

Union Calendar No. 265

114TH CONGRESS
1ST SESSION

H. R. 8

[Report No. 114–347, Part I]

To modernize energy infrastructure, build a 21st century energy and manufacturing workforce, bolster America’s energy security and diplomacy, and promote energy efficiency and government accountability, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 16, 2015

Mr. UPTON introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Science, Space, and Technology, Education and the Workforce, Oversight and Government Reform, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

NOVEMBER 19, 2015

Reported from the Committee on Energy and Commerce

[Strike out all after the enacting clause and insert the part printed in *italic*]

NOVEMBER 19, 2015

The Committees on Science, Space, and Technology, Education and the Workforce, Oversight and Government Reform, and Foreign Affairs discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on September 16, 2015]

A BILL

To modernize energy infrastructure, build a 21st century energy and manufacturing workforce, bolster America's energy security and diplomacy, and promote energy efficiency and government accountability, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) *SHORT TITLE.*—*This Act may be cited as the*
 5 *“North American Energy Security and Infrastructure Act*
 6 *of 2015”.*

7 (b) *TABLE OF CONTENTS.*—*The table of contents for*
 8 *this Act is as follows:*

Sec. 1. Short title; table of contents.

TITLE I—MODERNIZING AND PROTECTING INFRASTRUCTURE

Subtitle A—Energy Delivery, Reliability, and Security

- Sec. 1101. FERC process coordination.*
- Sec. 1102. Resolving environmental and grid reliability conflicts.*
- Sec. 1103. Emergency preparedness for energy supply disruptions.*
- Sec. 1104. Critical electric infrastructure security.*
- Sec. 1105. Strategic Transformer Reserve.*
- Sec. 1106. Cyber Sense.*
- Sec. 1107. State coverage and consideration of PURPA standards for electric utilities.*
- Sec. 1108. Reliability analysis for certain rules that affect electric generating facilities.*
- Sec. 1109. Carbon capture, utilization, and sequestration technologies.*
- Sec. 1110. Reliability and performance assurance in Regional Transmission Organizations.*

Subtitle B—Energy Security and Infrastructure Modernization

- Sec. 1201. Energy Security and Infrastructure Modernization Fund.*

Subtitle C—Hydropower Regulatory Modernization

- Sec. 1301. Hydroelectric production and efficiency incentives.*
- Sec. 1302. Protection of private property rights in hydropower licensing.*
- Sec. 1303. Extension of time for FERC project involving W. Kerr Scott Dam.*
- Sec. 1304. Hydropower licensing and process improvements.*
- Sec. 1305. Judicial review of delayed Federal authorizations.*
- Sec. 1306. Licensing study improvements.*
- Sec. 1307. Closed-loop pumped storage projects.*
- Sec. 1308. License amendment improvements.*
- Sec. 1309. Promoting hydropower development at existing nonpowered dams.*

TITLE II—21ST CENTURY WORKFORCE

- Sec. 2001. Energy and manufacturing workforce development.*

TITLE III—ENERGY SECURITY AND DIPLOMACY

- Sec. 3001. Sense of Congress.*
- Sec. 3002. Energy security valuation.*
- Sec. 3003. North American energy security plan.*
- Sec. 3004. Collective energy security.*
- Sec. 3005. Strategic Petroleum Reserve mission readiness plan.*
- Sec. 3006. Authorization to export natural gas.*

TITLE IV—ENERGY EFFICIENCY AND ACCOUNTABILITY

Subtitle A—Energy Efficiency

CHAPTER 1—FEDERAL AGENCY ENERGY EFFICIENCY

- Sec. 4111. Energy-efficient and energy-saving information technologies.*
- Sec. 4112. Energy efficient data centers.*
- Sec. 4113. Report on energy and water savings potential from thermal insulation.*
- Sec. 4114. Federal purchase requirement.*
- Sec. 4115. Energy performance requirement for Federal buildings.*
- Sec. 4116. Federal building energy efficiency performance standards; certification system and level for Federal buildings.*
- Sec. 4117. Operation of battery recharging stations in parking areas used by Federal employees.*

CHAPTER 2—ENERGY EFFICIENT TECHNOLOGY AND MANUFACTURING

- Sec. 4121. Inclusion of Smart Grid capability on Energy Guide labels.*
- Sec. 4122. Voluntary verification programs for air conditioning, furnace, boiler, heat pump, and water heater products.*
- Sec. 4123. Facilitating consensus furnace standards.*
- Sec. 4124. Future of Industry program.*
- Sec. 4125. No warranty for certain certified Energy Star products.*
- Sec. 4126. Clarification to effective date for regional standards.*
- Sec. 4127. Internet of Things report.*

CHAPTER 3—ENERGY PERFORMANCE CONTRACTING

- Sec. 4131. Use of energy and water efficiency measures in Federal buildings.*

CHAPTER 4—SCHOOL BUILDINGS

- Sec. 4141. Coordination of energy retrofitting assistance for schools.*

CHAPTER 5—BUILDING ENERGY CODES

- Sec. 4151. Greater energy efficiency in building codes.*
- Sec. 4152. Voluntary nature of building asset rating program.*

CHAPTER 6—EPCA TECHNICAL CORRECTIONS AND CLARIFICATIONS

- Sec. 4161. Modifying product definitions.*
- Sec. 4162. Clarifying rulemaking procedures.*

CHAPTER 7—ENERGY AND WATER EFFICIENCY

- Sec. 4171. Smart energy and water efficiency pilot program.*
- Sec. 4172. WaterSense.*

*Subtitle B—Accountability**CHAPTER 1—MARKET MANIPULATION, ENFORCEMENT, AND COMPLIANCE*

Sec. 4211. FERC Office of Compliance Assistance and Public Participation.

CHAPTER 2—MARKET REFORMS

Sec. 4221. GAO study on wholesale electricity markets.

Sec. 4222. Clarification of facility merger authorization.

CHAPTER 3—CODE MAINTENANCE

Sec. 4231. Repeal of off-highway motor vehicles study.

Sec. 4232. Repeal of methanol study.

Sec. 4233. Repeal of residential energy efficiency standards study.

Sec. 4234. Repeal of weatherization study.

Sec. 4235. Repeal of report to Congress.

Sec. 4236. Repeal of report by General Services Administration.

Sec. 4237. Repeal of intergovernmental energy management planning and coordination workshops.

Sec. 4238. Repeal of Inspector General audit survey and President's Council on Integrity and Efficiency report to Congress.

Sec. 4239. Repeal of procurement and identification of energy efficient products program.

Sec. 4240. Repeal of national action plan for demand response.

Sec. 4241. Repeal of national coal policy study.

Sec. 4242. Repeal of study on compliance problem of small electric utility systems.

Sec. 4243. Repeal of study of socioeconomic impacts of increased coal production and other energy development.

Sec. 4244. Repeal of study of the use of petroleum and natural gas in combustors.

Sec. 4245. Repeal of submission of reports.

Sec. 4246. Repeal of electric utility conservation plan.

Sec. 4247. Technical amendment to Powerplant and Industrial Fuel Use Act of 1978.

Sec. 4248. Emergency energy conservation repeals.

Sec. 4249. Repeal of State utility regulatory assistance.

Sec. 4250. Repeal of survey of energy saving potential.

Sec. 4251. Repeal of photovoltaic energy program.

Sec. 4252. Repeal of energy auditor training and certification.

CHAPTER 4—USE OF EXISTING FUNDS

Sec. 4261. Use of existing funds.

1 ***TITLE I—MODERNIZING AND***
 2 ***PROTECTING INFRASTRUCTURE***
 3 ***Subtitle A—Energy Delivery,***
 4 ***Reliability, and Security***

5 ***SEC. 1101. FERC PROCESS COORDINATION.***

6 *Section 15 of the Natural Gas Act (15 U.S.C. 717n)*
 7 *is amended—*

8 *(1) by amending subsection (b)(2) to read as fol-*
 9 *lows:*

10 “(2) *OTHER AGENCIES.—*

11 “(A) *IN GENERAL.—Each Federal and State*
 12 *agency considering an aspect of an application*
 13 *for Federal authorization shall cooperate with*
 14 *the Commission and comply with the deadlines*
 15 *established by the Commission.*

16 “(B) *IDENTIFICATION.—The Commission*
 17 *shall identify, as early as practicable after it is*
 18 *notified by a prospective applicant of a potential*
 19 *project requiring Commission authorization, any*
 20 *Federal or State agency, local government, or In-*
 21 *Indian tribe that may consider an aspect of an ap-*
 22 *plication for that Federal authorization.*

23 “(C) *NOTIFICATION.—*

24 “(i) *IN GENERAL.—The Commission*
 25 *shall notify any agency identified under*

subparagraph (B) of the opportunity to co-operate or participate in the review process.

“(ii) *DEADLINE*.—A notification issued under clause (i) shall establish a deadline by which a response to the notification shall be submitted, which may be extended by the Commission for good cause.”;

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking “and” at the end of subparagraph (A);

(ii) by redesignating subparagraph (B) as subparagraph (C); and

(iii) by inserting after subparagraph (A) the following new subparagraph:

“(B) set deadlines for all such Federal authorizations; and”;

(B) by striking paragraph (2); and

(C) by adding at the end the following new paragraphs:

“(2) *DEADLINE FOR FEDERAL AUTHORIZATIONS*.—A final decision on a Federal authorization is due no later than 90 days after the Commission issues its final environmental document, unless a schedule is otherwise established by Federal law.

1 “(3) *CONCURRENT REVIEWS.*—*Each Federal and*
2 *State agency considering an aspect of an application*
3 *for a Federal authorization shall—*

4 “(A) *carry out the obligations of that agen-*
5 *cy under applicable law concurrently, and in*
6 *conjunction, with the review required by the Na-*
7 *tional Environmental Policy Act of 1969 (42*
8 *U.S.C. 4321 et seq.), unless doing so would im-*
9 *pair the ability of the agency to conduct needed*
10 *analysis or otherwise carry out those obligations;*

11 “(B) *formulate and implement administra-*
12 *tive, policy, and procedural mechanisms to en-*
13 *able the agency to ensure completion of required*
14 *Federal authorizations no later than 90 days*
15 *after the Commission issues its final environ-*
16 *mental document; and*

17 “(C) *transmit to the Commission a state-*
18 *ment—*

19 “(i) *acknowledging receipt of the sched-*
20 *ule established under paragraph (1); and*

21 “(ii) *setting forth the plan formulated*
22 *under subparagraph (B) of this paragraph.*

23 “(4) *ISSUE IDENTIFICATION AND RESOLUTION.*—

24 “(A) *IDENTIFICATION.*—*Federal and State*
25 *agencies that may consider an aspect of an ap-*

1 *plication for Federal authorization shall iden-*
2 *tify, as early as possible, any issues of concern*
3 *that may delay or prevent an agency from work-*
4 *ing with the Commission to resolve such issues*
5 *and granting such authorization.*

6 *“(B) ISSUE RESOLUTION.—The Commission*
7 *may forward any issue of concern identified*
8 *under subparagraph (A) to the heads of the rel-*
9 *evant agencies (including, in the case of a failure*
10 *by the State agency, the Federal agency over-*
11 *seeing the delegated authority) for resolution.*

12 *“(5) FAILURE TO MEET SCHEDULE.—If a Fed-*
13 *eral or State agency does not complete a proceeding*
14 *for an approval that is required for a Federal author-*
15 *ization in accordance with the schedule established by*
16 *the Commission under paragraph (1)—*

17 *“(A) the applicant may pursue remedies*
18 *under section 19(d); and*

19 *“(B) the head of the relevant Federal agency*
20 *(including, in the case of a failure by a State*
21 *agency, the Federal agency overseeing the dele-*
22 *gated authority) shall notify Congress and the*
23 *Commission of such failure and set forth a rec-*
24 *ommended implementation plan to ensure com-*
25 *pletion of the proceeding for an approval.”;*

1 (3) by redesignating subsections (d) through (f)
2 as subsections (g) through (i), respectively; and

3 (4) by inserting after subsection (c) the following
4 new subsections:

5 “(d) *REMOTE SURVEYS.*—If a Federal or State agency
6 considering an aspect of an application for Federal author-
7 ization requires the applicant to submit environmental
8 data, the agency shall consider any such data gathered by
9 aerial or other remote means that the applicant submits.
10 The agency may grant a conditional approval for Federal
11 authorization, conditioned on the verification of such data
12 by subsequent onsite inspection.

13 “(e) *APPLICATION PROCESSING.*—The Commission,
14 and Federal and State agencies, may allow an applicant
15 seeking Federal authorization to fund a third-party con-
16 tractor to assist in reviewing the application.

17 “(f) *ACCOUNTABILITY, TRANSPARENCY, EFFICIENCY.*—
18 For applications requiring multiple Federal authorizations,
19 the Commission, with input from any Federal or State
20 agency considering an aspect of an application, shall track
21 and make available to the public on the Commission’s
22 website information related to the actions required to com-
23 plete permitting, reviews, and other actions required. Such
24 information shall include the following:

1 “(1) *The schedule established by the Commission*
 2 *under subsection (c)(1).*

3 “(2) *A list of all the actions required by each ap-*
 4 *plicable agency to complete permitting, reviews, and*
 5 *other actions necessary to obtain a final decision on*
 6 *the Federal authorization.*

7 “(3) *The expected completion date for each such*
 8 *action.*

9 “(4) *A point of contact at the agency accountable*
 10 *for each such action.*

11 “(5) *In the event that an action is still pending*
 12 *as of the expected date of completion, a brief expla-*
 13 *nation of the reasons for the delay.”.*

14 **SEC. 1102. RESOLVING ENVIRONMENTAL AND GRID RELI-**
 15 **ABILITY CONFLICTS.**

16 (a) *COMPLIANCE WITH OR VIOLATION OF ENVIRON-*
 17 *MENTAL LAWS WHILE UNDER EMERGENCY ORDER.—Sec-*
 18 *tion 202(c) of the Federal Power Act (16 U.S.C. 824a(c))*
 19 *is amended—*

20 (1) *by inserting “(1)” after “(c)”;* and

21 (2) *by adding at the end the following:*

22 “(2) *With respect to an order issued under this sub-*
 23 *section that may result in a conflict with a requirement*
 24 *of any Federal, State, or local environmental law or regula-*
 25 *tion, the Commission shall ensure that such order requires*

1 *generation, delivery, interchange, or transmission of electric*
2 *energy only during hours necessary to meet the emergency*
3 *and serve the public interest, and, to the maximum extent*
4 *practicable, is consistent with any applicable Federal,*
5 *State, or local environmental law or regulation and mini-*
6 *mizes any adverse environmental impacts.*

7 “(3) *To the extent any omission or action taken by*
8 *a party, that is necessary to comply with an order issued*
9 *under this subsection, including any omission or action*
10 *taken to voluntarily comply with such order, results in non-*
11 *compliance with, or causes such party to not comply with,*
12 *any Federal, State, or local environmental law or regula-*
13 *tion, such omission or action shall not be considered a viola-*
14 *tion of such environmental law or regulation, or subject*
15 *such party to any requirement, civil or criminal liability,*
16 *or a citizen suit under such environmental law or regula-*
17 *tion.*

18 “(4)(A) *An order issued under this subsection that*
19 *may result in a conflict with a requirement of any Federal,*
20 *State, or local environmental law or regulation shall expire*
21 *not later than 90 days after it is issued. The Commission*
22 *may renew or reissue such order pursuant to paragraphs*
23 *(1) and (2) for subsequent periods, not to exceed 90 days*
24 *for each period, as the Commission determines necessary to*
25 *meet the emergency and serve the public interest.*

1 “(B) *In renewing or reissuing an order under sub-*
 2 *paragraph (A), the Commission shall consult with the pri-*
 3 *mary Federal agency with expertise in the environmental*
 4 *interest protected by such law or regulation, and shall in-*
 5 *clude in any such renewed or reissued order such conditions*
 6 *as such Federal agency determines necessary to minimize*
 7 *any adverse environmental impacts to the extent prac-*
 8 *ticable. The conditions, if any, submitted by such Federal*
 9 *agency shall be made available to the public. The Commis-*
 10 *sion may exclude such a condition from the renewed or re-*
 11 *issued order if it determines that such condition would pre-*
 12 *vent the order from adequately addressing the emergency*
 13 *necessitating such order and provides in the order, or other-*
 14 *wise makes publicly available, an explanation of such deter-*
 15 *mination.*

16 “(5) *If an order issued under this subsection is subse-*
 17 *quently stayed, modified, or set aside by a court pursuant*
 18 *to section 313 or any other provision of law, any omission*
 19 *or action previously taken by a party that was necessary*
 20 *to comply with the order while the order was in effect, in-*
 21 *cluding any omission or action taken to voluntarily comply*
 22 *with the order, shall remain subject to paragraph (3).”.*

23 (b) *TEMPORARY CONNECTION OR CONSTRUCTION BY*
 24 *MUNICIPALITIES.*—Section 202(d) of the Federal Power Act
 25 (16 U.S.C. 824a(d)) is amended by inserting “or munici-

1 *pality” before “engaged in the transmission or sale of elec-*
2 *tric energy”.*

3 **SEC. 1103. EMERGENCY PREPAREDNESS FOR ENERGY SUP-**
4 **PLY DISRUPTIONS.**

5 *(a) FINDING.—Congress finds that recent natural dis-*
6 *asters have underscored the importance of having resilient*
7 *oil and natural gas infrastructure and effective ways for*
8 *industry and government to communicate to address energy*
9 *supply disruptions.*

10 *(b) AUTHORIZATION FOR ACTIVITIES TO ENHANCE*
11 *EMERGENCY PREPAREDNESS FOR NATURAL DISASTERS.—*
12 *The Secretary of Energy shall develop and adopt procedures*
13 *to—*

14 *(1) improve communication and coordination*
15 *between the Department of Energy’s energy response*
16 *team, Federal partners, and industry;*

17 *(2) leverage the Energy Information Administra-*
18 *tion’s subject matter expertise within the Depart-*
19 *ment’s energy response team to improve supply chain*
20 *situation assessments;*

21 *(3) establish company liaisons and direct com-*
22 *munication with the Department’s energy response*
23 *team to improve situation assessments;*

(6) establish routine education and training programs for key government emergency response positions with the Department and States; and

14 (c) COOPERATION.—The activities carried out under
15 subsection (b) shall include collaborative efforts with State
16 and local government officials and the private sector.

21 SEC. 1104. CRITICAL ELECTRIC INFRASTRUCTURE SECU-
22 RITY.

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1 *et seq.) is amended by adding after section 215 the following*
 2 *new section:*

3 **“SEC. 215A. CRITICAL ELECTRIC INFRASTRUCTURE SECU-**
 4 **RITY.**

5 *“(a) DEFINITIONS.—For purposes of this section:*

6 *“(1) BULK-POWER SYSTEM; ELECTRIC RELI-*
 7 *ABILITY ORGANIZATION; REGIONAL ENTITY.—The*
 8 *terms ‘bulk-power system’, ‘Electric Reliability Orga-*
 9 *nization’, and ‘regional entity’ have the meanings*
 10 *given such terms in paragraphs (1), (2), and (7) of*
 11 *section 215(a), respectively.*

12 *“(2) CRITICAL ELECTRIC INFRASTRUCTURE.—*
 13 *The term ‘critical electric infrastructure’ means a sys-*
 14 *tem or asset of the bulk-power system, whether phys-*
 15 *ical or virtual, the incapacity or destruction of which*
 16 *would negatively affect national security, economic se-*
 17 *curity, public health or safety, or any combination of*
 18 *such matters.*

19 *“(3) CRITICAL ELECTRIC INFRASTRUCTURE IN-*
 20 *FORMATION.—The term ‘critical electric infrastruc-*
 21 *ture information’ means information related to crit-*
 22 *ical electric infrastructure, or proposed critical elec-*
 23 *trical infrastructure, generated by or provided to the*
 24 *Commission or other Federal agency, other than clas-*
 25 *sified national security information, that is des-*

1 *ignated as critical electric infrastructure information*
2 *by the Commission under subsection (d)(2). Such*
3 *term includes information that qualifies as critical*
4 *energy infrastructure information under the Commis-*
5 *sion’s regulations.*

6 “(4) *DEFENSE CRITICAL ELECTRIC INFRASTRUC-*
7 *TURE.—The term ‘defense critical electric infrastruc-*
8 *ture’ means any electric infrastructure located in the*
9 *United States (including the territories) that serves a*
10 *facility designated by the Secretary pursuant to sub-*
11 *section (c), but is not owned or operated by the owner*
12 *or operator of such facility.*

13 “(5) *ELECTROMAGNETIC PULSE.—The term ‘elec-*
14 *tromagnetic pulse’ means 1 or more pulses of electro-*
15 *magnetic energy emitted by a device capable of dis-*
16 *abling or disrupting operation of, or destroying, elec-*
17 *tronic devices or communications networks, including*
18 *hardware, software, and data, by means of such a*
19 *pulse.*

20 “(6) *GEOMAGNETIC STORM.—The term ‘geo-*
21 *magnetic storm’ means a temporary disturbance of*
22 *the Earth’s magnetic field resulting from solar activ-*
23 *ity.*

1 “(7) *GRID SECURITY EMERGENCY.*—*The term*
2 *‘grid security emergency’ means the occurrence or im-*
3 *minent danger of—*

4 “(A)(i) *a malicious act using electronic*
5 *communication or an electromagnetic pulse, or a*
6 *geomagnetic storm event, that could disrupt the*
7 *operation of those electronic devices or commu-*
8 *nications networks, including hardware, soft-*
9 *ware, and data, that are essential to the reli-*
10 *ability of critical electric infrastructure or of de-*
11 *fense critical electric infrastructure; and*

12 “(ii) *disruption of the operation of such de-*
13 *vices or networks, with significant adverse effects*
14 *on the reliability of critical electric infrastruc-*
15 *ture or of defense critical electric infrastructure,*
16 *as a result of such act or event; or*

17 “(B)(i) *a direct physical attack on critical*
18 *electric infrastructure or on defense critical elec-*
19 *tric infrastructure; and*

20 “(ii) *significant adverse effects on the reli-*
21 *ability of critical electric infrastructure or of de-*
22 *fense critical electric infrastructure as a result of*
23 *such physical attack.*

24 “(8) *SECRETARY.*—*The term ‘Secretary’ means*
25 *the Secretary of Energy.*

1 “(b) *AUTHORITY TO ADDRESS GRID SECURITY EMER-*
2 *GENCY.*—

3 “(1) *AUTHORITY.*—Whenever the President issues
4 and provides to the Secretary a written directive or
5 determination identifying a grid security emergency,
6 the Secretary may, with or without notice, hearing, or
7 report, issue such orders for emergency measures as
8 are necessary in the judgment of the Secretary to pro-
9 tect or restore the reliability of critical electric infra-
10 structure or of defense critical electric infrastructure
11 during such emergency. As soon as practicable but not
12 later than 180 days after the date of enactment of this
13 section, the Secretary shall, after notice and oppor-
14 tunity for comment, establish rules of procedure that
15 ensure that such authority can be exercised expedi-
16 tiously.

17 “(2) *NOTIFICATION OF CONGRESS.*—Whenever
18 the President issues and provides to the Secretary a
19 written directive or determination under paragraph
20 (1), the President shall promptly notify congressional
21 committees of relevant jurisdiction, including the
22 Committee on Energy and Commerce of the House of
23 Representatives and the Committee on Energy and
24 Natural Resources of the Senate, of the contents of,
25 and justification for, such directive or determination.

1 “(3) *CONSULTATION.*—*Before issuing an order*
 2 *for emergency measures under paragraph (1), the Sec-*
 3 *retary shall, to the extent practicable in light of the*
 4 *nature of the grid security emergency and the urgency*
 5 *of the need for action, consult with appropriate gov-*
 6 *ernmental authorities in Canada and Mexico, entities*
 7 *described in paragraph (4), the Electricity Sub-sector*
 8 *Coordinating Council, the Commission, and other ap-*
 9 *propriate Federal agencies regarding implementation*
 10 *of such emergency measures.*

11 “(4) *APPLICATION.*—*An order for emergency*
 12 *measures under this subsection may apply to—*

13 “(A) *the Electric Reliability Organization;*

14 “(B) *a regional entity; or*

15 “(C) *any owner, user, or operator of critical*
 16 *electric infrastructure or of defense critical elec-*
 17 *tric infrastructure within the United States.*

18 “(5) *EXPIRATION AND REISSUANCE.*—

19 “(A) *IN GENERAL.*—*Except as provided in*
 20 *subparagraph (B), an order for emergency meas-*
 21 *ures issued under paragraph (1) shall expire no*
 22 *later than 15 days after its issuance.*

23 “(B) *EXTENSIONS.*—*The Secretary may re-*
 24 *issue an order for emergency measures issued*
 25 *under paragraph (1) for subsequent periods, not*

1 to exceed 15 days for each such period, provided
2 that the President, for each such period, issues
3 and provides to the Secretary a written directive
4 or determination that the grid security emer-
5 gency identified under paragraph (1) continues
6 to exist or that the emergency measure continues
7 to be required.

8 “(6) *COST RECOVERY.*—

9 “(A) *CRITICAL ELECTRIC INFRASTRUC-*
10 *TURE.*—If the Commission determines that own-
11 ers, operators, or users of critical electric infra-
12 structure have incurred substantial costs to com-
13 ply with an order for emergency measures issued
14 under this subsection and that such costs were
15 prudently incurred and cannot reasonably be re-
16 covered through regulated rates or market prices
17 for the electric energy or services sold by such
18 owners, operators, or users, the Commission
19 shall, consistent with the requirements of section
20 205, after notice and an opportunity for com-
21 ment, establish a mechanism that permits such
22 owners, operators, or users to recover such costs.

23 “(B) *DEFENSE CRITICAL ELECTRIC INFRA-*
24 *STRUCTURE.*—To the extent the owner or oper-
25 ator of defense critical electric infrastructure is

1 *required to take emergency measures pursuant to*
2 *an order issued under this subsection, the owners*
3 *or operators of a critical defense facility or fa-*
4 *cilities designated by the Secretary pursuant to*
5 *subsection (c) that rely upon such infrastructure*
6 *shall bear the full incremental costs of the meas-*
7 *ures.*

8 “(7) *TEMPORARY ACCESS TO CLASSIFIED INFOR-*
9 *MATION.—The Secretary, and other appropriate Fed-*
10 *eral agencies, shall, to the extent practicable and con-*
11 *sistent with their obligations to protect classified in-*
12 *formation, provide temporary access to classified in-*
13 *formation related to a grid security emergency for*
14 *which emergency measures are issued under para-*
15 *graph (1) to key personnel of any entity subject to*
16 *such emergency measures to enable optimum commu-*
17 *nication between the entity and the Secretary and*
18 *other appropriate Federal agencies regarding the grid*
19 *security emergency.*

20 “(c) *DESIGNATION OF CRITICAL DEFENSE FACILI-*
21 *TIES.—Not later than 180 days after the date of enactment*
22 *of this section, the Secretary, in consultation with other ap-*
23 *propriate Federal agencies and appropriate owners, users,*
24 *or operators of infrastructure that may be defense critical*
25 *electric infrastructure, shall identify and designate facilities*

1 *located in the United States (including the territories) that*
 2 *are—*

3 “(1) *critical to the defense of the United States;*
 4 *and*

5 “(2) *vulnerable to a disruption of the supply of*
 6 *electric energy provided to such facility by an exter-*
 7 *nal provider.*

8 *The Secretary may, in consultation with appropriate Fed-*
 9 *eral agencies and appropriate owners, users, or operators*
 10 *of defense critical electric infrastructure, periodically revise*
 11 *the list of designated facilities as necessary.*

12 “(d) *PROTECTION AND SHARING OF CRITICAL ELEC-*
 13 *TRIC INFRASTRUCTURE INFORMATION.—*

14 “(1) *PROTECTION OF CRITICAL ELECTRIC INFRA-*
 15 *STRUCTURE INFORMATION.—Critical electric infra-*
 16 *structure information—*

17 “(A) *shall be exempt from disclosure under*
 18 *section 552(b)(3) of title 5, United States Code;*
 19 *and*

20 “(B) *shall not be made available by any*
 21 *Federal, State, political subdivision or tribal au-*
 22 *thority pursuant to any Federal, State, political*
 23 *subdivision or tribal law requiring public disclo-*
 24 *sure of information or records.*

1 “(2) *DESIGNATION AND SHARING OF CRITICAL*
2 *ELECTRIC INFRASTRUCTURE INFORMATION.*—*Not later*
3 *than one year after the date of enactment of this sec-*
4 *tion, the Commission, in consultation with the Sec-*
5 *retary of Energy, shall promulgate such regulations*
6 *and issue such orders as necessary to—*

7 “(A) *designate information as critical elec-*
8 *tric infrastructure information;*

9 “(B) *prohibit the unauthorized disclosure of*
10 *critical electric infrastructure information;*

11 “(C) *ensure there are appropriate sanctions*
12 *in place for Commissioners, officers, employees,*
13 *or agents of the Commission who knowingly and*
14 *willfully disclose critical electric infrastructure*
15 *information in a manner that is not authorized*
16 *under this section; and*

17 “(D) *taking into account standards of the*
18 *Electric Reliability Organization, facilitate vol-*
19 *untary sharing of critical electric infrastructure*
20 *information with, between, and by—*

21 “(i) *Federal, State, political subdivi-*
22 *sion, and tribal authorities;*

23 “(ii) *the Electric Reliability Organiza-*
24 *tion;*

25 “(iii) *regional entities;*

1 “(iv) information sharing and analysis
2 centers established pursuant to Presidential
3 Decision Directive 63;

4 “(v) owners, operators, and users of
5 critical electric infrastructure in the United
6 States; and

7 “(vi) other entities determined appro-
8 priate by the Commission.

9 “(3) CONSIDERATIONS.—In promulgating regu-
10 lations and issuing orders under paragraph (2), the
11 Commission shall take into consideration the role of
12 State commissions in reviewing the prudence and cost
13 of investments, determining the rates and terms of
14 conditions for electric services, and ensuring the safe-
15 ty and reliability of the bulk-power system and dis-
16 tribution facilities within their respective jurisdic-
17 tions.

18 “(4) PROTOCOLS.—The Commission shall, in
19 consultation with Canadian and Mexican authorities,
20 develop protocols for the voluntary sharing of critical
21 electric infrastructure information with Canadian
22 and Mexican authorities and owners, operators, and
23 users of the bulk-power system outside the United
24 States.

