal research and development, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

Subtitle D—Miscellaneous

SEC. 24____. DEPARTMENT OF THE INTERIOR PILOT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of the Interior, acting through the Director of the Bureau of Land Management (referred to in this section as the ''Director''), shall establish a pilot program in 1 State with at least 2,000 oil and gas drilling spacing units (as defined under State law), in which—

(1) 25 percent or less of the minerals are owned or held in trust by the Federal Government; and

(2) there is no surface land owned or held in trust by the Federal Government.

(b) ACTIVITIES.—In carrying out the pilot program, the Director shall identify and implement ways to streamline the review and approval of Applications for Permits to Drill for oil and gas drilling spacing units of the State in order to achieve a processing time for those oil and gas drilling spacing units similar to that of spacing units that require an Application for Permit to Drill and are not part of the pilot program in the same State.

(c) FUNDING.—Beginning in fiscal year 2021, and for a period of 3 years thereafter, to carry out the pilot program efficiently, the Director may fund up to 10 full-time equivalents at appropriate field offices.

(d) REPORT.—Not later than 4 years after the date of enactment of this Act, the Director shall submit to Congress a report on the results of the pilot program.

(e) WAIVER.—The Secretary of the Interior may waive the requirement for an Application for Permit to Drill if the Director determines that the mineral interest of the United States in the spacing units in land covered by this section is adequately protected, if otherwise in accordance with applicable laws, regulations, and lease terms.

SA 1513. Mr. HOEVEN submitted an amendment intended to be proposed to amendment SA 1407 proposed by Ms. MURKOWSKI to the bill S. 2657, to support innovation in advanced geothermal research and development, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle B of title I, insert the following:

SEC. 12____. BIOMASS DEMONSTRATION PROJECT MODIFICATIONS.

(a) TRIBAL BIOMASS DEMONSTRATION PROJECT.—Section 3 of the Tribal Forest Protection Act of 2004 (25 U.S.C. 3115b note; Public Law 108–278) is amended—

(1) in subsection (a), by striking ''fiscal years 2017 through 2021'' and inserting ''fiscal years 2019 through 2023''; and

(2) in subsection (f), in the matter preceding paragraph (1), by striking ''2019'' and inserting ''2021''.

(b) ALASKA NATIVE BIOMASS DEMONSTRATION PROJECT.—Section 202(c) of the Indian Tribal Energy Development and Self-Determination Act Amendments of 2017 (25 U.S.C. 3115b note; Public Law 115–325) is amended—

(1) in paragraph (2), by striking ''fiscal years 2017 through 2021'' and inserting ''fiscal years 2019 through 2023''; and

(2) in paragraph (7), in the matter preceding subparagraph (A), by striking ''2019'' and inserting ''2021''.

AUTHORITY FOR COMMITTEES TO MEET

Mr. COTTON. Mr. President, I have 14 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON ARMED SERVICES

The Committee on Armed Services is authorized to meet during the session of the Senate on Wednesday, March 4, 2020, at 10 a.m., to conduct a hearing.

COMMITTEE ON ARMED SERVICES

The Committee on Armed Services is authorized to meet during the session of the Senate on Wednesday, March 4, 2020, at 2:30 p.m., to conduct a hearing.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Wednesday, March 4, 2020, at 10 a.m., to conduct a hearing.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

The Committee on Environment and Public Works is authorized to meet during the session of the Senate on Wednesday, March 4, 2020, at 10 a.m., to conduct a hearing.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Wednesday, March 4, 2020, at 2:30 p.m., to conduct a hearing.

COMMITTEE ON INDIAN AFFAIRS

The Committee on Indian Affairs is authorized to meet during the session