

114TH CONGRESS
2^D SESSION

S. 2012

AN ACT

To provide for the modernization of the energy policy of
the United States, 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,*

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

2 (a) **SHORT TITLE.**—This Act may be cited as the
 3 “Energy Policy Modernization Act of 2016”.

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

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1 SEC. 2. DEFINITIONS.

2 In this Act:

3 (1) DEPARTMENT.—The term “Department”
4 means the Department of Energy.

5 (2) SECRETARY.—The term “Secretary” means
6 the Secretary of Energy.

TITLE I—EFFICIENCY**Subtitle A—Buildings****SEC. 1001. GREATER ENERGY EFFICIENCY IN BUILDING****CODES.**

(a) DEFINITIONS.—Section 303 of the Energy Conservation and Production Act (42 U.S.C. 6832) is amended—

(1) by striking paragraph (14) and inserting the following:

“(14) MODEL BUILDING ENERGY CODE.—The term ‘model building energy code’ means a voluntary building energy code and standards developed and updated through a consensus process among interested persons, such as the IECC or the code used by—

“(A) the Council of American Building Officials, or its legal successor, International Code Council, Inc.;

“(B) the American Society of Heating, Refrigerating, and Air-Conditioning Engineers; or

“(C) other appropriate organizations.”;

and

(2) by adding at the end the following:

“(17) IECC.—The term ‘IECC’ means the International Energy Conservation Code.

1 “(18) INDIAN TRIBE.—The term ‘Indian tribe’
2 has the meaning given the term in section 4 of the
3 Native American Housing Assistance and Self-De-
4 termination Act of 1996 (25 U.S.C. 4103).”.

5 (b) STATE BUILDING ENERGY EFFICIENCY
6 CODES.—Section 304 of the Energy Conservation and
7 Production Act (42 U.S.C. 6833) is amended to read as
8 follows:

9 **“SEC. 304. UPDATING STATE BUILDING ENERGY EFFI-
10 CIENCY CODES.**

11 “(a) IN GENERAL.—The Secretary shall—

12 “(1) encourage and support the adoption of
13 building energy codes by States, Indian tribes, and,
14 as appropriate, by local governments that meet or
15 exceed the model building energy codes, or achieve
16 equivalent or greater energy savings; and

17 “(2) support full compliance with the State and
18 local codes.

19 “(b) STATE AND INDIAN TRIBE CERTIFICATION OF
20 BUILDING ENERGY CODE UPDATES.—

21 “(1) REVIEW AND UPDATING OF CODES BY
22 EACH STATE AND INDIAN TRIBE.—

23 “(A) IN GENERAL.—Not later than 2 years
24 after the date on which a model building energy
25 code is updated, each State or Indian tribe shall

1 certify whether or not the State or Indian tribe,
2 respectively, has reviewed and updated the en-
3 ergy provisions of the building code of the State
4 or Indian tribe, respectively.

5 “(B) DEMONSTRATION.—The certification
6 shall include a demonstration of whether or not
7 the energy savings for the code provisions that
8 are in effect throughout the State or Indian
9 tribal territory meet or exceed—

10 “(i) the energy savings of the updated
11 model building energy code; or

12 “(ii) the targets established under sec-
13 tion 307(b)(2).

14 “(C) NO MODEL BUILDING ENERGY CODE
15 UPDATE.—If a model building energy code is
16 not updated by a target date established under
17 section 307(b)(2)(D), each State or Indian tribe
18 shall, not later than 2 years after the specified
19 date, certify whether or not the State or Indian
20 tribe, respectively, has reviewed and updated
21 the energy provisions of the building code of the
22 State or Indian tribe, respectively, to meet or
23 exceed 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 provi-
5 sions of the State or Indian tribe, respectively,
6 meet the criteria specified in paragraph (1);
7 and

8 “(B) if the determination is positive, vali-
9 date the certification.

10 “(c) IMPROVEMENTS IN COMPLIANCE WITH BUILD-
11 ING ENERGY CODES.—

12 “(1) REQUIREMENT.—

13 “(A) IN GENERAL.—Not later than 3 years
14 after the date of a certification under sub-
15 section (b), each State and Indian tribe shall
16 certify whether or not the State and Indian
17 tribe, respectively, has—

18 “(i) achieved full compliance under
19 paragraph (3) with the applicable certified
20 State and Indian tribe building energy
21 code or with the associated model building
22 energy code; or

23 “(ii) made significant progress under
24 paragraph (4) toward achieving compliance
25 with the applicable certified State and In-

1 dian tribe building energy code or with the
2 associated model building energy code.

3 “(B) REPEAT CERTIFICATIONS.—If the
4 State or Indian tribe certifies progress toward
5 achieving compliance, the State or Indian tribe
6 shall repeat the certification until the State or
7 Indian tribe certifies that the State or Indian
8 tribe has achieved full compliance, respectively.

9 “(2) MEASUREMENT OF COMPLIANCE.—A cer-
10 tification under paragraph (1) shall include docu-
11 mentation of the rate of compliance based on—

12 “(A) independent inspections of a random
13 sample of the buildings covered by the code in
14 the preceding year; or

15 “(B) an alternative method that yields an
16 accurate measure of compliance.

17 “(3) ACHIEVEMENT OF COMPLIANCE.—A State
18 or Indian tribe shall be considered to achieve full
19 compliance under paragraph (1) if—

20 “(A) at least 90 percent of building space
21 covered by the code in the preceding year sub-
22 stantially meets all the requirements of the ap-
23 plicable code specified in paragraph (1), or
24 achieves equivalent or greater energy savings
25 level; or

1 “(B) the estimated excess energy use of
2 buildings that did not meet the applicable code
3 specified in paragraph (1) in the preceding
4 year, compared to a baseline of comparable
5 buildings that meet this code, is not more than
6 5 percent of the estimated energy use of all
7 buildings covered by this code during the pre-
8 ceding year.

9 “(4) SIGNIFICANT PROGRESS TOWARD
10 ACHIEVEMENT OF COMPLIANCE.—A State or Indian
11 tribe shall be considered to have made significant
12 progress toward achieving compliance for purposes
13 of paragraph (1) if the State or Indian tribe—

14 “(A) has developed and is implementing a
15 plan for achieving compliance during the 8-
16 year-period beginning on the date of enactment
17 of this paragraph, including annual targets for
18 compliance and active training and enforcement
19 programs; and

20 “(B) has met the most recent target under
21 subparagraph (A).

22 “(5) VALIDATION BY SECRETARY.—Not later
23 than 90 days after a State or Indian tribe certifi-
24 cation under paragraph (1), the Secretary shall—

1 “(A) determine whether the State or In-
2 dian tribe has demonstrated meeting the cri-
3 teria of this subsection, including accurate
4 measurement of compliance; and

5 “(B) if the determination is positive, vali-
6 date the certification.

7 “(d) STATES OR INDIAN TRIBES THAT DO NOT
8 ACHIEVE COMPLIANCE.—

9 “(1) REPORTING.—A State or Indian tribe that
10 has not made a certification required under sub-
11 section (b) or (c) by the applicable deadline shall
12 submit to the Secretary a report on—

13 “(A) the status of the State or Indian tribe
14 with respect to meeting the requirements and
15 submitting the certification; and

16 “(B) a plan for meeting the requirements
17 and submitting the certification.

18 “(2) FEDERAL SUPPORT.—For any State or In-
19 dian tribe for which the Secretary has not validated
20 a certification by a deadline under subsection (b) or
21 (c), the lack of the certification may be a consider-
22 ation for Federal support authorized under this sec-
23 tion for code adoption and compliance activities.

24 “(3) LOCAL GOVERNMENT.—In any State or
25 Indian tribe for which the Secretary has not vali-

1 dated a certification under subsection (b) or (c), a
2 local government may be eligible for Federal support
3 by meeting the certification requirements of sub-
4 sections (b) and (c).

5 “(4) ANNUAL REPORTS BY SECRETARY.—

6 “(A) IN GENERAL.—The Secretary shall
7 annually submit to Congress, and publish in the
8 Federal Register, a report on—

9 “(i) the status of model building en-
10 ergy codes;

11 “(ii) the status of code adoption and
12 compliance in the States and Indian tribes;

13 “(iii) the implementation of this sec-
14 tion; and

15 “(iv) improvements in energy savings
16 over time as a result of the targets estab-
17 lished under section 307(b)(2).

18 “(B) IMPACTS.—The report shall include
19 estimates of impacts of past action under this
20 section, and potential impacts of further action,
21 on—

22 “(i) upfront financial and construction
23 costs, cost benefits and returns (using in-
24 vestment analysis), and lifetime energy use
25 for buildings;

1 “(ii) resulting energy costs to individ-
2 uals and businesses; and

3 “(iii) resulting overall annual building
4 ownership and operating costs.

5 “(e) TECHNICAL ASSISTANCE TO STATES AND IN-
6 DIAN TRIBES.—The Secretary shall provide technical as-
7 sistance to States and Indian tribes to implement the goals
8 and requirements of this section, including procedures and
9 technical analysis for States and Indian tribes—

10 “(1) to improve and implement State residential
11 and commercial building energy codes;

12 “(2) to demonstrate that the code provisions of
13 the States and Indian tribes achieve equivalent or
14 greater energy savings than the model building en-
15 ergy codes and targets;

16 “(3) to document the rate of compliance with a
17 building energy code; and

18 “(4) to otherwise promote the design and con-
19 struction of energy efficient buildings.

20 “(f) AVAILABILITY OF INCENTIVE FUNDING.—

21 “(1) IN GENERAL.—The Secretary shall provide
22 incentive funding to States and Indian tribes—

23 “(A) to implement the requirements of this
24 section;

1 “(B) to improve and implement residential
2 and commercial building energy codes, including
3 increasing and verifying compliance with the
4 codes and training of State, local, and tribal
5 building code officials to implement and enforce
6 the codes; and

7 “(C) to promote building energy efficiency
8 through the use of the codes.

9 “(2) ADDITIONAL FUNDING.—Additional fund-
10 ing shall be provided under this subsection for im-
11 plementation of a plan to achieve and document full
12 compliance with residential and commercial building
13 energy codes under subsection (c)—

14 “(A) to a State or Indian tribe for which
15 the Secretary has validated a certification under
16 subsection (b) or (c); and

17 “(B) in a State or Indian tribe that is not
18 eligible under subparagraph (A), to a local gov-
19 ernment that is eligible under this section.

20 “(3) TRAINING.—Of the amounts made avail-
21 able under this subsection, the State or Indian tribe
22 may use amounts required, but not to exceed
23 \$750,000 for a State, to train State and local build-
24 ing code officials to implement and enforce codes de-
25 scribed in paragraph (2).

1 “(4) LOCAL GOVERNMENTS.—States may share
2 grants under this subsection with local governments
3 that implement and enforce the codes.

4 “(g) STRETCH CODES AND ADVANCED STAND-
5 ARDS.—

6 “(1) IN GENERAL.—The Secretary shall provide
7 technical and financial support for the development
8 of stretch codes and advanced standards for residen-
9 tial and commercial buildings for use as—

10 “(A) an option for adoption as a building
11 energy code by State, local, or tribal govern-
12 ments; and

13 “(B) guidelines for energy-efficient build-
14 ing design.

15 “(2) TARGETS.—The stretch codes and ad-
16 vanced standards shall be designed—

17 “(A) to achieve substantial energy savings
18 compared to the model building energy codes;
19 and

20 “(B) to meet targets under section 307(b),
21 if available, at least 3 to 6 years in advance of
22 the target years.

23 “(h) STUDIES.—The Secretary, in consultation with
24 building science experts from the National Laboratories
25 and institutions of higher education, designers and build-

1 ers of energy-efficient residential and commercial build-
2 ings, code officials, and other stakeholders, shall under-
3 take a study of the feasibility, impact, economics, and
4 merit of—

5 “(1) code improvements that would require that
6 buildings be designed, sited, and constructed in a
7 manner that makes the buildings more adaptable in
8 the future to become zero-net-energy after initial
9 construction, as advances are achieved in energy-sav-
10 ing technologies;

11 “(2) code procedures to incorporate measured
12 lifetimes, not just first-year energy use, in trade-offs
13 and performance calculations; and

14 “(3) legislative options for increasing energy
15 savings from building energy codes, including addi-
16 tional incentives for effective State and local action,
17 and verification of compliance with and enforcement
18 of a code other than by a State or local government.

19 “(i) EFFECT ON OTHER LAWS.—Nothing in this sec-
20 tion or section 307 supersedes or modifies the application
21 of sections 321 through 346 of the Energy Policy and
22 Conservation Act (42 U.S.C. 6291 et seq.).

23 “(j) AUTHORIZATION OF APPROPRIATIONS.—There
24 is authorized to be appropriated to carry out this section

1 and section 307 \$200,000,000, to remain available until
2 expended.”.

3 (c) FEDERAL BUILDING ENERGY EFFICIENCY
4 STANDARDS.—Section 305 of the Energy Conservation
5 and Production Act (42 U.S.C. 6834) is amended by strik-
6 ing “voluntary building energy code” each place it appears
7 in subsections (a)(2)(B) and (b) and inserting “model
8 building energy code”.

9 (d) MODEL BUILDING ENERGY CODES.—Section 307
10 of the Energy Conservation and Production Act (42
11 U.S.C. 6836) is amended to read as follows:

12 **“SEC. 307. SUPPORT FOR MODEL BUILDING ENERGY**
13 **CODES.**

14 “(a) IN GENERAL.—The Secretary shall support the
15 updating of model building energy codes.