1 “(5) *NO REQUIRED SHARING OF INFORMATION.*—
2 *Nothing in this section shall require a person or enti-*
3 *ty in possession of critical electric infrastructure in-*
4 *formation to share such information with Federal,*
5 *State, political subdivision, or tribal authorities, or*
6 *any other person or entity.*

7 “(6) *SUBMISSION OF INFORMATION TO CON-*
8 *GRESS.*—*Nothing in this section shall permit or au-*
9 *thorize the withholding of information from Congress,*
10 *any committee or subcommittee thereof, or the Comp-*
11 *troller General.*

12 “(7) *DISCLOSURE OF NONPROTECTED INFORMA-*
13 *TION.*—*In implementing this section, the Commission*
14 *shall protect from disclosure only the minimum*
15 *amount of information necessary to protect the secu-*
16 *rity and reliability of the bulk-power system and dis-*
17 *tribution facilities. The Commission shall segregate*
18 *critical electric infrastructure information within*
19 *documents and electronic communications, wherever*
20 *feasible, to facilitate disclosure of information that is*
21 *not designated as critical electric infrastructure infor-*
22 *mation.*

23 “(8) *DURATION OF DESIGNATION.*—*Information*
24 *may not be designated as critical electric infrastruc-*

1 *ture information for longer than 5 years, unless spe-*
2 *cifically re-designated by the Commission.*

3 “(9) *REMOVAL OF DESIGNATION.*—*The Commis-*
4 *sion shall remove the designation of critical electric*
5 *infrastructure information, in whole or in part, from*
6 *a document or electronic communication if the Com-*
7 *mission determines that the unauthorized disclosure of*
8 *such information could no longer be used to impair*
9 *the security or reliability of the bulk-power system or*
10 *distribution facilities.*

11 “(10) *JUDICIAL REVIEW OF DESIGNATIONS.*—
12 *Notwithstanding section 313(b), any determination*
13 *by the Commission concerning the designation of crit-*
14 *ical electric infrastructure information under this*
15 *subsection shall be subject to review under chapter 7*
16 *of title 5, United States Code, except that such review*
17 *shall be brought in the district court of the United*
18 *States in the district in which the complainant re-*
19 *sides, or has his principal place of business, or in the*
20 *District of Columbia. In such a case the court shall*
21 *examine in camera the contents of documents or elec-*
22 *tronic communications that are the subject of the de-*
23 *termination under review to determine whether such*
24 *documents or any part thereof were improperly des-*

1 *ignated or not designated as critical electric infra-*
 2 *structure information.*

3 “(e) *SECURITY CLEARANCES.—The Secretary shall fa-*
 4 *cilitate and, to the extent practicable, expedite the acquisi-*
 5 *tion of adequate security clearances by key personnel of any*
 6 *entity subject to the requirements of this section, to enable*
 7 *optimum communication with Federal agencies regarding*
 8 *threats to the security of the critical electric infrastructure.*
 9 *The Secretary, the Commission, and other appropriate Fed-*
 10 *eral agencies shall, to the extent practicable and consistent*
 11 *with their obligations to protect classified and critical elec-*
 12 *tric infrastructure information, share timely actionable in-*
 13 *formation regarding grid security with appropriate key*
 14 *personnel of owners, operators, and users of the critical elec-*
 15 *tric infrastructure.*

16 “(f) *CLARIFICATIONS OF LIABILITY.—*

17 “(1) *COMPLIANCE WITH OR VIOLATION OF THIS*
 18 *ACT.—Except as provided in paragraph (4), to the ex-*
 19 *tent any action or omission taken by an entity that*
 20 *is necessary to comply with an order for emergency*
 21 *measures issued under subsection (b)(1), including*
 22 *any action or omission taken to voluntarily comply*
 23 *with such order, results in noncompliance with, or*
 24 *causes such entity not to comply with any rule, order,*
 25 *regulation, or provision of this Act, including any re-*

1 *liability standard approved by the Commission pur-*
2 *suant to section 215, such action or omission shall*
3 *not be considered a violation of such rule, order, regu-*
4 *lation, or provision.*

5 “(2) *RELATION TO SECTION 202(c).*—*Except as*
6 *provided in paragraph (4), an action or omission*
7 *taken by an owner, operator, or user of critical elec-*
8 *tric infrastructure or of defense critical electric infra-*
9 *structure to comply with an order for emergency*
10 *measures issued under subsection (b)(1) shall be treat-*
11 *ed as an action or omission taken to comply with an*
12 *order issued under section 202(c) for purposes of such*
13 *section.*

14 “(3) *SHARING OR RECEIPT OF INFORMATION.*—
15 *No cause of action shall lie or be maintained in any*
16 *Federal or State court for the sharing or receipt of in-*
17 *formation under, and that is conducted in accordance*
18 *with, subsection (d).*

19 “(4) *RULE OF CONSTRUCTION.*—*Nothing in this*
20 *subsection shall be construed to require dismissal of a*
21 *cause of action against an entity that, in the course*
22 *of complying with an order for emergency measures*
23 *issued under subsection (b)(1) by taking an action or*
24 *omission for which they would be liable but for para-*

1 *graph (1) or (2), takes such action or omission in a*
 2 *grossly negligent manner.”.*

3 *(b) CONFORMING AMENDMENTS.—*

4 *(1) JURISDICTION.—Section 201(b)(2) of the*
 5 *Federal Power Act (16 U.S.C. 824(b)(2)) is amended*
 6 *by inserting “215A,” after “215,” each place it ap-*
 7 *pears.*

8 *(2) PUBLIC UTILITY.—Section 201(e) of the Fed-*
 9 *eral Power Act (16 U.S.C. 824(e)) is amended by in-*
 10 *serting “215A,” after “215,”.*

11 **SEC. 1105. STRATEGIC TRANSFORMER RESERVE.**

12 *(a) FINDING.—Congress finds that the storage of stra-*
 13 *tegically located spare large power transformers and emer-*
 14 *gency mobile substations will reduce the vulnerability of the*
 15 *United States to multiple risks facing electric grid reli-*
 16 *ability, including physical attack, cyber attack, electro-*
 17 *magnetic pulse, geomagnetic disturbances, severe weather,*
 18 *and seismic events.*

19 *(b) DEFINITIONS.—In this section:*

20 *(1) BULK-POWER SYSTEM.—The term “bulk-*
 21 *power system” has the meaning given such term in*
 22 *section 215(a) of the Federal Power Act (16 U.S.C.*
 23 *824o(a)).*

1 (2) *CRITICALLY DAMAGED LARGE POWER TRANS-*
 2 *FORMER.*—*The term “critically damaged large power*
 3 *transformer” means a large power transformer that—*

4 *(A) has sustained extensive damage such*
 5 *that—*

6 *(i) repair or refurbishment is not eco-*
 7 *nomically viable; or*

8 *(ii) the extensive time to repair or re-*
 9 *furbish the large power transformer would*
 10 *create an extended period of instability in*
 11 *the bulk-power system; and*

12 *(B) prior to sustaining such damage, was*
 13 *part of the bulk-power system.*

14 (3) *CRITICAL ELECTRIC INFRASTRUCTURE.*—*The*
 15 *term “critical electric infrastructure” has the mean-*
 16 *ing given that term in section 215A of the Federal*
 17 *Power Act.*

18 (4) *ELECTRIC RELIABILITY ORGANIZATION.*—*The*
 19 *term “Electric Reliability Organization” has the*
 20 *meaning given such term in section 215(a) of the Fed-*
 21 *eral Power Act (16 U.S.C. 824o(a)).*

22 (5) *EMERGENCY MOBILE SUBSTATION.*—*The*
 23 *term “emergency mobile substation” means a mobile*
 24 *substation or mobile transformer that is—*

1 (A) assembled and permanently mounted on
 2 a trailer that is capable of highway travel and
 3 meets relevant Department of Transportation
 4 regulations; and

5 (B) intended for express deployment and ca-
 6 pable of being rapidly placed into service.

7 (6) *LARGE POWER TRANSFORMER.*—The term
 8 “large power transformer” means a power trans-
 9 former with a maximum nameplate rating of 100
 10 megavolt-amperes or higher, including related critical
 11 equipment, that is, or is intended to be, a part of the
 12 bulk-power system.

13 (7) *SECRETARY.*—The term “Secretary” means
 14 the Secretary of Energy.

15 (8) *SPARE LARGE POWER TRANSFORMER.*—The
 16 term “spare large power transformer” means a large
 17 power transformer that is stored within the Strategic
 18 Transformer Reserve to be available to temporarily
 19 replace a critically damaged large power transformer.

20 (c) *STRATEGIC TRANSFORMER RESERVE PLAN.*—

21 (1) *PLAN.*—Not later than one year after the
 22 date of enactment of this Act, the Secretary, acting
 23 through the Office of Electricity Delivery and Energy
 24 Reliability, shall, in consultation with the Federal
 25 Energy Regulatory Commission, the Electricity Sub-

1 *sector Coordinating Council, the Electric Reliability*
 2 *Organization, and owners and operators of critical*
 3 *electric infrastructure and defense and military in-*
 4 *stallations, prepare and submit to Congress a plan to*
 5 *establish a Strategic Transformer Reserve for the stor-*
 6 *age, in strategically located facilities, of spare large*
 7 *power transformers and emergency mobile substations*
 8 *in sufficient numbers to temporarily replace critically*
 9 *damaged large power transformers and substations*
 10 *that are critical electric infrastructure or serve de-*
 11 *fense and military installations.*

12 (2) *INCLUSIONS.—The Strategic Transformer*
 13 *Reserve plan shall include a description of—*

14 (A) *the appropriate number and type of*
 15 *spare large power transformers necessary to pro-*
 16 *vide or restore sufficient resiliency to the bulk-*
 17 *power system, critical electric infrastructure,*
 18 *and defense and military installations to miti-*
 19 *gate significant impacts to the electric grid re-*
 20 *sulting from—*

- 21 (i) *physical attack;*
- 22 (ii) *cyber attack;*
- 23 (iii) *electromagnetic pulse attack;*
- 24 (iv) *geomagnetic disturbances;*
- 25 (v) *severe weather; or*

1 (vi) seismic events;

2 (B) other critical electric grid equipment for
3 which an inventory of spare equipment, includ-
4 ing emergency mobile substations, is necessary to
5 provide or restore sufficient resiliency to the
6 bulk-power system, critical electric infrastruc-
7 ture, and defense and military installations;

8 (C) the degree to which utility sector actions
9 or initiatives, including individual utility own-
10 ership of spare equipment, joint ownership of
11 spare equipment inventory, sharing agreements,
12 or other spare equipment reserves or arrange-
13 ments, satisfy the needs identified under sub-
14 paragraphs (A) and (B);

15 (D) the potential locations for, and feasi-
16 bility and appropriate number of, strategic stor-
17 age locations for reserve equipment, including
18 consideration of—

19 (i) the physical security of such loca-
20 tions;

21 (ii) the protection of the confidentiality
22 of such locations; and

23 (iii) the proximity of such locations to
24 sites of potentially critically damaged large
25 power transformers and substations that are

1 *critical electric infrastructure or serve de-*
2 *fense and military installations, so as to en-*
3 *able efficient delivery of equipment to such*
4 *sites;*

5 *(E) the necessary degree of flexibility of*
6 *spare large power transformers to be included in*
7 *the Strategic Transformer Reserve to conform to*
8 *different substation configurations, including*
9 *consideration of transformer—*

10 *(i) power and voltage rating for each*
11 *winding;*

12 *(ii) overload requirements;*

13 *(iii) impedance between windings;*

14 *(iv) configuration of windings; and*

15 *(v) tap requirements;*

16 *(F) an estimate of the direct cost of the*
17 *Strategic Transformer Reserve, as proposed, in-*
18 *cluding—*

19 *(i) the cost of storage facilities;*

20 *(ii) the cost of the equipment; and*

21 *(iii) management, maintenance, and*
22 *operation costs;*

23 *(G) the funding options available to estab-*
24 *lish, stock, manage, and maintain the Strategic*
25 *Transformer Reserve, including consideration of*

1 *fees on owners and operators of bulk-power sys-*
2 *tem facilities, critical electric infrastructure, and*
3 *defense and military installations relying on the*
4 *Strategic Transformer Reserve, use of Federal*
5 *appropriations, and public-private cost-sharing*
6 *options;*

7 *(H) the ease and speed of transportation,*
8 *installation, and energization of spare large*
9 *power transformers to be included in the Stra-*
10 *tegic Transformer Reserve, including consider-*
11 *ation of factors such as—*

12 *(i) transformer transportation weight;*

13 *(ii) transformer size;*

14 *(iii) topology of critical substations;*

15 *(iv) availability of appropriate trans-*
16 *former mounting pads;*

17 *(v) flexibility of the spare large power*
18 *transformers as described in subparagraph*
19 *(E); and*

20 *(vi) ability to rapidly transition a*
21 *spare large power transformer from storage*
22 *to energization;*

23 *(I) eligibility criteria for withdrawal of*
24 *equipment from the Strategic Transformer Re-*
25 *serve;*

1 (J) the process by which owners or opera-
2 tors of critically damaged large power trans-
3 formers or substations that are critical electric
4 infrastructure or serve defense and military in-
5 stallations may apply for a withdrawal from the
6 Strategic Transformer Reserve;

7 (K) the process by which equipment with-
8 drawn from the Strategic Transformer Reserve is
9 returned to the Strategic Transformer Reserve or
10 is replaced;

11 (L) possible fees to be paid by users of
12 equipment withdrawn from the Strategic Trans-
13 former Reserve;

14 (M) possible fees to be paid by owners and
15 operators of large power transformers and sub-
16 stations that are critical electric infrastructure
17 or serve defense and military installations to
18 cover operating costs of the Strategic Trans-
19 former Reserve;

20 (N) the domestic and international large
21 power transformer supply chain;

22 (O) the potential reliability, cost, and oper-
23 ational benefits of including emergency mobile
24 substations in any Strategic Transformer Re-
25 serve established under this section; and

1 (P) other considerations for designing, con-
 2 structing, stocking, funding, and managing the
 3 Strategic Transformer Reserve.

4 (d) *ESTABLISHMENT.*—The Secretary may establish a
 5 Strategic Transformer Reserve in accordance with the plan
 6 prepared pursuant to subsection (c) after the date that is
 7 6 months after the date on which such plan is submitted
 8 to Congress.

9 (e) *DISCLOSURE OF INFORMATION.*—Any information
 10 included in the Strategic Transformer Reserve plan, or
 11 shared in the preparation and development of such plan,
 12 the disclosure of which could cause harm to critical electric
 13 infrastructure, shall be exempt from disclosure under sec-
 14 tion 552(b)(3) of title 5, United States Code, and any State,
 15 tribal, or local law requiring disclosure of information or
 16 records.

17 **SEC. 1106. CYBER SENSE.**

18 (a) *IN GENERAL.*—The Secretary of Energy shall es-
 19 tablish a voluntary Cyber Sense program to identify and
 20 promote cyber-secure products intended for use in the bulk-
 21 power system, as defined in section 215(a) of the Federal
 22 Power Act (16 U.S.C. 824o(a)).

23 (b) *PROGRAM REQUIREMENTS.*—In carrying out sub-
 24 section (a), the Secretary of Energy shall—

1 (1) *establish a Cyber Sense testing process to*
2 *identify products and technologies intended for use in*
3 *the bulk-power system, including products relating to*
4 *industrial control systems, such as supervisory control*
5 *and data acquisition systems;*

6 (2) *for products tested and identified under the*
7 *Cyber Sense program, establish and maintain cyber-*
8 *security vulnerability reporting processes and a re-*
9 *lated database;*

10 (3) *promulgate regulations regarding vulner-*
11 *ability reporting processes for products tested and*
12 *identified under the Cyber Sense program;*

13 (4) *provide technical assistance to utilities, prod-*
14 *uct manufacturers, and other electric sector stake-*
15 *holders to develop solutions to mitigate identified*
16 *vulnerabilities in products tested and identified under*
17 *the Cyber Sense program;*

18 (5) *biennially review products tested and identi-*
19 *fied under the Cyber Sense program for*
20 *vulnerabilities and provide analysis with respect to*
21 *how such products respond to and mitigate cyber*
22 *threats;*

23 (6) *develop procurement guidance for utilities for*
24 *products tested and identified under the Cyber Sense*
25 *program;*

1 (7) *provide reasonable notice to the public, and*
2 *solicit comments from the public, prior to establishing*
3 *or revising the Cyber Sense testing process;*

4 (8) *oversee Cyber Sense testing carried out by*
5 *third parties; and*

6 (9) *consider incentives to encourage the use in*
7 *the bulk-power system of products tested and identi-*
8 *fied under the Cyber Sense program.*

9 (c) *DISCLOSURE OF INFORMATION.—Any vulner-*
10 *ability reported pursuant to regulations promulgated under*
11 *subsection (b)(3), the disclosure of which could cause harm*
12 *to critical electric infrastructure (as defined in section 215A*
13 *of the Federal Power Act), shall be exempt from disclosure*
14 *under section 552(b)(3) of title 5, United States Code, and*
15 *any State, tribal, or local law requiring disclosure of infor-*
16 *mation or records.*

17 (d) *FEDERAL GOVERNMENT LIABILITY.—Consistent*
18 *with other voluntary Federal Government certification pro-*
19 *grams, nothing in this section shall be construed to author-*
20 *ize the commencement of an action against the United*
21 *States Government with respect to the testing and identi-*
22 *fication of a product under the Cyber Sense program.*

1 **SEC. 1107. STATE COVERAGE AND CONSIDERATION OF**
2 **PURPA STANDARDS FOR ELECTRIC UTILI-**
3 **TIES.**

4 (a) *STATE CONSIDERATION OF RESILIENCY AND AD-*
5 *VANCED ENERGY ANALYTICS TECHNOLOGIES AND RELI-*
6 *ABLE GENERATION.*—

7 (1) *CONSIDERATION.*—*Section 111(d) of the Pub-*
8 *lic Utility Regulatory Policies Act of 1978 (16 U.S.C.*
9 *2621(d)) is amended by adding the following at the*
10 *end:*

11 “(20) *IMPROVING THE RESILIENCE OF ELECTRIC*
12 *INFRASTRUCTURE.*—

13 “(A) *IN GENERAL.*—*Each electric utility*
14 *shall develop a plan to use resiliency-related*
15 *technologies, upgrades, measures, and other ap-*
16 *proaches designed to improve the resilience of*
17 *electric infrastructure, mitigate power outages,*
18 *continue delivery of vital services, and maintain*
19 *the flow of power to facilities critical to public*
20 *health, safety, and welfare, to the extent prac-*
21 *ticable using the most current data, metrics, and*
22 *frameworks related to current and future threats,*
23 *including physical and cyber attacks, electro-*
24 *magnetic pulse attacks, geomagnetic disturb-*
25 *ances, seismic events, and severe weather and*
26 *other environmental stressors.*

1 “(B) *RESILIENCY-RELATED TECH-*
2 *NOLOGIES.—For purposes of this paragraph, ex-*
3 *amples of resiliency-related technologies, up-*
4 *grades, measures, and other approaches in-*
5 *clude—*

6 “(i) *hardening, or other enhanced pro-*
7 *tection, of utility poles, wiring, cabling, and*
8 *other distribution components, facilities, or*
9 *structures;*

10 “(ii) *advanced grid technologies capa-*
11 *ble of isolating or repairing problems re-*
12 *motely, such as advanced metering infra-*
13 *structure, high-tech sensors, grid monitoring*
14 *and control systems, and remote reconfig-*
15 *uration and redundancy systems;*

16 “(iii) *cybersecurity products and com-*
17 *ponents;*

18 “(iv) *distributed generation, including*
19 *back-up generation to power critical facili-*
20 *ties and essential services, and related inte-*
21 *gration components, such as advanced in-*
22 *verter technology;*

23 “(v) *microgrid systems, including hy-*
24 *brid microgrid systems for isolated commu-*
25 *nities;*

1 “(vi) combined heat and power;

2 “(vii) waste heat resources;

3 “(viii) non-grid-scale energy storage
4 technologies;

5 “(ix) wiring, cabling, and other dis-
6 tribution components, including submersible
7 distribution components, and enclosures;

8 “(x) electronically controlled reclosers
9 and similar technologies for power restora-
10 tion, including emergency mobile sub-
11 stations, as defined in section 1105 of the
12 North American Energy Security and In-
13 frastructure Act of 2015;

14 “(xi) advanced energy analytics tech-
15 nology, such as Internet-based and cloud-
16 based computing solutions and subscription
17 licensing models;

18 “(xii) measures that enhance resilience
19 through planning, preparation, response,
20 and recovery activities;

21 “(xiii) operational capabilities to en-
22 hance resilience through rapid response re-
23 covery; and

24 “(xiv) measures to ensure availability
25 of key critical components through con-

1 *tracts, cooperative agreements, stockpiling*
2 *and prepositioning, or other measures.*

3 “(C) *RATE RECOVERY.*—*Each State regu-*
4 *latory authority (with respect to each electric*
5 *utility for which it has ratemaking authority)*
6 *shall consider authorizing each such electric util-*
7 *ity to recover any capital, operating expenditure,*
8 *or other costs of the electric utility related to the*
9 *procurement, deployment, or use of resiliency-re-*
10 *lated technologies, including a reasonable rate of*
11 *return on the capital expenditures of the electric*
12 *utility for the procurement, deployment, or use of*
13 *resiliency-related technologies.*

14 “(21) *PROMOTING INVESTMENTS IN ADVANCED*
15 *ENERGY ANALYTICS TECHNOLOGY.*—

16 “(A) *IN GENERAL.*—*Each electric utility*
17 *shall develop and implement a plan for deploy-*
18 *ing advanced energy analytics technology.*

19 “(B) *RATE RECOVERY.*—*Each State regu-*
20 *latory authority (with respect to each electric*
21 *utility for which it has ratemaking authority)*
22 *shall consider confirming and clarifying, if nec-*
23 *essary, that each such electric utility is author-*
24 *ized to recover the costs of the electric utility re-*
25 *lating to the procurement, deployment, or use of*

1 *advanced energy analytics technology, including*
2 *a reasonable rate of return on all such costs in-*
3 *curring by the electric utility for the procurement,*
4 *deployment, or use of advanced energy analytics*
5 *technology, provided such technology is used by*
6 *the electric utility for purposes of realizing oper-*
7 *ational efficiencies, cost savings, enhanced energy*
8 *management and customer engagement, improve-*
9 *ments in system reliability, safety, and cyberse-*
10 *curity, or other benefits to ratepayers.*

11 “(C) *ADVANCED ENERGY ANALYTICS TECH-*
12 *NOLOGY.—For purposes of this paragraph, exam-*
13 *ples of advanced energy analytics technology in-*
14 *clude Internet-based and cloud-based computing*
15 *solutions and subscription licensing models, in-*
16 *cluding software as a service that uses cyber-*
17 *physical systems to allow the correlation of data*
18 *aggregated from appropriate data sources and*
19 *smart grid sensor networks, employs analytics*
20 *and machine learning, or employs other ad-*
21 *vanced computing solutions and models.*

22 “(22) *ASSURING ELECTRIC RELIABILITY WITH*
23 *RELIABLE GENERATION.—*

24 “(A) *ASSURANCE OF ELECTRIC RELI-*
25 *ABILITY.—Each electric utility shall adopt or*

1 *modify policies to ensure that such electric util-*
2 *ity incorporates reliable generation into its inte-*
3 *grated resource plan to assure the availability of*
4 *electric energy over a 10-year planning period.*

5 *“(B) RELIABLE GENERATION.—For pur-*
6 *poses of this paragraph, ‘reliable generation’*
7 *means electric generation facilities with reli-*
8 *ability attributes that include—*

9 *“(i)(I) possession of adequate fuel on-*
10 *site to enable operation for an extended pe-*
11 *riod of time;*

12 *“(II) the operational ability to gen-*
13 *erate electric energy from more than one*
14 *source; or*

15 *“(III) fuel certainty, through firm con-*
16 *tractual obligations, that ensures adequate*
17 *fuel supply to enable operation, for an ex-*
18 *tended period of time, for the duration of an*
19 *emergency or severe weather conditions;*

20 *“(ii) operational characteristics that*
21 *enable the generation of electric energy for*
22 *the duration of an emergency or severe*
23 *weather conditions; and*

24 *“(iii) unless procured through other*
25 *procurement mechanisms, essential reli-*

1 *ability services, including frequency support*
2 *and regulation services.*

3 “(23) *SUBSIDIZATION OF CUSTOMER-SIDE TECH-*
4 *NOLOGY.—*

5 “(A) *CONSIDERATION.—To the extent that a*
6 *State regulatory authority may require or allow*
7 *rates charged by any electric utility for which it*
8 *has ratemaking authority to electric consumers*
9 *that do not use a customer-side technology to in-*
10 *clude any cost, fee, or charge that directly or in-*
11 *directly cross-subsidizes the deployment, con-*
12 *struction, maintenance, or operation of that cus-*
13 *tomerside technology, such authority shall evalu-*
14 *ate whether subsidizing the deployment, con-*
15 *struction, maintenance, or operation of a cus-*
16 *tomerside technology would—*

17 “(i) *result in benefits predominately*
18 *enjoyed by only the users of that customerside*
19 *technology;*

20 “(ii) *shift costs of a customerside tech-*
21 *nology to electricity consumers that do not*
22 *use that customerside technology, particu-*
23 *larly where disparate economic or resource*
24 *conditions exist among the electricity con-*

1 sumers cross-subsidizing the customer-side
2 technology;

3 “(iii) negatively affect resource utiliza-
4 tion, fuel diversity, or grid security;

5 “(iv) provide any unfair competitive
6 advantage to market the customer-side tech-
7 nology; and

8 “(v) be necessary to fulfill an obliga-
9 tion to serve electric consumers.

10 “(B) *PUBLIC NOTICE.*—Each State regu-
11 latory authority shall make available to the pub-
12 lic the evaluation completed under subparagraph
13 (A) at least 90 days prior to any proceedings in
14 which such authority considers the cross-sub-
15 sidization of a customer-side technology.

16 “(C) *CUSTOMER-SIDE TECHNOLOGY.*—For
17 purposes of this paragraph, the term ‘customer-
18 side technology’ means a device connected to the
19 electricity distribution system—

20 “(i) at, or on the customer side of, the
21 meter; or

22 “(ii) that, if owned or operated by or
23 on behalf of an electric utility, would other-
24 wise be at, or on the customer side of, the
25 meter.”.

1 (2) *COMPLIANCE.*—

2 (A) *TIME LIMITATIONS.*—Section 112(b) of
3 the *Public Utility Regulatory Policies Act of*
4 1978 (16 U.S.C. 2622(b)) is amended by adding
5 at the end the following:

6 “(7)(A) Not later than 1 year after the date of
7 enactment of this paragraph, each State regulatory
8 authority (with respect to each electric utility for
9 which it has ratemaking authority) and each non-
10 regulated electric utility, as applicable, shall com-
11 mence the consideration referred to in section 111, or
12 set a hearing date for consideration, with respect to
13 the standards established by paragraphs (20), (22),
14 and (23) of section 111(d).

15 “(B) Not later than 2 years after the date of the
16 enactment of this paragraph, each State regulatory
17 authority (with respect to each electric utility for
18 which it has ratemaking authority) and each non-
19 regulated electric utility, as applicable, shall complete
20 the consideration, and shall make the determination,
21 referred to in section 111 with respect to each stand-
22 ard established by paragraphs (20), (22), and (23) of
23 section 111(d).

24 “(8)(A) Not later than 6 months after the date
25 of enactment of this paragraph, each State regulatory

1 *authority (with respect to each electric utility for*
 2 *which it has ratemaking authority) and each non-*
 3 *regulated electric utility shall commence the consider-*
 4 *ation referred to in section 111, or set a hearing date*
 5 *for consideration, with respect to the standard estab-*
 6 *lished by paragraph (21) of section 111(d).*

7 *“(B) Not later than 1 year after the date of en-*
 8 *actment of this paragraph, each State regulatory au-*
 9 *thority (with respect to each electric utility for which*
 10 *it has ratemaking authority) and each nonregulated*
 11 *electric utility shall complete the consideration, and*
 12 *shall make the determination, referred to in section*
 13 *111 with respect to the standard established by para-*
 14 *graph (21) of section 111(d).”.*

15 *(B) FAILURE TO COMPLY.—Section 112(c)*
 16 *of the Public Utility Regulatory Policies Act of*
 17 *1978 (16 U.S.C. 2622(c)) is amended by adding*
 18 *the following at the end: “In the case of the*
 19 *standards established by paragraphs (20)*
 20 *through (23) of section 111(d), the reference con-*
 21 *tained in this subsection to the date of enactment*
 22 *of this Act shall be deemed to be a reference to*
 23 *the date of enactment of such paragraphs.”.*

24 *(C) PRIOR STATE ACTIONS.—Section 112 of*
 25 *the Public Utility Regulatory Policies Act of*

1 1978 (16 U.S.C. 2622) is amended by adding at
2 the end the following new subsection:

3 “(g) *PRIOR STATE ACTIONS.*—Subsections (b) and (c)
4 of this section shall not apply to a standard established by
5 paragraph (20), (21), (22), or (23) of section 111(d) in the
6 case of any electric utility in a State if—

7 “(1) before the date of enactment of this sub-
8 section, the State has implemented for such utility the
9 standard concerned (or a comparable standard);

10 “(2) the State regulatory authority for such
11 State or relevant nonregulated electric utility has con-
12 ducted a proceeding to consider implementation of the
13 standard concerned (or a comparable standard) for
14 such utility during the 3-year period ending on the
15 date of enactment of this subsection; or

16 “(3) the State legislature has voted on the imple-
17 mentation of the standard concerned (or a comparable
18 standard) for such utility during the 3-year period
19 ending on the date of enactment of this subsection.”.

20 (b) *COVERAGE FOR COMPETITIVE MARKETS.*—Section
21 102 of the Public Utility Regulatory Policies Act of 1978
22 (16 U.S.C. 2612) is amended by adding at the end the fol-
23 lowing:

24 “(d) *COVERAGE FOR COMPETITIVE MARKETS.*—The
25 requirements of this title do not apply to the operations of

1 *an electric utility, or to proceedings respecting such oper-*
 2 *ations, to the extent that such operations or proceedings,*
 3 *or any portion thereof, relate to the competitive sale of retail*
 4 *electric energy that is unbundled or separated from the reg-*
 5 *ulated provision or sale of distribution service.”.*

6 **SEC. 1108. RELIABILITY ANALYSIS FOR CERTAIN RULES**
 7 **THAT AFFECT ELECTRIC GENERATING FA-**
 8 **CILITIES.**

9 (a) *APPLICABILITY.*—*This section shall apply with re-*
 10 *spect to any proposed or final covered rule issued by a Fed-*
 11 *eral agency for which compliance with the rule may impact*
 12 *an electric utility generating unit or units, including by*
 13 *resulting in closure or interruption to operations of such*
 14 *a unit or units.*

15 (b) *RELIABILITY ANALYSIS.*—

16 (1) *ANALYSIS OF RULES.*—*The Federal Energy*
 17 *Regulatory Commission, in consultation with the*
 18 *Electric Reliability Organization, shall conduct an*
 19 *independent reliability analysis of a proposed or final*
 20 *covered rule under this section to evaluate the antici-*
 21 *pated effects of implementation and enforcement of*
 22 *the rule on—*

23 (A) *electric reliability and resource ade-*
 24 *quacy;*

1 (B) the electricity generation portfolio of the
2 United States;

3 (C) the operation of wholesale electricity
4 markets; and

5 (D) energy delivery and infrastructure, in-
6 cluding electric transmission facilities and nat-
7 ural gas pipelines.

8 (2) *RELEVANT INFORMATION.*—

9 (A) *MATERIALS FROM FEDERAL AGEN-*
10 *CIES.*—A Federal agency shall provide to the
11 Commission materials and information relevant
12 to the analysis required under paragraph (1) for
13 a rule, including relevant data, modeling, and
14 resource adequacy and reliability assessments,
15 prepared or relied upon by such agency in devel-
16 oping the rule.

17 (B) *ANALYSES FROM OTHER ENTITIES.*—
18 The Electric Reliability Organization, regional
19 entities, regional transmission organizations,
20 independent system operators, and other reli-
21 ability coordinators and planning authorities
22 shall timely conduct analyses and provide such
23 information as may be reasonably requested by
24 the Commission.

1 (3) *NOTICE.*—A Federal agency shall provide to
2 the Commission notice of the issuance of any proposed
3 or final covered rule not later than 15 days after the
4 date of such issuance.

5 (c) *PROPOSED RULES.*—Not later than 150 days after
6 the date of publication in the Federal Register of a proposed
7 rule described in subsection (a), the Federal Energy Regu-
8 latory Commission shall make available to the public an
9 analysis of the proposed rule conducted in accordance with
10 subsection (b), and any relevant special assessment or sea-
11 sonal or long-term reliability assessment completed by the
12 Electric Reliability Organization.

13 (d) *FINAL RULES.*—

14 (1) *INCLUSION.*—A final rule described in sub-
15 section (a) shall include, if available at the time of
16 issuance, a copy of the analysis conducted pursuant
17 to subsection (c) of the rule as proposed.

18 (2) *ANALYSIS.*—Not later than 120 days after
19 the date of publication in the Federal Register of a
20 final rule described in subsection (a), the Federal En-
21 ergy Regulatory Commission shall make available to
22 the public an analysis of the final rule conducted in
23 accordance with subsection (b), and any relevant spe-
24 cial assessment or seasonal or long-term reliability as-

1 *assessment completed by the Electric Reliability Orga-*
 2 *nization.*

3 *(e) DEFINITIONS.—In this section:*

4 *(1) ELECTRIC RELIABILITY ORGANIZATION.—The*
 5 *term “Electric Reliability Organization” has the*
 6 *meaning given to such term in section 215(a) of the*
 7 *Federal Power Act (16 U.S.C. 824o(a)).*

8 *(2) FEDERAL AGENCY.—The term “Federal agen-*
 9 *cy” means an agency, as that term is defined in sec-*
 10 *tion 551 of title 5, United States Code.*

11 *(3) COVERED RULE.—The term “covered rule”*
 12 *means a proposed or final rule that is estimated by*
 13 *the Federal agency issuing the rule, or the Director of*
 14 *the Office of Management and Budget, to result in an*
 15 *annual effect on the economy of \$1,000,000,000 or*
 16 *more.*

17 **SEC. 1109. CARBON CAPTURE, UTILIZATION, AND SEQUES-**
 18 **TRATION TECHNOLOGIES.**

19 *(a) AMENDMENTS TO THE ENERGY POLICY ACT OF*
 20 *2005.—*

21 *(1) FOSSIL ENERGY.—Section 961(a) of the En-*
 22 *ergy Policy Act of 2005 (42 U.S.C. 16291(a)) is*
 23 *amended by adding at the end the following:*

24 *“(8) Improving the conversion, use, and storage*
 25 *of carbon dioxide produced from fossil fuels.”.*

(2) *COAL AND RELATED TECHNOLOGIES PROGRAM.*—Section 962(b)(1) of the Energy Policy Act of 2005 (42 U.S.C. 16292(b)(1)) is amended—

(A) by striking “during each of calendar years 2008, 2010, 2012, and 2016, and during each fiscal year beginning after September 30, 2021,” and inserting “during each fiscal year beginning after September 30, 2016,”;

(B) by inserting “allow for large-scale demonstration and” after “technologies that would”; and

(C) by inserting “commercial use,” after “use of coal for”.

(b) *INCREASED ACCOUNTABILITY WITH RESPECT TO CARBON CAPTURE, UTILIZATION, AND SEQUESTRATION PROJECTS.*—

(1) *DOE EVALUATION.*—

(A) *IN GENERAL.*—The Secretary of Energy (in this subsection referred to as the “Secretary”) shall, in accordance with this subsection, annually conduct an evaluation, and make recommendations, with respect to each project conducted by the Secretary for research, development, demonstration, or deployment of carbon capture, utilization, and sequestration tech-

1 *nologies (also known as carbon capture and stor-*
2 *age and utilization technologies).*

3 *(B) SCOPE.—For purposes of this sub-*
4 *section, a project includes any contract, lease, co-*
5 *operative agreement, or other similar transaction*
6 *with a public agency or private organization or*
7 *person, entered into or performed, or any pay-*
8 *ment made, by the Secretary for research, devel-*
9 *opment, demonstration, or deployment of carbon*
10 *capture, utilization, and sequestration tech-*
11 *nologies.*

12 *(2) REQUIREMENTS FOR EVALUATION.—In con-*
13 *ducting an evaluation of a project under this sub-*
14 *section, the Secretary shall—*

15 *(A) examine if the project has made ad-*
16 *vancements toward achieving any specific goal of*
17 *the project with respect to a carbon capture, uti-*
18 *lization, and sequestration technology; and*

19 *(B) evaluate and determine if the project*
20 *has made significant progress in advancing a*
21 *carbon capture, utilization, and sequestration*
22 *technology.*

23 *(3) RECOMMENDATIONS.—For each evaluation of*
24 *a project conducted under this subsection, if the Sec-*
25 *retary determines that—*

1 (A) *significant progress in advancing a car-*
 2 *bon capture, utilization, and sequestration tech-*
 3 *nology has been made, the Secretary shall assess*
 4 *the funding of the project and make a rec-*
 5 *ommendation as to whether increased funding is*
 6 *necessary to advance the project; or*

7 (B) *significant progress in advancing a car-*
 8 *bon capture, utilization, and sequestration tech-*
 9 *nology has not been made, the Secretary shall—*

10 (i) *assess the funding of the project and*
 11 *make a recommendation as to whether in-*
 12 *creased funding is necessary to advance the*
 13 *project;*

14 (ii) *assess and determine if the project*
 15 *has reached its full potential; and*

16 (iii) *make a recommendation as to*
 17 *whether the project should continue.*

18 (4) *REPORTS.—*

19 (A) *REPORT ON EVALUATIONS AND REC-*
 20 *COMMENDATIONS.—Not later than 2 years after*
 21 *the date of enactment of this Act, and every 2*
 22 *years thereafter, the Secretary shall—*

23 (i) *issue a report on the evaluations*
 24 *conducted and recommendations made dur-*

1 *ing the previous year pursuant to this sub-*
2 *section; and*

3 *(ii) make each such report available on*
4 *the Internet website of the Department of*
5 *Energy.*

6 *(B) REPORT.—Not later than 2 years after*
7 *the date of enactment of this Act, and every 3*
8 *years thereafter, the Secretary shall submit to the*
9 *Subcommittee on Energy and Power of the Com-*
10 *mittee on Energy and Commerce of the House of*
11 *Representatives and the Committee on Energy*
12 *and Natural Resources of the Senate a report*
13 *on—*

14 *(i) the evaluations conducted and rec-*
15 *ommendations made during the previous 3*
16 *years pursuant to this subsection; and*

17 *(ii) the progress of the Department of*
18 *Energy in advancing carbon capture, utili-*
19 *zation, and sequestration technologies, in-*
20 *cluding progress in achieving the Depart-*
21 *ment of Energy’s goal of having an array*
22 *of advanced carbon capture and sequestra-*
23 *tion technologies ready by 2020 for large-*
24 *scale demonstration.*

1 **SEC. 1110. RELIABILITY AND PERFORMANCE ASSURANCE IN**
 2 **REGIONAL TRANSMISSION ORGANIZATIONS.**

3 *Part II of the Federal Power Act (16 U.S.C. 824 et*
 4 *seq.), as amended by section 1104, is further amended by*
 5 *adding after section 215A the following new section:*

6 **“SEC. 215B. RELIABILITY AND PERFORMANCE ASSURANCE**
 7 **IN REGIONAL TRANSMISSION ORGANIZA-**
 8 **TIONS.**

9 *“(a) EXISTING CAPACITY MARKETS.—*

10 *“(1) ANALYSIS CONCERNING CAPACITY MARKET*
 11 *DESIGN.—Not later than 180 days after the date of*
 12 *enactment of this section, each Regional Transmission*
 13 *Organization, and each Independent System Oper-*
 14 *ator, that operates a capacity market, or a com-*
 15 *parable market intended to ensure the procurement*
 16 *and availability of sufficient future electric energy re-*
 17 *sources, that is subject to the jurisdiction of the Com-*
 18 *mission, shall provide to the Commission an analysis*
 19 *of how the structure of such market meets the fol-*
 20 *lowing criteria:*

21 *“(A) The structure of such market utilizes*
 22 *competitive market forces to the extent prac-*
 23 *ticable in procuring capacity resources.*

24 *“(B) Consistent with subparagraph (A), the*
 25 *structure of such market includes resource-neu-*
 26 *tral performance criteria that ensure the pro-*

1 *curement of sufficient capacity from physical*
2 *generation facilities that have reliability at-*
3 *tributes that include—*

4 *“(i)(I) possession of adequate fuel on-*
5 *site to enable operation for an extended pe-*
6 *riod of time;*

7 *“(II) the operational ability to gen-*
8 *erate electric energy from more than one*
9 *fuel source; or*

10 *“(III) fuel certainty, through firm con-*
11 *tractual obligations, that ensures adequate*
12 *fuel supply to enable operation, for an ex-*
13 *tended period of time, for the duration of an*
14 *emergency or severe weather conditions;*

15 *“(ii) operational characteristics that*
16 *enable the generation of electric energy for*
17 *the duration of an emergency or severe*
18 *weather conditions; and*

19 *“(iii) unless procured through other*
20 *markets or procurement mechanisms, essen-*
21 *tial reliability services, including frequency*
22 *support and regulation services.*

23 *“(2) COMMISSION EVALUATION AND REPORT.—*

24 *Not later than 1 year after the date of enactment of*
25 *this section, the Commission shall make publicly*

1 *available, and submit to the Committee on Energy*
2 *and Commerce in the House of Representatives and*
3 *the Committee on Energy and Natural Resources in*
4 *the Senate, a report containing—*

5 “(A) *evaluation of whether the structure of*
6 *each market addressed in an analysis submitted*
7 *pursuant to paragraph (1) meets the criteria*
8 *under such paragraph, based on the analysis;*
9 *and*

10 “(B) *to the extent a market so addressed*
11 *does not meet such criteria, any recommenda-*
12 *tions with respect to the procurement of suffi-*
13 *cient capacity, as described in paragraph (1)(B).*

14 “(b) *COMMISSION EVALUATION AND REPORT FOR NEW*
15 *SCHEDULES.—*

16 “(1) *INCLUSION OF ANALYSIS IN FILING.—Except*
17 *as provided in subsection (a)(2), whenever a Regional*
18 *Transmission Organization or Independent System*
19 *Operator files a new schedule under section 205 to es-*
20 *tablish a market described in subsection (a)(1), or*
21 *that substantially modifies the capacity market de-*
22 *sign of a market described in subsection (a)(1), the*
23 *Regional Transmission Organization or Independent*
24 *System Operator shall include in any such filing the*
25 *analysis required by subsection (a)(1).*

1 “(2) *EVALUATION AND REPORT.*—Not later than
2 180 days of receiving an analysis under paragraph
3 (1), the Commission shall make publicly available,
4 and submit to the Committee on Energy and Com-
5 merce in the House of Representatives and the Com-
6 mittee on Energy and Natural Resources in the Sen-
7 ate, a report containing—

8 “(A) an evaluation of whether the structure
9 of the market addressed in the analysis meets the
10 criteria under subsection (a)(1), based on the
11 analysis; and

12 “(B) to the extent the market does not meet
13 such criteria, any recommendations with respect
14 to the procurement of sufficient capacity, as de-
15 scribed in subsection (a)(1)(B).

16 “(c) *EFFECT ON EXISTING APPROVALS.*—Nothing in
17 this section shall be considered to—

18 “(1) require a modification of the Commission’s
19 approval of the capacity market design approved pur-
20 suant to docket numbers *ER15–623–000*, *EL15–29–*
21 *000*, *EL14–52–000*, and *ER14–2419–000*; or

22 “(2) provide grounds for the Commission to
23 grant rehearing or otherwise modify orders issued in
24 those dockets.”.

***Subtitle B—Energy Security and
Infrastructure Modernization***

***SEC. 1201. ENERGY SECURITY AND INFRASTRUCTURE MOD-
ERNIZATION FUND.***

(a) ESTABLISHMENT.—There is hereby established in the Treasury of the United States a fund to be known as the Energy Security and Infrastructure Modernization Fund (referred to in this section as the “Fund”), consisting of—

(1) collections deposited in the Fund under subsection (c); and

(2) amounts otherwise appropriated to the Fund.

(b) PURPOSE.—The purpose of the Fund is—

(1) to provide for the construction, maintenance, repair, and replacement of Strategic Petroleum Reserve facilities; and

(2) for carrying out non-Strategic Petroleum Reserve projects needed to enhance the energy security of the United States by increasing the resilience, reliability, safety, and security of energy supply, transmission, storage, or distribution infrastructure.

(c) COLLECTION AND DEPOSIT OF SALE PROCEEDS IN FUND.—

(1) DRAWDOWN AND SALE.—Notwithstanding section 161 of the Energy Policy and Conservation

1 *Act (42 U.S.C. 6241), to the extent provided in ad-*
2 *vance in appropriation Acts, the Secretary of Energy*
3 *shall draw down and sell crude oil from the Strategic*
4 *Petroleum Reserve in amounts as authorized under*
5 *subsection (e), except as provided in paragraphs (2)*
6 *and (3). Amounts received for a sale under this sub-*
7 *section shall be deposited into the Fund during the*
8 *fiscal year in which the sale occurs. Such amounts*
9 *shall remain available in the Fund without fiscal*
10 *year limitation.*

11 (2) *EMERGENCY PROTECTION.*—*The Secretary*
12 *shall not draw down and sell crude oil under this*
13 *subsection in amounts that would limit the authority*
14 *to sell petroleum products under section 161(h) of the*
15 *Energy Policy and Conservation Act (42 U.S.C.*
16 *6241(h)) in the full amount authorized by that sub-*
17 *section.*

18 (3) *INVESTMENT PROTECTION.*—*The Secretary*
19 *shall not draw down and sell crude oil under this*
20 *subsection at a price lower than the average price*
21 *paid for oil in the Strategic Petroleum Reserve.*

22 (d) *AUTHORIZED USES OF FUND.*—

23 (1) *IN GENERAL.*—*Amounts in the Fund may be*
24 *used for, or may be credited as offsetting collections*
25 *for amounts used for, carrying out the programs de-*

scribed in paragraphs (2), (3), and (4), to the extent provided in advance in appropriation Acts.

(2) *PROGRAM TO MODERNIZE THE STRATEGIC PETROLEUM RESERVE.*—

(A) *FINDINGS.*—Congress finds the following:

(i) *The Strategic Petroleum Reserve is one of the Nation's most valuable energy security assets.*

(ii) *The age and condition of the Strategic Petroleum Reserve have diminished its value as a Federal energy security asset.*

(iii) *Global oil markets and the location and amount of United States oil production and refining capacity have dramatically changed in the 40 years since the establishment of the Strategic Petroleum Reserve.*

(iv) *Maximizing the energy security value of the Strategic Petroleum Reserve requires a modernized infrastructure that meets the drawdown and distribution needs of changed domestic and international oil and refining market conditions.*

1 (B) *REAFFIRMATION OF POLICY.*—Congress
2 *reaffirms the continuing strategic importance*
3 *and need for the Strategic Petroleum Reserve as*
4 *found and declared in section 151 of the Energy*
5 *Policy and Conservation Act (42 U.S.C. 6231).*

6 (C) *PROGRAM.*—The Secretary of Energy
7 *shall establish a Strategic Petroleum Reserve*
8 *modernization program to protect the United*
9 *States economy from the impacts of emergency*
10 *petroleum product supply disruptions. The pro-*
11 *gram shall include—*

12 (i) *operational improvements to extend*
13 *the useful life of surface and subsurface in-*
14 *frastructure;*

15 (ii) *maintenance of cavern storage in-*
16 *tegrity; and*

17 (iii) *addition of infrastructure and fa-*
18 *cilities to maximize the drawdown and in-*
19 *cremental distribution capacity of the Stra-*
20 *tegic Petroleum Reserve.*

21 (3) *PROGRAM TO ENHANCE SAFETY, PERFORM-*
22 *ANCE, AND RESILIENCE OF NATURAL GAS DISTRIBUTI-*
23 *ON SYSTEMS.*—

24 (A) *PROGRAM.*—The Secretary of Energy
25 *shall establish a grant program to provide finan-*

1 *cial assistance to States to offset the incremental*
2 *rate increases paid by eligible households result-*
3 *ing from the implementation of State-approved*
4 *infrastructure replacement, repair, and mainte-*
5 *nance programs designed to accelerate the nec-*
6 *essary replacement, repair, or maintenance of*
7 *natural gas distribution systems.*

8 *(B) DATE OF ELIGIBILITY.—Awards may be*
9 *provided under this paragraph to offset rate in-*
10 *creases described in subsection (a) occurring on*
11 *or after July 1, 2015.*

12 *(C) PRIORITIZATION.—The Secretary shall*
13 *collaborate with States to prioritize the distribu-*
14 *tion of grants made under this paragraph. At a*
15 *minimum, the Secretary shall consider*
16 *prioritizing the distribution of grants to States*
17 *which have—*

18 *(i) authorized or adopted enhanced in-*
19 *frastructure replacement programs or inno-*
20 *vative rate recovery mechanisms, such as*
21 *infrastructure cost trackers and riders, in-*
22 *frastructure base rate surcharges, deferred*
23 *regulatory asset programs, and earnings*
24 *stability mechanisms; and*

1 (ii) a viable means for delivering fi-
2 nancial assistance to eligible households.

3 (D) DEFINITION.—In this paragraph, the
4 term “eligible household” means a household that
5 is eligible to receive payments under section
6 8624(b)(2) of title 42, United States Code.

7 (4) PROGRAM TO ENHANCE ELECTRIC INFRA-
8 STRUCTURE RESILIENCE, RELIABILITY, AND ENERGY
9 SECURITY.—

10 (A) PROGRAM.—The Secretary shall estab-
11 lish a competitive grant program to provide
12 grants to States, units of local government, and
13 Indian tribe economic development entities to en-
14 hance energy security through measures for elec-
15 tricity delivery infrastructure hardening and en-
16 hanced resilience and reliability.

17 (B) PURPOSE OF GRANTS.—The Secretary
18 may make grants on a competitive basis to en-
19 able broader use of resiliency-related technologies,
20 upgrades, and institutional measures and prac-
21 tices designed to—

22 (i) improve the resilience, reliability,
23 and security of electricity delivery infra-
24 structure;

1 (ii) improve preparedness and restora-
2 tion time to mitigate power disturbances re-
3 sulting from physical and cyber attacks,
4 electromagnetic pulse attacks, geomagnetic
5 disturbances, seismic events, and severe
6 weather and other environmental stressors;

7 (iii) continue delivery of power to fa-
8 cilities critical to public health, safety, and
9 welfare, including hospitals, assisted living
10 facilities, and schools;

11 (iv) continue delivery of power to elec-
12 tricity-dependent essential services, includ-
13 ing fueling stations and pumps, wastewater
14 and sewage treatment facilities, gas pipeline
15 infrastructure, communications systems,
16 transportation services and systems, and
17 services provided by emergency first re-
18 sponders; and

19 (v) enhance regional grid resilience
20 and the resilience of electricity-dependent
21 regional infrastructure.

22 (C) *EXAMPLES.*—Resiliency-related tech-
23 nologies, upgrades, and measures with respect to
24 which grants may be made under this paragraph
25 include—

1 (i) hardening, or other enhanced pro-
2 tection, of utility poles, wiring, cabling, and
3 other distribution components, facilities, or
4 structures;

5 (ii) advanced grid technologies capable
6 of isolating or repairing problems remotely,
7 such as advanced metering infrastructure,
8 high-tech sensors, grid monitoring and con-
9 trol systems, and remote reconfiguration
10 and redundancy systems;

11 (iii) cybersecurity products and com-
12 ponents;

13 (iv) distributed generation, including
14 back-up generation to power critical facili-
15 ties and essential services, and related inte-
16 gration components, such as advanced in-
17 verter technology;

18 (v) microgrid systems, including hy-
19 brid microgrid systems for isolated commu-
20 nities;

21 (vi) combined heat and power;

22 (vii) waste heat resources;

23 (viii) non-grid-scale energy storage
24 technologies;

1 *(ix) wiring, cabling, and other dis-*
 2 *tribution components, including submersible*
 3 *distribution components, and enclosures;*

4 *(x) electronically controlled reclosers*
 5 *and similar technologies for power restora-*
 6 *tion, including emergency mobile sub-*
 7 *stations, as defined in section 1105 of the*
 8 *North American Energy Security and In-*
 9 *frastructure Act of 2015;*

10 *(xi) advanced energy analytics tech-*
 11 *nology, such as Internet-based and cloud-*
 12 *based computing solutions and subscription*
 13 *licensing models;*

14 *(xii) measures that enhance resilience*
 15 *through planning, preparation, response,*
 16 *and recovery activities;*

17 *(xiii) operational capabilities to en-*
 18 *hance resilience through rapid response re-*
 19 *covery; and*

20 *(xiv) measures to ensure availability of*
 21 *key critical components through contracts,*
 22 *cooperative agreements, stockpiling and*
 23 *prepositioning, or other measures.*

24 *(D) IMPLEMENTATION.—Specific projects or*
 25 *programs established, or to be established, pursu-*

1 *ant to awards provided under this paragraph*
2 *shall be implemented through the States by pub-*
3 *lic and publicly regulated entities on a cost-*
4 *shared basis.*

5 (E) COOPERATION.—*In carrying out*
6 *projects or programs established, or to be estab-*
7 *lished, pursuant to awards provided under this*
8 *paragraph, award recipients shall cooperate, as*
9 *applicable, with—*

- 10 (i) *State public utility commissions;*
11 (ii) *State energy offices;*
12 (iii) *electric infrastructure owners and*
13 *operators; and*
14 (iv) *other entities responsible for main-*
15 *taining electric reliability.*

16 (F) DATA AND METRICS.—

17 (i) IN GENERAL.—*To the extent prac-*
18 *ticable, award recipients shall utilize the*
19 *most current data, metrics, and frameworks*
20 *related to—*

21 (I) *electricity delivery infrastruc-*
22 *ture hardening and enhancing resil-*
23 *ience and reliability; and*

24 (II) *current and future threats,*
25 *including physical and cyber attacks,*

1 *electromagnetic pulse, geomagnetic dis-*
2 *turbances, seismic events, and severe*
3 *weather and other environmental*
4 *stressors.*

5 (ii) *METRICS.*—*Award recipients shall*
6 *demonstrate to the Secretary with measur-*
7 *able and verifiable data how the deployment*
8 *of resiliency-related technologies, upgrades,*
9 *and technologies achieve improvements in*
10 *the resiliency and recovery of electricity de-*
11 *livery infrastructure and related services,*
12 *including a comparison of data collected be-*
13 *fore and after deployment. Metrics for dem-*
14 *onstrating improvements in resiliency and*
15 *recovery may include—*

16 (I) *power quality during power*
17 *disturbances when delivered power does*
18 *not meet power quality requirements of*
19 *the customer;*

20 (II) *duration of customer inter-*
21 *ruptions;*

22 (III) *number of customers im-*
23 *pacted;*

24 (IV) *cost impacts, including busi-*
25 *ness and other economic losses;*

1 (V) *impacts on electricity-depend-*
 2 *ent essential services and critical fa-*
 3 *cilities; and*

4 (VI) *societal impacts.*

5 (iii) *FURTHERING ENERGY ASSURANCE*
 6 *PLANS.—Award recipients shall dem-*
 7 *onstrate to the Secretary how projects or*
 8 *programs established, or to be established,*
 9 *pursuant to awards provided under this*
 10 *paragraph further applicable State and*
 11 *local energy assurance plans.*

12 (G) *MATCHING CONTRIBUTIONS.—The Sec-*
 13 *retary may not make a grant under this para-*
 14 *graph unless the applicant agrees to make avail-*
 15 *able non-Federal contributions (which may in-*
 16 *clude in-kind contributions) in an amount not*
 17 *less than 50 percent of the Federal contribution.*

18 (e) *AUTHORIZATION OF APPROPRIATIONS.—There are*
 19 *authorized to be appropriated (and drawdowns and sales*
 20 *under subsection (c) in an equal amount are authorized)—*

21 (1) *for carrying out subsection (d)(2),*
 22 *\$500,000,000 for the period encompassing fiscal years*
 23 *2017 through 2020;*

24 (2) *for carrying out subsection (d)(3),*
 25 *\$100,000,000 for the period encompassing fiscal years*

1 2017 through 2020, of which not more than 5 percent
2 may be used for administrative expenses; and

3 (3) for carrying out subsection (d)(4),
4 \$250,000,000 for the period encompassing fiscal years
5 2017 through 2020, of which not more than 5 percent
6 may be used for administrative expenses.

7 (f) *TRANSMISSION OF DEPARTMENT BUDGET RE-*
8 *QUESTS.*—*The Secretary of Energy shall prepare and sub-*
9 *mit in the Department’s annual budget request to Con-*
10 *gress—*

11 (1) *an itemization of the amounts of funds nec-*
12 *essary to carry out subsection (d); and*

13 (2) *a designation of any activities thereunder for*
14 *which a multiyear budget authority would be appro-*
15 *priate.*

16 (g) *SUNSET.*—*The authority of the Secretary to draw-*
17 *down and sell crude oil from the Strategic Petroleum Re-*
18 *serve under this section shall expire at the end of fiscal year*
19 *2020.*

1 ***Subtitle C—Hydropower Regulatory***
 2 ***Modernization***

3 ***SEC. 1301. HYDROELECTRIC PRODUCTION AND EFFICIENCY***
 4 ***INCENTIVES.***

5 (a) *HYDROELECTRIC PRODUCTION INCENTIVES.*—*Sec-*
 6 *tion 242 of the Energy Policy Act of 2005 (42 U.S.C.15881)*
 7 *is amended—*

8 (1) *in subsection (c), by striking “10” and in-*
 9 *serting “20”;*

10 (2) *in subsection (f), by striking “20” and in-*
 11 *serting “30”; and*

12 (3) *in subsection (g), by striking “each of the fis-*
 13 *cal years 2006 through 2015” and inserting “each of*
 14 *fiscal years 2016 through 2025”.*

15 (b) *HYDROELECTRIC EFFICIENCY IMPROVEMENT.*—
 16 *Section 243(c) of the Energy Policy Act of 2005 (42 U.S.C.*
 17 *15882(c)) is amended by striking “each of the fiscal years*
 18 *2006 through 2015” and inserting “each of fiscal years*
 19 *2016 through 2025”.*

20 ***SEC. 1302. PROTECTION OF PRIVATE PROPERTY RIGHTS IN***
 21 ***HYDROPOWER LICENSING.***

22 (a) *LICENCES.*—*Section 4(e) of the Federal Power Act*
 23 *(16 U.S.C. 797(e)) is amended—*

24 (1) *by striking “and” after “recreational oppor-*
 25 *tunities,”; and*

1 (2) by inserting “, and minimizing infringement
2 on the useful exercise and enjoyment of property
3 rights held by nonlicensees” after “aspects of environ-
4 mental quality”.

5 (b) *PRIVATE LANDOWNERSHIP*.—Section 10 of the
6 *Federal Power Act* (16 U.S.C. 803) is amended—

7 (1) in subsection (a)(1), by inserting “, includ-
8 ing minimizing infringement on the useful exercise
9 and enjoyment of property rights held by non-
10 licensees” after “section 4(e)”; and

11 (2) by adding at the end the following:

12 “(k) *PRIVATE LANDOWNERSHIP*.—In developing any
13 recreational resource within the project boundary, the li-
14 censee shall consider private landownership as a means to
15 encourage and facilitate—

16 “(1) private investment; and

17 “(2) increased tourism and recreational use.”.

18 **SEC. 1303. EXTENSION OF TIME FOR FERC PROJECT IN-**
19 **VOLVING W. KERR SCOTT DAM.**

20 (a) *IN GENERAL*.—Notwithstanding the time period
21 specified in section 13 of the *Federal Power Act* (16 U.S.C.
22 806) that would otherwise apply to the *Federal Energy Reg-*
23 *ulatory Commission* project numbered 12642, the *Commis-*
24 *sion* may, at the request of the licensee for the project, and
25 after reasonable notice, in accordance with the good faith,

1 *due diligence, and public interest requirements of that sec-*
 2 *tion and the Commission’s procedures under that section,*
 3 *extend the time period during which the licensee is required*
 4 *to commence the construction of the project for up to 3 con-*
 5 *secutive 2-year periods from the date of the expiration of*
 6 *the extension originally issued by the Commission.*

7 (b) *REINSTATEMENT OF EXPIRED LICENSE.—If the*
 8 *period required for commencement of construction of the*
 9 *project described in subsection (a) has expired prior to the*
 10 *date of the enactment of this Act, the Commission may rein-*
 11 *state the license effective as of the date of its expiration and*
 12 *the first extension authorized under subsection (a) shall take*
 13 *effect on the date of such expiration.*

14 **SEC. 1304. HYDROPOWER LICENSING AND PROCESS IM-**
 15 **PROVEMENTS.**

16 *Part I of the Federal Power Act (16 U.S.C. 792 et seq.)*
 17 *is amended by adding at the end the following:*

18 **“SEC. 34. HYDROPOWER LICENSING AND PROCESS IM-**
 19 **PROVEMENTS.**

20 “(a) *DEFINITION.—In this section, the term ‘Federal*
 21 *authorization’—*

22 “(1) *means any authorization required under*
 23 *Federal law with respect to an application for a li-*
 24 *cence, license amendment, or exemption under this*
 25 *part; and*

1 “(2) includes any permits, special use authoriza-
 2 tions, certifications, opinions, or other approvals as
 3 may be required under Federal law to approve or im-
 4 plement the license, license amendment, or exemption
 5 under this part.

6 “(b) DESIGNATION AS LEAD AGENCY.—

7 “(1) IN GENERAL.—The Commission shall act as
 8 the lead agency for the purposes of coordinating all
 9 applicable Federal authorizations and for the pur-
 10 poses of complying with the National Environmental
 11 Policy Act of 1969 (42 U.S.C. 4321 et seq.).

12 “(2) OTHER AGENCIES AND INDIAN TRIBES.—

13 “(A) IN GENERAL.—Each Federal, State,
 14 and local government agency and Indian tribe
 15 considering an aspect of an application for Fed-
 16 eral authorization shall coordinate with the
 17 Commission and comply with the deadline estab-
 18 lished in the schedule developed for the project in
 19 accordance with the rule issued by the Commis-
 20 sion under subsection (c).

21 “(B) IDENTIFICATION.—The Commission
 22 shall identify, as early as practicable after it is
 23 notified by the applicant of a project or facility
 24 requiring Commission action under this part,
 25 any Federal or State agency, local government,

1 *or Indian tribe that may consider an aspect of*
2 *an application for a Federal authorization.*

3 “(C) *NOTIFICATION.*—

4 “(i) *IN GENERAL.*—*The Commission*
5 *shall notify any agency and Indian tribe*
6 *identified under subparagraph (B) of the*
7 *opportunity to participate in the process of*
8 *reviewing an aspect of an application for a*
9 *Federal authorization.*

10 “(ii) *DEADLINE.*—*Each agency and*
11 *Indian tribe receiving a notice under clause*
12 *(i) shall submit a response acknowledging*
13 *receipt of the notice to the Commission*
14 *within 30 days of receipt of such notice and*
15 *request.*

16 “(D) *ISSUE IDENTIFICATION AND RESOLU-*
17 *TION.*—

18 “(i) *IDENTIFICATION OF ISSUES.*—*Fed-*
19 *eral, State, and local government agencies*
20 *and Indian tribes that may consider an as-*
21 *pect of an application for Federal author-*
22 *ization shall identify, as early as possible,*
23 *and share with the Commission and the ap-*
24 *plicant, any issues of concern identified*
25 *during the pendency of the Commission’s*

1 *action under this part relating to any Fed-*
2 *eral authorization that may delay or pre-*
3 *vent the granting of such authorization, in-*
4 *cluding any issues that may prevent the*
5 *agency or Indian tribe from meeting the*
6 *schedule established for the project in ac-*
7 *cordance with the rule issued by the Com-*
8 *mission under subsection (c).*

9 “(ii) *ISSUE RESOLUTION.—The Com-*
10 *mission may forward any issue of concern*
11 *identified under clause (i) to the heads of*
12 *the relevant State and Federal agencies (in-*
13 *cluding, in the case of scheduling concerns*
14 *identified by a State or local government*
15 *agency or Indian tribe, the Federal agency*
16 *overseeing the delegated authority, or the*
17 *Secretary of the Interior with regard to*
18 *scheduling concerns identified by an Indian*
19 *tribe) for resolution. The Commission and*
20 *any relevant agency shall enter into a*
21 *memorandum of understanding to facilitate*
22 *interagency coordination and resolution of*
23 *such issues of concern, as appropriate.*

24 “(c) *SCHEDULE.—*

1 “(1) *COMMISSION RULEMAKING TO ESTABLISH*
2 *PROCESS TO SET SCHEDULE.*—*Within 180 days of the*
3 *date of enactment of this section the Commission*
4 *shall, in consultation with the appropriate Federal*
5 *agencies, issue a rule, after providing for notice and*
6 *public comment, establishing a process for setting a*
7 *schedule following the filing of an application under*
8 *this part for the review and disposition of each Fed-*
9 *eral authorization.*

10 “(2) *ELEMENTS OF SCHEDULING RULE.*—*In*
11 *issuing a rule under this subsection, the Commission*
12 *shall ensure that the schedule for each Federal author-*
13 *ization—*

14 “(A) *includes deadlines for actions by—*

15 “(i) *any Federal or State agency, local*
16 *government, or Indian tribe that may con-*
17 *sider an aspect of an application for the*
18 *Federal authorization;*

19 “(ii) *the applicant;*

20 “(iii) *the Commission; and*

21 “(iv) *other participants in a pro-*
22 *ceeding;*

23 “(B) *is developed in consultation with the*
24 *applicant and any agency and Indian tribe that*

1 *submits a response under subsection*
2 *(b)(2)(C)(ii);*

3 *“(C) provides an opportunity for any Fed-*
4 *eral or State agency, local government, or Indian*
5 *tribe that may consider an aspect of an applica-*
6 *tion for the applicable Federal authorization to*
7 *identify and resolve issues of concern, as pro-*
8 *vided in subsection (b)(2)(D);*

9 *“(D) complies with applicable schedules es-*
10 *tablished under Federal and State law;*

11 *“(E) ensures expeditious completion of all*
12 *proceedings required under Federal and State*
13 *law, to the extent practicable; and*

14 *“(F) facilitates completion of Federal and*
15 *State agency studies, reviews, and any other pro-*
16 *cedures required prior to, or concurrent with, the*
17 *preparation of the Commission’s environmental*
18 *document required under the National Environ-*
19 *mental Policy Act of 1969 (42 U.S.C. 4321 et*
20 *seq.).*

21 *“(d) TRANSMISSION OF FINAL SCHEDULE.—*

22 *“(1) IN GENERAL.—For each application for a*
23 *license, license amendment, or exemption under this*
24 *part, the Commission shall establish a schedule in ac-*
25 *cordance with the rule issued by the Commission*

1 *under subsection (c). The Commission shall publicly*
2 *notice and transmit the final schedule to the appli-*
3 *cant and each agency and Indian tribe identified*
4 *under subsection (b)(2)(B).*

5 *“(2) RESPONSE.—Each agency and Indian tribe*
6 *receiving a schedule under this subsection shall ac-*
7 *knowledge receipt of such schedule in writing to the*
8 *Commission within 30 days.*

9 *“(e) ADHERENCE TO SCHEDULE.—All applicants,*
10 *other licensing participants, and agencies and tribes con-*
11 *sidering an aspect of an application for a Federal author-*
12 *ization shall meet the deadlines set forth in the schedule*
13 *established pursuant to subsection (d)(1).*

14 *“(f) APPLICATION PROCESSING.—The Commission,*
15 *Federal, State, and local government agencies, and Indian*
16 *tribes may allow an applicant seeking a Federal authoriza-*
17 *tion to fund a third-party contractor selected by such agen-*
18 *cy or tribe to assist in reviewing the application. All costs*
19 *of an agency or tribe incurred pursuant to direct funding*
20 *by the applicant, including all costs associated with the*
21 *third party contractor, shall not be considered costs of the*
22 *United States for the administration of this part under sec-*
23 *tion 10(e).*

24 *“(g) COMMISSION RECOMMENDATION ON SCOPE OF*
25 *ENVIRONMENTAL REVIEW.—For the purposes of coordi-*

1 nating Federal authorizations for each project, the Commis-
 2 sion shall consult with and make a recommendation to
 3 agencies and Indian tribes receiving a schedule under sub-
 4 section (d) on the scope of the environmental review for all
 5 Federal authorizations for such project. Each Federal and
 6 State agency and Indian tribe shall give due consideration
 7 and may give deference to the Commission's recommenda-
 8 tions, to the extent appropriate under Federal law.

9 “(h) *FAILURE TO MEET SCHEDULE.*—A Federal,
 10 State, or local government agency or Indian tribe that an-
 11 ticipates that it will be unable to complete its disposition
 12 of a Federal authorization by the deadline set forth in the
 13 schedule established under subsection (d)(1) may file for an
 14 extension as provided under section 313(b)(2).

15 “(i) *CONSOLIDATED RECORD.*—The Commission shall,
 16 with the cooperation of Federal, State, and local govern-
 17 ment agencies and Indian tribes, maintain a complete con-
 18 solidated record of all decisions made or actions taken by
 19 the Commission or by a Federal administrative agency or
 20 officer (or State or local government agency or officer or
 21 Indian tribe acting under delegated Federal authority) with
 22 respect to any Federal authorization. Such record shall con-
 23 stitute the record for judicial review under section 313(b).”.

1 **SEC. 1305. JUDICIAL REVIEW OF DELAYED FEDERAL AU-**
2 **THORIZATIONS.**

3 *Section 313(b) of the Federal Power Act (16 U.S.C.*
4 *825l(b)) is amended—*

5 *(1) by striking “(b) Any party” and inserting*
6 *the following:*

7 *“(b) JUDICIAL REVIEW.—*

8 *“(1) IN GENERAL.—Any party”; and*

9 *(2) by adding at the end the following:*

10 *“(2) DELAY OF A FEDERAL AUTHORIZATION.—*

11 *Any Federal, State, or local government agency or In-*
12 *Indian tribe that will not complete its disposition of a*
13 *Federal authorization by the deadline set forth in the*
14 *schedule by the Commission under section 34 may file*
15 *for an extension in the United States court of appeals*
16 *for any circuit wherein the project or proposed project*
17 *is located, or in the United States Court of Appeals*
18 *for the District of Columbia. Such petition shall be*
19 *filed not later than 30 days prior to such deadline.*

20 *The court shall only grant an extension if the agency*
21 *or tribe demonstrates, based on the record maintained*
22 *under section 34, that it otherwise complied with the*
23 *requirements of section 34 and that complying with*
24 *the schedule set by the Commission would have pre-*
25 *vented the agency or tribe from complying with ap-*
26 *plicable Federal or State law. If the court grants the*

1 *extension, the court shall set a reasonable schedule*
 2 *and deadline, not to exceed 90 days, for the agency*
 3 *to act on remand. If the court denies the extension,*
 4 *or if an agency or tribe does not file for an extension*
 5 *as provided in this subsection and does not complete*
 6 *its disposition of a Federal authorization by the ap-*
 7 *plicable deadline, the Commission and applicant may*
 8 *move forward with the proposed action.”.*

9 **SEC. 1306. LICENSING STUDY IMPROVEMENTS.**

10 *Part I of the Federal Power Act (16 U.S.C. 792 et*
 11 *seq.), as amended by section 1304, is further amended by*
 12 *adding at the end the following:*

13 **“SEC. 35. LICENSING STUDY IMPROVEMENTS.**

14 *“(a) IN GENERAL.—To facilitate the timely and effi-*
 15 *cient completion of the license proceedings under this part,*
 16 *the Commission shall, in consultation with applicable Fed-*
 17 *eral and State agencies and interested members of the pub-*
 18 *lic—*

19 *“(1) compile current and accepted best practices*
 20 *in performing studies required in such license pro-*
 21 *ceedings, including methodologies and the design of*
 22 *studies to assess the full range of environmental im-*
 23 *pacts of a project that reflect the most recent peer-re-*
 24 *viewed science;*

1 “(2) compile a comprehensive collection of stud-
2 ies and data accessible to the public that could be
3 used to inform license proceedings under this part;
4 and

5 “(3) encourage license applicants, agencies, and
6 Indian tribes to develop and use, for the purpose of
7 fostering timely and efficient consideration of license
8 applications, a limited number of open-source meth-
9 odologies and tools applicable across a wide array of
10 projects, including water balance models and
11 streamflow analyses.