16 “(b) TARGETS.—

17 “(1) IN GENERAL.—The Secretary shall sup-
18 port the updating of the model building energy codes
19 to enable the achievement of aggregate energy sav-
20 ings targets established under paragraph (2).

21 “(2) TARGETS.—

22 “(A) IN GENERAL.—The Secretary shall
23 work with States, local governments, and In-
24 dian tribes, nationally recognized code and
25 standards developers, and other interested par-

1 ties to support the updating of model building
2 energy codes by establishing one or more aggregate
3 energy savings targets to achieve the purposes
4 of this section.

5 “(B) SEPARATE TARGETS.—The Secretary
6 may establish separate targets for commercial
7 and residential buildings.

8 “(C) BASELINES.—The baseline for updating
9 model building energy codes shall be the
10 2009 IECC for residential buildings and
11 ASHRAE Standard 90.1–2010 for commercial
12 buildings.

13 “(D) SPECIFIC YEARS.—

14 “(i) IN GENERAL.—Targets for specific
15 years shall be established and revised
16 by the Secretary through rulemaking and
17 coordinated with nationally recognized code
18 and standards developers at a level that—

19 “(I) is at the maximum level of
20 energy efficiency that is technologically
21 feasible and life-cycle cost effective,
22 while accounting for the economic
23 considerations under paragraph
24 (4);

1 “(II) is higher than the preceding
2 target; and

3 “(III) promotes the achievement
4 of commercial and residential high-
5 performance buildings through high-
6 performance energy efficiency (within
7 the meaning of section 401 of the En-
8 ergy Independence and Security Act
9 of 2007 (42 U.S.C. 17061)).

10 “(ii) INITIAL TARGETS.—Not later
11 than 1 year after the date of enactment of
12 this clause, the Secretary shall establish
13 initial targets under this subparagraph.

14 “(iii) DIFFERENT TARGET YEARS.—
15 Subject to clause (i), prior to the applica-
16 ble year, the Secretary may set a later tar-
17 get year for any of the model building en-
18 ergy codes described in subparagraph (A)
19 if the Secretary determines that a target
20 cannot be met.

21 “(iv) SMALL BUSINESS.—When estab-
22 lishing targets under this paragraph
23 through rulemaking, the Secretary shall
24 ensure compliance with the Small Business
25 Regulatory Enforcement Fairness Act of

1 1996 (5 U.S.C. 601 note; Public Law 104–
2 121).

3 “(3) APPLIANCE STANDARDS AND OTHER FAC-
4 TORS AFFECTING BUILDING ENERGY USE.—In es-
5 tablishing building code targets under paragraph
6 (2), the Secretary shall develop and adjust the tar-
7 gets in recognition of potential savings and costs re-
8 lating to—

9 “(A) efficiency gains made in appliances,
10 lighting, windows, insulation, and building enve-
11 lope sealing;

12 “(B) advancement of distributed genera-
13 tion and on-site renewable power generation
14 technologies;

15 “(C) equipment improvements for heating,
16 cooling, and ventilation systems;

17 “(D) building management systems and
18 SmartGrid technologies to reduce energy use;
19 and

20 “(E) other technologies, practices, and
21 building systems that the Secretary considers
22 appropriate regarding building plug load and
23 other energy uses.

24 “(4) ECONOMIC CONSIDERATIONS.—In estab-
25 lishing and revising building code targets under

1 paragraph (2), the Secretary shall consider the eco-
2 nomic feasibility of achieving the proposed targets
3 established under this section and the potential costs
4 and savings for consumers and building owners, in-
5 cluding a return on investment analysis.

6 “(c) TECHNICAL ASSISTANCE TO MODEL BUILDING
7 ENERGY CODE-SETTING AND STANDARD DEVELOPMENT
8 ORGANIZATIONS.—

9 “(1) IN GENERAL.—The Secretary shall, on a
10 timely basis, provide technical assistance to model
11 building energy code-setting and standard develop-
12 ment organizations consistent with the goals of this
13 section.

14 “(2) ASSISTANCE.—The assistance shall in-
15 clude, as requested by the organizations, technical
16 assistance in—

17 “(A) evaluating code or standards pro-
18 posals or revisions;

19 “(B) building energy analysis and design
20 tools;

21 “(C) building demonstrations;

22 “(D) developing definitions of energy use
23 intensity and building types for use in model
24 building energy codes to evaluate the efficiency
25 impacts of the model building energy codes;

1 “(E) performance-based standards;

2 “(F) evaluating economic considerations
3 under subsection (b)(4); and

4 “(G) developing model building energy
5 codes by Indian tribes in accordance with tribal
6 law.

7 “(3) AMENDMENT PROPOSALS.—The Secretary
8 may submit timely model building energy code
9 amendment proposals to the model building energy
10 code-setting and standard development organiza-
11 tions, with supporting evidence, sufficient to enable
12 the model building energy codes to meet the targets
13 established under subsection (b)(2).

14 “(4) ANALYSIS METHODOLOGY.—The Secretary
15 shall make publicly available the entire calculation
16 methodology (including input assumptions and data)
17 used by the Secretary to estimate the energy savings
18 of code or standard proposals and revisions.

19 “(d) DETERMINATION.—

20 “(1) REVISION OF MODEL BUILDING ENERGY
21 CODES.—If the provisions of the IECC or ASHRAE
22 Standard 90.1 regarding building energy use are re-
23 vised, the Secretary shall make a preliminary deter-
24 mination not later than 90 days after the date of the
25 revision, and a final determination not later than 15

1 months after the date of the revision, on whether or
2 not the revision will—

3 “(A) improve energy efficiency in buildings
4 compared to the existing model building energy
5 code; and

6 “(B) meet the applicable targets under
7 subsection (b)(2).

8 “(2) CODES OR STANDARDS NOT MEETING TAR-
9 GETS.—

10 “(A) IN GENERAL.—If the Secretary
11 makes a preliminary determination under para-
12 graph (1)(B) that a code or standard does not
13 meet the targets established under subsection
14 (b)(2), the Secretary may at the same time pro-
15 vide the model building energy code or standard
16 developer with proposed changes that would re-
17 sult in a model building energy code that meets
18 the targets and with supporting evidence, tak-
19 ing into consideration—

20 “(i) whether the modified code is tech-
21 nically feasible and life-cycle cost effective;

22 “(ii) available appliances, technologies,
23 materials, and construction practices; and

24 “(iii) the economic considerations
25 under subsection (b)(4).

1 “(B) INCORPORATION OF CHANGES.—

2 “(i) IN GENERAL.—On receipt of the
3 proposed changes, the model building en-
4 ergy code or standard developer shall have
5 an additional 270 days to accept or reject
6 the proposed changes of the Secretary to
7 the model building energy code or standard
8 for the Secretary to make a final deter-
9 mination.

10 “(ii) FINAL DETERMINATION.—A
11 final determination under paragraph (1)
12 shall be on the modified model building en-
13 ergy code or standard.

14 “(e) ADMINISTRATION.—In carrying out this section,
15 the Secretary shall—

16 “(1) publish notice of targets and supporting
17 analysis and determinations under this section in the
18 Federal Register to provide an explanation of and
19 the basis for such actions, including any supporting
20 modeling, data, assumptions, protocols, and cost-
21 benefit analysis, including return on investment; and

22 “(2) provide an opportunity for public comment
23 on targets and supporting analysis and determina-
24 tions under this section.

1 “(f) VOLUNTARY CODES AND STANDARDS.—Not-
2 withstanding any other provision of this section, any
3 model building code or standard established under section
4 304 shall not be binding on a State, local government, or
5 Indian tribe as a matter of Federal law.”.

6 **SEC. 1002. BUDGET-NEUTRAL DEMONSTRATION PROGRAM**
7 **FOR ENERGY AND WATER CONSERVATION IM-**
8 **PROVEMENTS AT MULTIFAMILY RESIDEN-**
9 **TIAL UNITS.**

10 (a) ESTABLISHMENT.—The Secretary of Housing
11 and Urban Development (referred to in this section as the
12 “Secretary”) shall establish a demonstration program
13 under which, during the period beginning on the date of
14 enactment of this Act, and ending on September 30, 2018,
15 the Secretary may enter into budget-neutral, performance-
16 based agreements that result in a reduction in energy or
17 water costs with such entities as the Secretary determines
18 to be appropriate under which the entities shall carry out
19 projects for energy or water conservation improvements at
20 not more than 20,000 residential units in multifamily
21 buildings participating in—

22 (1) the project-based rental assistance program
23 under section 8 of the United States Housing Act of
24 1937 (42 U.S.C. 1437f), other than assistance pro-
25 vided under section 8(o) of that Act;

1 (2) the supportive housing for the elderly pro-
2 gram under section 202 of the Housing Act of 1959
3 (12 U.S.C. 1701q); or

4 (3) the supportive housing for persons with dis-
5 abilities program under section 811(d)(2) of the
6 Cranston-Gonzalez National Affordable Housing Act
7 (42 U.S.C. 8013(d)(2)).

8 (b) REQUIREMENTS.—

9 (1) PAYMENTS CONTINGENT ON SAVINGS.—

10 (A) IN GENERAL.—The Secretary shall
11 provide to an entity a payment under an agree-
12 ment under this section only during applicable
13 years for which an energy or water cost savings
14 is achieved with respect to the applicable multi-
15 family portfolio of properties, as determined by
16 the Secretary, in accordance with subparagraph
17 (B).

18 (B) PAYMENT METHODOLOGY.—

19 (i) IN GENERAL.—Each agreement
20 under this section shall include a pay-for-
21 success provision—

22 (I) that will serve as a payment
23 threshold for the term of the agree-
24 ment; and

1 (II) pursuant to which the De-
2 partment of Housing and Urban De-
3 velopment shall share a percentage of
4 the savings at a level determined by
5 the Secretary that is sufficient to
6 cover the administrative costs of car-
7 rying out this section.

8 (ii) LIMITATIONS.—A payment made
9 by the Secretary under an agreement
10 under this section shall—

11 (I) be contingent on documented
12 utility savings; and

13 (II) not exceed the utility savings
14 achieved by the date of the payment,
15 and not previously paid, as a result of
16 the improvements made under the
17 agreement.

18 (C) THIRD PARTY VERIFICATION.—Savings
19 payments made by the Secretary under this sec-
20 tion shall be based on a measurement and
21 verification protocol that includes at least—

22 (i) establishment of a weather-normal-
23 ized and occupancy-normalized utility con-
24 sumption baseline established preretrofit;

1 (ii) annual third party confirmation of
2 actual utility consumption and cost for
3 owner-paid utilities;

4 (iii) annual third party validation of
5 the tenant utility allowances in effect dur-
6 ing the applicable year and vacancy rates
7 for each unit type; and

8 (iv) annual third party determination
9 of savings to the Secretary.

10 (2) TERM.—The term of an agreement under
11 this section shall be not longer than 12 years.

12 (3) ENTITY ELIGIBILITY.—The Secretary
13 shall—

14 (A) establish a competitive process for en-
15 tering into agreements under this section; and

16 (B) enter into such agreements only with
17 entities that demonstrate significant experience
18 relating to—

19 (i) financing and operating properties
20 receiving assistance under a program de-
21 scribed in subsection (a);

22 (ii) oversight of energy and water con-
23 servation programs, including oversight of
24 contractors; and

1 (iii) raising capital for energy and
2 water conservation improvements from
3 charitable organizations or private inves-
4 tors.

5 (4) GEOGRAPHICAL DIVERSITY.—Each agree-
6 ment entered into under this section shall provide
7 for the inclusion of properties with the greatest fea-
8 sible regional and State variance.

9 (c) PLAN AND REPORTS.—

10 (1) PLAN.—Not later than 90 days after the
11 date of enactment of this Act, the Secretary shall
12 submit to the Committees on Appropriations of the
13 House of Representatives and the Senate, the Com-
14 mittee on Energy and Natural Resources of the Sen-
15 ate, and the Committee on Energy and Commerce of
16 the House of Representatives a detailed plan for the
17 implementation of this section.

18 (2) REPORTS.—Not later than 1 year after the
19 date of enactment of this Act, and annually there-
20 after, the Secretary shall—

21 (A) conduct an evaluation of the program
22 under this section; and

23 (B) submit to Congress a report describing
24 each evaluation conducted under subparagraph

25 (A).

1 (d) FUNDING.—For each fiscal year during which an
2 agreement under this section is in effect, the Secretary
3 may use to carry out this section any funds appropriated
4 to the Secretary for the renewal of contracts under a pro-
5 gram described in subsection (a).

6 **SEC. 1003. COORDINATION OF ENERGY RETROFITTING AS-**
7 **SISTANCE FOR SCHOOLS.**

8 (a) DEFINITION OF SCHOOL.—In this section, the
9 term “school” means—

10 (1) an elementary school or secondary school
11 (as defined in section 9101 of the Elementary and
12 Secondary Education Act of 1965 (20 U.S.C.
13 7801));

14 (2) an institution of higher education (as de-
15 fined in section 102(a) of the Higher Education Act
16 of 1965 (20 U.S.C. 1002(a));

17 (3) a school of the defense dependents’ edu-
18 cation system under the Defense Dependents’ Edu-
19 cation Act of 1978 (20 U.S.C. 921 et seq.) or estab-
20 lished under section 2164 of title 10, United States
21 Code;

22 (4) a school operated by the Bureau of Indian
23 Affairs;

1 (5) a tribally controlled school (as defined in
2 section 5212 of the Tribally Controlled Schools Act
3 of 1988 (25 U.S.C. 2511)); and

4 (6) a Tribal College or University (as defined in
5 section 316(b) of the Higher Education Act of 1965
6 (20 U.S.C. 1059c(b))).

7 (b) DESIGNATION OF LEAD AGENCY.—The Sec-
8 retary, acting through the Office of Energy Efficiency and
9 Renewable Energy, shall act as the lead Federal agency
10 for coordinating and disseminating information on exist-
11 ing Federal programs and assistance that may be used
12 to help initiate, develop, and finance energy efficiency, re-
13 newable energy, and energy retrofitting projects for
14 schools.

15 (c) REQUIREMENTS.—In carrying out coordination
16 and outreach under subsection (b), the Secretary shall—

17 (1) in consultation and coordination with the
18 appropriate Federal agencies, carry out a review of
19 existing programs and financing mechanisms (in-
20 cluding revolving loan funds and loan guarantees)
21 available in or from the Department of Agriculture,
22 the Department of Energy, the Department of Edu-
23 cation, the Department of the Treasury, the Internal
24 Revenue Service, the Environmental Protection
25 Agency, and other appropriate Federal agencies with

1 jurisdiction over energy financing and facilitation
2 that are currently used or may be used to help ini-
3 tiate, develop, and finance energy efficiency, renew-
4 able energy, and energy retrofitting projects for
5 schools;

6 (2) establish a Federal cross-departmental col-
7 laborative coordination, education, and outreach ef-
8 fort to streamline communication and promote avail-
9 able Federal opportunities and assistance described
10 in paragraph (1) for energy efficiency, renewable en-
11 ergy, and energy retrofitting projects that enables
12 States, local educational agencies, and schools—

13 (A) to use existing Federal opportunities
14 more effectively; and

15 (B) to form partnerships with Governors,
16 State energy programs, local educational, finan-
17 cial, and energy officials, State and local gov-
18 ernment officials, nonprofit organizations, and
19 other appropriate entities to support the initi-
20 ation of the projects;

21 (3) provide technical assistance for States, local
22 educational agencies, and schools to help develop
23 and finance energy efficiency, renewable energy, and
24 energy retrofitting projects—

1 (A) to increase the energy efficiency of
2 buildings or facilities;

3 (B) to install systems that individually
4 generate energy from renewable energy re-
5 sources;

6 (C) to establish partnerships to leverage
7 economies of scale and additional financing
8 mechanisms available to larger clean energy ini-
9 tiatives; or

10 (D) to promote—

11 (i) the maintenance of health, environ-
12 mental quality, and safety in schools, in-
13 cluding the ambient air quality, through
14 energy efficiency, renewable energy, and
15 energy retrofit projects; and

16 (ii) the achievement of expected en-
17 ergy savings and renewable energy produc-
18 tion through proper operations and main-
19 tenance practices;

20 (4) develop and maintain a single online re-
21 source website with contact information for relevant
22 technical assistance and support staff in the Office
23 of Energy Efficiency and Renewable Energy for
24 States, local educational agencies, and schools to ef-
25 fectively access and use Federal opportunities and

1 assistance described in paragraph (1) to develop en-
2 ergy efficiency, renewable energy, and energy retro-
3 fitting projects; and

4 (5) establish a process for recognition of schools
5 that—

6 (A) have successfully implemented energy
7 efficiency, renewable energy, and energy retro-
8 fitting projects; and

9 (B) are willing to serve as resources for
10 other local educational agencies and schools to
11 assist initiation of similar efforts.

12 (d) REPORT.—Not later than 180 days after the date
13 of enactment of this Act, the Secretary shall submit to
14 Congress a report describing the implementation of this
15 section.

16 **SEC. 1004. ENERGY EFFICIENCY MATERIALS PILOT PRO-**
17 **GRAM.**

18 (a) DEFINITIONS.—In this section:

19 (1) APPLICANT.—The term “applicant” means
20 a nonprofit organization that applies for a grant
21 under this section.

22 (2) ENERGY-EFFICIENCY MATERIALS.—

23 (A) IN GENERAL.—The term “energy-effi-
24 ciency materials” means a measure (including a
25 product, equipment, or system) that results in

1 a reduction in use by a nonprofit organization
2 for energy or fuel supplied from outside the
3 nonprofit building.

4 (B) INCLUSIONS.—The term “energy-effi-
5 ciency materials” includes an item involving—

6 (i) a roof or lighting system, or com-
7 ponent of a roof or lighting system;

8 (ii) a window;

9 (iii) a door, including a security door;

10 or

11 (iv) a heating, ventilation, or air con-
12 ditioning system or component of the sys-
13 tem (including insulation and wiring and
14 plumbing materials needed to serve a more
15 efficient system); and

16 (v) a renewable energy generation or
17 heating system, including a solar, photo-
18 voltaic, wind, geothermal, or biomass (in-
19 cluding wood pellet) system or component
20 of the system.

21 (3) NONPROFIT BUILDING.—

22 (A) IN GENERAL.—The term “nonprofit
23 building” means a building operated and owned
24 by a nonprofit organization.

1 (B) INCLUSIONS.—The term “nonprofit
2 building” includes a building described in sub-
3 paragraph (A) that is—

- 4 (i) a hospital;
5 (ii) a youth center;
6 (iii) a school;
7 (iv) a social-welfare program facility;
8 (v) a faith-based organization; and
9 (vi) any other nonresidential and non-
10 commercial structure.

11 (b) ESTABLISHMENT.—Not later than 1 year after
12 the date of enactment of this Act, the Secretary shall es-
13 tablish a pilot program to award grants for the purpose
14 of providing nonprofit buildings with energy-efficiency ma-
15 terials.

16 (c) GRANTS.—

17 (1) IN GENERAL.—The Secretary may award
18 grants under the program established under sub-
19 section (b).

20 (2) APPLICATION.—The Secretary may award a
21 grant under this section if an applicant submits to
22 the Secretary an application at such time, in such
23 form, and containing such information as the Sec-
24 retary may prescribe.

1 (3) CRITERIA FOR GRANT.—In determining
2 whether to award a grant under this section, the
3 Secretary shall apply performance-based criteria,
4 which shall give priority to applications based on—

5 (A) the energy savings achieved;

6 (B) the cost-effectiveness of the use of en-
7 ergy-efficiency materials;

8 (C) an effective plan for evaluation, meas-
9 urement, and verification of energy savings; and

10 (D) the financial need of the applicant.

11 (4) LIMITATION ON INDIVIDUAL GRANT
12 AMOUNT.—Each grant awarded under this section
13 shall not exceed \$200,000.

14 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
15 authorized to be appropriated to carry out this section
16 \$10,000,000 for each of fiscal years 2016 through 2020,
17 to remain available until expended.

18 **SEC. 1005. UTILITY ENERGY SERVICE CONTRACTS.**

19 Section 546 of the National Energy Conservation
20 Policy Act (42 U.S.C. 8256) is amended by adding at the
21 end the following:

22 “(f) UTILITY ENERGY SERVICE CONTRACTS.—

23 “(1) IN GENERAL.—Each Federal agency may
24 use, to the maximum extent practicable, measures
25 provided by law to meet energy efficiency and con-

1 servation mandates and laws, including through util-
2 ity energy service contracts.

3 “(2) CONTRACT PERIOD.—The term of a utility
4 energy service contract entered into by a Federal
5 agency may have a contract period that extends be-
6 yond 10 years, but not to exceed 25 years.

7 “(3) REQUIREMENTS.—The conditions of a util-
8 ity energy service contract entered into by a Federal
9 agency shall include requirements for measurement,
10 verification, and performance assurances or guaran-
11 tees of the savings.”.

12 **SEC. 1006. USE OF ENERGY AND WATER EFFICIENCY MEAS-**
13 **URES IN FEDERAL BUILDINGS.**

14 (a) ENERGY MANAGEMENT REQUIREMENTS.—Sec-
15 tion 543(f)(4) of the National Energy Conservation Policy
16 Act (42 U.S.C. 8253(f)(4)) is amended by striking “may”
17 and inserting “shall”.

18 (b) REPORTS.—Section 548(b) of the National En-
19 ergy Conservation Policy Act (42 U.S.C. 8258(b)) is
20 amended—

21 (1) in paragraph (3), by striking “and” at the
22 end;

23 (2) in paragraph (4), by striking the period at
24 the end and inserting “; and”; and

25 (3) by adding at the end the following:

1 “(5)(A) the status of the energy savings per-
2 formance contracts and utility energy service con-
3 tracts of each agency;

4 “(B) the investment value of the contracts;

5 “(C) the guaranteed energy savings for the pre-
6 vious year as compared to the actual energy savings
7 for the previous year;

8 “(D) the plan for entering into the contracts in
9 the coming year; and

10 “(E) information explaining why any previously
11 submitted plans for the contracts were not imple-
12 mented.”.

13 (c) DEFINITION OF ENERGY CONSERVATION MEAS-
14 URES.—Section 551(4) of the National Energy Conserva-
15 tion Policy Act (42 U.S.C. 8259(4)) is amended by strik-
16 ing “or retrofit activities” and inserting “retrofit activi-
17 ties, or energy consuming devices and required support
18 structures”.

19 (d) AUTHORITY TO ENTER INTO CONTRACTS.—Sec-
20 tion 801(a)(2)(F) of the National Energy Conservation
21 Policy Act (42 U.S.C. 8287(a)(2)(F)) is amended—

22 (1) in clause (i), by striking “or” at the end;

23 (2) in clause (ii), by striking the period at the
24 end and inserting “; or”; and

25 (3) by adding at the end the following:

1 “(iii) limit the recognition of oper-
2 ation and maintenance savings associated
3 with systems modernized or replaced with
4 the implementation of energy conservation
5 measures, water conservation measures, or
6 any combination of energy conservation
7 measures and water conservation meas-
8 ures.”.

9 (e) MISCELLANEOUS AUTHORITY.—Section
10 801(a)(2) of the National Energy Conservation Policy Act
11 (42 U.S.C. 8287(a)(2)) is amended by adding at the end
12 the following:

13 “(H) MISCELLANEOUS AUTHORITY.—Not-
14 withstanding any other provision of law, a Fed-
15 eral agency may sell or transfer energy savings
16 and apply the proceeds of the sale or transfer
17 to fund a contract under this title.”.

18 (f) PAYMENT OF COSTS.—Section 802 of the Na-
19 tional Energy Conservation Policy Act (42 U.S.C. 8287a)
20 is amended by striking “(and related operation and main-
21 tenance expenses)” and inserting “, including related op-
22 erations and maintenance expenses”.

23 (g) DEFINITION OF FEDERAL BUILDING.—Section
24 551(6) of the National Energy Conservation Policy Act
25 (42 U.S.C. 8259(6)) is amended by striking the semicolon

1 at the end and inserting “the term does not include a dam,
2 reservoir, or hydropower facility owned or operated by a
3 Federal agency;”.

4 (h) DEFINITION OF ENERGY SAVINGS.—Section
5 804(2) of the National Energy Conservation Policy Act
6 (42 U.S.C. 8287c(2)) is amended—

7 (1) in subparagraph (A), by striking “federally
8 owned building or buildings or other federally owned
9 facilities” and inserting “Federal building (as de-
10 fined in section 551)” each place it appears;

11 (2) in subparagraph (C), by striking “; and”
12 and inserting a semicolon;

13 (3) in subparagraph (D), by striking the period
14 at the end and inserting a semicolon; and

15 (4) by adding at the end the following:

16 “(E) the use, sale, or transfer of energy in-
17 centives, rebates, or credits (including renew-
18 able energy credits) from Federal, State, or
19 local governments or utilities; and

20 “(F) any revenue generated from a reduc-
21 tion in energy or water use, more efficient
22 waste recycling, or additional energy generated
23 from more efficient equipment.”.

1 **SEC. 1007. BUILDING TRAINING AND ASSESSMENT CEN-**
2 **TERS.**

3 (a) IN GENERAL.—The Secretary shall provide
4 grants to institutions of higher education (as defined in
5 section 101 of the Higher Education Act of 1965 (20
6 U.S.C. 1001)) and Tribal Colleges or Universities (as de-
7 fined in section 316(b) of that Act (20 U.S.C. 1059c(b)))
8 to establish building training and assessment centers—

9 (1) to identify opportunities for optimizing en-
10 ergy efficiency and environmental performance in
11 buildings;

12 (2) to promote the application of emerging con-
13 cepts and technologies in commercial and institu-
14 tional buildings;

15 (3) to train engineers, architects, building sci-
16 entists, building energy permitting and enforcement
17 officials, and building technicians in energy-efficient
18 design and operation;

19 (4) to assist institutions of higher education
20 and Tribal Colleges or Universities in training build-
21 ing technicians;

22 (5) to promote research and development for
23 the use of alternative energy sources and distributed
24 generation to supply heat and power for buildings,
25 particularly energy-intensive buildings; and

1 (6) to coordinate with and assist State-accred-
2 ited technical training centers, community colleges,
3 Tribal Colleges or Universities, and local offices of
4 the National Institute of Food and Agriculture and
5 ensure appropriate services are provided under this
6 section to each region of the United States.