12 “(b) *USE OF STUDIES.*—To the extent practicable, the
13 Commission and other Federal, State, and local government
14 agencies and Indian tribes considering an aspect of an ap-
15 plication for Federal authorization shall use current, ac-
16 cepted science toward studies and data in support of their
17 actions. Any participant in a proceeding with respect to
18 a Federal authorization shall demonstrate a study requested
19 by the party is not duplicative of current, existing studies
20 that are applicable to the project.

21 “(c) *BASIN-WIDE OR REGIONAL REVIEW.*—The Com-
22 mission shall establish a program to develop comprehensive
23 plans, at the request of project applicants, on a regional
24 or basin-wide scale, in consultation with the applicants, ap-
25 propriate Federal agencies, and affected States, local gov-

ernments, and Indian tribes, in basins or regions with respect to which there are more than one project or application for a project. Upon such a request, the Commission, in consultation with the applicants, such Federal agencies, and affected States, local governments, and Indian tribes, may conduct or commission regional or basin-wide environmental studies, with the participation of at least 2 applicants. Any study conducted under this subsection shall apply only to a project with respect to which the applicant participates.”.

SEC. 1307. CLOSED-LOOP PUMPED STORAGE PROJECTS.

Part I of the Federal Power Act (16 U.S.C. 792 et seq.), as amended by section 1306, is further amended by adding at the end the following:

“SEC. 36. CLOSED-LOOP PUMPED STORAGE PROJECTS.

“(a) *DEFINITION.*—For purposes of this section, a closed-loop pumped storage project is a project—

“(1) in which the upper and lower reservoirs do not impound or directly withdraw water from navigable waters; or

“(2) that is not continuously connected to a naturally flowing water feature.

“(b) *IN GENERAL.*—As provided in this section, the Commission may issue and amend licenses and prelimi-

1 nary permits, as appropriate, for closed-loop pumped stor-
 2 age projects.

3 “(c) *DAM SAFETY.*—Before issuing any license for a
 4 closed-loop pumped storage project, the Commission shall
 5 assess the safety of existing dams and other structures re-
 6 lated to the project (including possible consequences associ-
 7 ated with failure of such structures).

8 “(d) *LICENSE CONDITIONS.*—With respect to a closed-
 9 loop pumped storage project, the authority of the Commis-
 10 sion to impose conditions on a license under sections 4(e),
 11 10(a), 10(g), and 10(j) shall not apply, and any condition
 12 included in or applicable to a closed-loop pumped storage
 13 project licensed under this section, including any condition
 14 or other requirement of a Federal authorization, shall be
 15 limited to those that are—

16 “(1) necessary to protect public safety; or

17 “(2) reasonable, economically feasible, and essen-
 18 tial to prevent loss of or damage to, or to mitigate ad-
 19 verse effects on, fish and wildlife resources directly
 20 caused by the construction and operation of the
 21 project, as compared to the environmental baseline ex-
 22 isting at the time the Commission completes its envi-
 23 ronmental review.

24 “(e) *TRANSFERS.*—Notwithstanding section 5, and re-
 25 gardless of whether the holder of a preliminary permit for

1 a closed-loop pumped storage project claimed municipal
 2 preference under section 7(a) when obtaining the permit,
 3 the Commission may, to facilitate development of a closed-
 4 loop pumped storage project—

5 “(1) add entities as joint permittees following
 6 issuance of a preliminary permit; and

7 “(2) transfer a license in part to one or more
 8 nonmunicipal entities as co-licensees with a munici-
 9 pality.”.

10 **SEC. 1308. LICENSE AMENDMENT IMPROVEMENTS.**

11 *Part I of the Federal Power Act (16 U.S.C. 792 et*
 12 *seq.), as amended by section 1307, is further amended by*
 13 *adding at the end the following:*

14 **“SEC. 37. LICENSE AMENDMENT IMPROVEMENTS.**

15 **“(a) QUALIFYING PROJECT UPGRADES.—**

16 **“(1) IN GENERAL.—***As provided in this section,*
 17 *the Commission may approve an application for an*
 18 *amendment to a license issued under this part for a*
 19 *qualifying project upgrade.*

20 **“(2) APPLICATION.—***A licensee filing an applica-*
 21 *tion for an amendment to a project license under this*
 22 *section shall include in such application information*
 23 *sufficient to demonstrate that the proposed change to*
 24 *the project described in the application is a quali-*
 25 *fying project upgrade.*

1 “(3) *INITIAL DETERMINATION.*—Not later than
2 15 days after receipt of an application under para-
3 graph (2), the Commission shall make an initial de-
4 termination as to whether the proposed change to the
5 project described in the application for a license
6 amendment is a qualifying project upgrade. The
7 Commission shall publish its initial determination
8 and issue notice of the application filed under para-
9 graph (2). Such notice shall solicit public comment on
10 the initial determination within 45 days.

11 “(4) *PUBLIC COMMENT ON QUALIFYING CRI-*
12 *TERIA.*—The Commission shall accept public com-
13 ment regarding whether a proposed license amend-
14 ment is for a qualifying project upgrade for a period
15 of 45 days beginning on the date of publication of a
16 public notice described in paragraph (3), and shall—

17 “(A) if no entity contests whether the pro-
18 posed license amendment is for a qualifying
19 project upgrade during such comment period,
20 immediately publish a notice stating that the
21 initial determination has not been contested; or

22 “(B) if an entity contests whether the pro-
23 posed license amendment is for a qualifying
24 project upgrade during the comment period,

1 *issue a written determination in accordance*
2 *with paragraph (5).*

3 “(5) *WRITTEN DETERMINATION.—If an entity*
4 *contests whether the proposed license amendment is*
5 *for a qualifying project upgrade during the comment*
6 *period under paragraph (4), the Commission shall,*
7 *not later than 30 days after the date of publication*
8 *of the public notice of the initial determination under*
9 *paragraph (3), issue a written determination as to*
10 *whether the proposed license amendment is for a*
11 *qualifying project upgrade.*

12 “(6) *PUBLIC COMMENT ON AMENDMENT APPLICA-*
13 *TION.—If no entity contests whether the proposed li-*
14 *cence amendment is for a qualifying project upgrade*
15 *during the comment period under paragraph (4) or*
16 *the Commission issues a written determination under*
17 *paragraph (5) that a proposed license amendment is*
18 *a qualifying project upgrade, the Commission shall—*

19 “(A) *during the 60-day period beginning on*
20 *the date of publication of a notice under para-*
21 *graph (4)(A) or the date on which the Commis-*
22 *sion issues the written determination under*
23 *paragraph (5), as applicable, solicit comments*
24 *from each Federal, State, and local government*
25 *agency and Indian tribe considering an aspect of*

1 *an application for Federal authorization (as de-*
2 *finied in section 34) with respect to the proposed*
3 *license amendment, as well as other interested*
4 *agencies, Indian tribes, and members of the pub-*
5 *lic; and*

6 *“(B) during the 90-day period beginning on*
7 *the date of publication of a notice under para-*
8 *graph (4)(A) or the date on which the Commis-*
9 *sion issues the written determination under*
10 *paragraph (5), as applicable, consult with—*

11 *“(i) appropriate Federal agencies and*
12 *the State agency exercising administrative*
13 *control over the fish and wildlife resources,*
14 *and water quality and supply, of the State*
15 *in which the qualifying project upgrade is*
16 *located;*

17 *“(ii) any Federal department super-*
18 *vising any public lands or reservations oc-*
19 *cupied by the qualifying project upgrade;*
20 *and*

21 *“(iii) any Indian tribe affected by the*
22 *qualifying project upgrade.*

23 *“(7) FEDERAL AUTHORIZATIONS.—The schedule*
24 *established by the Commission under section 34 for*
25 *any project upgrade under this subsection shall re-*

1 *quire final disposition on all necessary Federal au-*
 2 *thorizations (as defined in section 34), other than*
 3 *final action by the Commission, by not later than 120*
 4 *days after the date on which the Commission issues*
 5 *a notice under paragraph (4)(A) or a written deter-*
 6 *mination under paragraph (5), as applicable.*

7 *“(8) COMMISSION ACTION.—Not later than 150*
 8 *days after the date on which the Commission issues*
 9 *a notice under paragraph (4)(A) or a written deter-*
 10 *mination under paragraph (5), as applicable, the*
 11 *Commission shall take final action on the license*
 12 *amendment application.*

13 *“(9) LICENSE AMENDMENT CONDITIONS.—Any*
 14 *condition included in or applicable to a license*
 15 *amendment approved under this subsection, including*
 16 *any condition or other requirement of a Federal au-*
 17 *thorization, shall be limited to those that are—*

18 *“(A) necessary to protect public safety; or*

19 *“(B) reasonable, economically feasible, and*
 20 *essential to prevent loss of or damage to, or to*
 21 *mitigate adverse effects on, fish and wildlife re-*
 22 *sources, water supply, and water quality that*
 23 *are directly caused by the construction and oper-*
 24 *ation of the qualifying project upgrade, as com-*
 25 *pared to the environmental baseline existing at*

1 *the time the Commission approves the applica-*
2 *tion for the license amendment.*

3 “(10) *PROPOSED LICENSE AMENDMENTS THAT*
4 *ARE NOT QUALIFYING PROJECT UPGRADES.—If the*
5 *Commission determines under paragraph (3) or (5)*
6 *that a proposed license amendment is not for a quali-*
7 *fying project upgrade, the procedures under para-*
8 *graphs (6) through (9) shall not apply to the applica-*
9 *tion.*

10 “(11) *RULEMAKING.—Not later than 180 days*
11 *after the date of enactment of this section, the Com-*
12 *mission shall, after notice and opportunity for public*
13 *comment, issue a rule to implement this subsection.*

14 “(12) *DEFINITIONS.—For purposes of this sub-*
15 *section:*

16 “(A) *QUALIFYING PROJECT UPGRADE.—The*
17 *term ‘qualifying project upgrade’ means a*
18 *change to a project licensed under this part that*
19 *meets the qualifying criteria, as determined by*
20 *the Commission.*

21 “(B) *QUALIFYING CRITERIA.—The term*
22 *‘qualifying criteria’ means, with respect to a*
23 *project license under this part, a change to the*
24 *project that—*

1 “(i) if carried out, would be unlikely to
2 adversely affect any species listed as threat-
3 ened or endangered under the Endangered
4 Species Act of 1973 or result in the destruc-
5 tion or adverse modification of critical
6 habitat, as determined in consultation with
7 the Secretary of the Interior or Secretary of
8 Commerce, as appropriate, in accordance
9 with section 7 of the Endangered Species
10 Act of 1973;

11 “(ii) is consistent with any applicable
12 comprehensive plan under section 10(a)(2);

13 “(iii) includes only changes to project
14 lands, waters, or operations that, in the
15 judgment of the Commission, would result
16 in only insignificant or minimal cumu-
17 lative adverse environmental effects;

18 “(iv) would be unlikely to adversely af-
19 fect water quality and water supply; and

20 “(v) proposes to implement—

21 “(I) capacity increases, efficiency
22 improvements, or other enhancements
23 to hydropower generation at the li-
24 censed project;

1 “(II) *environmental protection,*
2 *mitigation, or enhancement measures*
3 *to benefit fish and wildlife resources or*
4 *other natural and cultural resources;*
5 *or*

6 “(III) *improvements to public*
7 *recreation at the licensed project.*

8 “(b) *AMENDMENT APPROVAL PROCESSES.—*

9 “(1) *RULE.—Not later than 1 year after the date*
10 *of enactment of this section, the Commission shall,*
11 *after notice and opportunity for public comment,*
12 *issue a rule establishing new standards and proce-*
13 *dures for license amendment applications under this*
14 *part. In issuing such rule, the Commission shall seek*
15 *to develop the most efficient and expedient process,*
16 *consultation, and review requirements, commensurate*
17 *with the scope of different categories of proposed li-*
18 *cence amendments. Such rule shall account for dif-*
19 *ferences in environmental effects across a wide range*
20 *of categories of license amendment applications.*

21 “(2) *CAPACITY.—In issuing a rule under this*
22 *subsection, the Commission shall take into consider-*
23 *ation that a change in generating or hydraulic capac-*
24 *ity may indicate the potential environmental effects*

1 of a proposed amendment but is not determinative of
2 such effects.

3 “(3) *PROCESS OPTIONS.*—In issuing a rule
4 under this subsection, the Commission shall take into
5 consideration the range of process options available
6 under the Commission’s regulations for new and
7 original license applications and adapt such options
8 to amendment applications, where appropriate.”.

9 **SEC. 1309. PROMOTING HYDROPOWER DEVELOPMENT AT**
10 **EXISTING NONPOWERED DAMS.**

11 *Part I of the Federal Power Act (16 U.S.C. 792 et*
12 *seq.), as amended by section 1308, is further amended by*
13 *adding at the end the following:*

14 **“SEC. 38. PROMOTING HYDROPOWER DEVELOPMENT AT EX-**
15 **ISTING NONPOWERED DAMS.**

16 “(a) *EXEMPTIONS FOR QUALIFYING FACILITIES.*—

17 “(1) *EXEMPTION QUALIFICATIONS.*—Subject to
18 the requirements of this subsection, the Commission
19 may grant an exemption in whole or in part from the
20 requirements of this part, including any license re-
21 quirements contained in this part, to any facility the
22 Commission determines is a qualifying facility.

23 “(2) *CONSULTATION WITH FEDERAL AND STATE*
24 *AGENCIES.*—In granting any exemption under this
25 subsection, the Commission shall consult with—

1 “(A) *the United States Fish and Wildlife*
2 *Service, the National Marine Fisheries Service,*
3 *and the State agency exercising administrative*
4 *control over the fish and wildlife resources of the*
5 *State in which the facility will be located, in the*
6 *manner provided by the Fish and Wildlife Co-*
7 *ordination Act;*

8 “(B) *any Federal department supervising*
9 *any public lands or reservations occupied by the*
10 *project; and*

11 “(C) *any Indian tribe affected by the*
12 *project.*

13 “(3) *EXEMPTION CONDITIONS.—*

14 “(A) *IN GENERAL.—The Commission shall*
15 *include in any exemption granted under this*
16 *subsection only such terms and conditions that*
17 *the Commission determines are—*

18 “(i) *necessary to protect public safety;*
19 *or*

20 “(ii) *reasonable, economically feasible,*
21 *and essential to prevent loss of or damage*
22 *to, or to mitigate adverse effects on, fish and*
23 *wildlife resources directly caused by the con-*
24 *struction and operation of the qualifying fa-*
25 *cility, as compared to the environmental*

1 *baseline existing at the time the Commis-*
2 *sion grants the exemption.*

3 “(B) *NO CHANGES TO RELEASE REGIME.*—
4 *No Federal authorization required with respect*
5 *to a qualifying facility described in paragraph*
6 *(1), including an exemption granted by the Com-*
7 *mission under this subsection, may include any*
8 *condition or other requirement that results in*
9 *any material change to the storage, control,*
10 *withdrawal, diversion, release, or flow operations*
11 *of the associated qualifying nonpowered dam.*

12 “(4) *ENVIRONMENTAL REVIEW.*—*The Commis-*
13 *sion’s environmental review under the National Envi-*
14 *ronmental Policy Act of 1969 of a proposed exemp-*
15 *tion under this subsection shall consist only of an en-*
16 *vironmental assessment, unless the Commission deter-*
17 *mines, by rule or order, that the Commission’s obliga-*
18 *tions under such Act for granting exemptions under*
19 *this subsection can be met through a categorical exclu-*
20 *sion.*

21 “(5) *VIOLATION OF TERMS OF EXEMPTION.*—*Any*
22 *violation of a term or condition of any exemption*
23 *granted under this subsection shall be treated as a*
24 *violation of a rule or order of the Commission under*
25 *this Act.*

1 “(6) *ANNUAL CHARGES FOR ENHANCEMENT AC-*
2 *TIVITIES.—Exemptees under this subsection for any*
3 *facility located at a non-Federal dam shall pay to the*
4 *United States reasonable annual charges in an*
5 *amount to be fixed by the Commission for the purpose*
6 *of funding environmental enhancement projects in*
7 *watersheds in which facilities exempted under this*
8 *subsection are located. Such annual charges shall be*
9 *equivalent to the annual charges for use of a Govern-*
10 *ment dam under section 10(e), unless the Commission*
11 *determines, by rule, that a lower charge is appro-*
12 *priate to protect exemptees’ investment in the project*
13 *or avoid increasing the price to consumers of power*
14 *due to such charges. The proceeds of charges made by*
15 *the Commission under this paragraph shall be paid*
16 *into the Treasury of the United States and credited*
17 *to miscellaneous receipts. Subject to annual appro-*
18 *priation Acts, such proceeds shall be available to Fed-*
19 *eral and State fish and wildlife agencies for purposes*
20 *of carrying out specific environmental enhancement*
21 *projects in watersheds in which one or more facilities*
22 *exempted under this subsection are located. Not later*
23 *than 180 days after the date of enactment of this sec-*
24 *tion, the Commission shall establish rules, after notice*
25 *and opportunity for public comment, for the collection*

1 *and administration of annual charges under this*
 2 *paragraph.*

3 “(7) *EFFECT OF JURISDICTION.*—*The jurisdic-*
 4 *tion of the Commission over any qualifying facility*
 5 *exempted under this subsection shall extend only to*
 6 *the qualifying facility exempted and any associated*
 7 *primary transmission line, and shall not extend to*
 8 *any conduit, dam, impoundment, shoreline or other*
 9 *land, or any other project work associated with the*
 10 *qualifying facility exempted under this subsection.*

11 “(b) *DEFINITIONS.*—*For purposes of this section—*

12 “(1) *FEDERAL AUTHORIZATION.*—*The term ‘Fed-*
 13 *eral authorization’ has the same meaning as provided*
 14 *in section 34.*

15 “(2) *QUALIFYING CRITERIA.*—*The term ‘quali-*
 16 *fying criteria’ means, with respect to a facility—*

17 “(A) *as of the date of enactment of this sec-*
 18 *tion, the facility is not licensed under, or ex-*
 19 *empted from the license requirements contained*
 20 *in, this part;*

21 “(B) *the facility will be associated with a*
 22 *qualifying nonpowered dam;*

23 “(C) *the facility will be constructed, oper-*
 24 *ated, and maintained for the generation of elec-*
 25 *tric power;*

1 “(D) the facility will use for such genera-
2 tion any withdrawals, diversions, releases, or
3 flows from the associated qualifying nonpowered
4 dam, including its associated impoundment or
5 other infrastructure; and

6 “(E) the operation of the facility will not
7 result in any material change to the storage, con-
8 trol, withdrawal, diversion, release, or flow oper-
9 ations of the associated qualifying nonpowered
10 dam.

11 “(3) QUALIFYING FACILITY.—The term ‘quali-
12 fying facility’ means a facility that is determined
13 under this section to meet the qualifying criteria.

14 “(4) QUALIFYING NONPOWERED DAM.—The term
15 ‘qualifying nonpowered dam’ means any dam, dike,
16 embankment, or other barrier—

17 “(A) the construction of which was com-
18 pleted on or before the date of enactment of this
19 section;

20 “(B) that is operated for the control, release,
21 or distribution of water for agricultural, munic-
22 ipal, navigational, industrial, commercial, envi-
23 ronmental, recreational, aesthetic, or flood con-
24 trol purposes;

1 “(C) that, as of the date of enactment of this
 2 section, is not equipped with hydropower gener-
 3 ating works that are licensed under, or exempted
 4 from the license requirements contained in, this
 5 part; and

6 “(D) that, in the case of a non-Federal
 7 dam, has been certified by an independent con-
 8 sultant approved by the Commission as com-
 9 plying with the Commission’s dam safety re-
 10 quirements.”.

11 **TITLE II—21ST CENTURY** 12 **WORKFORCE**

13 **SEC. 2001. ENERGY AND MANUFACTURING WORKFORCE DE-** 14 **VELOPMENT.**

15 (a) *IN GENERAL.*—The Secretary of Energy (in this
 16 section referred to as the “Secretary”) shall establish and
 17 carry out a comprehensive program to improve education
 18 and training for energy and manufacturing-related jobs in
 19 order to increase the number of skilled workers trained to
 20 work in energy and manufacturing-related fields, including
 21 by—

22 (1) encouraging underrepresented groups, includ-
 23 ing religious and ethnic minorities, women, veterans,
 24 individuals with disabilities, and socioeconomically
 25 disadvantaged individuals to enter into the science,

1 *technology, engineering, and mathematics (in this sec-*
2 *tion referred to as “STEM”) fields;*

3 *(2) encouraging the Nation’s education system to*
4 *equip students with the skills, mentorships, training,*
5 *and technical expertise necessary to fill the employ-*
6 *ment opportunities vital to managing and operating*
7 *the Nation’s energy and manufacturing industries;*

8 *(3) providing students and other candidates for*
9 *employment with the necessary skills and certifi-*
10 *cations for skilled, semiskilled, and highly skilled en-*
11 *ergy and manufacturing-related jobs; and*

12 *(4) strengthening and more fully engaging De-*
13 *partment of Energy programs and labs in carrying*
14 *out the Department’s Minorities in Energy Initiative.*

15 *(b) PRIORITY.—The Secretary shall make educating*
16 *and training underrepresented groups for energy and man-*
17 *ufacturing-related jobs a national priority under the pro-*
18 *gram established under subsection (a).*

19 *(c) DIRECT ASSISTANCE.—In carrying out the pro-*
20 *gram established under subsection (a), the Secretary shall*
21 *provide direct assistance (including financial assistance*
22 *awards, technical expertise, wraparound services, career*
23 *coaching, mentorships, internships, and partnerships) to*
24 *schools, community colleges, workforce development organi-*
25 *zations, nonprofit organizations, labor organizations, ap-*

1 prenticeship programs, and minority serving institutions.
2 The Secretary shall distribute direct assistance in a manner
3 proportional to energy and manufacturing industry needs
4 and demand for jobs, consistent with information obtained
5 under subsections (e)(3) and (i).

6 (d) CLEARINGHOUSE.—In carrying out the program
7 established under subsection (a), the Secretary shall estab-
8 lish a clearinghouse to—

9 (1) maintain and update information and re-
10 sources on training and workforce development pro-
11 grams for energy and manufacturing-related jobs, in-
12 cluding job training and workforce development pro-
13 grams available to assist displaced and unemployed
14 energy and manufacturing workers transitioning to
15 new employment; and

16 (2) act as a resource, and provide guidance, for
17 schools, community colleges, universities (including
18 minority serving institutions), workforce development
19 programs, labor-management organizations, and in-
20 dustry organizations that would like to develop and
21 implement energy and manufacturing-related train-
22 ing programs.

23 (e) COLLABORATION.—In carrying out the program es-
24 tablished under subsection (a), the Secretary—

1 (1) *shall collaborate with schools, community col-*
2 *leges, universities (including minority serving institu-*
3 *tions), workforce-training organizations, national lab-*
4 *oratories, unions, State energy offices, workforce in-*
5 *vestment boards, and the energy and manufacturing*
6 *industries;*

7 (2) *shall encourage and foster collaboration,*
8 *mentorships, and partnerships among organizations*
9 *(including unions, industry, schools, community col-*
10 *leges, workforce-development organizations, and col-*
11 *leges and universities) that currently provide effective*
12 *job training programs in the energy and manufac-*
13 *turing fields and institutions (including schools, com-*
14 *munity colleges, workforce development programs, and*
15 *colleges and universities) that seek to establish these*
16 *types of programs in order to share best practices and*
17 *approaches that best suit local, State, and national*
18 *needs; and*

19 (3) *shall collaborate with the Bureau of Labor*
20 *Statistics, the Department of Commerce, the Bureau*
21 *of the Census, and the energy and manufacturing in-*
22 *dustries to develop a comprehensive and detailed un-*
23 *derstanding of the energy and manufacturing work-*
24 *force needs and opportunities by State and by region,*
25 *and publish an annual report on energy and manu-*

1 *facturing job creation by the sectors enumerated in*
2 *subsection (i).*

3 (f) *GUIDELINES FOR EDUCATIONAL INSTITUTIONS.—*

4 (1) *IN GENERAL.—In carrying out the program*
5 *established under subsection (a), the Secretary, in col-*
6 *laboration with the Secretary of Education, the Sec-*
7 *retary of Commerce, the Secretary of Labor, the Na-*
8 *tional Science Foundation, and industry shall develop*
9 *voluntary guidelines and best practices for edu-*
10 *cational institutions of all levels, including for ele-*
11 *mentary and secondary schools and community col-*
12 *leges and for undergraduate, graduate, and post-*
13 *graduate university programs, to help provide grad-*
14 *uates with the skills necessary to work in energy and*
15 *manufacturing-related jobs.*

16 (2) *INPUT.—The Secretary shall solicit input*
17 *from the oil, gas, coal, renewable, nuclear, utility, en-*
18 *ergy-intensive and advanced manufacturing, and*
19 *pipeline industries in developing guidelines under*
20 *paragraph (1).*

21 (3) *ENERGY AND MANUFACTURING EFFICIENCY*
22 *AND CONSERVATION INITIATIVES.—The guidelines de-*
23 *veloped under paragraph (1) shall include grade-spe-*
24 *cific guidelines for teaching energy and manufac-*

1 *turing efficiency and conservation initiatives to edu-*
2 *cate students and families.*

3 (4) *STEM EDUCATION.*—*The guidelines devel-*
4 *oped under paragraph (1) shall promote STEM edu-*
5 *cation as it relates to job opportunities in energy and*
6 *manufacturing-related fields of study in schools, com-*
7 *munity colleges, and universities nationally.*

8 (g) *OUTREACH TO MINORITY SERVING INSTITU-*
9 *TIONS.*—*In carrying out the program established under sub-*
10 *section (a), the Secretary shall—*

11 (1) *give special consideration to increasing out-*
12 *reach to minority serving institutions (including his-*
13 *torically black colleges and universities, predomi-*
14 *nantly black institutions, Hispanic serving institu-*
15 *tions, and tribal institutions);*

16 (2) *make resources available to minority serving*
17 *institutions with the objective of increasing the num-*
18 *ber of skilled minorities and women trained to go into*
19 *the energy and manufacturing sectors;*

20 (3) *encourage industry to improve the opportu-*
21 *nities for students of minority serving institutions to*
22 *participate in industry internships and cooperative*
23 *work/study programs; and*

24 (4) *partner with the Department of Energy lab-*
25 *oratories to increase underrepresented groups' partici-*

1 *pation in internships, fellowships, traineeships, and*
2 *employment at all Department of Energy labora-*
3 *tories.*

4 *(h) OUTREACH TO DISPLACED AND UNEMPLOYED EN-*
5 *ERGY AND MANUFACTURING WORKERS.—In carrying out*
6 *the program established under subsection (a), the Secretary*
7 *shall—*

8 *(1) give special consideration to increasing out-*
9 *reach to employers and job trainers preparing dis-*
10 *placed and unemployed energy and manufacturing*
11 *workers for emerging energy and manufacturing jobs;*

12 *(2) make resources available to institutions serv-*
13 *ing displaced and unemployed energy and manufac-*
14 *turing workers with the objective of training individ-*
15 *uals to re-enter the energy and manufacturing work-*
16 *force;*

17 *(3) encourage the energy and manufacturing in-*
18 *dustries to improve opportunities for displaced and*
19 *unemployed energy and manufacturing workers to*
20 *participate in internships and cooperative work/study*
21 *programs; and*

22 *(4) work closely with the energy and manufac-*
23 *turing industries to identify energy and manufac-*
24 *turing operations, such as coal-fired power plants and*
25 *coal mines, scheduled for closure and to provide early*

1 *intervention assistance to workers employed at such*
 2 *energy and manufacturing operations by—*

3 *(A) giving special consideration to employ-*
 4 *ers and job trainers preparing such workers for*
 5 *emerging energy and manufacturing jobs;*

6 *(B) making resources available to institu-*
 7 *tions serving such workers with the objective of*
 8 *training them to re-enter the energy and manu-*
 9 *facturing workforce; and*

10 *(C) encouraging the energy and manufac-*
 11 *turing industries to improve opportunities for*
 12 *such workers to participate in internships and*
 13 *cooperative work-study programs.*

14 *(i) GUIDELINES TO DEVELOP SKILLS FOR AN ENERGY*
 15 *AND MANUFACTURING INDUSTRY WORKFORCE.—In car-*
 16 *rying out the program established under subsection (a), the*
 17 *Secretary shall collaborate with representatives from the en-*
 18 *ergy and manufacturing industries (including the oil, gas,*
 19 *coal, nuclear, utility, pipeline, renewable, petrochemical,*
 20 *manufacturing, and electrical construction sectors) to iden-*
 21 *tify the areas of highest need in each sector and to develop*
 22 *guidelines for the skills necessary to develop a workforce*
 23 *trained to go into the following sectors of the energy and*
 24 *manufacturing sectors:*

1 (1) *Energy efficiency industry, including work*
2 *in energy efficiency, conservation, weatherization, or*
3 *retrofitting, or as inspectors or auditors.*

4 (2) *Pipeline industry, including work in pipe-*
5 *line construction and maintenance or work as engi-*
6 *neers or technical advisors.*

7 (3) *Utility industry, including work in the gen-*
8 *eration, transmission, and distribution of electricity*
9 *and natural gas, such as utility technicians, opera-*
10 *tors, lineworkers, engineers, scientists, and informa-*
11 *tion technology specialists.*

12 (4) *Alternative fuels, including work in biofuel*
13 *development and production.*

14 (5) *Nuclear industry, including work as sci-*
15 *entists, engineers, technicians, mathematicians, or se-*
16 *curity personnel.*

17 (6) *Oil and gas industry, including work as sci-*
18 *entists, engineers, technicians, mathematicians, petro-*
19 *chemical engineers, or geologists.*

20 (7) *Renewable industry, including work in the*
21 *development, manufacturing, and production of re-*
22 *newable energy sources (such as solar, hydropower,*
23 *wind, or geothermal energy).*

24 (8) *Coal industry, including work as coal min-*
25 *ers, engineers, developers and manufacturers of state-*

1 *of-the-art coal facilities, technology vendors, coal*
2 *transportation workers and operators, or mining*
3 *equipment vendors.*

4 (9) *Manufacturing industry, including work as*
5 *operations technicians, operations and design in ad-*
6 *ditive manufacturing, 3-D printing, advanced com-*
7 *posites, and advanced aluminum and other metal al-*
8 *loys, industrial energy efficiency management sys-*
9 *tems, including power electronics, and other innova-*
10 *tive technologies.*

11 (10) *Chemical manufacturing industry, includ-*
12 *ing work in construction (such as welders, pipefitters,*
13 *and tool and die makers) or as instrument and elec-*
14 *trical technicians, machinists, chemical process opera-*
15 *tors, chemical engineers, quality and safety profes-*
16 *sionals, and reliability engineers.*

17 (j) *ENROLLMENT IN TRAINING AND APPRENTICESHIP*
18 *PROGRAMS.—In carrying out the program established*
19 *under subsection (a), the Secretary shall work with indus-*
20 *try, organized labor, and community-based workforce orga-*
21 *nizations to help identify students and other candidates, in-*
22 *cluding from underrepresented communities such as mi-*
23 *norities, women, and veterans, to enroll into training and*
24 *apprenticeship programs for energy and manufacturing-re-*
25 *lated jobs.*

1 **TITLE III—ENERGY SECURITY**
2 **AND DIPLOMACY**

3 **SEC. 3001. SENSE OF CONGRESS.**

4 *Congress finds the following:*

5 (1) *North America's energy revolution has sig-*
6 *nificantly enhanced energy security in the United*
7 *States, and fundamentally changed the Nation's en-*
8 *ergy future from that of scarcity to abundance.*

9 (2) *North America's energy abundance has in-*
10 *creased global energy supplies and reduced the price*
11 *of energy for consumers in the United States and*
12 *abroad.*

13 (3) *Allies and trading partners of the United*
14 *States, including in Europe and Asia, are seeking*
15 *stable and affordable energy supplies from North*
16 *America to enhance their energy security.*

17 (4) *The United States has an opportunity to im-*
18 *prove its energy security and promote greater sta-*
19 *bility and affordability of energy supplies for its al-*
20 *lies and trading partners through a more integrated,*
21 *secure, and competitive North American energy sys-*
22 *tem.*

23 (5) *The United States also has an opportunity*
24 *to promote such objectives by supporting the free flow*
25 *of energy commodities and more open, transparent,*

1 *and competitive global energy markets, and through*
2 *greater Federal agency coordination relating to regu-*
3 *lations or agency actions that significantly affect the*
4 *supply, distribution, or use of energy.*

5 **SEC. 3002. ENERGY SECURITY VALUATION.**

6 *(a) ESTABLISHMENT OF ENERGY SECURITY VALU-*
7 *ATION METHODS.—Not later than one year after the date*
8 *of enactment of this Act, the Secretary of Energy, in collabo-*
9 *ration with the Secretary of State, shall develop and trans-*
10 *mit, after public notice and comment, to the Committee on*
11 *Energy and Commerce and the Committee on Foreign Af-*
12 *airs of the House of Representatives and the Committee on*
13 *Energy and Natural Resources and the Committee on For-*
14 *eign Relations of the Senate a report that develops rec-*
15 *ommended United States energy security valuation meth-*
16 *ods. In developing the report, the Secretaries may consider*
17 *the recommendations of the Administration’s Quadrennial*
18 *Energy Review released on April 21, 2015. The report*
19 *shall—*

20 *(1) evaluate and define United States energy se-*
21 *curity to reflect modern domestic and global energy*
22 *markets and the collective needs of the United States*
23 *and its allies and partners;*

24 *(2) identify transparent and uniform or coordi-*
25 *nated procedures and criteria to ensure that energy-*

1 *related actions that significantly affect the supply,*
 2 *distribution, or use of energy are evaluated with re-*
 3 *spect to their potential impact on energy security, in-*
 4 *cluding their impact on—*

5 *(A) consumers and the economy;*

6 *(B) energy supply diversity and resiliency;*

7 *(C) well-functioning and competitive energy*
 8 *markets;*

9 *(D) United States trade balance; and*

10 *(E) national security objectives; and*

11 *(3) include a recommended implementation*
 12 *strategy that identifies and aims to ensure that the*
 13 *procedures and criteria referred to in paragraph (2)*
 14 *are—*

15 *(A) evaluated consistently across the Fed-*
 16 *eral Government; and*

17 *(B) weighed appropriately and balanced*
 18 *with environmental considerations required by*
 19 *Federal law.*

20 *(b) PARTICIPATION.—In developing the report referred*
 21 *to in subsection (a), the Secretaries may consult with rel-*
 22 *evant Federal, State, private sector, and international par-*
 23 *ticipants, as appropriate and consistent with applicable*
 24 *law.*

1 **SEC. 3003. NORTH AMERICAN ENERGY SECURITY PLAN.**

2 (a) *REQUIREMENT.*—Not later than one year after the
3 date of enactment of this Act, the Secretary of Energy, in
4 collaboration with the Secretary of State, shall develop and
5 transmit to the Committee on Energy and Commerce and
6 the Committee on Foreign Affairs of the House of Represent-
7 atives and the Committee on Energy and Natural Resources
8 and the Committee on Foreign Relations of the Senate the
9 plan described in subsection (b).

10 (b) *PURPOSE.*—The plan referred to in subsection (a)
11 shall include—

12 (1) a recommended framework and implementa-
13 tion strategy to—

14 (A) improve planning and coordination
15 with Canada and Mexico to enhance energy inte-
16 gration, strengthen North American energy secu-
17 rity, and promote efficiencies in the exploration,
18 production, storage, supply, distribution, mar-
19 keting, pricing, and regulation of North Amer-
20 ican energy resources; and

21 (B) address—

22 (i) North American energy public data,
23 statistics, and mapping collaboration;

24 (ii) responsible and sustainable best
25 practices for the development of unconven-
26 tional oil and natural gas; and

1 (iii) *modern, resilient energy infra-*
 2 *structure for North America, including*
 3 *physical infrastructure as well as institu-*
 4 *tional infrastructure such as policies, regu-*
 5 *lations, and practices relating to energy de-*
 6 *velopment; and*

7 (2) *a recommended framework and implementa-*
 8 *tion strategy to improve collaboration with Caribbean*
 9 *and Central American partners on energy security,*
 10 *including actions to support—*

11 (A) *more open, transparent, and competi-*
 12 *tive energy markets;*

13 (B) *regulatory capacity building;*

14 (C) *improvements to energy transmission*
 15 *and storage; and*

16 (D) *improvements to the performance of en-*
 17 *ergy infrastructure and efficiency.*

18 (c) *PARTICIPATION.—In developing the plan referred*
 19 *to in subsection (a), the Secretaries may consult with other*
 20 *Federal, State, private sector, and international partici-*
 21 *pants, as appropriate and consistent with applicable law.*

22 **SEC. 3004. COLLECTIVE ENERGY SECURITY.**

23 (a) *IN GENERAL.—The Secretary of Energy and the*
 24 *Secretary of State shall collaborate to strengthen domestic*
 25 *energy security and the energy security of the allies and*

1 *trading partners of the United States, including through*
2 *actions that support or facilitate—*

3 *(1) energy diplomacy;*

4 *(2) the delivery of United States assistance, in-*
5 *cluding energy resources and technologies, to prevent*
6 *or mitigate an energy security crisis;*

7 *(3) the development of environmentally and com-*
8 *mercially sustainable energy resources;*

9 *(4) open, transparent, and competitive energy*
10 *markets; and*

11 *(5) regulatory capacity building.*

12 *(b) ENERGY SECURITY FORUMS.—Not later than one*
13 *year after the date of enactment of this Act, the Secretary*
14 *of Energy, in collaboration with the Secretary of State,*
15 *shall convene not less than 2 forums to promote the collec-*
16 *tive energy security of the United States and its allies and*
17 *trading partners. The forums shall include participation by*
18 *the Secretary of Energy and the Secretary of State. In addi-*
19 *tion, an invitation shall be extended to—*

20 *(1) appropriate representatives of foreign govern-*
21 *ments that are allies or trading partners of the*
22 *United States; and*

23 *(2) independent experts and industry representa-*
24 *tives.*

25 *(c) REQUIREMENTS.—The forums shall—*

1 (1) *consist of at least one Trans-Atlantic and one*
2 *Trans-Pacific energy security forum;*

3 (2) *be designed to foster dialogue among govern-*
4 *ment officials, independent experts, and industry rep-*
5 *resentatives regarding—*

6 (A) *the current state of global energy mar-*
7 *kets;*

8 (B) *trade and investment issues relevant to*
9 *energy; and*

10 (C) *barriers to more open, competitive, and*
11 *transparent energy markets; and*

12 (3) *be recorded and made publicly available on*
13 *the Department of Energy’s website, including, not*
14 *later than 30 days after each forum, publication on*
15 *the website any significant outcomes.*

16 (d) *NOTIFICATION.—At least 30 days before each of the*
17 *forums referred to in subsection (b), the Secretary of Energy*
18 *shall send a notification regarding the forum to—*

19 (1) *the chair and the ranking minority member*
20 *of the Committee on Energy and Commerce and the*
21 *Committee on Foreign Affairs of the House of Rep-*
22 *resentatives; and*

23 (2) *the chair and ranking minority member of*
24 *the Committee on Energy and Natural Resources and*
25 *the Committee on Foreign Relations of the Senate.*

1 **SEC. 3005. STRATEGIC PETROLEUM RESERVE MISSION**
 2 **READINESS PLAN.**

3 *Not later than 180 days after the date of enactment*
 4 *of this Act, the Secretary of Energy shall conduct a long-*
 5 *range strategic review of the Strategic Petroleum Reserve*
 6 *and develop and transmit to Congress a plan that includes*
 7 *an analysis and implementation schedule that—*

8 *(1) specifies near-term and long-term roles of the*
 9 *Strategic Petroleum Reserve relative to United States*
 10 *energy security and economic goals and objectives;*

11 *(2) describes existing legal authorities governing*
 12 *the policies, configuration, and capabilities of the*
 13 *Strategic Petroleum Reserve;*

14 *(3) identifies Strategic Petroleum Reserve con-*
 15 *figuration and performance capabilities and rec-*
 16 *ommends an action plan to achieve the optimal—*

17 *(A) capacity, location, and composition of*
 18 *petroleum products in the Reserve; and*

19 *(B) storage and distributional capabilities;*
 20 *and*

21 *(4) estimates the resources required to attain and*
 22 *maintain the Strategic Petroleum Reserve's long-term*
 23 *sustainability and operational effectiveness.*

24 **SEC. 3006. AUTHORIZATION TO EXPORT NATURAL GAS.**

25 *(a) DECISION DEADLINE.—For proposals that must*
 26 *also obtain authorization from the Federal Energy Regu-*

latory Commission or the United States Maritime Administration to site, construct, expand, or operate LNG export facilities, the Department of Energy shall issue a final decision on any application for the authorization to export natural gas under section 3 of the Natural Gas Act (15 U.S.C. 717b) not later than 30 days after the later of—

(1) the conclusion of the review to site, construct, expand, or operate the LNG facilities required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*); or

(2) the date of enactment of this Act.

(b) CONCLUSION OF REVIEW.—For purposes of subsection (a), review required by the National Environmental Policy Act of 1969 shall be considered concluded—

(1) for a project requiring an Environmental Impact Statement, 30 days after publication of a Final Environmental Impact Statement;

(2) for a project for which an Environmental Assessment has been prepared, 30 days after publication by the Department of Energy of a Finding of No Significant Impact; and

(3) upon a determination by the lead agency that an application is eligible for a categorical exclusion pursuant to National Environmental Policy Act of 1969 implementing regulations.

1 (c) *PUBLIC DISCLOSURE OF EXPORT DESTINA-*
 2 *TIONS.—Section 3 of the Natural Gas Act (15 U.S.C. 717b)*
 3 *is amended by adding at the end the following:*

4 “(g) *PUBLIC DISCLOSURE OF LNG EXPORT DESTINA-*
 5 *TIONS.—As a condition for approval of any authorization*
 6 *to export LNG, the Secretary of Energy shall require the*
 7 *applicant to publicly disclose the specific destination or des-*
 8 *tinations of any such authorized LNG exports.”.*

9 ***TITLE IV—ENERGY EFFICIENCY***
 10 ***AND ACCOUNTABILITY***

11 ***Subtitle A—Energy Efficiency***

12 ***CHAPTER 1—FEDERAL AGENCY ENERGY***
 13 ***EFFICIENCY***

14 ***SEC. 4111. ENERGY-EFFICIENT AND ENERGY-SAVING INFOR-***
 15 ***MATION TECHNOLOGIES.***

16 (a) *AMENDMENT.—Subtitle C of title V of the Energy*
 17 *Independence and Security Act of 2007 (Public Law 110–*
 18 *140; 121 Stat. 1661) is amended by adding at the end the*
 19 *following:*

20 ***“SEC. 530. ENERGY-EFFICIENT AND ENERGY-SAVING INFOR-***
 21 ***MATION TECHNOLOGIES.***

22 “(a) *DEFINITIONS.—In this section:*

23 “(1) *DIRECTOR.—The term ‘Director’ means the*
 24 *Director of the Office of Management and Budget.*

1 “(2) *INFORMATION TECHNOLOGY.*—*The term ‘in-*
2 *formation technology’ has the meaning given that*
3 *term in section 11101 of title 40, United States Code.*

4 “(b) *DEVELOPMENT OF IMPLEMENTATION STRAT-*
5 *EGY.*—*Not later than 1 year after the date of enactment*
6 *of this section, each Federal agency shall coordinate with*
7 *the Director, the Secretary, and the Administrator of the*
8 *Environmental Protection Agency to develop an implemen-*
9 *tation strategy (that includes best practices and measure-*
10 *ment and verification techniques) for the maintenance, pur-*
11 *chase, and use by the Federal agency of energy-efficient and*
12 *energy-saving information technologies, taking into consid-*
13 *eration the performance goals established under subsection*
14 *(d).*

15 “(c) *ADMINISTRATION.*—*In developing an implementa-*
16 *tion strategy under subsection (b), each Federal agency*
17 *shall consider—*

18 “(1) *advanced metering infrastructure;*

19 “(2) *energy-efficient data center strategies and*
20 *methods of increasing asset and infrastructure utili-*
21 *zation;*

22 “(3) *advanced power management tools;*

23 “(4) *building information modeling, including*
24 *building energy management;*

1 “(5) *secure telework and travel substitution tools;*
2 *and*

3 “(6) *mechanisms to ensure that the agency real-*
4 *izes the energy cost savings brought about through in-*
5 *creased efficiency and utilization.*

6 “(d) *PERFORMANCE GOALS.—*

7 “(1) *IN GENERAL.—Not later than 180 days*
8 *after the date of enactment of this section, the Direc-*
9 *tor, in consultation with the Secretary, shall establish*
10 *performance goals for evaluating the efforts of Federal*
11 *agencies in improving the maintenance, purchase,*
12 *and use of energy-efficient and energy-saving infor-*
13 *mation technology.*

14 “(2) *BEST PRACTICES.—The Chief Information*
15 *Officers Council established under section 3603 of title*
16 *44, United States Code, shall recommend best prac-*
17 *tices for the attainment of the performance goals,*
18 *which shall include Federal agency consideration of,*
19 *to the extent applicable by law, the use of—*

20 “(A) *energy savings performance con-*
21 *tracting; and*

22 “(B) *utility energy services contracting.*

23 “(e) *REPORTS.—*

24 “(1) *AGENCY REPORTS.—Each Federal agency*
25 *shall include in the report of the agency under section*

1 527 a description of the efforts and results of the
2 agency under this section.

3 “(2) OMB GOVERNMENT EFFICIENCY REPORTS
4 AND SCORECARDS.—Effective beginning not later
5 than October 1, 2017, the Director shall include in the
6 annual report and scorecard of the Director required
7 under section 528 a description of the efforts and re-
8 sults of Federal agencies under this section.”.

9 (b) CONFORMING AMENDMENT.—The table of contents
10 for the Energy Independence and Security Act of 2007 is
11 amended by adding after the item relating to section 529
12 the following:

 “Sec. 530. Energy-efficient and energy-saving information technologies.”.

13 **SEC. 4112. ENERGY EFFICIENT DATA CENTERS.**

14 Section 453 of the Energy Independence and Security
15 Act of 2007 (42 U.S.C. 17112) is amended—

16 (1) in subsection (b)(2)(D)(iv), by striking “de-
17 termined by the organization” and inserting “pro-
18 posed by the stakeholders”;

19 (2) by striking subsection (b)(3); and

20 (3) by striking subsections (c) through (g) and
21 inserting the following:

22 “(c) STAKEHOLDER INVOLVEMENT.—The Secretary
23 and the Administrator shall carry out subsection (b) in col-
24 laboration with the information technology industry and
25 other key stakeholders, with the goal of producing results

1 *that accurately reflect the most relevant and useful informa-*
2 *tion available. In such collaboration, the Secretary and the*
3 *Administrator shall pay particular attention to organiza-*
4 *tions that—*

5 “(1) *have members with expertise in energy effi-*
6 *ciency and in the development, operation, and*
7 *functionality of data centers, information technology*
8 *equipment, and software, such as representatives of*
9 *hardware manufacturers, data center operators, and*
10 *facility managers;*

11 “(2) *obtain and address input from Department*
12 *of Energy National Laboratories or any college, uni-*
13 *versity, research institution, industry association,*
14 *company, or public interest group with applicable ex-*
15 *pertise;*

16 “(3) *follow—*

17 “(A) *commonly accepted procedures for the*
18 *development of specifications; and*

19 “(B) *accredited standards development*
20 *processes; and*

21 “(4) *have a mission to promote energy efficiency*
22 *for data centers and information technology.*

23 “(d) *MEASUREMENTS AND SPECIFICATIONS.—The Sec-*
24 *retary and the Administrator shall consider and assess the*
25 *adequacy of the specifications, measurements, best practices,*

1 *and benchmarks described in subsection (b) for use by the*
2 *Federal Energy Management Program, the Energy Star*
3 *Program, and other efficiency programs of the Department*
4 *of Energy or the Environmental Protection Agency.*

5 “(e) *STUDY.—The Secretary, in collaboration with the*
6 *Administrator, shall, not later than 18 months after the*
7 *date of enactment of the North American Energy Security*
8 *and Infrastructure Act of 2015, make available to the public*
9 *an update to the Report to Congress on Server and Data*
10 *Center Energy Efficiency published on August 2, 2007,*
11 *under section 1 of Public Law 109–431 (120 Stat. 2920),*
12 *that provides—*

13 “(1) *a comparison and gap analysis of the esti-*
14 *mates and projections contained in the original report*
15 *with new data regarding the period from 2008*
16 *through 2015;*

17 “(2) *an analysis considering the impact of infor-*
18 *mation technologies, including virtualization and*
19 *cloud computing, in the public and private sectors;*

20 “(3) *an evaluation of the impact of the combina-*
21 *tion of cloud platforms, mobile devices, social media,*
22 *and big data on data center energy usage;*

23 “(4) *an evaluation of water usage in data cen-*
24 *ters and recommendations for reductions in such*
25 *water usage; and*

1 “(5) updated projections and recommendations
2 for best practices through fiscal year 2020.

3 “(f) DATA CENTER ENERGY PRACTITIONER PRO-
4 GRAM.—The Secretary, in collaboration with key stake-
5 holders and the Director of the Office of Management and
6 Budget, shall maintain a data center energy practitioner
7 program that leads to the certification of energy practi-
8 tioners qualified to evaluate the energy usage and efficiency
9 opportunities in Federal data centers. Each Federal agency
10 shall consider having the data centers of the agency evalu-
11 ated every 4 years, in accordance with section 543(f) of the
12 National Energy Conservation Policy Act (42 U.S.C. 8253),
13 by energy practitioners certified pursuant to such program.

14 “(g) OPEN DATA INITIATIVE.—The Secretary, in col-
15 laboration with key stakeholders and the Director of the Of-
16 fice of Management and Budget, shall establish an open
17 data initiative for Federal data center energy usage data,
18 with the purpose of making such data available and acces-
19 sible in a manner that encourages further data center inno-
20 vation, optimization, and consolidation. In establishing the
21 initiative, the Secretary shall consider the use of the online
22 Data Center Maturity Model.

23 “(h) INTERNATIONAL SPECIFICATIONS AND
24 METRICS.—The Secretary, in collaboration with key stake-
25 holders, shall actively participate in efforts to harmonize

1 *global specifications and metrics for data center energy and*
 2 *water efficiency.*

3 “(i) *DATA CENTER UTILIZATION METRIC.*—*The Sec-*
 4 *retary, in collaboration with key stakeholders, shall facili-*
 5 *tate the development of an efficiency metric that measures*
 6 *the energy efficiency of a data center (including equipment*
 7 *and facilities).*

8 “(j) *PROTECTION OF PROPRIETARY INFORMATION.*—
 9 *The Secretary and the Administrator shall not disclose any*
 10 *proprietary information or trade secrets provided by any*
 11 *individual or company for the purposes of carrying out this*
 12 *section or the programs and initiatives established under*
 13 *this section.*”.

14 **SEC. 4113. REPORT ON ENERGY AND WATER SAVINGS PO-**
 15 **TENTIAL FROM THERMAL INSULATION.**

16 (a) *REPORT.*—*Not later than 1 year after the date of*
 17 *enactment of this Act, the Secretary of Energy, in consulta-*
 18 *tion with appropriate Federal agencies and relevant stake-*
 19 *holders, shall submit to the Committee on Energy and Nat-*
 20 *ural Resources of the Senate and the Committee on Energy*
 21 *and Commerce of the House of Representatives a report on*
 22 *the impact of thermal insulation on both energy and water*
 23 *use systems for potable hot and chilled water in Federal*
 24 *buildings, and the return on investment of installing such*
 25 *insulation.*

1 (b) *CONTENTS.*—*The report shall include—*

2 (1) *an analysis based on the cost of municipal*
3 *or regional water for delivered water and the avoided*
4 *cost of new water; and*

5 (2) *a summary of energy and water savings, in-*
6 *cluding short-term and long-term (20 years) projec-*
7 *tions of such savings.*

8 **SEC. 4114. FEDERAL PURCHASE REQUIREMENT.**

9 (a) *DEFINITIONS.*—*Section 203(b) of the Energy Pol-*
10 *icy Act of 2005 (42 U.S.C. 15852(b)) is amended by strik-*
11 *ing paragraph (2) and inserting the following:*

12 “(2) *RENEWABLE ENERGY.*—*The term ‘renewable*
13 *energy’ means electric energy, or thermal energy if re-*
14 *sulting from a thermal energy project placed in serv-*
15 *ice after December 31, 2014, generated from, or avoid-*
16 *ed by, solar, wind, biomass, landfill gas, ocean (in-*
17 *cluding tidal, wave, current, and thermal), geo-*
18 *thermal, municipal solid waste (in accordance with*
19 *subsection (e)), qualified waste heat resource, or new*
20 *hydroelectric generation capacity achieved from in-*
21 *creased efficiency or additions of new capacity at an*
22 *existing hydroelectric project.*

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

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

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

5 “(C) a pressure drop in any gas for an in-
6 dustrial or commercial process; or

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

9 (b) *PAPER RECYCLING*.—Section 203 of the Energy
10 Policy Act of 2005 (42 U.S.C. 15852) is amended by adding
11 at the end the following:

12 “(e) *PAPER RECYCLING*.—

13 “(1) *SEPARATE COLLECTION*.—For purposes of
14 this section, any Federal agency may consider electric
15 energy generation purchased from a facility to be re-
16 newable energy if the municipal solid waste used by
17 the facility to generate the electricity is—

18 “(A) separately collected (within the mean-
19 ing of section 246.101(z) of title 40, Code of Fed-
20 eral Regulations, as in effect on the date of en-
21 actment of the North American Energy Security
22 and Infrastructure Act of 2015) from paper that
23 is commonly recycled; and

1 “(B) processed in a way that keeps paper
2 that is commonly recycled segregated from non-
3 recyclable solid waste.

4 “(2) *INCIDENTAL INCLUSION.*—Municipal solid
5 waste used to generate electric energy that meets the
6 conditions described in paragraph (1) shall be consid-
7 ered renewable energy even if the municipal solid
8 waste contains incidental commonly recycled paper.

9 “(3) *NO EFFECT ON EXISTING PROCESSES.*—
10 Nothing in paragraph (1) shall be interpreted to re-
11 quire a State or political subdivision of a State, di-
12 rectly or indirectly, to change the systems, processes,
13 or equipment it uses to collect, treat, dispose of, or
14 otherwise use municipal solid waste, within the
15 meaning of the Solid Waste Disposal Act (42 U.S.C.
16 6901 et seq.), nor require a change to the regulations
17 that implement subtitle D of such Act (42 U.S.C.
18 6941 et seq.).”.

19 **SEC. 4115. ENERGY PERFORMANCE REQUIREMENT FOR**
20 **FEDERAL BUILDINGS.**

21 Section 543 of the National Energy Conservation Pol-
22 icy Act (42 U.S.C. 8253) is amended—

23 (1) by striking subsection (a) and inserting the
24 following:

1 “(a) *ENERGY PERFORMANCE REQUIREMENT FOR FED-*
2 *ERAL BUILDINGS.*—

3 “(1) *REQUIREMENT.*—*Subject to paragraph (2),*
4 *each agency shall apply energy conservation measures*
5 *to, and shall improve the design for the construction*
6 *of, the Federal buildings of the agency (including each*
7 *industrial or laboratory facility) so that the energy*
8 *consumption per gross square foot of the Federal*
9 *buildings of the agency in fiscal years 2006 through*
10 *2017 is reduced, as compared with the energy con-*
11 *sumption per gross square foot of the Federal build-*
12 *ings of the agency in fiscal year 2003, by the percent-*
13 *age specified in the following table:*

“Fiscal Year	Percentage Reduction
2006	2
2007	4
2008	9
2009	12
2010	15
2011	18
2012	21
2013	24
2014	27
2015	30
2016	33
2017	36.

14 “(2) *EXCLUSION FOR BUILDINGS WITH ENERGY*
15 *INTENSIVE ACTIVITIES.*—

16 “(A) *IN GENERAL.*—*An agency may exclude*
17 *from the requirements of paragraph (1) any*
18 *building (including the associated energy con-*

1 *sumption and gross square footage) in which en-*
2 *ergy intensive activities are carried out.*

3 “(B) *REPORTS.*—Each agency shall identify
4 *and list in each report made under section*
5 *548(a) the buildings designated by the agency for*
6 *exclusion under subparagraph (A).*

7 “(3) *REVIEW.*—Not later than December 31,
8 *2017, the Secretary shall—*

9 “(A) *review the results of the implementa-*
10 *tion of the energy performance requirements es-*
11 *tablished under paragraph (1); and*

12 “(B) *based on the review conducted under*
13 *subparagraph (A), submit to Congress a report*
14 *that addresses the feasibility of requiring each*
15 *agency to apply energy conservation measures to,*
16 *and improve the design for the construction of,*
17 *the Federal buildings of the agency (including*
18 *each industrial or laboratory facility) so that the*
19 *energy consumption per gross square foot of the*
20 *Federal buildings of the agency in each of fiscal*
21 *years 2018 through 2030 is reduced, as compared*
22 *with the energy consumption per gross square*
23 *foot of the Federal buildings of the agency in the*
24 *prior fiscal year, by 3 percent.”; and*
25 *(2) in subsection (f)—*

1 (A) in paragraph (1)—

2 (i) by redesignating subparagraphs
3 (E), (F), and (G) as subparagraphs (F),
4 (G), and (H), respectively; and

5 (ii) by inserting after subparagraph
6 (D) the following:

7 “(E) ONGOING COMMISSIONING.—The term
8 ‘ongoing commissioning’ means an ongoing proc-
9 ess of commissioning using monitored data, the
10 primary goal of which is to ensure continuous
11 optimum performance of a facility, in accord-
12 ance with design or operating needs, over the
13 useful life of the facility, while meeting facility
14 occupancy requirements.”;

15 (B) in paragraph (2), by adding at the end
16 the following:

17 “(C) ENERGY MANAGEMENT SYSTEM.—An
18 energy manager designated under subparagraph
19 (A) shall consider use of a system to manage en-
20 ergy use at the facility and certification of the
21 facility in accordance with the International Or-
22 ganization for Standardization standard num-
23 bered 50001 and entitled ‘Energy Management
24 Systems’.”;

1 (C) by striking paragraphs (3) and (4) and
2 inserting the following:

3 “(3) *ENERGY AND WATER EVALUATIONS AND*
4 *COMMISSIONING.*—

5 “(A) *EVALUATIONS.*—*Except as provided in*
6 *subparagraph (B), effective beginning on the*
7 *date that is 180 days after the date of enactment*
8 *of the North American Energy Security and In-*
9 *frastructure Act of 2015, and annually there-*
10 *after, each energy manager shall complete, for*
11 *each calendar year, a comprehensive energy and*
12 *water evaluation and recommissioning or*
13 *retrocommissioning for approximately 25 percent*
14 *of the facilities of that energy manager’s agency*
15 *that meet the criteria under paragraph (2)(B) in*
16 *a manner that ensures that an evaluation of*
17 *each facility is completed at least once every 4*
18 *years.*

19 “(B) *EXCEPTIONS.*—*An evaluation and re-*
20 *commissioning or recommissioning shall not be*
21 *required under subparagraph (A) with respect to*
22 *a facility that—*

23 “(i) *has had a comprehensive energy*
24 *and water evaluation during the 8-year pe-*
25 *riod preceding the date of the evaluation;*

1 “(ii)(I) has been commissioned, re-
2 commissioned, or retrocommissioned during
3 the 10-year period preceding the date of the
4 evaluation; or

5 “(II) is under ongoing commissioning,
6 recommissioning, or retrocommissioning;

7 “(iii) has not had a major change in
8 function or use since the previous evalua-
9 tion and commissioning, recommissioning,
10 or retrocommissioning;

11 “(iv) has been benchmarked with pub-
12 lic disclosure under paragraph (8) within
13 the year preceding the evaluation; and

14 “(v)(I) based on the benchmarking, has
15 achieved at a facility level the most recent
16 cumulative energy savings target under sub-
17 section (a) compared to the earlier of—

18 “(aa) the date of the most recent
19 evaluation; or

20 “(bb) the date—

21 “(AA) of the most recent
22 commissioning, recommissioning,
23 or retrocommissioning; or

1 “(BB) on which ongoing
2 commissioning, recommissioning,
3 or retrocommissioning began; or

4 “(II) has a long-term contract in place
5 guaranteeing energy savings at least as
6 great as the energy savings target under
7 subclause (I).

8 “(4) IMPLEMENTATION OF IDENTIFIED ENERGY
9 AND WATER EFFICIENCY MEASURES.—

10 “(A) IN GENERAL.—Not later than 2 years
11 after the date of completion of each evaluation
12 under paragraph (3), each energy manager
13 may—

14 “(i) implement any energy- or water-
15 saving measure that the Federal agency
16 identified in the evaluation conducted under
17 paragraph (3) that is life-cycle cost effective;
18 and

19 “(ii) bundle individual measures of
20 varying paybacks together into combined
21 projects.

22 “(B) MEASURES NOT IMPLEMENTED.—Each
23 energy manager, as part of the certification sys-
24 tem under paragraph (7) and using guidelines
25 developed by the Secretary, shall provide an ex-

planation regarding any life-cycle cost-effective measures described in subparagraph (A)(i) that have not been implemented.”; and

(D) in paragraph (7)(C), by adding at the end the following:

“(iii) SUMMARY REPORT.—The Secretary shall make publicly available a report that summarizes the information tracked under subparagraph (B)(i) by each agency and, as applicable, by each type of measure.”.

SEC. 4116. FEDERAL BUILDING ENERGY EFFICIENCY PERFORMANCE STANDARDS; CERTIFICATION SYSTEM AND LEVEL FOR FEDERAL BUILDINGS.

(a) DEFINITIONS.—Section 303 of the Energy Conservation and Production Act (42 U.S.C. 6832) is amended—

(1) in paragraph (6), by striking “to be constructed” and inserting “constructed or altered”; and

(2) by adding at the end the following:

“(17) MAJOR RENOVATION.—The term ‘major renovation’ means a modification of building energy systems sufficiently extensive that the whole building can meet energy standards for new buildings, based

1 *on criteria to be established by the Secretary through*
 2 *notice and comment rulemaking.”.*

3 *(b) FEDERAL BUILDING EFFICIENCY STANDARDS.—*
 4 *Section 305 of the Energy Conservation and Production Act*
 5 *(42 U.S.C. 6834) is amended—*

6 *(1) in subsection (a)(3)—*

7 *(A) by striking “(3)(A) Not later than” and*
 8 *all that follows through the end of subparagraph*
 9 *(B) and inserting the following:*

10 *“(3) REVISED FEDERAL BUILDING ENERGY EFFI-*
 11 *CENCY PERFORMANCE STANDARDS; CERTIFICATION*
 12 *FOR GREEN BUILDINGS.—*

13 *“(A) REVISED FEDERAL BUILDING ENERGY*
 14 *EFFICIENCY PERFORMANCE STANDARDS.—*

15 *“(i) IN GENERAL.—Not later than 1*
 16 *year after the date of enactment of the*
 17 *North American Energy Security and In-*
 18 *frastructure Act of 2015, the Secretary shall*
 19 *establish, by rule, revised Federal building*
 20 *energy efficiency performance standards*
 21 *that require that—*

22 *“(I) new Federal buildings and*
 23 *alterations and additions to existing*
 24 *Federal buildings—*

1 “(aa) meet or exceed the most
2 recent revision of the IECC (in
3 the case of residential buildings)
4 or ASHRAE Standard 90.1 (in
5 the case of commercial buildings)
6 as of the date of enactment of the
7 North American Energy Security
8 and Infrastructure Act of 2015;
9 and

10 “(bb) meet or exceed the en-
11 ergy provisions of State and local
12 building codes applicable to the
13 building, if the codes are more
14 stringent than the IECC or
15 ASHRAE Standard 90.1, as ap-
16 plicable;

17 “(II) unless demonstrated not to
18 be life-cycle cost effective for new Fed-
19 eral buildings and Federal buildings
20 with major renovations—

21 “(aa) the buildings be de-
22 signed to achieve energy consump-
23 tion levels that are at least 30
24 percent below the levels established
25 in the version of the ASHRAE

1 *Standard or the IECC, as appro-*
2 *priate, that is applied under sub-*
3 *clause (I)(aa), including updates*
4 *under subparagraph (B); and*

5 “(bb) sustainable design
6 principles are applied to the loca-
7 tion, siting, design, and construc-
8 tion of all new Federal buildings
9 and replacement Federal build-
10 ings;

11 “(III) if water is used to achieve
12 energy efficiency, water conservation
13 technologies shall be applied to the ex-
14 tent that the technologies are life-cycle
15 cost effective; and

16 “(IV) if life-cycle cost effective, as
17 compared to other reasonably available
18 technologies, not less than 30 percent of
19 the hot water demand for each new
20 Federal building or Federal building
21 undergoing a major renovation be met
22 through the installation and use of
23 solar hot water heaters.