7 (b) COORDINATION AND NONDUPLICATION.—

8 (1) IN GENERAL.—The Secretary shall coordi-
9 nate the program with the industrial research and
10 assessment centers program and with other Federal
11 programs to avoid duplication of effort.

12 (2) COLLOCATION.—To the maximum extent
13 practicable, building, training, and assessment cen-
14 ters established under this section shall be collocated
15 with Industrial Assessment Centers.

16 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
17 authorized to be appropriated to carry out this section
18 \$10,000,000, to remain available until expended.

19 **SEC. 1008. CAREER SKILLS TRAINING.**

20 (a) IN GENERAL.—The Secretary shall pay grants to
21 eligible entities described in subsection (b) to pay the Fed-
22 eral share of associated career skills training programs
23 under which students concurrently receive classroom in-
24 struction and on-the-job training for the purpose of ob-
25 taining an industry-related certification to install energy

1 efficient buildings technologies, including technologies de-
2 scribed in section 307(b)(3) of the Energy Conservation
3 and Production Act (42 U.S.C. 6836(b)(3)).

4 (b) ELIGIBILITY.—To be eligible to obtain a grant
5 under subsection (a), an entity shall be a nonprofit part-
6 nership described in section 171(e)(2)(B)(ii) of the Work-
7 force Investment Act of 1998 (29 U.S.C.
8 2916(e)(2)(B)(ii)).

9 (c) FEDERAL SHARE.—The Federal share of the cost
10 of carrying out a career skills training program described
11 in subsection (a) shall be 50 percent.

12 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
13 authorized to be appropriated to carry out this section
14 \$10,000,000, to remain available until expended.

15 **SEC. 1009. ENERGY-EFFICIENT AND ENERGY-SAVING IN-**
16 **FORMATION TECHNOLOGIES.**

17 Section 543 of the National Energy Conservation
18 Policy Act (42 U.S.C. 8253) is amended by adding at the
19 end the following:

20 “(h) FEDERAL IMPLEMENTATION STRATEGY FOR
21 ENERGY-EFFICIENT AND ENERGY-SAVING INFORMATION
22 TECHNOLOGIES.—

23 “(1) DEFINITIONS.—In this subsection:

1 “(A) DIRECTOR.—The term ‘Director’
2 means the Director of the Office of Manage-
3 ment and Budget.

4 “(B) INFORMATION TECHNOLOGY.—The
5 term ‘information technology’ has the meaning
6 given the term in section 11101 of title 40,
7 United States Code.

8 “(2) DEVELOPMENT OF IMPLEMENTATION
9 STRATEGY.—Not later than 1 year after the date of
10 enactment of this subsection, each Federal agency
11 shall collaborate with the Director to develop an im-
12 plementation strategy (including best-practices and
13 measurement and verification techniques) for the
14 maintenance, purchase, and use by the Federal
15 agency of energy-efficient and energy-saving infor-
16 mation technologies.

17 “(3) ADMINISTRATION.—In developing an im-
18 plementation strategy, each Federal agency shall
19 consider—

20 “(A) advanced metering infrastructure;

21 “(B) energy efficient data center strategies
22 and methods of increasing asset and infrastruc-
23 ture utilization;

24 “(C) advanced power management tools;

1 “(D) building information modeling, in-
2 cluding building energy management; and

3 “(E) secure telework and travel substi-
4 tution tools.

5 “(4) PERFORMANCE GOALS.—

6 “(A) IN GENERAL.—Not later than Sep-
7 tember 30, 2015, the Director, in consultation
8 with the Secretary, shall establish performance
9 goals for evaluating the efforts of Federal agen-
10 cies in improving the maintenance, purchase,
11 and use of energy-efficient and energy-saving
12 information technology systems.

13 “(B) BEST PRACTICES.—The Chief Infor-
14 mation Officers Council established under sec-
15 tion 3603 of title 44, United States Code, shall
16 supplement the performance goals established
17 under this paragraph with recommendations on
18 best practices for the attainment of the per-
19 formance goals, to include a requirement for
20 agencies to consider the use of—

21 “(i) energy savings performance con-
22 tracting; and

23 “(ii) utility energy services con-
24 tracting.

25 “(5) REPORTS.—

1 “(A) AGENCY REPORTS.—Each Federal
2 agency subject to the requirements of this sub-
3 section shall include in the report of the agency
4 under section 527 of the Energy Independence
5 and Security Act of 2007 (42 U.S.C. 17143) a
6 description of the efforts and results of the
7 agency under this subsection.

8 “(B) OMB GOVERNMENT EFFICIENCY RE-
9 PORTS AND SCORECARDS.—Effective beginning
10 not later than October 1, 2015, the Director
11 shall include in the annual report and scorecard
12 of the Director required under section 528 of
13 the Energy Independence and Security Act of
14 2007 (42 U.S.C. 17144) a description of the ef-
15 forts and results of Federal agencies under this
16 subsection.

17 “(C) USE OF EXISTING REPORTING STRUC-
18 TURES.—The Director may require Federal
19 agencies to submit any information required to
20 be submitted under this subsection though re-
21 porting structures in use as of the date of en-
22 actment of the Energy Policy Modernization
23 Act of 2016.”.

1 **SEC. 1010. AVAILABILITY OF FUNDS FOR DESIGN UPDATES.**

2 Section 3307 of title 40, United States Code, is
3 amended—

4 (1) by redesignating subsections (d) through (h)
5 as subsections (e) through (i), respectively; and

6 (2) by inserting after subsection (c) the fol-
7 lowing:

8 “(d) AVAILABILITY OF FUNDS FOR DESIGN UP-
9 DATES.—

10 “(1) IN GENERAL.—Subject to paragraph (2),
11 for any project for which congressional approval is
12 received under subsection (a) and for which the de-
13 sign has been substantially completed but construc-
14 tion has not begun, the Administrator of General
15 Services may use appropriated funds to update the
16 project design to meet applicable Federal building
17 energy efficiency standards established under section
18 305 of the Energy Conservation and Production Act
19 (42 U.S.C. 6834) and other requirements estab-
20 lished under section 3312.

21 “(2) LIMITATION.—The use of funds under
22 paragraph (1) shall not exceed 125 percent of the
23 estimated energy or other cost savings associated
24 with the updates as determined by a life cycle cost
25 analysis under section 544 of the National Energy
26 Conservation Policy Act (42 U.S.C. 8254).”.

1 **SEC. 1011. ENERGY EFFICIENT DATA CENTERS.**

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

4 (1) in subsection (b)—

5 (A) in paragraph (2)(D)(iv), by striking
6 “the organization” and inserting “an organiza-
7 tion”; and

8 (B) by striking paragraph (3); and

9 (2) by striking subsections (e) through (g) and
10 inserting the following:

11 “(c) **STAKEHOLDER INVOLVEMENT.**—

12 “(1) **IN GENERAL.**—The Secretary and the Ad-
13 ministrator shall carry out subsection (b) in con-
14 sultation with the information technology industry
15 and other key stakeholders, with the goal of pro-
16 ducing results that accurately reflect the best knowl-
17 edge in the most pertinent domains.

18 “(2) **CONSIDERATIONS.**—In carrying out con-
19 sultation described in paragraph (1), the Secretary
20 and the Administrator shall pay particular attention
21 to organizations that—

22 “(A) have members with expertise in en-
23 ergy efficiency and in the development, oper-
24 ation, and functionality of data centers, infor-
25 mation technology equipment, and software, in-
26 cluding representatives of hardware manufac-

1 turers, data center operators, and facility man-
2 agers;

3 “(B) obtain and address input from the
4 National Laboratories (as that term is defined
5 in section 2 of the Energy Policy Act of 2005
6 (42 U.S.C. 15801)) or any institution of higher
7 education, research institution, industry asso-
8 ciation, company, or public interest group with
9 applicable expertise;

10 “(C) follow—

11 “(i) commonly accepted procedures
12 for the development of specifications; and

13 “(ii) accredited standards development
14 processes; or

15 “(D) have a mission to promote energy ef-
16 ficiency for data centers and information tech-
17 nology.

18 “(d) MEASUREMENTS AND SPECIFICATIONS.—The
19 Secretary and the Administrator shall consider and assess
20 the adequacy of the specifications, measurements, and
21 benchmarks described in subsection (b) for use by the
22 Federal Energy Management Program, the Energy Star
23 Program, and other efficiency programs of the Depart-
24 ment of Energy or the Environmental Protection Agency.

1 “(e) STUDY.—The Secretary, in consultation with the
2 Administrator, not later than 18 months after the date
3 of enactment of the Energy Policy Modernization Act of
4 2016, shall make available to the public an update to the
5 report submitted to Congress pursuant to section 1 of the
6 Act of December 20, 2006 (Public Law 109–431; 120
7 Stat. 2920), entitled ‘Report to Congress on Server and
8 Data Center Energy Efficiency’ and dated August 2,
9 2007, that provides—

10 “(1) a comparison and gap analysis of the esti-
11 mates and projections contained in the original re-
12 port with new data regarding the period from 2007
13 through 2014;

14 “(2) an analysis considering the impact of in-
15 formation technologies, including virtualization and
16 cloud computing, in the public and private sectors;

17 “(3) an evaluation of the impact of the com-
18 bination of cloud platforms, mobile devices, social
19 media, and big data on data center energy usage;

20 “(4) an evaluation of water usage in data cen-
21 ters and recommendations for reductions in such
22 water usage; and

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

1 “(f) DATA CENTER ENERGY PRACTITIONER PRO-
2 GRAM.—

3 “(1) IN GENERAL.—The Secretary, in consulta-
4 tion with key stakeholders and the Director of the
5 Office of Management and Budget, shall maintain a
6 data center energy practitioner program that pro-
7 vides for the certification of energy practitioners
8 qualified to evaluate the energy usage and efficiency
9 opportunities in Federal data centers.

10 “(2) EVALUATIONS.—Each Federal agency
11 shall consider having the data centers of the agency
12 evaluated once every 4 years by energy practitioners
13 certified pursuant to the program, whenever prac-
14 ticable using certified practitioners employed by the
15 agency.

16 “(g) OPEN DATA INITIATIVE.—

17 “(1) IN GENERAL.—The Secretary, in consulta-
18 tion with key stakeholders and the Director of the
19 Office of Management and Budget, shall establish
20 an open data initiative for Federal data center en-
21 ergy usage data, with the purpose of making the
22 data available and accessible in a manner that en-
23 courages further data center innovation, optimiza-
24 tion, and consolidation.

1 “(2) CONSIDERATION.—In establishing the ini-
2 tiative under paragraph (1), the Secretary shall con-
3 sider using the online Data Center Maturity Model.

4 “(h) INTERNATIONAL SPECIFICATIONS AND
5 METRICS.—The Secretary, in consultation with key stake-
6 holders, shall actively participate in efforts to harmonize
7 global specifications and metrics for data center energy
8 and water efficiency.

9 “(i) DATA CENTER UTILIZATION METRIC.—The Sec-
10 retary, in collaboration with key stakeholders, shall facili-
11 tate in the development of an efficiency metric that meas-
12 ures the energy efficiency of a data center (including
13 equipment and facilities).

14 “(j) PROTECTION OF PROPRIETARY INFORMATION.—
15 The Secretary and the Administrator shall not disclose
16 any proprietary information or trade secrets provided by
17 any individual or company for the purposes of carrying
18 out this section or the programs and initiatives established
19 under this section.”.

20 **SEC. 1012. WEATHERIZATION ASSISTANCE PROGRAM.**

21 (a) REAUTHORIZATION OF WEATHERIZATION AS-
22 SISTANCE PROGRAM.—Section 422 of the Energy Con-
23 servation and Production Act (42 U.S.C. 6872) is amend-
24 ed by striking “appropriated—” and all that follows
25 through the period at the end and inserting “appropriated

1 \$350,000,000 for each of fiscal years 2016 through
2 2020.”.

3 (b) GRANTS FOR NEW, SELF-SUSTAINING LOW-IN-
4 COME, SINGLE-FAMILY AND MULTIFAMILY HOUSING EN-
5 ERGY RETROFIT MODEL PROGRAMS TO ELIGIBLE
6 MULTISTATE HOUSING AND ENERGY NONPROFIT ORGA-
7 NIZATIONS.—The Energy Conservation and Production
8 Act is amended by inserting after section 414B (42 U.S.C.
9 6864b) the following:

10 **“SEC. 414C. GRANTS FOR NEW, SELF-SUSTAINING LOW-IN-**
11 **COME, SINGLE-FAMILY AND MULTIFAMILY**
12 **HOUSING ENERGY RETROFIT MODEL PRO-**
13 **GRAMS TO ELIGIBLE MULTISTATE HOUSING**
14 **AND ENERGY NONPROFIT ORGANIZATIONS.**

15 “(a) PURPOSES.—The purposes of this section are—

16 “(1) to expand the number of low-income, sin-
17 gle-family and multifamily homes that receive energy
18 efficiency retrofits;

19 “(2) to promote innovation and new models of
20 retrofitting low-income homes through new Federal
21 partnerships with covered organizations that lever-
22 age substantial donations, donated materials, volun-
23 teer labor, homeowner labor equity, and other pri-
24 vate sector resources;

1 “(3) to assist the covered organizations in dem-
2 onstrating, evaluating, improving, and replicating
3 widely the model low-income energy retrofit pro-
4 grams of the covered organizations; and

5 “(4) to ensure that the covered organizations
6 make the energy retrofit programs of the covered or-
7 ganizations self-sustaining by the time grant funds
8 have been expended.