24 “(ii) *LIMITATION.*—Clause (i)(I) shall
25 not apply to unaltered portions of existing

1 *Federal buildings and systems that have*
 2 *been added to or altered.*

3 “(B) *UPDATES.*—*Not later than 1 year*
 4 *after the date of approval of each subsequent re-*
 5 *vision of ASHRAE Standard 90.1 or the IECC,*
 6 *as appropriate, the Secretary shall determine*
 7 *whether the revised standards established under*
 8 *subparagraph (A) should be updated to reflect*
 9 *the revisions, based on the energy savings and*
 10 *life-cycle cost effectiveness of the revisions.”;*

11 *(B) in subparagraph (C), by striking “(C)*
 12 *In the budget request” and inserting the fol-*
 13 *lowing:*

14 “(C) *BUDGET REQUEST.*—*In the budget re-*
 15 *quest”;* and

16 *(C) in subparagraph (D)—*

17 *(i) by striking “(D) Not later than”*
 18 *and all that follows through the end of the*
 19 *first sentence of clause (i)(III) and inserting*
 20 *the following:*

21 “(D) *CERTIFICATION FOR GREEN BUILD-*
 22 *INGS.*—

23 “(i) *IN GENERAL.*—”;

24 *(ii) by striking clause (ii);*

1 *(iii) in clause (iii), by striking “(iii)*
 2 *In identifying” and inserting the following:*

3 *“(ii) CONSIDERATIONS.—In identi-*
 4 *fying”;*

5 *(iv) in clause (iv)—*

6 *(I) by striking “(iv) At least*
 7 *once” and inserting the following:*

8 *“(iii) STUDY.—At least once”; and*

9 *(II) by striking “clause (iii)” and*
 10 *inserting “clause (ii)”;*

11 *(v) in clause (v)—*

12 *(I) by striking “(v) The Secretary*
 13 *may” and inserting the following:*

14 *“(iv) INTERNAL CERTIFICATION PROC-*
 15 *ESSES.—The Secretary may”; and*

16 *(II) by striking “clause (i)(III)”*
 17 *each place it appears and inserting*
 18 *“clause (i)”;*

19 *(vi) in clause (vi)—*

20 *(I) by striking “(vi) With respect”*
 21 *and inserting the following:*

22 *“(v) PRIVATIZED MILITARY HOUS-*
 23 *ING.—With respect”; and*

24 *(II) by striking “develop alter-*
 25

1 subclauses (I) and (III) of clause (i)
 2 that achieve an equivalent result in
 3 terms of energy savings, sustainable de-
 4 sign, and” and inserting “develop al-
 5 ternative certification systems and lev-
 6 els than the systems and levels identi-
 7 fied under clause (i) that achieve an
 8 equivalent result in terms of”; and
 9 (vii) in clause (vii), by striking “(vii)
 10 In addition to” and inserting the following:
 11 “(vi) WATER CONSERVATION TECH-
 12 NOLOGIES.—In addition to”; and
 13 (2) by striking subsections (c) and (d) and in-
 14 serting the following:
 15 “(c) PERIODIC REVIEW.—The Secretary shall—
 16 “(1) every 5 years, review the Federal building
 17 energy standards established under this section; and
 18 “(2) on completion of a review under paragraph
 19 (1), if the Secretary determines that significant en-
 20 ergy savings would result, upgrade the standards to
 21 include all new energy efficiency and renewable en-
 22 ergy measures that are technologically feasible and
 23 economically justified.”.

1 **SEC. 4117. OPERATION OF BATTERY RECHARGING STA-**
2 **TIONS IN PARKING AREAS USED BY FEDERAL**
3 **EMPLOYEES.**

4 (a) *AUTHORIZATION.*—

5 (1) *IN GENERAL.*—*The head of any office of the*
6 *Federal Government which owns or operates a park-*
7 *ing area for the use of its employees (either directly*
8 *or indirectly through a contractor) may install, con-*
9 *struct, operate, and maintain on a reimbursable basis*
10 *a battery recharging station in such area for the use*
11 *of privately owned vehicles of employees of the office*
12 *and others who are authorized to park in such area.*

13 (2) *USE OF VENDORS.*—*The head of an office*
14 *may carry out paragraph (1) through a contract with*
15 *a vendor, under such terms and conditions (including*
16 *terms relating to the allocation between the office and*
17 *the vendor of the costs of carrying out the contract)*
18 *as the head of the office and the vendor may agree to.*

19 (b) *IMPOSITION OF FEES TO COVER COSTS.*—

20 (1) *FEES.*—*The head of an office of the Federal*
21 *Government which operates and maintains a battery*
22 *recharging station under this section shall charge fees*
23 *to the individuals who use the station in such amount*
24 *as is necessary to ensure that office recovers all of the*
25 *costs it incurs in installing, constructing, operating,*
26 *and maintaining the station.*

1 (2) *DEPOSIT AND AVAILABILITY OF FEES.*—Any
 2 *fees collected by the head of an office under this sub-*
 3 *section shall be—*

4 (A) *deposited monthly in the Treasury to*
 5 *the credit of the appropriations account for sala-*
 6 *ries and expenses of the office; and*

7 (B) *available for obligation without further*
 8 *appropriation during—*

9 (i) *the fiscal year collected; and*

10 (ii) *the fiscal year following the fiscal*
 11 *year collected.*

12 (c) *NO EFFECT ON EXISTING PROGRAMS FOR HOUSE*
 13 *AND SENATE.*—*Nothing in this section may be construed*
 14 *to affect the installation, construction, operation, or main-*
 15 *tenance of battery recharging stations by the Architect of*
 16 *the Capitol—*

17 (1) *under Public Law 112–170 (2 U.S.C. 2171),*
 18 *relating to employees of the House of Representatives*
 19 *and individuals authorized to park in any parking*
 20 *area under the jurisdiction of the House of Represent-*
 21 *atives on the Capitol Grounds; or*

22 (2) *under Public Law 112–167 (2 U.S.C. 2170),*
 23 *relating to employees of the Senate and individuals*
 24 *authorized to park in any parking area under the ju-*
 25 *risdiction of the Senate on the Capitol Grounds.*

1 (d) *EFFECTIVE DATE.*—*This section shall apply with*
 2 *respect to fiscal year 2016 and each succeeding fiscal year.*

3 **CHAPTER 2—ENERGY EFFICIENT**
 4 **TECHNOLOGY AND MANUFACTURING**

5 **SEC. 4121. INCLUSION OF SMART GRID CAPABILITY ON EN-**
 6 **ERGY GUIDE LABELS.**

7 Section 324(a)(2) of the *Energy Policy and Conserva-*
 8 *tion Act (42 U.S.C. 6294(a)(2)) is amended by adding the*
 9 *following at the end:*

10 “(J) *SMART GRID CAPABILITY ON ENERGY*
 11 *GUIDE LABELS.*—

12 “(i) *RULE.*—*Not later than 1 year*
 13 *after the date of enactment of this subpara-*
 14 *graph, the Commission shall initiate a rule-*
 15 *making to consider making a special note*
 16 *in a prominent manner on any Energy*
 17 *Guide label for any product that includes*
 18 *Smart Grid capability that—*

19 “(I) *Smart Grid capability is a*
 20 *feature of that product;*

21 “(II) *the use and value of that*
 22 *feature depend on the Smart Grid ca-*
 23 *pability of the utility system in which*
 24 *the product is installed and the active*

utilization of that feature by the customer; and

“(III) on a utility system with Smart Grid capability, the use of the product’s Smart Grid capability could reduce the customer’s cost of the product’s annual operation as a result of the incremental energy and electricity cost savings that would result from the customer taking full advantage of such Smart Grid capability.

“(ii) DEADLINE.—Not later than 3 years after the date of enactment of this subparagraph, the Commission shall complete the rulemaking initiated under clause (i).”.

**SEC. 4122. VOLUNTARY VERIFICATION PROGRAMS FOR AIR
CONDITIONING, FURNACE, BOILER, HEAT
PUMP, AND WATER HEATER PRODUCTS.**

Section 326(b) of the Energy Policy and Conservation Act (42 U.S.C. 6296(b)) is amended by adding at the end the following:

“(6) VOLUNTARY VERIFICATION PROGRAMS FOR
AIR CONDITIONING, FURNACE, BOILER, HEAT PUMP,
AND WATER HEATER PRODUCTS.—

1 “(A) *RELIANCE ON VOLUNTARY PRO-*
2 *GRAMS.—For the purpose of verifying compli-*
3 *ance with energy conservation standards estab-*
4 *lished under sections 325 and 342 for covered*
5 *products described in paragraphs (3), (4), (5),*
6 *(9), and (11) of section 322(a) and covered*
7 *equipment described in subparagraphs (B), (C),*
8 *(D), (F), (I), (J), and (K) of section 340(1), the*
9 *Secretary shall rely on testing conducted by rec-*
10 *ognized voluntary verification programs that are*
11 *recognized by the Secretary in accordance with*
12 *subparagraph (B).*

13 “(B) *RECOGNITION OF VOLUNTARY*
14 *VERIFICATION PROGRAMS.—*

15 “(i) *IN GENERAL.—Not later than 180*
16 *days after the date of enactment of this*
17 *paragraph, the Secretary shall initiate a*
18 *negotiated rulemaking in accordance with*
19 *subchapter III of chapter 5 of title 5,*
20 *United States Code (commonly known as*
21 *the ‘Negotiated Rulemaking Act of 1990’) to*
22 *develop criteria that have consensus support*
23 *for achieving recognition by the Secretary*
24 *as an approved voluntary verification pro-*
25 *gram. Any subsequent amendment to such*

1 *criteria may be made only pursuant to a*
2 *subsequent negotiated rulemaking in accord-*
3 *ance with subchapter III of chapter 5 of*
4 *title 5, United States Code.*

5 “(ii) *MINIMUM REQUIREMENTS.—The*
6 *criteria developed under clause (i) shall, at*
7 *a minimum, ensure that a voluntary*
8 *verification program—*

9 “(I) *is nationally recognized;*

10 “(II) *is operated by a third party*
11 *and not directly operated by a pro-*
12 *gram participant;*

13 “(III) *satisfies any applicable ele-*
14 *ments of—*

15 “(aa) *International Organi-*
16 *zation for Standardization stand-*
17 *ard numbered 17025; and*

18 “(bb) *any other relevant*
19 *International Organization for*
20 *Standardization standards identi-*
21 *fied and agreed to through the ne-*
22 *gotiated rulemaking under clause*
23 *(i);*

24 “(IV) *at least annually tests inde-*
25 *pendently obtained products following*

1 *the test procedures established under*
2 *this title to verify the certified rating*
3 *of a representative sample of products*
4 *and equipment within the scope of the*
5 *program;*

6 *“(V) maintains a publicly avail-*
7 *able list of all ratings of products sub-*
8 *ject to verification;*

9 *“(VI) requires the changing of the*
10 *performance rating or removal of the*
11 *product or equipment from the pro-*
12 *gram if testing determines that the*
13 *performance rating does not meet the*
14 *levels the manufacturer has certified to*
15 *the Secretary;*

16 *“(VII) requires new program par-*
17 *ticipants to substantiate ratings*
18 *through test data generated in accord-*
19 *ance with Department of Energy regu-*
20 *lations;*

21 *“(VIII) allows for challenge test-*
22 *ing of products and equipment within*
23 *the scope of the program;*

24 *“(IX) requires program partici-*
25 *pants to disclose the performance rat-*

1 *ing of all covered products and equip-*
2 *ment within the scope of the program*
3 *for the covered product or equipment;*

4 “(X) provides to the Secretary—

5 “(aa) an annual report of all
6 *test results, the contents of which*
7 *shall be determined through the*
8 *negotiated rulemaking process*
9 *under clause (i); and*

10 “(bb) test reports, on the re-
11 *quest of the Secretary, that note*
12 *any instructions specified by the*
13 *manufacturer or the representa-*
14 *tive of the manufacturer for the*
15 *purpose of conducting the*
16 *verification testing, to be exempt-*
17 *ed from disclosure under section*
18 *552(b)(4) of title 5, United States*
19 *Code; and*

20 “(XI) satisfies any additional re-
21 *quirements or standards that the Sec-*
22 *retary shall establish consistent with*
23 *this subparagraph.*

24 “(iii) CESSATION OF RECOGNITION.—

25 *The Secretary may only cease recognition of*

1 *a voluntary verification program as an ap-*
2 *proved program described in subparagraph*
3 *(A) upon a finding that the program is not*
4 *meeting its obligations for compliance*
5 *through program review criteria developed*
6 *during the negotiated rulemaking conducted*
7 *under subparagraph (B).*

8 “(C) *ADMINISTRATION.*—

9 “(i) *IN GENERAL.*—*The Secretary shall*
10 *not require—*

11 “(I) *manufacturers to participate*
12 *in a recognized voluntary verification*
13 *program described in subparagraph*
14 *(A); or*

15 “(II) *participating manufacturers*
16 *to provide information that has al-*
17 *ready been provided to the Secretary.*

18 “(ii) *LIST OF COVERED PRODUCTS.*—
19 *The Secretary may maintain a publicly*
20 *available list of covered products and equip-*
21 *ment that distinguishes between products*
22 *that are and are not covered products and*
23 *equipment verified through a recognized vol-*
24 *untary verification program described in*
25 *subparagraph (A).*

1 “(iii) *PERIODIC VERIFICATION TEST-*
2 *ING.—The Secretary—*

3 “(I) *shall not subject products or*
4 *equipment that have been verification*
5 *tested under a recognized voluntary*
6 *verification program described in sub-*
7 *paragraph (A) to periodic verification*
8 *testing to verify the accuracy of the*
9 *certified performance rating of the*
10 *products or equipment; but*

11 “(II) *may require testing of prod-*
12 *ucts or equipment described in sub-*
13 *clause (I)—*

14 “(aa) *if the testing is nec-*
15 *essary—*

16 “(AA) *to assess the over-*
17 *all performance of a vol-*
18 *untary verification program;*

19 “(BB) *to address spe-*
20 *cific performance issues;*

21 “(CC) *for use in updat-*
22 *ing test procedures and*
23 *standards; or*

1 “(DD) for other pur-
 2 poses consistent with this
 3 title; or

4 “(bb) if such testing is agreed
 5 to during the negotiated rule-
 6 making conducted under subpara-
 7 graph (B).

8 “(D) EFFECT ON OTHER AUTHORITY.—
 9 Nothing in this paragraph limits the authority
 10 of the Secretary to enforce compliance with any
 11 law.”.

12 **SEC. 4123. FACILITATING CONSENSUS FURNACE STAND-**
 13 **ARDS.**

14 (a) CONGRESSIONAL FINDINGS AND DECLARATION OF
 15 PURPOSE.—

16 (1) FINDINGS.—Congress finds that—

17 (A) acting pursuant to the requirements of
 18 section 325 of the Energy Policy and Conserva-
 19 tion Act (42 U.S.C. 6295), the Secretary of En-
 20 ergy is considering amending the energy con-
 21 servation standards applicable to residential
 22 nonweatherized gas furnaces and mobile home
 23 gas furnaces;

24 (B) numerous stakeholders, representing
 25 manufacturers, distributors, and installers of res-

1 *idential nonweatherized gas furnaces and mobile*
 2 *home furnaces, natural gas utilities, home build-*
 3 *ers, multifamily property owners, and energy ef-*
 4 *iciency, environmental, and consumer advocates*
 5 *have begun negotiations in an attempt to agree*
 6 *on a consensus recommendation to the Secretary*
 7 *on levels for such standards that will meet the*
 8 *statutory criteria; and*

9 *(C) the stakeholders believe these negotia-*
 10 *tions are likely to result in a consensus rec-*
 11 *ommendation, but several of the stakeholders do*
 12 *not support suspending the current rulemaking.*

13 *(2) PURPOSE.—It is the purpose of this section*
 14 *to provide the stakeholders described in paragraph (1)*
 15 *with an opportunity to continue negotiations for a*
 16 *limited time period to facilitate the proposal for*
 17 *adoption of standards that enjoy consensus support,*
 18 *while not delaying the current rulemaking except to*
 19 *the extent necessary to provide such opportunity.*

20 *(b) OPPORTUNITY FOR A NEGOTIATED FURNACE*
 21 *STANDARD.—Section 325(f)(4) of the Energy Policy and*
 22 *Conservation Act (42 U.S.C. 6295(f)(4)) is amended by*
 23 *adding after subparagraph (D) the following:*

24 *“(E)(i) Unless the Secretary has published such a no-*
 25 *tice prior to the date of enactment of this Act, the Secretary*

1 shall publish, not later than October 31, 2015, a supple-
2 mental notice of proposed rulemaking or a notice of data
3 availability updating the proposed rule entitled ‘Energy
4 Conservation Program for Consumer Products: Energy
5 Conservation Standards for Residential Furnaces’ and pub-
6 lished in the Federal Register on March 12, 2015 (80 Fed.
7 Reg. 13119), to provide notice and an opportunity for com-
8 ment on—

9 “(I) dividing nonweatherized gas furnaces into
10 two or more product classes with separate energy con-
11 servation standards based on capacity; and

12 “(II) any other matters the Secretary determines
13 appropriate.

14 “(ii) On receipt of a statement that is submitted on
15 or before January 1, 2016, jointly by interested persons that
16 are fairly representative of relevant points of view, that con-
17 tains recommended standards for nonweatherized gas fur-
18 naces and mobile home gas furnaces that are consistent with
19 the requirements of this part (except that the date on which
20 such standards will apply may be earlier or later than the
21 date required under this part), the Secretary shall evaluate
22 the standards proposed in the joint statement for consist-
23 ency with the requirements of subsection (o), and shall pub-
24 lish notice of the potential adoption of the standards pro-
25 posed in the joint statement, modified as necessary to ensure

1 consistency with subsection (o). The Secretary shall solicit
 2 public comment for a period of at least 30 days with respect
 3 to such notice.

4 “(iii) Not later than July 31, 2016, but not before July
 5 1, 2016, the Secretary shall publish a final rule containing
 6 a determination of whether the standards for nonweather-
 7 ized gas furnaces and mobile home gas furnaces should be
 8 amended. Such rule shall contain any such amendments to
 9 the standards.”.

10 **SEC. 4124. FUTURE OF INDUSTRY PROGRAM.**

11 (a) *IN GENERAL.*—Section 452 of the Energy Inde-
 12 pendence and Security Act of 2007 (42 U.S.C. 17111) is
 13 amended by striking the section heading and inserting the
 14 following: “**FUTURE OF INDUSTRY PROGRAM**”.

15 (b) *DEFINITION OF ENERGY SERVICE PROVIDER.*—
 16 Section 452(a) of the Energy Independence and Security
 17 Act of 2007 (42 U.S.C. 17111(a)) is amended—

18 (1) by redesignating paragraphs (3) through (5)
 19 as paragraphs (4) through (6), respectively; and

20 (2) by inserting after paragraph (2):

21 “(3) *ENERGY SERVICE PROVIDER.*—The term
 22 ‘energy service provider’ means any business pro-
 23 viding technology or services to improve the energy ef-
 24 ficiency, water efficiency, power factor, or load man-
 25 agement of a manufacturing site or other industrial

1 *process in an energy-intensive industry, or any util-*
 2 *ity operating under a utility energy service project.”.*

3 (c) *INDUSTRIAL RESEARCH AND ASSESSMENT CEN-*
 4 *TERS.—Section 452(e) of the Energy Independence and Se-*
 5 *curity Act of 2007 (42 U.S.C. 17111(e)) is amended—*

6 (1) *by redesignating paragraphs (1) through (5)*
 7 *as subparagraphs (A) through (E), respectively, and*
 8 *indenting appropriately;*

9 (2) *by striking “The Secretary” and inserting*
 10 *the following:*

11 “(1) *IN GENERAL.—The Secretary*”;

12 (3) *in subparagraph (A) (as redesignated by*
 13 *paragraph (1)), by inserting before the semicolon at*
 14 *the end the following: “, including assessments of sus-*
 15 *tainable manufacturing goals and the implementation*
 16 *of information technology advancements for supply*
 17 *chain analysis, logistics, system monitoring, indus-*
 18 *trial and manufacturing processes, and other pur-*
 19 *poses”; and*

20 (4) *by adding at the end the following:*

21 “(2) *COORDINATION.—To increase the value and*
 22 *capabilities of the industrial research and assessment*
 23 *centers, the centers shall—*

1 “(A) coordinate with Manufacturing Extension Partnership Centers of the National Institute of Standards and Technology;

4 “(B) coordinate with the Building Technologies Office of the Department of Energy to provide building assessment services to manufacturers;

8 “(C) increase partnerships with the National Laboratories of the Department of Energy to leverage the expertise and technologies of the National Laboratories for national industrial and manufacturing needs; and

13 “(D) increase partnerships with energy service providers and technology providers to leverage private sector expertise and accelerate deployment of new and existing technologies and processes for energy efficiency, power factor, and load management.

19 “(3) OUTREACH.—The Secretary shall provide funding for—

21 “(A) outreach activities by the industrial research and assessment centers to inform small- and medium-sized manufacturers of the information, technologies, and services available; and

1 “(B) coordination activities by each indus-
2 trial research and assessment center to leverage
3 efforts with—

4 “(i) Federal and State efforts;

5 “(ii) the efforts of utilities and energy
6 service providers;

7 “(iii) the efforts of regional energy effi-
8 ciency organizations; and

9 “(iv) the efforts of other industrial re-
10 search and assessment centers.

11 “(4) SMALL BUSINESS LOANS.—The Adminis-
12 trator of the Small Business Administration shall, to
13 the maximum extent practicable, expedite consider-
14 ation of applications from eligible small business con-
15 cerns for loans under the Small Business Act (15
16 U.S.C. 631 et seq.) to implement recommendations of
17 industrial research and assessment centers established
18 under paragraph (1).”.

19 (d) CONFORMING AMENDMENT.—The item relating to
20 section 452 in the table of contents for the Energy Independ-
21 ence and Security Act of 2007 is amended to read as fol-
22 lows:

 “Sec. 452. Future of Industry program.”.

1 **SEC. 4125. NO WARRANTY FOR CERTAIN CERTIFIED ENERGY**
2 **STAR PRODUCTS.**

3 *Section 324A of the Energy Policy and Conservation*
4 *Act (42 U.S.C. 6294a) is amended by adding at the end*
5 *the following new subsection:*

6 “(e) NO WARRANTY.—

7 “(1) IN GENERAL.—Any disclosure relating to
8 participation of a product in the Energy Star pro-
9 gram shall not create an express or implied warranty
10 or give rise to any private claims or rights of action
11 under State or Federal law relating to the disquali-
12 fication of that product from Energy Star if—

13 “(A) the product has been certified by a cer-
14 tification body recognized by the Energy Star
15 program;

16 “(B) the Administrator has approved cor-
17 rective measures, including a determination of
18 whether or not consumer compensation is appro-
19 priate; and

20 “(C) the responsible party has fully com-
21 plied with all approved corrective measures.

22 “(2) CONSTRUUAL.—Nothing in this subsection
23 shall be construed to require the Administrator to
24 modify any procedure or take any other action.”.

1 **SEC. 4126. CLARIFICATION TO EFFECTIVE DATE FOR RE-**
2 **GIONAL STANDARDS.**

3 *Section 325(o)(6)(E)(ii) of the Energy Policy and*
4 *Conservation Act (42 U.S.C. 6295(o)(6)(E)(ii)) is amended*
5 *by striking “installed” and inserting “manufactured or im-*
6 *ported into the United States”.*

7 **SEC. 4127. INTERNET OF THINGS REPORT.**

8 *The Secretary of Energy shall, not later than 18*
9 *months after the date of enactment of this Act, report to*
10 *the Committee on Energy and Commerce of the House of*
11 *Representatives and the Committee on Energy and Natural*
12 *Resources of the Senate on the efforts made to take advan-*
13 *tage of, and promote, the utilization of advanced tech-*
14 *nologies such as Internet of Things end-to-end platform so-*
15 *lutions to provide real-time actionable analytics and enable*
16 *predictive maintenance and asset management to improve*
17 *energy efficiency wherever feasible. In doing so, the Sec-*
18 *retary shall look to encourage and utilize Internet of Things*
19 *energy management solutions that have security tightly in-*
20 *tegrated into the hardware and software from the outset.*
21 *The Secretary shall also encourage the use of Internet of*
22 *Things solutions that enable seamless connectivity and that*
23 *are interoperable, open standards-based, and built on a re-*
24 *peatable foundation for ease of scalability.*

1 **CHAPTER 3—ENERGY PERFORMANCE**
2 **CONTRACTING**

3 **SEC. 4131. USE OF ENERGY AND WATER EFFICIENCY MEAS-**
4 **URES IN FEDERAL BUILDINGS.**

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

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

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

11 (3) by adding at the end the following new para-
12 graph:

13 “(5) the status of each agency’s energy savings
14 performance contracts and utility energy service con-
15 tracts, the investment value of such contracts, the
16 guaranteed energy savings for the previous year as
17 compared to the actual energy savings for the pre-
18 vious year, the plan for entering into such contracts
19 in the coming year, and information explaining why
20 any previously submitted plans for such contracts
21 were not implemented.”.

22 (b) *FEDERAL ENERGY MANAGEMENT DEFINITIONS.*—
23 Section 551(4) of the National Energy Conservation Policy
24 Act (42 U.S.C. 8259(4)) is amended by striking “or retrofit

1 *activities” and inserting “retrofit activities, or energy con-*
 2 *suming devices and required support structures”.*

3 *(c) AUTHORITY TO ENTER INTO CONTRACTS.—Section*
 4 *801(a)(2)(F) of the National Energy Conservation Policy*
 5 *Act (42 U.S.C. 8287(a)(2)(F)) is amended—*

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

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

9 *(3) by adding at the end the following new*
 10 *clause:*

11 *“(iii) limit the recognition of operation*
 12 *and maintenance savings associated with*
 13 *systems modernized or replaced with the*
 14 *implementation of energy conservation*
 15 *measures, water conservation measures, or*
 16 *any series of energy conservation measures*
 17 *and water conservation measures.”.*

18 *(d) MISCELLANEOUS AUTHORITY.—Section 801(a)(2)*
 19 *of the National Energy Conservation Policy Act (42 U.S.C.*
 20 *8287(a)) is amended by adding at the end the following:*

21 *“(H) MISCELLANEOUS AUTHORITY.—Not-*
 22 *withstanding any other provision of law, a Fed-*
 23 *eral agency may sell or transfer energy savings*
 24 *and apply the proceeds of such sale or transfer*
 25 *to fund a contract under this title.”.*

1 (e) *PAYMENT OF COSTS.*—Section 802 of the National
 2 *Energy Conservation Policy Act* (42 U.S.C. 8287a) is
 3 amended by striking “(and related operation and mainte-
 4 nance expenses)” and inserting “, including related oper-
 5 ations and maintenance expenses”.

6 (f) *ENERGY SAVINGS PERFORMANCE CONTRACTS*
 7 *DEFINITIONS.*—Section 804(2) of the *National Energy Con-*
 8 *servation Policy Act* (42 U.S.C. 8287c(2)) is amended—

9 (1) in subparagraph (A), by striking “federally
 10 owned building or buildings or other federally owned
 11 facilities” and inserting “Federal building (as defined
 12 in section 551 (42 U.S.C. 8259))” each place it ap-
 13 pears;

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

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

18 (4) by adding at the end the following new sub-
 19 paragraphs:

20 “(E) the use, sale, or transfer of energy in-
 21 centives, rebates, or credits (including renewable
 22 energy credits) from Federal, State, or local gov-
 23 ernments or utilities; and

24 “(F) any revenue generated from a reduc-
 25 tion in energy or water use, more efficient waste

1 *recycling, or additional energy generated from*
 2 *more efficient equipment.”.*

3 **CHAPTER 4—SCHOOL BUILDINGS**

4 **SEC. 4141. COORDINATION OF ENERGY RETROFITTING AS-**
 5 **SISTANCE FOR SCHOOLS.**

6 *Section 392 of the Energy Policy and Conservation Act*
 7 *(42 U.S.C. 6371a) is amended by adding at the end the*
 8 *following:*

9 “(e) *COORDINATION OF ENERGY RETROFITTING AS-*
 10 *SISTANCE FOR SCHOOLS.—*

11 “(1) *DEFINITION OF SCHOOL.—Notwithstanding*
 12 *section 391(6), for the purposes of this subsection, the*
 13 *term ‘school’ means—*

14 “(A) *an elementary school or secondary*
 15 *school (as defined in section 9101 of the Elemen-*
 16 *tary and Secondary Education Act of 1965 (20*
 17 *U.S.C. 7801));*

18 “(B) *an institution of higher education (as*
 19 *defined in section 102(a) of the Higher Edu-*
 20 *cation Act of 1965 (20 U.S.C. 1002(a));*

21 “(C) *a school of the defense dependents’ edu-*
 22 *cation system under the Defense Dependents’*
 23 *Education Act of 1978 (20 U.S.C. 921 et seq.) or*
 24 *established under section 2164 of title 10, United*
 25 *States Code;*

1 “(D) a school operated by the Bureau of In-
2 dian Affairs;

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

6 “(F) a Tribal College or University (as de-
7 fined in section 316(b) of the Higher Education
8 Act of 1965 (20 U.S.C. 1059c(b))).

9 “(2) *ESTABLISHMENT OF CLEARINGHOUSE.*—The
10 Secretary, acting through the Office of Energy Effi-
11 ciency and Renewable Energy, shall establish a clear-
12 inghouse to disseminate information regarding avail-
13 able Federal programs and financing mechanisms
14 that may be used to help initiate, develop, and fi-
15 nance energy efficiency, distributed generation, and
16 energy retrofitting projects for schools.

17 “(3) *REQUIREMENTS.*—In carrying out para-
18 graph (2), the Secretary shall—

19 “(A) consult with appropriate Federal
20 agencies to develop a list of Federal programs
21 and financing mechanisms that are, or may be,
22 used for the purposes described in paragraph (2);
23 and

24 “(B) coordinate with appropriate Federal
25 agencies to develop a collaborative education and

1 *outreach effort to streamline communications*
 2 *and promote available Federal programs and fi-*
 3 *ancing mechanisms described in subparagraph*
 4 *(A), which may include the development and*
 5 *maintenance of a single online resource that in-*
 6 *cludes contact information for relevant technical*
 7 *assistance in the Office of Energy Efficiency and*
 8 *Renewable Energy that States, local education*
 9 *agencies, and schools may use to effectively access*
 10 *and use such Federal programs and financing*
 11 *mechanisms.”.*

12 **CHAPTER 5—BUILDING ENERGY CODES**

13 **SEC. 4151. GREATER ENERGY EFFICIENCY IN BUILDING** 14 **CODES.**

15 (a) *DEFINITIONS.*—Section 303 of the Energy Con-
 16 *servation and Production Act (42 U.S.C. 6832), as amended*
 17 *by section 4116, is further amended—*

18 (1) *by striking paragraph (14) and inserting the*
 19 *following:*

20 “(14) *MODEL BUILDING ENERGY CODE.*—The
 21 *term ‘model building energy code’ means a voluntary*
 22 *building energy code or standard developed and up-*
 23 *dated through a consensus process among interested*
 24 *persons, such as the IECC or ASHRAE Standard*
 25 *90.1 or a code used by other appropriate organiza-*

tions regarding which the Secretary has issued a determination that buildings subject to it would achieve greater energy efficiency than under a previously developed code.”; and

(2) by adding at the end the following:

“(18) *ASHRAE STANDARD 90.1*.—The term ‘*ASHRAE Standard 90.1*’ means the American Society of Heating, Refrigerating and Air-Conditioning Engineers ANSI/ASHRAE/IES Standard 90/1 Energy Standard for Buildings Except Low-Rise Residential Buildings.

“(19) *COST-EFFECTIVE*.—The term ‘cost-effective’ means having a simple payback of 10 years or less.

“(20) *IECC*.—The term ‘IECC’ means the International Energy Conservation Code as published by the International Code Council.

“(21) *INDIAN TRIBE*.—The term ‘Indian tribe’ has the meaning given the term in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).

“(22) *SIMPLE PAYBACK*.—The term ‘simple payback’ means the time in years that is required for energy savings to exceed the incremental first cost of a new requirement or code.

“(23) *TECHNICALLY FEASIBLE.*—The term ‘technically feasible’ means capable of being achieved, based on widely available appliances, equipment, technologies, materials, and construction practices.”.

(b) *STATE BUILDING ENERGY EFFICIENCY CODES.*—
Section 304 of the *Energy Conservation and Production Act*
(42 U.S.C. 6833) is amended to read as follows:

8 “SEC. 304. UPDATING STATE BUILDING ENERGY EFFI-
9 CIENCY CODES.

10 “(a) *IN GENERAL.*—*The Secretary shall provide tech-*
11 *nical assistance, as described in subsection (e), for the pur-*
12 *poses of—*

13 “(1) implementation of building energy codes by
14 States, Indian tribes, and, as appropriate, by local
15 governments, that are technically feasible and cost-ef-
16 fective; and

17 “(2) supporting full compliance with the State,
18 tribal, and local codes.

19 “(b) STATE AND INDIAN TRIBE CERTIFICATION OF
20 BUILDING ENERGY CODE UPDATES.—

21 “(1) REVIEW AND UPDATING OF CODES BY EACH
22 STATE AND INDIAN TRIBE.—

23 “(A) *IN GENERAL.*—Not later than 3 years
24 after the date on which a model building energy
25 code is published, each State or Indian tribe

1 *shall certify whether or not the State or Indian*
2 *tribe, respectively, has reviewed and updated the*
3 *energy provisions of the building code of the*
4 *State or Indian tribe, respectively.*

5 “(B) *DEMONSTRATION.*—*The certification*
6 *shall include a statement of whether or not the*
7 *energy savings for the code provisions that are in*
8 *effect throughout the State or Indian tribal terri-*
9 *tory meet or exceed—*

10 “(i) *the energy savings of the most re-*
11 *cently published model building energy*
12 *code; or*

13 “(ii) *the targets established under sec-*
14 *tion 307(b)(2).*

15 “(C) *NO MODEL BUILDING ENERGY CODE*
16 *UPDATE.*—*If a model building energy code is not*
17 *updated by a target date established under sec-*
18 *tion 307(b)(2)(D), each State or Indian tribe*
19 *shall, not later than 3 years after the specified*
20 *date, certify whether or not the State or Indian*
21 *tribe, respectively, has reviewed and updated the*
22 *energy provisions of the building code of the*
23 *State or Indian tribe, respectively, to meet or ex-*
24 *ceed the target in section 307(b)(2).*

1 “(2) *VALIDATION BY SECRETARY.*—Not later
2 than 90 days after a State or Indian tribe certifi-
3 cation under paragraph (1), the Secretary shall—

4 “(A) *determine whether the code provisions*
5 *of the State or Indian tribe, respectively, meet*
6 *the criteria specified in paragraph (1);*

7 “(B) *determine whether the certification*
8 *submitted by the State or Indian tribe, respec-*
9 *tively, is complete; and*

10 “(C) *if the requirements of subparagraph*
11 *(B) are satisfied, validate the certification.*

12 “(3) *LIMITATION.*—Nothing in this section shall
13 be interpreted to require a State or Indian tribe to
14 adopt any building code or provision within a code.