9 “(b) DEFINITIONS.—In this section:

10 “(1) COVERED ORGANIZATION.—The term ‘cov-
11 ered organization’ means an organization that—

12 “(A) is described in section 501(c)(3) of
13 the Internal Revenue Code of 1986 and exempt
14 from taxation under 501(a) of that Code; and

15 “(B) has an established record of con-
16 structing, renovating, repairing, or making en-
17 ergy efficient a total of not less than 250
18 owner-occupied, single-family or multifamily
19 homes per year for low-income households, ei-
20 ther directly or through affiliates, chapters, or
21 other direct partners (using the most recent
22 year for which data are available).

23 “(2) LOW-INCOME.—The term ‘low-income’
24 means an income level that is not more than 200
25 percent of the poverty level (as determined in ac-

1 cordance with criteria established by the Director of
2 the Office of Management and Budget) applicable to
3 a family of the size involved, except that the Sec-
4 retary may establish a higher or lower level if the
5 Secretary determines that a higher or lower level is
6 necessary to carry out this section.

7 “(3) WEATHERIZATION ASSISTANCE PROGRAM
8 FOR LOW-INCOME PERSONS.—The term ‘Weatheriza-
9 tion Assistance Program for Low-Income Persons’
10 means the program established under this part (in-
11 cluding part 440 of title 10, Code of Federal Regu-
12 lations, or successor regulations).

13 “(c) COMPETITIVE GRANT PROGRAM.—The Sec-
14 retary shall make grants to covered organizations through
15 a national competitive process for use in accordance with
16 this section.

17 “(d) AWARD FACTORS.—In making grants under this
18 section, the Secretary shall consider—

19 “(1) the number of low-income homes the appli-
20 cant—

21 “(A) has built, renovated, repaired, or
22 made more energy efficient as of the date of the
23 application; and

24 “(B) can reasonably be projected to build,
25 renovate, repair, or make energy efficient dur-

1 ing the 10-year period beginning on the date of
2 the application;

3 “(2) the qualifications, experience, and past
4 performance of the applicant, including experience
5 successfully managing and administering Federal
6 funds;

7 “(3) the number and diversity of States and cli-
8 mates in which the applicant works as of the date
9 of the application;

10 “(4) the amount of non-Federal funds, donated
11 or discounted materials, discounted or volunteer
12 skilled labor, volunteer unskilled labor, homeowner
13 labor equity, and other resources the applicant will
14 provide;

15 “(5) the extent to which the applicant could
16 successfully replicate the energy retrofit program of
17 the applicant and sustain the program after the
18 grant funds have been expended;

19 “(6) regional diversity;

20 “(7) urban, suburban, and rural localities; and

21 “(8) such other factors as the Secretary deter-
22 mines to be appropriate.

23 “(e) APPLICATIONS.—

24 “(1) IN GENERAL.—Not later than 180 days
25 after the date of enactment of this section, the Sec-

1 retary shall request proposals from covered organiza-
2 tions.

3 “(2) ADMINISTRATION.—To be eligible to re-
4 ceive a grant under this section, an applicant shall
5 submit to the Secretary an application at such time,
6 in such manner, and containing such information as
7 the Secretary may require.

8 “(3) AWARDS.—Not later than 90 days after
9 the date of issuance of a request for proposals, the
10 Secretary shall award grants under this section.

11 “(f) ELIGIBLE USES OF GRANT FUNDS.—A grant
12 under this section may be used for—

13 “(1) energy efficiency audits, cost-effective ret-
14 rofit, and related activities in different climatic re-
15 gions of the United States;

16 “(2) energy efficiency materials and supplies;

17 “(3) organizational capacity—

18 “(A) to significantly increase the number
19 of energy retrofits;

20 “(B) to replicate an energy retrofit pro-
21 gram in other States; and

22 “(C) to ensure that the program is self-
23 sustaining after the Federal grant funds are ex-
24 pended;

1 “(4) energy efficiency, audit and retrofit train-
2 ing, and ongoing technical assistance;

3 “(5) information to homeowners on proper
4 maintenance and energy savings behaviors;

5 “(6) quality control and improvement;

6 “(7) data collection, measurement, and
7 verification;

8 “(8) program monitoring, oversight, evaluation,
9 and reporting;

10 “(9) management and administration (up to a
11 maximum of 10 percent of the total grant);

12 “(10) labor and training activities; and

13 “(11) such other activities as the Secretary de-
14 termines to be appropriate.

15 “(g) MAXIMUM AMOUNT.—

16 “(1) IN GENERAL.—The amount of a grant
17 provided under this section shall not exceed—

18 “(A) if the amount made available to carry
19 out this section for a fiscal year is
20 \$225,000,000 or more, \$5,000,000; and

21 “(B) if the amount made available to carry
22 out this section for a fiscal year is less than
23 \$225,000,000, \$1,500,000.

24 “(2) TECHNICAL AND TRAINING ASSISTANCE.—

25 The total amount of a grant provided under this sec-

1 tion shall be reduced by the cost of any technical
2 and training assistance provided by the Secretary
3 that relates to the grant.

4 “(h) GUIDELINES.—

5 “(1) IN GENERAL.—Not later than 90 days
6 after the date of enactment of this section, the Sec-
7 retary shall issue guidelines to implement the grant
8 program established under this section.

9 “(2) ADMINISTRATION.—The guidelines—

10 “(A) shall not apply to the Weatherization
11 Assistance Program for Low-Income Persons,
12 in whole or major part; but

13 “(B) may rely on applicable provisions of
14 law governing the Weatherization Assistance
15 Program for Low-Income Persons to estab-
16 lish—

17 “(i) standards for allowable expendi-
18 tures;

19 “(ii) a minimum savings-to-investment
20 ratio;

21 “(iii) standards—

22 “(I) to carry out training pro-
23 grams;

24 “(II) to conduct energy audits
25 and program activities;

1 “(III) to provide technical assist-
2 ance;

3 “(IV) to monitor program activi-
4 ties; and

5 “(V) to verify energy and cost
6 savings;

7 “(iv) liability insurance requirements;
8 and

9 “(v) recordkeeping requirements,
10 which shall include reporting to the Office
11 of Weatherization and Intergovernmental
12 Programs of the Department of Energy
13 applicable data on each home retrofitted.

14 “(i) REVIEW AND EVALUATION.—The Secretary shall
15 review and evaluate the performance of any covered orga-
16 nization that receives a grant under this section (which
17 may include an audit), as determined by the Secretary.

18 “(j) COMPLIANCE WITH STATE AND LOCAL LAW.—
19 Nothing in this section or any program carried out using
20 a grant provided under this section supersedes or other-
21 wise affects any State or local law, to the extent that the
22 State or local law contains a requirement that is more
23 stringent than the applicable requirement of this section.

24 “(k) ANNUAL REPORTS.—The Secretary shall submit
25 to Congress annual reports that provide—

1 “(1) findings;

2 “(2) a description of energy and cost savings
3 achieved and actions taken under this section; and

4 “(3) any recommendations for further action.

5 “(1) FUNDING.—Of the amount of funds that are
6 made available to carry out the Weatherization Assistance
7 Program for each of fiscal years 2016 through 2020 under
8 section 422, the Secretary shall use to carry out this sec-
9 tion for each of fiscal years 2016 through 2020 not less
10 than—

11 “(1) 2 percent of the amount if the amount is
12 less than \$225,000,000;

13 “(2) 5 percent of the amount if the amount is
14 \$225,000,000 or more but less than \$260,000,000;
15 and

16 “(3) 10 percent of the amount if the amount is
17 \$260,000,000 or more.”.

18 (c) STANDARDS PROGRAM.—Section 415 of the En-
19 ergy Conservation and Production Act (42 U.S.C. 6865)
20 is amended by adding at the end the following:

21 “(f) STANDARDS PROGRAM.—

22 “(1) CONTRACTOR QUALIFICATION.—Effective
23 beginning January 1, 2016, to be eligible to carry
24 out weatherization using funds made available under

1 this part, a contractor shall be selected through a
2 competitive bidding process and be—

3 “(A) accredited by the Building Perform-
4 ance Institute;

5 “(B) an Energy Smart Home Performance
6 Team accredited under the Residential Energy
7 Services Network; or

8 “(C) accredited by an equivalent accredita-
9 tion or program accreditation-based State cer-
10 tification program approved by the Secretary.

11 “(2) GRANTS FOR ENERGY RETROFIT MODEL
12 PROGRAMS.—

13 “(A) IN GENERAL.—To be eligible to re-
14 ceive a grant under section 414C, a covered or-
15 ganization (as defined in section 414C(b)) shall
16 use a crew chief who—

17 “(i) is certified or accredited in ac-
18 cordance with paragraph (1); and

19 “(ii) supervises the work performed
20 with grant funds.

21 “(B) VOLUNTEER LABOR.—A volunteer
22 who performs work for a covered organization
23 that receives a grant under section 414C shall
24 not be required to be certified under this sub-
25 section if the volunteer is not directly installing

1 or repairing mechanical equipment or other
2 items that require skilled labor.

3 “(C) TRAINING.—The Secretary shall use
4 training and technical assistance funds available
5 to the Secretary to assist covered organizations
6 under section 414C in providing training to ob-
7 tain certification required under this subsection,
8 including provisional or temporary certification.

9 “(3) MINIMUM EFFICIENCY STANDARDS.—Ef-
10 fective beginning October 1, 2016, the Secretary
11 shall ensure that—

12 “(A) each retrofit for which weatherization
13 assistance is provided under this part meets
14 minimum efficiency and quality of work stand-
15 ards established by the Secretary after weather-
16 ization of a dwelling unit;

17 “(B) at least 10 percent of the dwelling
18 units are randomly inspected by a third party
19 accredited under this subsection to ensure com-
20 pliance with the minimum efficiency and quality
21 of work standards established under subpara-
22 graph (A); and

23 “(C) the standards established under this
24 subsection meet or exceed the industry stand-
25 ards for home performance work that are in ef-

1 fect on the date of enactment of this subsection,
2 as determined by the Secretary.”.

3 **SEC. 1013. REAUTHORIZATION OF STATE ENERGY PRO-**
4 **GRAM.**

5 Section 365(f) of the Energy Policy and Conservation
6 Act (42 U.S.C. 6325(f)) is amended by striking
7 “\$125,000,000 for each of fiscal years 2007 through
8 2012” and inserting “\$90,000,000 for each of fiscal years
9 2016 through 2020, of which not greater than 5 percent
10 may be used to provide competitively awarded financial as-
11 sistance”.

12 **SEC. 1014. SMART BUILDING ACCELERATION.**

13 (a) DEFINITIONS.—In this section:

14 (1) PROGRAM.—The term “program” means
15 the Federal Smart Building Program established
16 under subsection (b)(1).

17 (2) SMART BUILDING.—The term “smart build-
18 ing” means a building, or collection of buildings,
19 with an energy system that—

20 (A) is flexible and automated;

21 (B) has extensive operational monitoring
22 and communication connectivity, allowing re-
23 mote monitoring and analysis of all building
24 functions;

1 (C) takes a systems-based approach in in-
2 tegrating the overall building operations for
3 control of energy generation, consumption, and
4 storage;

5 (D) communicates with utilities and other
6 third-party commercial entities, if appropriate;
7 and

8 (E) is cybersecure.

9 (3) SMART BUILDING ACCELERATOR.—The
10 term “smart building accelerator” means an initia-
11 tive that is designed to demonstrate specific innova-
12 tive policies and approaches—

13 (A) with clear goals and a clear timeline;
14 and

15 (B) that, on successful demonstration,
16 would accelerate investment in energy effi-
17 ciency.

18 (b) FEDERAL SMART BUILDING PROGRAM.—

19 (1) ESTABLISHMENT.—Not later than 1 year
20 after the date of enactment of this Act, the Sec-
21 retary shall establish a program to be known as the
22 “Federal Smart Building Program”—

23 (A) to implement smart building tech-
24 nology; and

1 (B) to demonstrate the costs and benefits
2 of smart buildings.

3 (2) SELECTION.—

4 (A) IN GENERAL.—The Secretary shall co-
5 ordinate the selection of not fewer than 1 build-
6 ing from among each of several key Federal
7 agencies, as described in paragraph (4), to com-
8 pose an appropriately diverse set of smart
9 buildings based on size, type, and geographic lo-
10 cation.

11 (B) INCLUSION OF COMMERCIALY OPER-
12 ATED BUILDINGS.—In making selections under
13 subparagraph (A), the Secretary may include
14 buildings that are owned by the Federal Gov-
15 ernment but are commercially operated.

16 (3) TARGETS.—Not later than 18 months after
17 the date of enactment of this Act, the Secretary
18 shall establish targets for the number of smart
19 buildings to be commissioned and evaluated by key
20 Federal agencies by 3 years and 6 years after the
21 date of enactment of this Act.

22 (4) FEDERAL AGENCY DESCRIBED.—The key
23 Federal agencies referred to in this subsection shall
24 include buildings operated by—

25 (A) the Department of the Army;

- 1 (B) the Department of the Navy;
2 (C) the Department of the Air Force;
3 (D) the Department;
4 (E) the Department of the Interior;
5 (F) the Department of Veterans Affairs;
6 and
7 (G) the General Services Administration.

8 (5) REQUIREMENT.—In implementing the pro-
9 gram, the Secretary shall leverage existing financing
10 mechanisms including energy savings performance
11 contracts, utility energy service contracts, and an-
12 nual appropriations.

13 (6) EVALUATION.—Using the guidelines of the
14 Federal Energy Management Program relating to
15 whole-building evaluation, measurement, and
16 verification, the Secretary shall evaluate the costs
17 and benefits of the buildings selected under para-
18 graph (2), including an identification of—

- 19 (A) which advanced building tech-
20 nologies—
21 (i) are most cost-effective; and
22 (ii) show the most promise for—
23 (I) increasing building energy
24 savings;

- 1 (II) increasing service perform-
2 ance to building occupants;
3 (III) reducing environmental im-
4 pacts; and
5 (IV) establishing cybersecurity;
6 and
7 (B) any other information the Secretary
8 determines to be appropriate.

9 (7) AWARDS.—The Secretary may expand
10 awards made under the Federal Energy Manage-
11 ment Program and the Better Building Challenge to
12 recognize specific agency achievements in accel-
13 erating the adoption of smart building technologies.

14 (c) SURVEY OF PRIVATE SECTOR SMART BUILD-
15 INGS.—

16 (1) SURVEY.—The Secretary shall conduct a
17 survey of privately owned smart buildings through-
18 out the United States, including commercial build-
19 ings, laboratory facilities, hospitals, multifamily resi-
20 dential buildings, and buildings owned by nonprofit
21 organizations and institutions of higher education.

22 (2) SELECTION.—From among the smart build-
23 ings surveyed under paragraph (1), the Secretary
24 shall select not fewer than 1 building each from an

1 appropriate range of building sizes, types, and geo-
2 graphic locations.

3 (3) EVALUATION.—Using the guidelines of the
4 Federal Energy Management Program relating to
5 whole-building evaluation, measurement, and
6 verification, the Secretary shall evaluate the costs
7 and benefits of the buildings selected under para-
8 graph (2), including an identification of—

9 (A) which advanced building technologies
10 and systems—

11 (i) are most cost-effective; and

12 (ii) show the most promise for—

13 (I) increasing building energy
14 savings;

15 (II) increasing service perform-
16 ance to building occupants;

17 (III) reducing environmental im-
18 pacts; and

19 (IV) establishing cybersecurity;
20 and

21 (B) any other information the Secretary
22 determines to be appropriate.

23 (d) LEVERAGING EXISTING PROGRAMS.—

24 (1) BETTER BUILDING CHALLENGE.—As part
25 of the Better Building Challenge of the Department,

1 the Secretary, in consultation with major private
2 sector property owners, shall develop smart building
3 accelerators to demonstrate innovative policies and
4 approaches that will accelerate the transition to
5 smart buildings in the public, institutional, and com-
6 mercial buildings sectors.

7 (2) RESEARCH AND DEVELOPMENT.—

8 (A) IN GENERAL.—The Secretary shall
9 conduct research and development to address
10 key barriers to the integration of advanced
11 building technologies and to accelerate the tran-
12 sition to smart buildings.

13 (B) INCLUSION.—The research and devel-
14 opment conducted under subparagraph (A)
15 shall include research and development on—

16 (i) achieving whole-building, systems-
17 level efficiency through smart system and
18 component integration;

19 (ii) improving physical components,
20 such as sensors and controls, to be adapt-
21 ive, anticipatory, and networked;

22 (iii) reducing the cost of key compo-
23 nents to accelerate the adoption of smart
24 building technologies;

1 (iv) data management, including the
2 capture and analysis of data and the inter-
3 operability of the energy systems;

4 (v) protecting against cybersecurity
5 threats and addressing security
6 vulnerabilities of building systems or
7 equipment;

8 (vi) business models, including how
9 business models may limit the adoption of
10 smart building technologies and how to
11 support transactive energy;

12 (vii) integration and application of
13 combined heat and power systems and en-
14 ergy storage for resiliency;

15 (viii) characterization of buildings and
16 components;

17 (ix) consumer and utility protections;

18 (x) continuous management, including
19 the challenges of managing multiple energy
20 systems and optimizing systems for dis-
21 parate stakeholders; and

22 (xi) other areas of research and devel-
23 opment, as determined appropriate by the
24 Secretary.

1 (e) REPORT.—Not later than 2 years after the date
2 of enactment of this Act, and every 2 years thereafter until
3 a total of 3 reports have been made, the Secretary shall
4 submit to the Committee on Energy and Natural Re-
5 sources of the Senate and the Committee on Energy and
6 Commerce of the House of Representatives a report on—

7 (1) the establishment of the Federal Smart
8 Building Program and the evaluation of Federal
9 smart buildings under subsection (b);

10 (2) the survey and evaluation of private sector
11 smart buildings under subsection (c); and

12 (3) any recommendations of the Secretary to
13 further accelerate the transition to smart buildings.

14 **SEC. 1015. REPEAL OF FOSSIL PHASE-OUT.**

15 Section 305(a)(3) of the Energy Conservation and
16 Production Act (42 U.S.C. 6834(a)(3)) is amended by
17 striking subparagraph (D).

18 **SEC. 1016. FEDERAL BUILDING ENERGY EFFICIENCY PER-**
19 **FORMANCE STANDARDS.**

20 (a) DEFINITIONS.—Section 303 of the Energy Con-
21 servation and Production Act (42 U.S.C. 6832) (as
22 amended by section 1001(a)) is amended—

23 (1) in paragraph (6), by striking “to be con-
24 structed” and inserting “constructed or altered”;
25 and

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

2 “(19) MAJOR RENOVATION.—The term ‘major
3 renovation’ means a modification of building energy
4 systems sufficiently extensive that the whole building
5 can meet energy standards for new buildings, based
6 on criteria to be established by the Secretary
7 through notice and comment rulemaking.”.

8 (b) FEDERAL BUILDING EFFICIENCY STANDARDS.—
9 Section 305(a)(3) of the Energy Conservation and Pro-
10 duction Act (42 U.S.C. 6834(a)(3)) (as amended by sec-
11 tion 1015) is amended—

12 (1) by striking “(3)(A) Not later than” and all
13 that follows through subparagraph (B) and inserting
14 the following:

15 “(3) REVISED FEDERAL BUILDING ENERGY EF-
16 FICIENCY PERFORMANCE STANDARDS.—

17 “(A) REVISED FEDERAL BUILDING EN-
18 ERGY EFFICIENCY PERFORMANCE STAND-
19 ARDS.—

20 “(i) IN GENERAL.—Not later than 1
21 year after the date of enactment of the En-
22 ergy Policy Modernization Act of 2016, the
23 Secretary shall establish, by rule, revised
24 Federal building energy efficiency perform-
25 ance standards that require that—

1 “(I) new Federal buildings and
2 alterations and additions to existing
3 Federal buildings—

4 “(aa) meet or exceed the
5 most recent revision of the Inter-
6 national Energy Conservation
7 Code (in the case of residential
8 buildings) or ASHRAE Standard
9 90.1 (in the case of commercial
10 buildings) as of the date of en-
11 actment of the Energy Policy
12 Modernization Act of 2016; and

13 “(bb) meet or exceed the en-
14 ergy provisions of State and local
15 building codes applicable to the
16 building, if the codes are more
17 stringent than the International
18 Energy Conservation Code or
19 ASHRAE Standard 90.1, as ap-
20 plicable;

21 “(II) unless demonstrated not to
22 be life-cycle cost effective for new
23 Federal buildings and Federal build-
24 ings with major renovations—

1 “(aa) the buildings be de-
2 signed to achieve energy con-
3 sumption levels that are at least
4 30 percent below the levels estab-
5 lished in the version of the
6 ASHRAE Standard or the Inter-
7 national Energy Conservation
8 Code, as appropriate, that is ap-
9 plied under subclause (I)(aa), in-
10 cluding updates under subpara-
11 graph (B); and

12 “(bb) sustainable design
13 principles are applied to the loca-
14 tion, siting, design, and construc-
15 tion of all new Federal buildings
16 and replacement Federal build-
17 ings;

18 “(III) if water is used to achieve
19 energy efficiency, water conservation
20 technologies shall be applied to the ex-
21 tent that the technologies are life-
22 cycle cost effective; and

23 “(IV) if life-cycle cost effective,
24 as compared to other reasonably avail-
25 able technologies, not less than 30

1 percent of the hot water demand for
2 each new Federal building or Federal
3 building undergoing a major renova-
4 tion be met through the installation
5 and use of solar hot water heaters.

6 “(ii) LIMITATION.—Clause (i)(I) shall
7 not apply to unaltered portions of existing
8 Federal buildings and systems that have
9 been added to or altered.

10 “(B) UPDATES.—Not later than 1 year
11 after the date of approval of each subsequent
12 revision of the ASHRAE Standard or the Inter-
13 national Energy Conservation Code, as appro-
14 priate, the Secretary shall determine whether
15 the revised standards established under sub-
16 paragraph (A) should be updated to reflect the
17 revisions, based on the energy savings and life-
18 cycle cost-effectiveness of the revisions.”; and

19 (2) in subparagraph (C), by striking “(C) In
20 the budget request” and inserting the following:

21 “(C) BUDGET REQUEST.—In the budget
22 request”.

23 **SEC. 1017. CODIFICATION OF EXECUTIVE ORDER.**

24 Beginning in fiscal year 2016 and each fiscal year
25 thereafter through fiscal year 2025, the head of each Fed-

1 eral agency shall, unless otherwise specified and where
2 life-cycle cost-effective, promote building energy conserva-
3 tion, efficiency, and management by reducing, in Federal
4 buildings of the agency, building energy intensity, as
5 measured in British thermal units per gross square foot,
6 by 2.5 percent each fiscal year, relative to the baseline
7 of the building energy use of the applicable Federal build-
8 ings in fiscal year 2015 and after taking into account the
9 progress of the Federal agency in preceding fiscal years.

10 **SEC. 1018. CERTIFICATION FOR GREEN BUILDINGS.**

11 Section 305 of the Energy Conservation and Produc-
12 tion Act (42 U.S.C. 6834) (as amended by sections 1015
13 and 1016(b)) is amended—

14 (1) in subsection (a)(3), by adding at the end
15 the following:

16 “(D) CERTIFICATION FOR GREEN BUILD-
17 INGS.—

18 “(i) SUSTAINABLE DESIGN PRIN-
19 CIPLES.—Sustainable design principles
20 shall be applied to the siting, design, and
21 construction of buildings covered by this
22 subparagraph.

23 “(ii) SELECTION OF CERTIFICATION
24 SYSTEMS.—The Secretary, after reviewing
25 the findings of the Federal Director under

1 section 436(h) of the Energy Independence
2 and Security Act of 2007 (42 U.S.C.
3 17092(h)), in consultation with the Admin-
4 istrator of General Services, and in con-
5 sultation with the Secretary of Defense re-
6 lating to those facilities under the custody
7 and control of the Department of Defense,
8 shall determine those certification systems
9 for green commercial and residential build-
10 ings that the Secretary determines to be
11 the most likely to encourage a comprehen-
12 sive and environmentally sound approach
13 to certification of green buildings.

14 “(iii) BASIS FOR SELECTION.—The
15 determination of the certification systems
16 under clause (ii) shall be based on ongoing
17 review of the findings of the Federal Direc-
18 tor under section 436(h) of the Energy
19 Independence and Security Act of 2007
20 (42 U.S.C. 17092(h)) and the criteria de-
21 scribed in clause (v).

22 “(iv) ADMINISTRATION.—In deter-
23 mining certification systems under this
24 subparagraph, the Secretary shall—

1 “(I) make a separate determina-
2 tion for all or part of each system;

3 “(II) confirm that the criteria
4 used to support the selection of build-
5 ing products, materials, brands, and
6 technologies—

7 “(aa) are fair and neutral
8 (meaning that the criteria are
9 based on an objective assessment
10 of relevant technical data);

11 “(bb) do not prohibit, dis-
12 favor, or discriminate against se-
13 lection based on technically inad-
14 equate information to inform
15 human or environmental risk;
16 and

17 “(cc) are expressed to prefer
18 performance measures whenever
19 performance measures may rea-
20 sonably be used in lieu of pre-
21 scriptive measures; and

22 “(III) use environmental and
23 health criteria that are based on risk
24 assessment methodology that is gen-

1 erally accepted by the applicable sci-
2 entific disciplines.

3 “(v) CONSIDERATIONS.—In deter-
4 mining the green building certification sys-
5 tems under this subparagraph, the Sec-
6 retary shall take into consideration—

7 “(I) the ability and availability of
8 assessors and auditors to independ-
9 ently verify the criteria and measure-
10 ment of metrics at the scale necessary
11 to implement this subparagraph;

12 “(II) the ability of the applicable
13 certification organization to collect
14 and reflect public comment;

15 “(III) the ability of the standard
16 to be developed and revised through a
17 consensus-based process;

18 “(IV) an evaluation of the
19 robustness of the criteria for a high-
20 performance green building, which
21 shall give credit for promoting—

22 “(aa) efficient and sustain-
23 able use of water, energy, and
24 other natural resources;

1 “(bb) the use of renewable
2 energy sources;

3 “(cc) improved indoor envi-
4 ronmental quality through en-
5 hanced indoor air quality, ther-
6 mal comfort, acoustics, day light-
7 ing, pollutant source control, and
8 use of low-emission materials and
9 building system controls; and

10 “(dd) such other criteria as
11 the Secretary determines to be
12 appropriate; and

13 “(V) national recognition within
14 the building industry.