15 “(c) *IMPROVEMENTS IN COMPLIANCE WITH BUILDING*
16 *ENERGY CODES.*—

17 “(1) *REQUIREMENT.*—

18 “(A) *IN GENERAL.*—Not later than 3 years
19 after the date of a certification under subsection
20 (b), each State and Indian tribe shall certify
21 whether or not the State or Indian tribe, respec-
22 tively, has—

23 “(i) *achieved full compliance under*
24 *paragraph (3) with the applicable certified*
25 *State or Indian tribe building energy code*

1 *or with the associated model building en-*
2 *ergy code; or*

3 “(ii) *made significant progress under*
4 *paragraph (4) toward achieving compliance*
5 *with the applicable certified State or Indian*
6 *tribe building energy code or with the asso-*
7 *ciated model building energy code.*

8 “(B) *REPEAT CERTIFICATIONS.—If the*
9 *State or Indian tribe certifies progress toward*
10 *achieving compliance, the State or Indian tribe*
11 *shall repeat the certification until the State or*
12 *Indian tribe certifies that the State or Indian*
13 *tribe has achieved full compliance.*

14 “(2) *MEASUREMENT OF COMPLIANCE.—A certifi-*
15 *cation under paragraph (1) shall include documenta-*
16 *tion of the rate of compliance based on—*

17 “(A) *inspections of a random sample of the*
18 *buildings covered by the code in the preceding*
19 *year; or*

20 “(B) *an alternative method that yields an*
21 *accurate measure of compliance.*

22 “(3) *ACHIEVEMENT OF COMPLIANCE.—A State or*
23 *Indian tribe shall be considered to achieve full com-*
24 *pliance under paragraph (1) if—*

1 “(A) at least 90 percent of building space
2 covered by the code in the preceding year sub-
3 stantially meets all the requirements of the ap-
4 plicable code specified in paragraph (1), or
5 achieves equivalent or greater energy savings
6 level; or

7 “(B) the estimated excess energy use of
8 buildings that did not meet the applicable code
9 specified in paragraph (1) in the preceding year,
10 compared to a baseline of comparable buildings
11 that meet this code, is not more than 5 percent
12 of the estimated energy use of all buildings cov-
13 ered by this code during the preceding year.

14 “(4) SIGNIFICANT PROGRESS TOWARD ACHIEVE-
15 MENT OF COMPLIANCE.—A State or Indian tribe shall
16 be considered to have made significant progress to-
17 ward achieving compliance for purposes of paragraph
18 (1) if the State or Indian tribe—

19 “(A) has developed and is implementing a
20 plan for achieving compliance during the 8-year
21 period beginning on the date of enactment of this
22 paragraph, including annual targets for compli-
23 ance and active training and enforcement pro-
24 grams; and

1 “(B) *has met the most recent target under*
 2 *subparagraph (A).*

3 “(5) *VALIDATION BY SECRETARY.—Not later*
 4 *than 90 days after a State or Indian tribe certifi-*
 5 *cation under paragraph (1), the Secretary shall—*

6 “(A) *determine whether the State or Indian*
 7 *tribe has demonstrated meeting the criteria of*
 8 *this subsection, including accurate measurement*
 9 *of compliance;*

10 “(B) *determine whether the certification*
 11 *submitted by the State or Indian tribe is com-*
 12 *plete; and*

13 “(C) *if the requirements of subparagraph*
 14 *(B) are satisfied, validate the certification.*

15 “(6) *LIMITATION.—Nothing in this section shall*
 16 *be interpreted to require a State or Indian tribe to*
 17 *adopt any building code or provision within a code.*

18 “(d) *STATES OR INDIAN TRIBES THAT DO NOT*
 19 *ACHIEVE COMPLIANCE.—*

20 “(1) *REPORTING.—A State or Indian tribe that*
 21 *has not made a certification required under sub-*
 22 *section (b) or (c) by the applicable deadline shall sub-*
 23 *mit to the Secretary a report on the status of the*
 24 *State or Indian tribe with respect to meeting the re-*
 25 *quirements and submitting the certification.*

1 “(2) *STATE SOVEREIGNTY.*—*Nothing in this sec-*
 2 *tion shall be interpreted to require a State or Indian*
 3 *tribe to adopt any building code or provision within*
 4 *a code.*

5 “(3) *LOCAL GOVERNMENT.*—*In any State or In-*
 6 *dian tribe for which the Secretary has not validated*
 7 *a certification under subsection (b) or (c), a local gov-*
 8 *ernment may be eligible for Federal support by meet-*
 9 *ing the certification requirements of subsections (b)*
 10 *and (c).*

11 “(4) *ANNUAL REPORTS BY SECRETARY.*—

12 “(A) *IN GENERAL.*—*The Secretary shall an-*
 13 *nually submit to Congress, and publish in the*
 14 *Federal Register, a report on—*

15 “(i) *the status of model building energy*
 16 *codes;*

17 “(ii) *the status of code adoption and*
 18 *compliance in the States and Indian tribes;*

19 “(iii) *implementation of this section;*
 20 *and*

21 “(iv) *improvements in energy savings*
 22 *over time as a result of the targets estab-*
 23 *lished under section 307(b)(2).*

24 “(B) *IMPACTS.*—*The report shall include es-*
 25 *timates of impacts of past action under this sec-*

1 *tion, and potential impacts of further action,*
 2 *on—*

3 “(i) *upfront financial and construction*
 4 *costs, cost benefits and returns (using a re-*
 5 *turn on investment analysis), and lifetime*
 6 *energy use for buildings;*

7 “(ii) *resulting energy costs to individ-*
 8 *uals and businesses; and*

9 “(iii) *resulting overall annual building*
 10 *ownership and operating costs.*

11 “(e) *TECHNICAL ASSISTANCE TO STATES AND INDIAN*
 12 *TRIBES.—*

13 “(1) *IN GENERAL.—The Secretary shall, upon re-*
 14 *quest, provide technical assistance to States and In-*
 15 *dian tribes to implement the goals and requirements*
 16 *of this section—*

17 “(A) *to implement State residential and*
 18 *commercial building energy codes; and*

19 “(B) *to document the rate of compliance*
 20 *with a building energy code.*

21 “(2) *TECHNICAL ASSISTANCE.—The assistance*
 22 *shall include, as requested by the State or Indian*
 23 *tribe, technical assistance in—*

24 “(A) *evaluating the energy savings of build-*
 25 *ing energy codes;*

1 “(B) assessing the economic considerations,
2 referenced in section 307(b)(4), of implementing
3 building energy codes;

4 “(C) building energy analysis and design
5 tools;

6 “(D) energy simulation models;

7 “(E) building demonstrations;

8 “(F) developing the definitions of energy use
9 intensity and building types for use in model
10 building energy codes to evaluate the efficiency
11 impacts of the model building energy codes; and

12 “(G) complying with a performance-based
13 pathway referenced in the model code.

14 “(3) *EXCLUSION.*—For purposes of this section,
15 ‘technical assistance’ shall not include actions that
16 promote or discourage the adoption of a particular
17 building energy code, code provision, or energy sav-
18 ings target to a State or Indian tribe.

19 “(4) *INFORMATION QUALITY AND TRANS-*
20 *PARENCY.*—For purposes of this section, information
21 provided by the Secretary, attendant to any technical
22 assistance provided to a State or Indian tribe, is ‘in-
23 fluential information’ and shall satisfy the guidelines
24 established by the Office of Management and Budget

1 *and published at 67 Federal Register 8,452 (Feb. 22,*
2 *2002).*

3 “(f) *FEDERAL SUPPORT.*—

4 “(1) *IN GENERAL.*—*The Secretary shall provide*
5 *support to States and Indian tribes—*

6 “(A) *to implement the reporting require-*
7 *ments of this section; and*

8 “(B) *to implement residential and commer-*
9 *cial building energy codes, including increasing*
10 *and verifying compliance with the codes and*
11 *training of State, tribal, and local building code*
12 *officials to implement and enforce the codes.*

13 “(2) *EXCLUSION.*—*Support shall not be given to*
14 *support adoption and implementation of model build-*
15 *ing energy codes for which the Secretary has made a*
16 *determination under section 307(g)(1)(C) that the*
17 *code is not cost-effective.*

18 “(3) *TRAINING.*—*Support shall be offered to*
19 *States to train State and local building code officials*
20 *to implement and enforce codes described in para-*
21 *graph (1)(B).*

22 “(4) *LOCAL GOVERNMENTS.*—*States may work*
23 *under this subsection with local governments that im-*
24 *plement and enforce codes described in paragraph*
25 *(1)(B).*

1 “(g) *VOLUNTARY PROGRAMS TO EXCEED MODEL*
 2 *BUILDING ENERGY CODE.*—

3 “(1) *IN GENERAL.*—*The Secretary shall provide*
 4 *technical assistance, as described in subsection (e), for*
 5 *the development of voluntary programs that exceed the*
 6 *model building energy codes for residential and com-*
 7 *mercial buildings for use as—*

8 “(A) *voluntary incentive programs adopted*
 9 *by local, tribal, or State governments; and*

10 “(B) *nonbinding guidelines for energy-effi-*
 11 *cient building design.*

12 “(2) *TARGETS.*—*The voluntary programs de-*
 13 *scribed in paragraph (1) shall be designed—*

14 “(A) *to achieve substantial energy savings*
 15 *compared to the model building energy codes;*
 16 *and*

17 “(B) *to meet targets under section 307(b), if*
 18 *available, up to 3 to 6 years in advance of the*
 19 *target years.*

20 “(h) *STUDIES.*—

21 “(1) *GAO STUDY.*—

22 “(A) *IN GENERAL.*—*The Comptroller Gen-*
 23 *eral of the United States shall conduct a study*
 24 *of the impacts of updating the national model*
 25 *building energy codes for residential and com-*

1 *mercial buildings. In conducting the study, the*
2 *Comptroller General shall consider and report,*
3 *at a minimum—*

4 *“(i) the actual energy consumption*
5 *savings stemming from updated energy*
6 *codes compared to the energy consumption*
7 *savings predicted during code development;*

8 *“(ii) the actual consumer cost savings*
9 *stemming from updated energy codes com-*
10 *pared to predicted consumer cost savings;*
11 *and*

12 *“(iii) an accounting of expenditures of*
13 *the Federal funds under each program au-*
14 *thorized by this title.*

15 *“(B) REPORT TO CONGRESS.—Not later*
16 *than 3 years after the date of enactment of the*
17 *North American Energy Security and Infra-*
18 *structure Act of 2015, the Comptroller General of*
19 *the United States shall submit a report to the*
20 *Committee on Energy and Natural Resources of*
21 *the Senate and the Committee on Energy and*
22 *Commerce of the House of Representatives in-*
23 *cluding the study findings and conclusions.*

24 *“(2) FEASIBILITY STUDY.—The Secretary, in*
25 *consultation with building science experts from the*

1 *National Laboratories and institutions of higher edu-*
 2 *cation, designers and builders of energy-efficient resi-*
 3 *dential and commercial buildings, code officials, and*
 4 *other stakeholders, shall undertake a study of the fea-*
 5 *sibility, impact, economics, and merit of—*

6 *“(A) code improvements that would require*
 7 *that buildings be designed, sited, and constructed*
 8 *in a manner that makes the buildings more*
 9 *adaptable in the future to become zero-net-energy*
 10 *after initial construction, as advances are*
 11 *achieved in energy-saving technologies;*

12 *“(B) code procedures to incorporate a ten-*
 13 *year payback, not just first-year energy use, in*
 14 *trade-offs and performance calculations; and*

15 *“(C) legislative options for increasing en-*
 16 *ergy savings from building energy codes, includ-*
 17 *ing additional incentives for effective State and*
 18 *local verification of compliance with and enforce-*
 19 *ment of a code.*

20 *“(3) ENERGY DATA IN MULTITENANT BUILD-*
 21 *INGS.—The Secretary, in consultation with appro-*
 22 *priate representatives of the utility, utility regulatory,*
 23 *building ownership, and other stakeholders, shall—*

24 *“(A) undertake a study of best practices re-*
 25 *garding delivery of aggregated energy consump-*

1 *tion information to owners and managers of res-*
2 *idential and commercial buildings with multiple*
3 *tenants and uses; and*

4 *“(B) consider the development of a memo-*
5 *randum of understanding between and among*
6 *affected stakeholders to reduce barriers to the de-*
7 *livery of aggregated energy consumption infor-*
8 *mation to such owners and managers.*

9 *“(i) EFFECT ON OTHER LAWS.—Nothing in this sec-*
10 *tion or section 307 supersedes or modifies the application*
11 *of sections 321 through 346 of the Energy Policy and Con-*
12 *servation Act (42 U.S.C. 6291 et seq.).*

13 *“(j) FUNDING LIMITATIONS.—No Federal funds shall*
14 *be—*

15 *“(1) used to support actions by the Secretary, or*
16 *States, to promote or discourage the adoption of a*
17 *particular building energy code, code provision, or*
18 *energy saving target to a State or Indian tribe; or*

19 *“(2) provided to private third parties or non-*
20 *governmental organizations to engage in such activi-*
21 *ties.”.*

22 *(c) FEDERAL BUILDING ENERGY EFFICIENCY STAND-*
23 *ARDS.—Section 305 of the Energy Conservation and Pro-*
24 *duction Act (42 U.S.C. 6834) is amended by striking “vol-*

1 untary building energy code” in subsections (a)(2)(B) and
 2 (b) and inserting “model building energy code”.

3 (d) *MODEL BUILDING ENERGY CODES.*—

4 (1) *AMENDMENT.*—Section 307 of the Energy
 5 Conservation and Production Act (42 U.S.C. 6836) is
 6 amended to read as follows:

7 **“SEC. 307. SUPPORT FOR MODEL BUILDING ENERGY CODES.**

8 “(a) *IN GENERAL.*—The Secretary shall provide tech-
 9 nical assistance, as described in subsection (c), for updating
 10 of model building energy codes.

11 “(b) *TARGETS.*—

12 “(1) *IN GENERAL.*—The Secretary shall provide
 13 technical assistance, for updating the model building
 14 energy codes.

15 “(2) *TARGETS.*—

16 “(A) *IN GENERAL.*—The Secretary shall
 17 provide technical assistance to States, Indian
 18 tribes, local governments, nationally recognized
 19 code and standards developers, and other inter-
 20 ested parties for updating of model building en-
 21 ergy codes by establishing one or more aggregate
 22 energy savings targets through rulemaking in ac-
 23 cordance with section 553 of title 5, United
 24 States Code, to achieve the purposes of this sec-
 25 tion.

1 “(B) *SEPARATE TARGETS.*—*Separate tar-*
2 *gets may be established for commercial and resi-*
3 *dential buildings.*

4 “(C) *BASELINES.*—*The baseline for updat-*
5 *ing model building energy codes shall be the*
6 *2009 IECC for residential buildings and*
7 *ASHRAE Standard 90.1–2010 for commercial*
8 *buildings.*

9 “(D) *SPECIFIC YEARS.*—

10 “(i) *IN GENERAL.*—*Targets for specific*
11 *years shall be established and revised by the*
12 *Secretary through rulemaking in accordance*
13 *with section 553 of title 5, United States*
14 *Code, and coordinated with nationally rec-*
15 *ognized code and standards developers at a*
16 *level that—*

17 “(I) *is at the maximum level of*
18 *energy efficiency that is technically*
19 *feasible and cost effective, while ac-*
20 *counting for the economic consider-*
21 *ations under paragraph (4); and*

22 “(II) *promotes the achievement of*
23 *commercial and residential high per-*
24 *formance buildings through high per-*
25 *formance energy efficiency (within the*

1 *meaning of section 401 of the Energy*
2 *Independence and Security Act of 2007*
3 *(42 U.S.C. 17061)).*

4 “(ii) *INITIAL TARGETS.*—Not later
5 *than 1 year after the date of enactment of*
6 *this clause, the Secretary shall establish ini-*
7 *tial targets under this subparagraph.*

8 “(iii) *DIFFERENT TARGET YEARS.*—
9 *Subject to clause (i), prior to the applicable*
10 *year, the Secretary may set a later target*
11 *year for any of the model building energy*
12 *codes described in subparagraph (A) if the*
13 *Secretary determines that a target cannot*
14 *be met.*

15 “(E) *SMALL BUSINESS.*—When establishing
16 *targets under this paragraph through rule-*
17 *making, the Secretary shall ensure compliance*
18 *with the Small Business Regulatory Enforcement*
19 *Fairness Act of 1996 (5 U.S.C. 601 note; Public*
20 *Law 104–121) for any indirect economic effect*
21 *on small entities that is reasonably foreseeable*
22 *and a result of such rule.*

23 “(3) *APPLIANCE STANDARDS AND OTHER FAC-*
24 *TORS AFFECTING BUILDING ENERGY USE.*—In estab-
25 *lishing energy savings targets under paragraph (2),*

1 *the Secretary shall develop and adjust the targets in*
2 *recognition of potential savings and costs relating*
3 *to—*

4 “(A) *efficiency gains made in appliances,*
5 *lighting, windows, insulation, and building enve-*
6 *lope sealing;*

7 “(B) *advancement of distributed generation*
8 *and on-site renewable power generation tech-*
9 *nologies;*

10 “(C) *equipment improvements for heating,*
11 *cooling, and ventilation systems and water heat-*
12 *ing systems;*

13 “(D) *building management systems and*
14 *smart grid technologies to reduce energy use; and*

15 “(E) *other technologies, practices, and*
16 *building systems regarding building plug load*
17 *and other energy uses.*

18 *In developing and adjusting the targets, the Secretary*
19 *shall use climate zone weighted averages for equip-*
20 *ment efficiency for heating, cooling, ventilation, and*
21 *water heating systems, using equipment that is actu-*
22 *ally installed.*

23 “(4) *ECONOMIC CONSIDERATIONS.—In estab-*
24 *lishing and revising energy savings targets under*
25 *paragraph (2), the Secretary shall consider the eco-*

1 *nomie feasibility of achieving the proposed targets es-*
 2 *tablished under this section and the potential costs*
 3 *and savings for consumers and building owners, by*
 4 *conducting a return on investment analysis, using a*
 5 *simple payback methodology over a 3-, 5-, and 7-year*
 6 *period. The Secretary shall not propose or provide*
 7 *technical or financial assistance for any code, provi-*
 8 *sion in the code, or energy target, or amendment*
 9 *thereto, that has a payback greater than 10 years.*

10 “(c) *TECHNICAL ASSISTANCE TO MODEL BUILDING*
 11 *ENERGY CODE-SETTING AND STANDARD DEVELOPMENT*
 12 *ORGANIZATIONS.—*

13 “(1) *IN GENERAL.—The Secretary shall, on a*
 14 *timely basis, provide technical assistance to model*
 15 *building energy code-setting and standard develop-*
 16 *ment organizations consistent with the goals of this*
 17 *section.*

18 “(2) *TECHNICAL ASSISTANCE.—The assistance*
 19 *shall include, as requested by the organizations, tech-*
 20 *nical assistance in—*

21 “(A) *evaluating the energy savings of build-*
 22 *ing energy codes;*

23 “(B) *assessing the economic considerations,*
 24 *under subsection (b)(4), of code or standards pro-*
 25 *posals or revisions;*

1 “(C) *building energy analysis and design*
2 *tools;*

3 “(D) *energy simulation models;*

4 “(E) *building demonstrations;*

5 “(F) *developing definitions of energy use in-*
6 *tensity and building types for use in model*
7 *building energy codes to evaluate the efficiency*
8 *impacts of the model building energy codes;*

9 “(G) *developing a performance-based path-*
10 *way for compliance;*

11 “(H) *developing model building energy*
12 *codes by Indian tribes in accordance with tribal*
13 *law; and*

14 “(I) *code development meetings, including*
15 *through direct Federal employee participation in*
16 *committee meetings, hearings and online commu-*
17 *nication, voting, and presenting research and*
18 *technical or economic analyses during such meet-*
19 *ings.*

20 “(3) *EXCLUSION.—Except as provided in para-*
21 *graph (2)(I), for purposes of this section, ‘technical*
22 *assistance’ shall not include actions that promote or*
23 *discourage the adoption of a particular building en-*
24 *ergy code, code provision, or energy savings target.*

1 “(4) *INFORMATION QUALITY AND TRANS-*
2 *PARENCY.—For purposes of this section, information*
3 *provided by the Secretary, attendant to development*
4 *of any energy savings targets, is influential informa-*
5 *tion and shall satisfy the guidelines established by the*
6 *Office of Management and Budget and published at*
7 *67 Federal Register 8,452 (Feb. 22, 2002).*

8 “(d) *AMENDMENT PROPOSALS.—*

9 “(1) *IN GENERAL.—The Secretary may submit*
10 *timely model building energy code amendment pro-*
11 *posals that are technically feasible, cost-effective, and*
12 *technology-neutral to the model building energy code-*
13 *setting and standard development organizations, with*
14 *supporting evidence, sufficient to enable the model*
15 *building energy codes to meet the targets established*
16 *under subsection (b)(2).*

17 “(2) *PROCESS AND FACTORS.—All amendment*
18 *proposals submitted by the Secretary shall be pub-*
19 *lished in the Federal Register and made available on*
20 *the Department of Energy website 90 days prior to*
21 *any submittal to a code development body, and shall*
22 *be subject to a public comment period of not less than*
23 *60 days. Information provided by the Secretary, at-*
24 *tendant to submission of any amendment proposals,*
25 *is influential information and shall satisfy the guide-*

1 *lines established by the Office of Management and*
2 *Budget and published at 67 Federal Register 8,452*
3 *(Feb. 22, 2002). When calculating the costs and bene-*
4 *fits of an amendment, the Secretary shall use climate*
5 *zone weighted averages for equipment efficiency for*
6 *heating, cooling, ventilation, and water heating sys-*
7 *tems, using equipment that is actually installed.*

8 “(e) *ANALYSIS METHODOLOGY.—The Secretary shall*
9 *make publicly available the entire calculation methodology*
10 *(including input assumptions and data) used by the Sec-*
11 *retary to estimate the energy savings of code or standard*
12 *proposals and revisions.*

13 “(f) *METHODOLOGY DEVELOPMENT.—The Secretary*
14 *shall establish a methodology for evaluating cost effective-*
15 *ness of energy code changes in multifamily buildings that*
16 *incorporates economic parameters representative of typical*
17 *multifamily buildings.*

18 “(g) *DETERMINATION.—*

19 “(1) *REVISION OF MODEL BUILDING ENERGY*
20 *CODES.—If the provisions of the IECC or ASHRAE*
21 *Standard 90.1 regarding building energy use are re-*
22 *vised, the Secretary shall make a preliminary deter-*
23 *mination not later than 90 days after the date of the*
24 *revision, and a final determination not later than 15*

1 months after the date of the revision, on whether or
2 not the revision—

3 “(A) improves energy efficiency in buildings
4 compared to the existing IECC or ASHRAE
5 Standard 90.1, as applicable;

6 “(B) meets the applicable targets under sub-
7 section (b)(2); and

8 “(C) is technically feasible and cost-effec-
9 tive.

10 “(2) CODES OR STANDARDS NOT MEETING CRI-
11 TERIA.—

12 “(A) IN GENERAL.—If the Secretary makes
13 a preliminary determination under paragraph
14 (1)(B) that a revised IECC or ASHRAE Stand-
15 ard 90.1 does not meet the targets established
16 under subsection (b)(2), is not technically fea-
17 sible, or is not cost-effective, the Secretary may
18 at the same time provide technical assistance, as
19 described in subsection (c), to the International
20 Code Council or ASHRAE, as applicable, with
21 proposed changes that would result in a model
22 building energy code or standard that meets the
23 criteria, and with supporting evidence. Proposed
24 changes submitted by the Secretary shall be pub-
25 lished in the Federal Register and made avail-

1 *able on the Department of Energy website 90*
2 *days prior to any submittal to a code develop-*
3 *ment body, and shall be subject to a public com-*
4 *ment period of not less than 60 days. Informa-*
5 *tion provided by the Secretary, attendant to sub-*
6 *mission of any amendment proposals, is influen-*
7 *tial information and shall satisfy the guidelines*
8 *established by the Office of Management and*
9 *Budget and published at 67 Federal Register*
10 *8,452 (Feb. 22, 2002).*

11 *“(B) INCORPORATION OF CHANGES.—*

12 *“(i) IN GENERAL.—On receipt of the*
13 *technical assistance, as described in sub-*
14 *section (c), the International Code Council*
15 *or ASHRAE, as applicable, shall, prior to*
16 *the Secretary making a final determination*
17 *under paragraph (1), have an additional*
18 *270 days to accept or reject the proposed*
19 *changes made by the Secretary to the model*
20 *building energy code or standard.*

21 *“(ii) FINAL DETERMINATION.—A final*
22 *determination under paragraph (1) shall be*
23 *on the final revised model building energy*
24 *code or standard.*

1 “(h) *ADMINISTRATION.*—*In carrying out this section,*
2 *the Secretary shall—*

3 “(1) *publish notice of targets, amendment pro-*
4 *posals and supporting analysis and determinations*
5 *under this section in the Federal Register to provide*
6 *an explanation of and the basis for such actions, in-*
7 *cluding any supporting modeling, data, assumptions,*
8 *protocols, and cost-benefit analysis, including return*
9 *on investment;*

10 “(2) *provide an opportunity for public comment*
11 *on targets and supporting analysis and determina-*
12 *tions under this section, in accordance with section*
13 *553 of title 5, United States Code; and*

14 “(3) *provide an opportunity for public comment*
15 *on amendment proposals.*

16 “(i) *VOLUNTARY CODES AND STANDARDS.*—*Not with-*
17 *standing any other provision of this section, any model*
18 *building code or standard established under this section*
19 *shall not be binding on a State, local government, or Indian*
20 *tribe as a matter of Federal law.”.*

21 “(2) *CONFORMING AMENDMENT.*—*The item relat-*
22 *ing to section 307 in the table of contents for the En-*
23 *ergy Conservation and Production Act is amended to*
24 *read as follows:*

“Sec. 307. *Support for model building energy codes.*”.

1 **SEC. 4152. VOLUNTARY NATURE OF BUILDING ASSET RAT-**
 2 **ING PROGRAM.**

3 (a) *IN GENERAL.*—Any program of the Secretary of
 4 Energy that may enable the owner of a commercial building
 5 or a residential building to obtain a rating, score, or label
 6 regarding the actual or anticipated energy usage or per-
 7 formance of a building shall be made available on a vol-
 8 untary, optional, and market-driven basis.

9 (b) *DISCLAIMER AS TO REGULATORY INTENT.*—Infor-
 10 mation disseminated by the Secretary of Energy regarding
 11 the program described in subsection (a), including any in-
 12 formation made available by the Secretary on a website,
 13 shall include language plainly stating that such program
 14 is not developed or intended to be the basis for a regulatory
 15 program by a Federal, State, local, or municipal govern-
 16 ment body.

17 **CHAPTER 6—EPCA TECHNICAL**
 18 **CORRECTIONS AND CLARIFICATIONS**

19 **SEC. 4161. MODIFYING PRODUCT DEFINITIONS.**

20 (a) *AUTHORITY TO MODIFY DEFINITIONS.*—

21 (1) *COVERED PRODUCTS.*—Section 322 of the
 22 Energy Policy and Conservation Act (42 U.S.C.
 23 6292) is amended by adding at the end the following:

24 “(c) *MODIFYING DEFINITIONS OF COVERED PROD-*
 25 *UCTS.*—

1 “(1) *IN GENERAL.*—For any covered product for
2 which a definition is provided in section 321, the Sec-
3 retary may, by rule, unless prohibited herein, modify
4 such definition in order to—

5 “(A) address significant changes in the
6 product or the market occurring since the defini-
7 tion was established; and

8 “(B) better enable improvements in the en-
9 ergy efficiency of the product as part of an en-
10 ergy using system.

11 “(2) *ANTIBACKSLIDING EXEMPTION.*—Section
12 325(o)(1) shall not apply to adjustments to covered
13 product definitions made pursuant to this subsection.

14 “(3) *PROCEDURE FOR MODIFYING DEFINITION.*—

15 “(A) *IN GENERAL.*—Notice of any adjust-
16 ment to the definition of a covered product and
17 an explanation of the reasons therefor shall be
18 published in the Federal Register and oppor-
19 tunity provided for public comment.

20 “(B) *CONSENSUS REQUIRED.*—Any amend-
21 ment to the definition of a covered product under
22 this subsection must have consensus support, as
23 reflected in—

24 “(i) the outcome of negotiations con-
25 ducted in accordance with the subchapter

1 *III of chapter 5 of title 5, United States*
2 *Code (commonly known as the ‘Negotiated*
3 *Rulemaking Act of 1990’); or*

4 “(ii) *the Secretary’s receipt of a state-*
5 *ment that is submitted jointly by interested*
6 *persons that are fairly representative of rel-*
7 *evant points of view (including representa-*
8 *tives of manufacturers of covered products,*
9 *States, and efficiency advocates), as deter-*
10 *mined by the Secretary, which contains a*
11 *recommended modified definition for a cov-*
12 *ered product.*

13 “(4) *EFFECT OF A MODIFIED DEFINITION.—*

14 “(A) *IN GENERAL.—For any type or class*
15 *of consumer product which becomes a covered*
16 *product pursuant to this subsection—*

17 “(i) *the Secretary may establish test*
18 *procedures for such type or class of covered*
19 *product pursuant to section 323 and energy*
20 *conservation standards pursuant to section*
21 *325(l);*

22 “(ii) *the Commission may prescribe la-*
23 *beling rules pursuant to section 324 if the*
24 *Commission determines that labeling in ac-*
25 *cordance with that section is technologically*

1 *and economically feasible and likely to as-*
 2 *sist consumers in making purchasing deci-*
 3 *sions;*

4 “(iii) section 327 shall begin to apply
 5 *to such type or class of covered product in*
 6 *accordance with section 325(ii)(1); and*

7 “(iv) standards previously promul-
 8 *gated under section 325 shall not apply to*
 9 *such type or class of product.*

10 “(B) *APPLICABILITY.*—*For any type or*
 11 *class of consumer product which ceases to be a*
 12 *covered product pursuant to this subsection, the*
 13 *provisions of this part shall no longer apply to*
 14 *the type or class of consumer product.”.*

15 (2) *COVERED EQUIPMENT.*—*Section 341 of the*
 16 *Energy Policy and Conservation Act (42 U.S.C.*
 17 *6312) is amended by adding at the end the following:*

18 “(d) *MODIFYING DEFINITIONS OF COVERED EQUIP-*
 19 *MENT.*—

20 “(1) *IN GENERAL.*—*For any covered equipment*
 21 *for which a definition is provided in section 340, the*
 22 *Secretary may, by rule, unless prohibited herein,*
 23 *modify such definition in order to—*

1 “(A) address significant changes in the
2 product or the market occurring since the defini-
3 tion was established; and

4 “(B) better enable improvements in the en-
5 ergy efficiency of the equipment as part of an en-
6 ergy using system.

7 “(2) *ANTIBACKSLIDING EXEMPTION.*—Section
8 325(o)(1) shall not apply to adjustments to covered
9 equipment definitions made pursuant to this sub-
10 section.

11 “(3) *PROCEDURE FOR MODIFYING DEFINITION.*—

12 “(A) *IN GENERAL.*—Notice of any adjust-
13 ment to the definition of a type of covered equip-
14 ment and an explanation of the reasons therefor
15 shall be published in the *Federal Register* and
16 opportunity provided for public comment.

17 “(B) *CONSENSUS REQUIRED.*—Any amend-
18 ment to the definition of a type of covered equip-
19 ment under this subsection must have consensus
20 support, as reflected in—

21 “(i) the outcome of negotiations con-
22 ducted in accordance with the subchapter
23 III of chapter 5 of title 5, United States
24 Code (commonly known as the ‘Negotiated
25 Rulemaking Act of 1990’); or

1 “(ii) the Secretary’s receipt of a state-
2 ment that is submitted jointly by interested
3 persons that are fairly representative of rel-
4 evant points of view (including representa-
5 tives of manufacturers of covered equipment,
6 States, and efficiency advocates), as deter-
7 mined by the Secretary, which contains a
8 recommended modified definition for a type
9 of covered equipment.

10 “(4) EFFECT OF A MODIFIED DEFINITION.—

11 “(A) For any type or class of equipment
12 which becomes covered equipment pursuant to
13 this subsection—

14 “(i) the Secretary may establish test
15 procedures for such type or class of covered
16 equipment pursuant to section 343 and en-
17 ergy conservation standards pursuant to
18 section 325(l);

19 “(ii) the Secretary may prescribe label-
20 ing rules pursuant to section 344 if the Sec-
21 retary determines that labeling in accord-
22 ance with that section is technologically and
23 economically feasible and likely to assist
24 purchasers in making purchasing decisions;

1 “(iii) section 327 shall begin to apply
2 to such type or class of covered equipment
3 in accordance with section 325(ii)(1); and

4 “(iv) standards previously promul-
5 gated under section 325, 342, or 346 shall
6 not apply to such type or class of covered
7 equipment.

8 “(B) For any type or class of equipment
9 which ceases to be covered equipment pursuant to
10 this subsection the provisions of this part shall
11 no longer apply to the type or class of equip-
12 ment.”.

13 (b) CONFORMING AMENDMENTS PROVIDING FOR JUDI-
14 CIAL REVIEW.—

15 (1) Section 336 of the Energy Policy and Con-
16 servation Act (42 U.S.C. 6306) is amended by strik-
17 ing “section 323,” each place it appears and inserting
18 “section 322, 323,”; and

19 (2) Section 345(a)(1) of the Energy Policy and
20 Conservation Act (42 U.S.C. 6316(a)(1)) is amended
21 to read as follows:

22 “(1) the references to sections 322, 323, 324, and
23 325 of this Act shall be considered as references to sec-
24 tions 341, 343, 344, and 342 of this Act, respec-
25 tively;”.