15 “(vi) REVIEW.—The Secretary, in
16 consultation with the Administrator of
17 General Services and the Secretary of De-
18 fense, shall conduct an ongoing review to
19 evaluate and compare private sector green
20 building certification systems, taking into
21 account—

22 “(I) the criteria described in
23 clause (v); and

24 “(II) the identification made by
25 the Federal Director under section

1 436(h) of the Energy Independence
2 and Security Act of 2007 (42 U.S.C.
3 17092(h)).

4 “(vii) EXCLUSIONS.—

5 “(I) IN GENERAL.—Subject to
6 subclause (II), if a certification sys-
7 tem fails to meet the review require-
8 ments of clause (v), the Secretary
9 shall—

10 “(aa) identify the portions
11 of the system, whether pre-
12 requisites, credits, points, or oth-
13 erwise, that meet the review cri-
14 teria of clause (v);

15 “(bb) determine the portions
16 of the system that are suitable
17 for use; and

18 “(cc) exclude all other por-
19 tions of the system from identi-
20 fication and use.

21 “(II) ENTIRE SYSTEMS.—The
22 Secretary shall exclude an entire sys-
23 tem from use if an exclusion under
24 subclause (I)—

1 “(aa) impedes the integrated
2 use of the system;

3 “(bb) creates disparate re-
4 view criteria or unequal point ac-
5 cess for competing materials; or

6 “(cc) increases agency costs
7 of the use.

8 “(viii) INTERNAL CERTIFICATION
9 PROCESSES.—The Secretary may by rule
10 allow Federal agencies to develop internal
11 certification processes, using certified pro-
12 fessionals, in lieu of certification by certifi-
13 cation entities identified under clause (ii).

14 “(ix) PRIVATIZED MILITARY HOUS-
15 ING.—With respect to privatized military
16 housing, the Secretary of Defense, after
17 consultation with the Secretary may,
18 through rulemaking, develop alternative
19 certification systems and levels than the
20 systems and levels identified under clause
21 (ii) that achieve an equivalent result in
22 terms of energy savings, sustainable de-
23 sign, and green building performance.

24 “(x) WATER CONSERVATION TECH-
25 NOLOGIES.—In addition to any use of

1 water conservation technologies otherwise
2 required by this section, water conservation
3 technologies shall be applied to the extent
4 that the technologies are life-cycle cost-ef-
5 fective.

6 “(xi) EFFECTIVE DATE.—

7 “(I) DETERMINATIONS MADE
8 AFTER DECEMBER 31, 2015.—This
9 subparagraph shall apply to any de-
10 termination made by a Federal agency
11 after December 31, 2015.

12 “(II) DETERMINATIONS MADE ON
13 OR BEFORE DECEMBER 31, 2015.—
14 This subparagraph (as in effect on the
15 day before the date of enactment of
16 the Energy Policy Modernization Act
17 of 2016) shall apply to any use of a
18 certification system for green commer-
19 cial and residential buildings by a
20 Federal agency on or before December
21 31, 2015.”; and

22 (2) by striking subsections (c) and (d) and in-
23 serting the following:

24 “(c) PERIODIC REVIEW.—The Secretary shall—

1 “(1) once every 5 years, review the Federal
2 building energy standards established under this sec-
3 tion; and

4 “(2) on completion of a review under paragraph
5 (1), if the Secretary determines that significant en-
6 ergy savings would result, upgrade the standards to
7 include all new energy efficiency and renewable en-
8 ergy measures that are technologically feasible and
9 economically justified.”.

10 **SEC. 1019. HIGH PERFORMANCE GREEN FEDERAL BUILD-**
11 **INGS.**

12 Section 436(h) of the Energy Independence and Se-
13 curity Act of 2007 (42 U.S.C. 17092(h)) is amended—

14 (1) in the subsection heading, by striking “SYS-
15 TEM” and inserting “SYSTEMS”;

16 (2) by striking paragraph (1) and inserting the
17 following:

18 “(1) IN GENERAL.—Based on an ongoing re-
19 view, the Federal Director shall identify and shall
20 provide to the Secretary pursuant to section
21 305(a)(3)(D) of the Energy Conservation and Pro-
22 duction Act (42 U.S.C. 6834(a)(3)(D)), a list of
23 those certification systems that the Director identi-
24 fies as the most likely to encourage a comprehensive

1 and environmentally sound approach to certification
2 of green buildings.”; and

3 (3) in paragraph (2)—

4 (A) in the matter preceding subparagraph
5 (A), by striking “system” and inserting “sys-
6 tems”;

7 (B) by striking subparagraph (A) and in-
8 serting the following:

9 “(A) an ongoing review provided to the
10 Secretary pursuant to section 305(a)(3)(D) of
11 the Energy Conservation and Production Act
12 (42 U.S.C. 6834(a)(3)(D)), which shall—

13 “(i) be carried out by the Federal Di-
14 rector to compare and evaluate standards;
15 and

16 “(ii) allow any developer or adminis-
17 trator of a rating system or certification
18 system to be included in the review;”;

19 (C) in subparagraph (E)(v), by striking
20 “and” after the semicolon at the end;

21 (D) in subparagraph (F), by striking the
22 period at the end and inserting a semicolon;
23 and

24 (E) by adding at the end the following:

1 “(G) a finding that, for all credits address-
2 ing grown, harvested, or mined materials, the
3 system does not discriminate against the use of
4 domestic products that have obtained certifi-
5 cations of responsible sourcing; and

6 “(H) a finding that the system incor-
7 porates life-cycle assessment as a credit path-
8 way.”.

9 **SEC. 1020. EVALUATION OF POTENTIALLY DUPLICATIVE**
10 **GREEN BUILDING PROGRAMS.**

11 (a) DEFINITIONS.—In this section:

12 (1) ADMINISTRATIVE EXPENSES.—

13 (A) IN GENERAL.—The term “administra-
14 tive expenses” has the meaning given the term
15 by the Director of the Office of Management
16 and Budget under section 504(b)(2) of the En-
17 ergy and Water Development and Related
18 Agencies Appropriations Act, 2010 (31 U.S.C.
19 1105 note; Public Law 111–85).

20 (B) INCLUSIONS.—The term “administra-
21 tive expenses” includes, with respect to an
22 agency—

23 (i) costs incurred by—

24 (I) the agency; or

1 (II) any grantee, subgrantee, or
2 other recipient of funds from a grant
3 program or other program adminis-
4 tered by the agency; and

5 (ii) expenses relating to personnel sal-
6 aries and benefits, property management,
7 travel, program management, promotion,
8 reviews and audits, case management, and
9 communication regarding, promotion of,
10 and outreach for programs and program
11 activities administered by the agency.

12 (2) APPLICABLE PROGRAM.—The term “appli-
13 cable program” means any program that is—

14 (A) listed in Table 9 (pages 348–350) of
15 the report of the Government Accountability
16 Office entitled “2012 Annual Report: Opportu-
17 nities to Reduce Duplication, Overlap and
18 Fragmentation, Achieve Savings, and Enhance
19 Revenue”; and

20 (B) administered by—

- 21 (i) the Secretary;
22 (ii) the Secretary of Agriculture;
23 (iii) the Secretary of Defense;
24 (iv) the Secretary of Education;

- 1 (v) the Secretary of Health and
2 Human Services;
- 3 (vi) the Secretary of Housing and
4 Urban Development;
- 5 (vii) the Secretary of Transportation;
- 6 (viii) the Secretary of the Treasury;
- 7 (ix) the Administrator of the Environ-
8 mental Protection Agency;
- 9 (x) the Director of the National Insti-
10 tute of Standards and Technology; or
- 11 (xi) the Administrator of the Small
12 Business Administration.

13 (3) SERVICE.—

14 (A) IN GENERAL.—Subject to subpara-
15 graph (B), the term “service” has the meaning
16 given the term by the Director of the Office of
17 Management and Budget.

18 (B) REQUIREMENTS.—For purposes of
19 subparagraph (A), the term “service” shall be
20 limited to activities, assistance, or other aid
21 that provides a direct benefit to a recipient,
22 such as—

- 23 (i) the provision of technical assist-
24 ance;

- 1 (ii) assistance for housing or tuition;
2 or
3 (iii) financial support (including
4 grants, loans, tax credits, and tax deduc-
5 tions).

6 (b) REPORT.—

7 (1) IN GENERAL.—Not later than January 1,
8 2017, the Secretary, in consultation with the agency
9 heads described in clauses (ii) through (xi) of sub-
10 section (a)(2)(B), shall submit to Congress and
11 make available on the public Internet website of the
12 Department a report that describes the applicable
13 programs.

14 (2) REQUIREMENTS.—In preparing the report
15 under paragraph (1), the Secretary shall—

16 (A) determine the approximate annual
17 total administrative expenses of each applicable
18 program attributable to green buildings;

19 (B) determine the approximate annual ex-
20 penditures for services for each applicable pro-
21 gram attributable to green buildings;

22 (C) describe the intended market for each
23 applicable program attributable to green build-
24 ings, including the—

1 (i) estimated the number of clients
2 served by each applicable program; and

3 (ii) beneficiaries who received services
4 or information under the applicable pro-
5 gram (if applicable and if data is readily
6 available);

7 (D) estimate—

8 (i) the number of full-time employees
9 who administer activities attributable to
10 green buildings for each applicable pro-
11 gram; and

12 (ii) the number of full-time equiva-
13 lents (the salary of whom is paid in part
14 or full by the Federal Government through
15 a grant or contract, a subaward of a grant
16 or contract, a cooperative agreement, or
17 another form of financial award or assist-
18 ance) who assist in administering activities
19 attributable to green buildings for the ap-
20 plicable program;

21 (E) briefly describe the type of services
22 each applicable program provides attributable
23 to green buildings, such as information, grants,
24 technical assistance, loans, tax credits, or tax
25 deductions;

1 (F) identify the type of recipient who is in-
2 tended to benefit from the services or informa-
3 tion provided under the applicable program at-
4 tributable to green buildings, such as individual
5 property owners or renters, local governments,
6 businesses, nonprofit organizations, or State
7 governments; and

8 (G) identify whether written program goals
9 are available for each applicable program.

10 (c) RECOMMENDATIONS.—Not later than January 1,
11 2017, the Secretary, in consultation with the agency heads
12 described in clauses (ii) through (xi) of subsection
13 (a)(2)(B), shall submit to Congress a report that in-
14 cludes—

15 (1) a recommendation of whether any applicable
16 program should be eliminated or consolidated, in-
17 cluding any legislative changes that would be nec-
18 essary to eliminate or consolidate applicable pro-
19 grams; and

20 (2) methods to improve the applicable programs
21 by establishing program goals or increasing collabo-
22 ration to reduce any potential overlap or duplication,
23 taking into account—

24 (A) the 2011 report of the Government Ac-
25 countability Office entitled “Federal Initiatives

1 for the Nonfederal Sector Could Benefit from
2 More Interagency Collaboration”; and

3 (B) the report of the Government Account-
4 ability Office entitled “2012 Annual Report:
5 Opportunities to Reduce Duplication, Overlap
6 and Fragmentation, Achieve Savings, and En-
7 hance Revenue”.

8 (d) ANALYSES.—Not later than January 1, 2017, the
9 Secretary, in consultation with the agency heads described
10 in clauses (ii) through (xi) of subsection (a)(2)(B), shall
11 identify—

12 (1) which applicable programs were specifically
13 authorized by Congress; and

14 (2) which applicable programs are carried out
15 solely under the discretionary authority of the Sec-
16 retary or any agency head described in clauses (ii)
17 through (xi) of subsection (a)(2)(B).

18 **SEC. 1021. STUDY AND REPORT ON ENERGY SAVINGS BENE-**
19 **FITS OF OPERATIONAL EFFICIENCY PRO-**
20 **GRAMS AND SERVICES.**

21 (a) DEFINITION OF OPERATIONAL EFFICIENCY PRO-
22 GRAMS AND SERVICES.—In this section, the term “oper-
23 ational efficiency programs and services” means programs
24 and services that use information and communications
25 technologies (including computer hardware, energy effi-

1 ciency software, and power management tools) to operate
 2 buildings and equipment in the optimum manner at the
 3 optimum times.

4 (b) **STUDY AND REPORT.**—Not later than 1 year
 5 after the date of enactment of this Act, the Secretary shall
 6 conduct a study and issue a report that quantifies the po-
 7 tential energy savings of operational efficiency programs
 8 and services for commercial, institutional, industrial, and
 9 governmental entities, including Federal agencies.

10 (c) **MEASUREMENT AND VERIFICATION OF ENERGY**
 11 **SAVINGS.**—The report required under this section shall in-
 12 clude potential methodologies or protocols for utilities,
 13 utility regulators, and Federal agencies to evaluate, meas-
 14 ure, and verify energy savings from operational efficiency
 15 programs and services.

16 **SEC. 1022. USE OF FEDERAL DISASTER RELIEF AND EMER-**
 17 **GENCY ASSISTANCE FOR ENERGY-EFFICIENT**
 18 **PRODUCTS AND STRUCTURES.**

19 (a) **IN GENERAL.**—Title III of the Robert T. Stafford
 20 Disaster Relief and Emergency Assistance Act (42 U.S.C.
 21 5141 et seq.) is amended by adding at the end the fol-
 22 lowing:

23 **“SEC. 327. USE OF ASSISTANCE FOR ENERGY-EFFICIENT**
 24 **PRODUCTS AND STRUCTURES.**

25 “(a) **DEFINITIONS.**—In this section—

1 “(1) the term ‘energy-efficient product’ means a
2 product that—

3 “(A) meets or exceeds the requirements for
4 designation under an Energy Star program es-
5 tablished under section 324A of the Energy
6 Policy and Conservation Act (42 U.S.C.
7 6294a); or

8 “(B) meets or exceeds the requirements for
9 designation as being among the highest 25 per-
10 cent of equivalent products for energy efficiency
11 under the Federal Energy Management Pro-
12 gram; and

13 “(2) the term ‘energy-efficient structure’ means
14 a residential structure, a public facility, or a private
15 nonprofit facility that meets or exceeds the require-
16 ments of Standard 90.1–2013 of the American Soci-
17 ety of Heating, Refrigerating and Air-Conditioning
18 Engineers or the 2015 International Energy Con-
19 servation Code, or any successor thereto.

20 “(b) USE OF ASSISTANCE.—A recipient of assistance
21 relating to a major disaster or emergency may use the as-
22 sistance to replace or repair a damaged product or struc-
23 ture with an energy-efficient product or energy-efficient
24 structure.”.

1 (b) APPLICABILITY.—The amendment made by this
2 section shall apply to assistance made available under the
3 Robert T. Stafford Disaster Relief and Emergency Assist-
4 ance Act (42 U.S.C. 5121 et seq.) before, on, or after the
5 date of enactment of this Act that is expended on or after
6 the date of enactment of this Act.

7 **SEC. 1023. WATERSENSE.**

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

11 **“SEC. 324B. WATERSENSE.**

12 “(a) ESTABLISHMENT OF WATERSENSE PRO-
13 GRAM.—

14 “(1) IN GENERAL.—There is established within
15 the Environmental Protection Agency a voluntary
16 WaterSense program to identify and promote water-
17 efficient products, buildings, landscapes, facilities,
18 processes, and services that, through voluntary label-
19 ing of, or other forms of communications regarding,
20 products, buildings, landscapes, facilities, processes,
21 and services while meeting strict performance cri-
22 teria, sensibly—

23 “(A) reduce water use;

1 “(B) reduce the strain on public and com-
2 munity water systems and wastewater and
3 stormwater infrastructure;

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

6 “(D) preserve water resources for future
7 generations.

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

14 “(A) irrigation technologies and services;

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

16 “(C) plumbing products;

17 “(D) reuse and recycling technologies;

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

21 “(F) xeriscaping and other landscape con-
22 versions that reduce water use;

23 “(G) whole house humidifiers; and

24 “(H) water-efficient buildings or facilities.

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

3 “(1) establish—

4 “(A) a WaterSense label to be used for
5 items meeting the certification criteria estab-
6 lished in accordance with this section; and

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

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

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

15 “(A) establishing and maintaining feasible
16 performance criteria so that products, build-
17 ings, landscapes, facilities, processes, and serv-
18 ices labeled with the WaterSense label perform
19 as well or better than less water-efficient coun-
20 terparts;

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

23 “(C) as determined appropriate by the Ad-
24 ministrator, using testing protocols, from the
25 appropriate, applicable, and relevant consensus

1 standards, for the purpose of determining
2 standards compliance; and

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

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

10 “(5) in revising a WaterSense specification—

11 “(A) provide reasonable notice to inter-
12 ested parties and the public of any changes, in-
13 cluding effective dates, and an explanation of
14 the changes;

15 “(B) solicit comments from interested par-
16 ties and the public prior to any changes;

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

20 “(D) provide an appropriate transition
21 time prior to the applicable effective date of any
22 changes, taking into account the timing nec-
23 essary for the manufacture, marketing, train-
24 ing, and distribution of the specific water-effi-

1 cient product, building, landscape, process, or
2 service category being addressed; and

3 “(6) not later than December 31, 2018, con-
4 sider for review and revision any WaterSense speci-
5 fication adopted before January 1, 2012.

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

14 “(d) DISTINCTION OF AUTHORITIES.—In setting or
15 maintaining specifications for Energy Star pursuant to
16 section 324A, and WaterSense under this section, the Sec-
17 retary and Administrator shall coordinate to prevent du-
18 plicative or conflicting requirements among the respective
19 programs.

20 “(e) NO WARRANTY.—A WaterSense label shall not
21 create an express or implied warranty.”.

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

“Sec. 324B. WaterSense.”.

1 **Subtitle B—Appliances**

2 **SEC. 1101. EXTENDED PRODUCT SYSTEM REBATE PRO-** 3 **GRAM.**

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

5 (1) **ELECTRIC MOTOR.**—The term “electric
6 motor” has the meaning given the term in section
7 431.12 of title 10, Code of Federal Regulations (as
8 in effect on the date of enactment of this Act).

9 (2) **ELECTRONIC CONTROL.**—The term “elec-
10 tronic control” means—

11 (A) a power converter; or

12 (B) a combination of a power circuit and
13 control circuit included on 1 chassis.

14 (3) **EXTENDED PRODUCT SYSTEM.**—The term
15 “extended product system” means an electric motor
16 and any required associated electronic control and
17 driven load that—

18 (A) offers variable speed or multispeed op-
19 eration;

20 (B) offers partial load control that reduces
21 input energy requirements (as measured in kilo-
22 watt-hours) as compared to identified base lev-
23 els set by the Secretary; and

24 (C)(i) has greater than 1 horsepower; and

1 (ii) uses an extended product system tech-
2 nology, as determined by the Secretary.

3 (4) QUALIFIED EXTENDED PRODUCT SYS-
4 TEM.—

5 (A) IN GENERAL.—The term “qualified ex-
6 tended product system” means an extended
7 product system that—

8 (i) includes an electric motor and an
9 electronic control; and

10 (ii) reduces the input energy (as
11 measured in kilowatt-hours) required to
12 operate the extended product system by
13 not less than 5 percent, as compared to
14 identified base levels set by the Secretary.

15 (B) INCLUSIONS.—The term “qualified ex-
16 tended product system” includes commercial or
17 industrial machinery or equipment that—

18 (i)(I) did not previously make use of
19 the extended product system prior to the
20 redesign described in subclause (II); and

21 (II) incorporates an extended product
22 system that has greater than 1 horsepower
23 into redesigned machinery or equipment;
24 and

1 (ii) was previously used prior to, and
2 was placed back into service during, cal-
3 endar year 2016 or 2017.

4 (b) ESTABLISHMENT.—Not later than 180 days after
5 the date of enactment of this Act, the Secretary shall es-
6 tablish a program to provide rebates for expenditures
7 made by qualified entities for the purchase or installation
8 of a qualified extended product system.

9 (c) QUALIFIED ENTITIES.—

10 (1) ELIGIBILITY REQUIREMENTS.—A qualified
11 entity under this section shall be—

12 (A) in the case of a qualified extended
13 product system described in subsection
14 (a)(4)(A), the purchaser of the qualified ex-
15 tended product that is installed; and

16 (B) in the case of a qualified extended
17 product system described in subsection
18 (a)(4)(B), the manufacturer of the commercial
19 or industrial machinery or equipment that in-
20 corporated the extended product system into
21 that machinery or equipment.

22 (2) APPLICATION.—To be eligible to receive a
23 rebate under this section, a qualified entity shall
24 submit to the Secretary—

1 (A) an application in such form, at such
2 time, and containing such information as the
3 Secretary may require; and

4 (B) a certification that includes dem-
5 onstrated evidence—

6 (i) that the entity is a qualified entity;

7 and

8 (ii)(I) in the case of a qualified entity
9 described in paragraph (1)(A)—

10 (aa) that the qualified entity in-
11 stalled the qualified extended product
12 system during the 2 fiscal years fol-
13 lowing the date of enactment of this
14 Act;

15 (bb) that the qualified extended
16 product system meets the require-
17 ments of subsection (a)(4)(A); and

18 (cc) showing the serial number,
19 manufacturer, and model number
20 from the nameplate of the installed
21 motor of the qualified entity on which
22 the qualified extended product system
23 was installed; or

1 (II) in the case of a qualified entity
2 described in paragraph (1)(B), dem-
3 onstrated evidence—

4 (aa) that the qualified extended
5 product system meets the require-
6 ments of subsection (a)(4)(B); and

7 (bb) showing the serial number,
8 manufacturer, and model number
9 from the nameplate of the installed
10 motor of the qualified entity with
11 which the extended product system is
12 integrated.

13 (d) AUTHORIZED AMOUNT OF REBATE.—

14 (1) IN GENERAL.—The Secretary may provide
15 to a qualified entity a rebate in an amount equal to
16 the product obtained by multiplying—

17 (A) an amount equal to the sum of the
18 nameplate rated horsepower of—

19 (i) the electric motor to which the
20 qualified extended product system is at-
21 tached; and

22 (ii) the electronic control; and

23 (B) \$25.

24 (2) MAXIMUM AGGREGATE AMOUNT.—A quali-
25 fied entity shall not be entitled to aggregate rebates

1 under this section in excess of \$25,000 per calendar
2 year.

3 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated to carry out this section
5 \$5,000,000 for each of the first 2 full fiscal years following
6 the date of enactment of this Act, to remain available until
7 expended.

8 **SEC. 1102. ENERGY EFFICIENT TRANSFORMER REBATE**
9 **PROGRAM.**

10 (a) DEFINITIONS.—In this section:

11 (1) QUALIFIED ENERGY EFFICIENT TRANS-
12 FORMER.—The term “qualified energy efficient
13 transformer” means a transformer that meets or ex-
14 ceeds the applicable energy conservation standards
15 described in the tables in subsection (b)(2) and
16 paragraphs (1) and (2) of subsection (c) of section
17 431.196 of title 10, Code of Federal Regulations (as
18 in effect on the date of enactment of this Act).

19 (2) QUALIFIED ENERGY INEFFICIENT TRANS-
20 FORMER.—The term “qualified energy inefficient
21 transformer” means a transformer with an equal
22 number of phases and capacity to a transformer de-
23 scribed in any of the tables in subsection (b)(2) and
24 paragraphs (1) and (2) of subsection (c) of section
25 431.196 of title 10, Code of Federal Regulations (as

1 in effect on the date of enactment of this Act)
2 that—

3 (A) does not meet or exceed the applicable
4 energy conservation standards described in
5 paragraph (1); and

6 (B)(i) was manufactured between January
7 1, 1985, and December 31, 2006, for a trans-
8 former with an equal number of phases and ca-
9 pacity as a transformer described in the table
10 in subsection (b)(2) of section 431.196 of title
11 10, Code of Federal Regulations (as in effect on
12 the date of enactment of this Act); or

13 (ii) was manufactured between January 1,
14 1990, and December 31, 2009, for a trans-
15 former with an equal number of phases and ca-
16 pacity as a transformer described in the table
17 in paragraph (1) or (2) of subsection (c) of that
18 section (as in effect on the date of enactment
19 of this Act).

20 (3) QUALIFIED ENTITY.—The term “qualified
21 entity” means an owner of industrial or manufac-
22 turing facilities, commercial buildings, or multifamily
23 residential buildings, a utility, or an energy service
24 company that fulfills the requirements of subsection
25 (d).

1 (b) ESTABLISHMENT.—Not later than 90 days after
2 the date of enactment of this Act, the Secretary shall es-
3 tablish a program to provide rebates to qualified entities
4 for expenditures made by the qualified entity for the re-
5 placement of a qualified energy inefficient transformer
6 with a qualified energy efficient transformer.

7 (c) REQUIREMENTS.—To be eligible to receive a re-
8 bate under this section, an entity shall submit to the Sec-
9 retary an application in such form, at such time, and con-
10 taining such information as the Secretary may require, in-
11 cluding demonstrated evidence—

12 (1) that the entity purchased a qualified energy
13 efficient transformer;

14 (2) of the core loss value of the qualified energy
15 efficient transformer;

16 (3) of the age of the qualified energy inefficient
17 transformer being replaced;

18 (4) of the core loss value of the qualified energy
19 inefficient transformer being replaced—

20 (A) as measured by a qualified professional
21 or verified by the equipment manufacturer, as
22 applicable; or

23 (B) for transformers described in sub-
24 section (a)(2)(B)(i), as selected from a table of

1 default values as determined by the Secretary
2 in consultation with applicable industry; and

3 (5) that the qualified energy inefficient trans-
4 former has been permanently decommissioned and
5 scrapped.

6 (d) AUTHORIZED AMOUNT OF REBATE.—The
7 amount of a rebate provided under this section shall be—

8 (1) for a 3-phase or single-phase transformer
9 with a capacity of not less than 10 and not greater
10 than 2,500 kilovolt-amperes, twice the amount equal
11 to the difference in Watts between the core loss
12 value (as measured in accordance with paragraphs
13 (2) and (4) of subsection (c)) of—

14 (A) the qualified energy inefficient trans-
15 former; and

16 (B) the qualified energy efficient trans-
17 former; or

18 (2) for a transformer described in subsection
19 (a)(2)(B)(i), the amount determined using a table of
20 default rebate values by rated transformer output,
21 as measured in kilovolt-amperes, as determined by
22 the Secretary in consultation with applicable indus-
23 try.

24 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
25 authorized to be appropriated to carry out this section

1 \$5,000,000 