1 **SEC. 4162. CLARIFYING RULEMAKING PROCEDURES.**

2 (a) *COVERED PRODUCTS*.—Section 325(p) of the En-
3 *ergy Policy and Conservation Act* (42 U.S.C. 6295(p)) is
4 *amended—*

5 (1) *by redesignating paragraphs (1), (2), (3),*
6 *and (4) as paragraphs (2), (3), (5), and (6), respec-*
7 *tively;*

8 (2) *by inserting before paragraph (2) (as so re-*
9 *designated by paragraph (1) of this subsection) the*
10 *following:*

11 “(1) *The Secretary shall provide an opportunity*
12 *for public input prior to the issuance of a proposed*
13 *rule, seeking information—*

14 “(A) *identifying and commenting on design*
15 *options;*

16 “(B) *on the existence of and opportunities*
17 *for voluntary nonregulatory actions; and*

18 “(C) *identifying significant subgroups of*
19 *consumers and manufacturers that merit anal-*
20 *ysis.”;*

21 (3) *in paragraph (3) (as so redesignated by*
22 *paragraph (1) of this subsection)—*

23 (A) *in subparagraph (C), by striking “and”*
24 *after “adequate;”;*

25 (B) *in subparagraph (D), by striking*
26 *“standard.” and inserting “standard;” and*

1 (C) by adding at the end the following new
2 subparagraphs:

3 “(E) whether the technical and economic
4 analytical assumptions, methods, and models
5 used to justify the standard to be prescribed
6 are—

7 “(i) justified; and

8 “(ii) available and accessible for public
9 review, analysis, and use; and

10 “(F) the cumulative regulatory impacts on
11 the manufacturers of the product, taking into ac-
12 count—

13 “(i) other government standards affect-
14 ing energy use; and

15 “(ii) other energy conservation stand-
16 ards affecting the same manufacturers.”;
17 and

18 (4) by inserting after paragraph (3) (as so redes-
19 ignated by paragraph (1) of this subsection) the fol-
20 lowing:

21 “(4) *RESTRICTION ON TEST PROCEDURE AMEND-*
22 *MENTS.*—

23 “(A) *IN GENERAL.*—Any proposed energy
24 conservation standards rule shall be based on the
25 final test procedure which shall be used to deter-

1 *mine compliance, and the public comment period*
2 *on the proposed standards shall conclude no*
3 *sooner than 180 days after the date of publica-*
4 *tion of a final rule revising the test procedure.*

5 *“(B) EXCEPTION.—The Secretary may pro-*
6 *pose or prescribe an amendment to the test pro-*
7 *cedures issued pursuant to section 323 for any*
8 *type or class of covered product after the*
9 *issuance of a notice of proposed rulemaking to*
10 *prescribe an amended or new energy conserva-*
11 *tion standard for that type or class of covered*
12 *product, but before the issuance of a final rule*
13 *prescribing any such standard, if—*

14 *“(i) the amendments to the test proce-*
15 *dure have consensus support achieved*
16 *through a rulemaking conducted in accord-*
17 *ance with the subchapter III of chapter 5 of*
18 *title 5, United States Code (commonly*
19 *known as the ‘Negotiated Rulemaking Act of*
20 *1990’); or*

21 *“(ii) the Secretary receives a statement*
22 *that is submitted jointly by interested per-*
23 *sons that are fairly representative of rel-*
24 *evant points of view (including representa-*
25 *tives of manufacturers of the type or class*

1 of covered product, States, and efficiency
 2 advocates), as determined by the Secretary,
 3 which contains a recommendation that a
 4 supplemental notice of proposed rulemaking
 5 is not necessary for the type or class of cov-
 6 ered product.”.

7 (b) *CONFORMING AMENDMENT.*—Section 345(b)(1) of
 8 the Energy Policy and Conservation Act (42 U.S.C.
 9 6316(b)(1)) is amended by striking “section 325(p)(4),”
 10 and inserting “section 325(p)(3), (4), and (6),”.

11 **CHAPTER 7—ENERGY AND WATER**
 12 **EFFICIENCY**

13 **SEC. 4171. SMART ENERGY AND WATER EFFICIENCY PILOT**
 14 **PROGRAM.**

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

16 (1) *ELIGIBLE ENTITY.*—The term “eligible enti-
 17 ty” means—

18 (A) a utility;

19 (B) a municipality;

20 (C) a water district; and

21 (D) any other authority that provides
 22 water, wastewater, or water reuse services.

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

1 (3) *SMART ENERGY AND WATER EFFICIENCY*
2 *PILOT PROGRAM.*—*The term “smart energy and water*
3 *efficiency pilot program” or “pilot program” means*
4 *the pilot program established under subsection (b).*

5 (b) *SMART ENERGY AND WATER EFFICIENCY PILOT*
6 *PROGRAM.*—

7 (1) *IN GENERAL.*—*The Secretary shall establish*
8 *and carry out a smart energy and water efficiency*
9 *management pilot program in accordance with this*
10 *section.*

11 (2) *PURPOSE.*—*The purpose of the smart energy*
12 *and water efficiency pilot program is to award grants*
13 *to eligible entities to demonstrate advanced and inno-*
14 *vative technology-based solutions that will—*

15 (A) *increase and improve the energy effi-*
16 *ciency of water, wastewater, and water reuse sys-*
17 *tems to help communities across the United*
18 *States make significant progress in conserving*
19 *water, saving energy, and reducing costs;*

20 (B) *support the implementation of innova-*
21 *tive processes and the installation of advanced*
22 *automated systems that provide real-time data*
23 *on energy and water; and*

24 (C) *improve energy and water conservation,*
25 *water quality, and predictive maintenance of en-*

1 *ergy and water systems, through the use of Inter-*
2 *net-connected technologies, including sensors, in-*
3 *telligent gateways, and security embedded in*
4 *hardware.*

5 *(3) PROJECT SELECTION.—*

6 *(A) IN GENERAL.—The Secretary shall*
7 *make competitive, merit-reviewed grants under*
8 *the pilot program to not less than 3, but not*
9 *more than 5, eligible entities.*

10 *(B) SELECTION CRITERIA.—In selecting an*
11 *eligible entity to receive a grant under the pilot*
12 *program, the Secretary shall consider—*

13 *(i) energy and cost savings anticipated*
14 *to result from the project;*

15 *(ii) the innovative nature, commercial*
16 *viability, and reliability of the technology to*
17 *be used;*

18 *(iii) the degree to which the project in-*
19 *tegrates next-generation sensors, software,*
20 *hardware, analytics, and management tools;*

21 *(iv) the anticipated cost effectiveness of*
22 *the pilot project in terms of energy effi-*
23 *ciency savings, water savings or reuse, and*
24 *infrastructure costs averted;*

1 (v) *whether the technology can be de-*
2 *ployed in a variety of geographic regions*
3 *and the degree to which the technology can*
4 *be implemented on a smaller or larger scale,*
5 *including whether the technology can be im-*
6 *plemented by each type of eligible entity;*

7 (vi) *whether the technology has been*
8 *successfully deployed elsewhere;*

9 (vii) *whether the technology is sourced*
10 *from a manufacturer based in the United*
11 *States; and*

12 (viii) *whether the project will be com-*
13 *pleted in 5 years or less.*

14 (C) *APPLICATIONS.—*

15 (i) *IN GENERAL.—Subject to clause*
16 *(ii), an eligible entity seeking a grant under*
17 *the pilot program shall submit to the Sec-*
18 *retary an application at such time, in such*
19 *manner, and containing such information*
20 *as the Secretary determines to be necessary.*

21 (ii) *CONTENTS.—An application under*
22 *clause (i) shall, at a minimum, include—*

23 (I) *a description of the project;*

24 (II) *a description of the tech-*
25 *nology to be used in the project;*

1 (III) *the anticipated results, in-*
2 *cluding energy and water savings, of*
3 *the project;*

4 (IV) *a comprehensive budget for*
5 *the project;*

6 (V) *the names of the project lead*
7 *organization and any partners;*

8 (VI) *the number of users to be*
9 *served by the project; and*

10 (VII) *any other information that*
11 *the Secretary determines to be nec-*
12 *essary to complete the review and selec-*
13 *tion of a grant recipient.*

14 (4) *ADMINISTRATION.—*

15 (A) *IN GENERAL.—Not later than 300 days*
16 *after the date of enactment of this Act, the Sec-*
17 *retary shall select grant recipients under this sec-*
18 *tion.*

19 (B) *EVALUATIONS.—The Secretary shall an-*
20 *nually carry out an evaluation of each project*
21 *for which a grant is provided under this section*
22 *that—*

23 (i) *evaluates the progress and impact*
24 *of the project; and*

1 (ii) assesses the degree to which the
2 project is meeting the goals of the pilot pro-
3 gram.

4 (C) *TECHNICAL AND POLICY ASSISTANCE.*—
5 On the request of a grant recipient, the Secretary
6 shall provide technical and policy assistance to
7 the grant recipient to carry out the project.

8 (D) *BEST PRACTICES.*—The Secretary shall
9 make available to the public—

10 (i) a copy of each evaluation carried
11 out under subparagraph (B); and

12 (ii) a description of any best practices
13 identified by the Secretary as a result of
14 those evaluations.

15 (E) *REPORT TO CONGRESS.*—The Secretary
16 shall submit to Congress a report containing the
17 results of each evaluation carried out under sub-
18 paragraph (B).

19 (c) *FUNDING.*—

20 (1) *IN GENERAL.*—To carry out this section, the
21 Secretary shall use not more than \$15,000,000 of
22 amounts made available to the Secretary.

23 (2) *PRIORITIZATION.*—In funding activities
24 under this section, the Secretary shall prioritize fund-
25 ing in the following manner:

1 (A) *The Secretary shall first use any unob-*
 2 *ligated amounts made available to the Secretary*
 3 *to carry out the activities of the Energy Effi-*
 4 *ciency and Renewable Energy Office.*

5 (B) *After any amounts described in sub-*
 6 *paragraph (A) have been used, the Secretary*
 7 *shall then use any unobligated amounts (other*
 8 *than those described in subparagraph (A)) made*
 9 *available to the Secretary.*

10 **SEC. 4172. WATERSENSE.**

11 (a) *IN GENERAL.—The Energy Policy and Conserva-*
 12 *tion Act (42 U.S.C. 6201 et seq.) is amended by adding*
 13 *after section 324A the following:*

14 **“SEC. 324B. WATERSENSE.**

15 “(a) *WATERSENSE.—*

16 “(1) *IN GENERAL.—There is established within*
 17 *the Environmental Protection Agency a voluntary*
 18 *program, to be entitled ‘WaterSense’, to identify*
 19 *water efficient products, buildings, landscapes, facili-*
 20 *ties, processes, and services that sensibly—*

21 “(A) *reduce water use;*

22 “(B) *reduce the strain on public and com-*
 23 *munity water systems and wastewater and*
 24 *stormwater infrastructure;*

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

3 “(D) preserve water resources for future
4 generations, through voluntary labeling of, or
5 other forms of communications about, products,
6 buildings, landscapes, facilities, processes, and
7 services while still meeting strict performance
8 criteria.

9 “(2) DUTIES.—The Administrator, coordinating
10 as appropriate with the Secretary of Energy, shall—

11 “(A) establish—

12 “(i) a WaterSense label to be used for
13 items meeting the certification criteria es-
14 tablished in this section; and

15 “(ii) the procedure, including the
16 methods and means, by which an item may
17 be certified to display the WaterSense label;

18 “(B) conduct a public awareness education
19 campaign regarding the WaterSense label;

20 “(C) preserve the integrity of the
21 WaterSense label by—

22 “(i) establishing and maintaining fea-
23 sible performance criteria so that products,
24 buildings, landscapes, facilities, processes,
25 and services labeled with the WaterSense

1 *label perform as well or better than less*
2 *water-efficient counterparts;*

3 “(ii) overseeing WaterSense certifi-
4 cations made by third parties;

5 “(iii) using testing protocols, from the
6 appropriate, applicable, and relevant con-
7 sensus standards, for the purpose of deter-
8 mining standards compliance; and

9 “(iv) auditing the use of the
10 WaterSense label in the marketplace and
11 preventing cases of misuse; and

12 “(D) not more often than every six years,
13 review and, if appropriate, update WaterSense
14 criteria for the defined categories of water-effi-
15 cient product, building, landscape, process, or
16 service, including—

17 “(i) providing reasonable notice to in-
18 terested parties and the public of any such
19 changes, including effective dates, and an
20 explanation of the changes;

21 “(ii) soliciting comments from inter-
22 ested parties and the public prior to any
23 such changes;

1 “(iii) as appropriate, responding to
2 comments submitted by interested parties
3 and the public; and

4 “(iv) providing an appropriate transi-
5 tion time prior to the applicable effective
6 date of any such changes, taking into ac-
7 count the timing necessary for the manufac-
8 ture, marketing, training, and distribution
9 of the specific water-efficient product, build-
10 ing, landscape, process, or service category
11 being addressed.

12 “(b) *USE OF SCIENCE.*—In carrying out this section,
13 and, to the degree that an agency action is based on science,
14 the Administrator shall use—

15 “(1) the best available peer-reviewed science and
16 supporting studies conducted in accordance with
17 sound and objective scientific practices; and

18 “(2) data collected by accepted methods or best
19 available methods (if the reliability of the method and
20 the nature of the decision justify use of the data).

21 “(c) *DISTINCTION OF AUTHORITIES.*—In setting or
22 maintaining standards for Energy Star pursuant to section
23 324A, and WaterSense under this section, the Secretary and
24 Administrator shall coordinate to prevent duplicative or
25 conflicting requirements among the respective programs.

1 “(d) *DEFINITIONS.—In this section:*

2 “(1) *ADMINISTRATOR.—The term ‘Adminis-*
3 *trator’ means the Administrator of the Environ-*
4 *mental Protection Agency.*

5 “(2) *FEASIBLE.—The term ‘feasible’ means fea-*
6 *sible with the use of the best technology, treatment*
7 *techniques, and other means that the Administrator*
8 *finds, after examination for efficacy under field con-*
9 *ditions and not solely under laboratory conditions,*
10 *are available (taking cost into consideration).*

11 “(3) *SECRETARY.—The term ‘Secretary’ means*
12 *the Secretary of Energy.*

13 “(4) *WATER-EFFICIENT PRODUCT, BUILDING,*
14 *LANDSCAPE, PROCESS, OR SERVICE.—The term*
15 *‘water-efficient product, building, landscape, process,*
16 *or service’ means a product, building, landscape,*
17 *process, or service for a residence or a commercial or*
18 *institutional building, or its landscape, that is rated*
19 *for water efficiency and performance, the covered cat-*
20 *egories of which are—*

21 “(A) *irrigation technologies and services;*

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

23 “(C) *plumbing products;*

24 “(D) *reuse and recycling technologies;*

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

4 “(F) xeriscaping and other landscape con-
5 versions that reduce water use; and

6 “(G) new water efficient homes certified
7 under the WaterSense program.”.

8 (b) *CONFORMING AMENDMENT.*—*The table of contents*
9 *for the Energy Policy and Conservation Act (Public Law*
10 *94–163; 42 U.S.C. 6201 et seq.) is amended by inserting*
11 *after the item relating to section 324A the following new*
12 *item:*

“Sec. 324B. WaterSense.”.

13 ***Subtitle B—Accountability***

14 ***CHAPTER 1—MARKET MANIPULATION,*** 15 ***ENFORCEMENT, AND COMPLIANCE***

16 ***SEC. 4211. FERC OFFICE OF COMPLIANCE ASSISTANCE AND*** 17 ***PUBLIC PARTICIPATION.***

18 *Section 319 of the Federal Power Act (16 U.S.C. 825q–*
19 *1) is amended to read as follows:*

20 ***“SEC. 319. OFFICE OF COMPLIANCE ASSISTANCE AND PUB-*** 21 ***LIC PARTICIPATION.***

22 “(a) *ESTABLISHMENT.*—*There is established within*
23 *the Commission an Office of Compliance Assistance and*
24 *Public Participation (referred to in this section as the ‘Of-*
25 *fice’). The Office shall be headed by a Director.*

1 “(b) *DUTIES OF DIRECTOR.*—

2 “(1) *IN GENERAL.*—*The Director of the Office*
3 *shall promote improved compliance with Commission*
4 *rules and orders by—*

5 “(A) *making recommendations to the Com-*
6 *mission regarding—*

7 “(i) *the protection of consumers;*

8 “(ii) *market integrity and support for*
9 *the development of responsible market be-*
10 *havior;*

11 “(iii) *the application of Commission*
12 *rules and orders in a manner that ensures*
13 *that—*

14 “(I) *rates and charges for, or in*
15 *connection with, the transmission or*
16 *sale of electric energy subject to the ju-*
17 *risdiction of the Commission shall be*
18 *just and reasonable and not unduly*
19 *discriminatory or preferential; and*

20 “(II) *markets for such trans-*
21 *mission and sale of electric energy are*
22 *not impaired and consumers are not*
23 *damaged; and*

24 “(iv) *the impact of existing and pro-*
25 *posed Commission rules and orders on*

1 *small entities, as defined in section 601 of*
2 *title 5, United States Code (commonly*
3 *known as the Regulatory Flexibility Act);*

4 *“(B) providing entities subject to regulation*
5 *by the Commission the opportunity to obtain*
6 *timely guidance for compliance with Commis-*
7 *sion rules and orders; and*

8 *“(C) providing information to the Commis-*
9 *sion and Congress to inform policy with respect*
10 *to energy issues under the jurisdiction of the*
11 *Commission.*

12 *“(2) REPORTS AND GUIDANCE.—The Director*
13 *shall, as the Director determines appropriate, issue*
14 *reports and guidance to the Commission and to enti-*
15 *ties subject to regulation by the Commission, regard-*
16 *ing market practices, proposing improvements in*
17 *Commission monitoring of market practices, and ad-*
18 *ressing potential improvements to both industry and*
19 *Commission practices.*

20 *“(3) OUTREACH.—The Director shall promote*
21 *improved compliance with Commission rules and or-*
22 *ders through outreach, publications, and, where ap-*
23 *propriate, direct communication with entities regu-*
24 *lated by the Commission.”.*

CHAPTER 2—MARKET REFORMS**SEC. 4221. GAO STUDY ON WHOLESALE ELECTRICITY MARKETS.**

(a) *STUDY AND REPORT.*—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the results of a study of whether and how the current market rules, practices, and structures of each regional transmission entity produce rates that are just and reasonable by—

(1) *facilitating fuel diversity, the availability of generation resources during emergency and severe weather conditions, resource adequacy, and reliability, including the cost-effective retention and development of needed generation;*

(2) *promoting the equitable treatment of business models, including different utility types, the integration of diverse generation resources, and advanced grid technologies;*

(3) *identifying and addressing regulatory barriers to entry, market-distorting incentives, and artificial constraints on competition;*

1 (4) *providing transparency regarding dispatch*
2 *decisions, including the need for out-of-market actions*
3 *and payments, and the accuracy of day-ahead unit*
4 *commitments;*

5 (5) *facilitating the development of necessary nat-*
6 *ural gas pipeline and electric transmission infra-*
7 *structure;*

8 (6) *ensuring fairness and transparency in gov-*
9 *ernance structures and stakeholder processes, includ-*
10 *ing meaningful participation by both voting and non-*
11 *voting stakeholder representatives;*

12 (7) *ensuring the proper alignment of the energy*
13 *and transmission markets by including both energy*
14 *and financial transmission rights in the day-ahead*
15 *markets;*

16 (8) *facilitating the ability of load-serving entities*
17 *to self-supply their service territory load;*

18 (9) *considering, as appropriate, State and local*
19 *resource planning; and*

20 (10) *mitigating, to the extent practicable, the*
21 *disruptive effects of tariff revisions on the economic*
22 *decisionmaking of market participants.*

23 (b) *DEFINITIONS.—In this section:*

24 (1) *LOAD-SERVING ENTITY.—The term “load-*
25 *serving entity” has the meaning given that term in*

1 *section 217 of the Federal Power Act (16 U.S.C.*
 2 *824q).*

3 (2) *REGIONAL TRANSMISSION ENTITY.*—*The term*
 4 *“regional transmission entity” means a Regional*
 5 *Transmission Organization or an Independent Sys-*
 6 *tem Operator, as such terms are defined in section 3*
 7 *of the Federal Power Act (16 U.S.C. 796).*

8 **SEC. 4222. CLARIFICATION OF FACILITY MERGER AUTHOR-**
 9 **IZATION.**

10 *Section 203(a)(1)(B) of the Federal Power Act (16*
 11 *U.S.C. 824b(a)(1)(B)) is amended by striking “such facili-*
 12 *ties or any part thereof” and inserting “such facilities, or*
 13 *any part thereof, of a value in excess of \$10,000,000”.*

14 **CHAPTER 3—CODE MAINTENANCE**

15 **SEC. 4231. REPEAL OF OFF-HIGHWAY MOTOR VEHICLES**
 16 **STUDY.**

17 (a) *REPEAL.*—*Part I of title III of the Energy Policy*
 18 *and Conservation Act (42 U.S.C. 6373) is repealed.*

19 (b) *CONFORMING AMENDMENT.*—*The table of contents*
 20 *for the Energy Policy and Conservation Act (Public Law*
 21 *94–163; 89 Stat. 871) is amended—*

22 (1) *by striking the item relating to part I of title*
 23 *III; and*

24 (2) *by striking the item relating to section 385.*

1 **SEC. 4232. REPEAL OF METHANOL STUDY.**

2 *Section 400EE of the Energy Policy and Conservation*
3 *Act (42 U.S.C. 6374d) is amended—*

4 *(1) by striking subsection (a); and*

5 *(2) by redesignating subsections (b) and (c) as*
6 *subsections (a) and (b), respectively.*

7 **SEC. 4233. REPEAL OF RESIDENTIAL ENERGY EFFICIENCY**
8 **STANDARDS STUDY.**

9 *(a) REPEAL.—Section 253 of the National Energy*
10 *Conservation Policy Act (42 U.S.C. 8232) is repealed.*

11 *(b) CONFORMING AMENDMENT.—The table of contents*
12 *for the National Energy Conservation Policy Act (Public*
13 *Law 95–619; 92 Stat. 3206) is amended by striking the*
14 *item relating to section 253.*

15 **SEC. 4234. REPEAL OF WEATHERIZATION STUDY.**

16 *(a) REPEAL.—Section 254 of the National Energy*
17 *Conservation Policy Act (42 U.S.C. 8233) is repealed.*

18 *(b) CONFORMING AMENDMENT.—The table of contents*
19 *for the National Energy Conservation Policy Act (Public*
20 *Law 95–619; 92 Stat. 3206) is amended by striking the*
21 *item relating to section 254.*

22 **SEC. 4235. REPEAL OF REPORT TO CONGRESS.**

23 *(a) REPEAL.—Section 273 of the National Energy*
24 *Conservation Policy Act (42 U.S.C. 8236b) is repealed.*

25 *(b) CONFORMING AMENDMENT.—The table of contents*
26 *for the National Energy Conservation Policy Act (Public*

1 *Law 95–619; 92 Stat. 3206) is amended by striking the*
2 *item relating to section 273.*

3 **SEC. 4236. REPEAL OF REPORT BY GENERAL SERVICES AD-**
4 **MINISTRATION.**

5 (a) *REPEAL.*—Section 154 of the Energy Policy Act
6 of 1992 (42 U.S.C. 8262a) is repealed.

7 (b) *CONFORMING AMENDMENTS.*—

8 (1) *The table of contents for the Energy Policy*
9 *Act of 1992 (Public Law 102–486; 106 Stat. 2776) is*
10 *amended by striking the item relating to section 154.*

11 (2) *Section 159 of the Energy Policy Act of 1992*
12 *(42 U.S.C. 8262e) is amended by striking subsection*

13 *(c).*

14 **SEC. 4237. REPEAL OF INTERGOVERNMENTAL ENERGY MAN-**
15 **AGEMENT PLANNING AND COORDINATION**
16 **WORKSHOPS.**

17 (a) *REPEAL.*—Section 156 of the Energy Policy Act
18 of 1992 (42 U.S.C. 8262b) is repealed.

19 (b) *CONFORMING AMENDMENT.*—The table of contents
20 for the Energy Policy Act of 1992 (Public Law 102–486;
21 106 Stat. 2776) is amended by striking the item relating
22 to section 156.

1 **SEC. 4238. REPEAL OF INSPECTOR GENERAL AUDIT SURVEY**
 2 **AND PRESIDENT'S COUNCIL ON INTEGRITY**
 3 **AND EFFICIENCY REPORT TO CONGRESS.**

4 (a) *REPEAL.*—Section 160 of the Energy Policy Act
 5 of 1992 (42 U.S.C. 8262f) is amended by striking the sec-
 6 tion designation and heading and all that follows through
 7 “(c) *INSPECTOR GENERAL REVIEW.*—Each Inspector Gen-
 8 eral” and inserting the following:

9 **“SEC. 160. INSPECTOR GENERAL REVIEW.**

10 **“Each Inspector General”.**

11 (b) *CONFORMING AMENDMENT.*—The table of contents
 12 for the Energy Policy Act of 1992 (Public Law 102–486;
 13 106 Stat. 2776) is amended by striking the item relating
 14 to section 160 and inserting the following:

“Sec. 160. Inspector General review.”.

15 **SEC. 4239. REPEAL OF PROCUREMENT AND IDENTIFICA-**
 16 **TION OF ENERGY EFFICIENT PRODUCTS PRO-**
 17 **GRAM.**

18 (a) *REPEAL.*—Section 161 of the Energy Policy Act
 19 of 1992 (42 U.S.C. 8262g) is repealed.

20 (b) *CONFORMING AMENDMENT.*—The table of contents
 21 for the Energy Policy Act of 1992 (Public Law 102–486;
 22 106 Stat. 2776) is amended by striking the item relating
 23 to section 161.

1 **SEC. 4240. REPEAL OF NATIONAL ACTION PLAN FOR DE-**
2 **MAND RESPONSE.**

3 (a) *REPEAL.*—Part 5 of title V of the National Energy
4 Conservation Policy Act (42 U.S.C. 8279) is repealed.

5 (b) *CONFORMING AMENDMENT.*—The table of contents
6 for the National Energy Conservation Policy Act (Public
7 Law 95–619; 92 Stat. 3206; 121 Stat. 1665) is amended—

8 (1) by striking the item relating to part 5 of title
9 V; and

10 (2) by striking the item relating to section 571.

11 **SEC. 4241. REPEAL OF NATIONAL COAL POLICY STUDY.**

12 (a) *REPEAL.*—Section 741 of the Powerplant and In-
13 dustrial Fuel Use Act of 1978 (42 U.S.C. 8451) is repealed.

14 (b) *CONFORMING AMENDMENT.*—The table of contents
15 for the Powerplant and Industrial Fuel Use Act of 1978
16 (Public Law 95–620; 92 Stat. 3289) is amended by striking
17 the item relating to section 741.

18 **SEC. 4242. REPEAL OF STUDY ON COMPLIANCE PROBLEM**
19 **OF SMALL ELECTRIC UTILITY SYSTEMS.**

20 (a) *REPEAL.*—Section 744 of the Powerplant and In-
21 dustrial Fuel Use Act of 1978 (42 U.S.C. 8454) is repealed.

22 (b) *CONFORMING AMENDMENT.*—The table of contents
23 for the Powerplant and Industrial Fuel Use Act of 1978
24 (Public Law 95–620; 92 Stat. 3289) is amended by striking
25 the item relating to section 744.

1 **SEC. 4243. REPEAL OF STUDY OF SOCIOECONOMIC IMPACTS**
2 **OF INCREASED COAL PRODUCTION AND**
3 **OTHER ENERGY DEVELOPMENT.**

4 (a) *REPEAL.*—Section 746 of the Powerplant and In-
5 dustrial Fuel Use Act of 1978 (42 U.S.C. 8456) is repealed.

6 (b) *CONFORMING AMENDMENT.*—The table of contents
7 for the Powerplant and Industrial Fuel Use Act of 1978
8 (Public Law 95–620; 92 Stat. 3289) is amended by striking
9 the item relating to section 746.

10 **SEC. 4244. REPEAL OF STUDY OF THE USE OF PETROLEUM**
11 **AND NATURAL GAS IN COMBUSTORS.**

12 (a) *REPEAL.*—Section 747 of the Powerplant and In-
13 dustrial Fuel Use Act of 1978 (42 U.S.C. 8457) is repealed.

14 (b) *CONFORMING AMENDMENT.*—The table of contents
15 for the Powerplant and Industrial Fuel Use Act of 1978
16 (Public Law 95–620; 92 Stat. 3289) is amended by striking
17 the item relating to section 747.

18 **SEC. 4245. REPEAL OF SUBMISSION OF REPORTS.**

19 (a) *REPEAL.*—Section 807 of the Powerplant and In-
20 dustrial Fuel Use Act of 1978 (42 U.S.C. 8483) is repealed.

21 (b) *CONFORMING AMENDMENT.*—The table of contents
22 for the Powerplant and Industrial Fuel Use Act of 1978
23 (Public Law 95–620; 92 Stat. 3289) is amended by striking
24 the item relating to section 807.

1 **SEC. 4246. REPEAL OF ELECTRIC UTILITY CONSERVATION**

2 **PLAN.**

3 (a) *REPEAL*.—Section 808 of the Powerplant and In-
4 dustrial Fuel Use Act of 1978 (42 U.S.C. 8484) is repealed.

5 (b) *CONFORMING AMENDMENTS*.—

6 (1) *TABLE OF CONTENTS*.—The table of contents
7 for the Powerplant and Industrial Fuel Use Act of
8 1978 (Public Law 95–620; 92 Stat. 3289) is amended
9 by striking the item relating to section 808.

10 (2) *REPORT ON IMPLEMENTATION*.—Section 712
11 of the Powerplant and Industrial Fuel Use Act of
12 1978 (42 U.S.C. 8422) is amended—

13 (A) by striking “(a) *GENERALLY*.—”; and

14 (B) by striking subsection (b).

15 **SEC. 4247. TECHNICAL AMENDMENT TO POWERPLANT AND**

16 **INDUSTRIAL FUEL USE ACT OF 1978.**

17 The table of contents for the Powerplant and Indus-
18 trial Fuel Use Act of 1978 (Public Law 95–620; 92 Stat.
19 3289) is amended by striking the item relating to section
20 742.

21 **SEC. 4248. EMERGENCY ENERGY CONSERVATION REPEALS.**

22 (a) *REPEALS*.—

23 (1) Section 201 of the Emergency Energy Con-
24 servation Act of 1979 (42 U.S.C. 8501) is amended—

25 (A) in the section heading, by striking

26 **“FINDINGS AND”**;

1 (B) by striking subsection (a); and

2 (C) by striking “(b) PURPOSES.—”.

3 (2) Section 221 of the Emergency Energy Con-
4 servation Act of 1979 (42 U.S.C. 8521) is repealed.

5 (3) Section 222 of the Emergency Energy Con-
6 servation Act of 1979 (42 U.S.C. 8522) is repealed.

7 (4) Section 241 of the Emergency Energy Con-
8 servation Act of 1979 (42 U.S.C. 8531) is repealed.

9 (b) CONFORMING AMENDMENT.—The table of contents
10 for the Emergency Energy Conservation Act of 1979 (Public
11 Law 96–102; 93 Stat. 749) is amended—

12 (1) by striking the item relating to section 201
13 and inserting the following:

“Sec. 201. Purposes.”; and

14 (2) by striking the items relating to sections 221,
15 222, and 241.

16 **SEC. 4249. REPEAL OF STATE UTILITY REGULATORY ASSIST-**
17 **ANCE.**

18 (a) REPEAL.—Section 207 of the Energy Conservation
19 and Production Act (42 U.S.C. 6807) is repealed.

20 (b) CONFORMING AMENDMENT.—The table of contents
21 for the Energy Conservation and Production Act (Public
22 Law 94–385; 90 Stat. 1125) is amended by striking the
23 item relating to section 207.

1 **SEC. 4250. REPEAL OF SURVEY OF ENERGY SAVING POTEN-**
 2 **TIAL.**

3 (a) *REPEAL.*—Section 550 of the National Energy
 4 Conservation Policy Act (42 U.S.C. 8258b) is repealed.

5 (b) *CONFORMING AMENDMENTS.*—

6 (1) *The table of contents for the National Energy*
 7 *Conservation Policy Act (Public Law 95–619; 92*
 8 *Stat. 3206; 106 Stat. 2851) is amended by striking*
 9 *the item relating to section 550.*

10 (2) *Section 543(d)(2) of the National Energy*
 11 *Conservation Policy Act (42 U.S.C. 8253(d)(2)) is*
 12 *amended by striking “, incorporating any relevant*
 13 *information obtained from the survey conducted pur-*
 14 *suant to section 550”.*

15 **SEC. 4251. REPEAL OF PHOTOVOLTAIC ENERGY PROGRAM.**

16 (a) *REPEAL.*—Part 4 of title V of the National Energy
 17 Conservation Policy Act (42 U.S.C. 8271 et seq.) is re-
 18 pealed.

19 (b) *CONFORMING AMENDMENTS.*—*The table of contents*
 20 *for the National Energy Conservation Policy Act (Public*
 21 *Law 95–619; 92 Stat. 3206) is amended—*

22 (1) *by striking the item relating to part 4 of title*
 23 *V; and*

24 (2) *by striking the items relating to sections 561*
 25 *through 570.*

1 **SEC. 4252. REPEAL OF ENERGY AUDITOR TRAINING AND**
2 **CERTIFICATION.**

3 (a) *REPEAL.*—Subtitle *F* of title *V* of the *Energy Secu-*
4 *urity Act* (42 U.S.C. 8285 *et seq.*) is repealed.

5 (b) *CONFORMING AMENDMENT.*—The table of contents
6 for the *Energy Security Act* (Public Law 96–294; 94 Stat.
7 611) is amended by striking the items relating to subtitle
8 *F* of title *V*.

9 **CHAPTER 4—USE OF EXISTING FUNDS**

10 **SEC. 4261. USE OF EXISTING FUNDS.**

11 *Amounts required for carrying out this Act, other than*
12 *section 1201, shall be derived from amounts appropriated*
13 *under authority provided by previously enacted law.*

Union Calendar No. 265

114TH CONGRESS
1ST Session

H. R. 8

[Report No. 114-347, Part I]

A BILL

To modernize energy infrastructure, build a 21st century energy and manufacturing workforce, bolster America's energy security and diplomacy, and promote energy efficiency and government accountability, and for other purposes.

NOVEMBER 19, 2015

Reported from the Committee on Energy and Commerce

NOVEMBER 19, 2015

The Committees on Science, Space, and Technology, Education and the Workforce, Oversight and Government Reform, and Foreign Affairs discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed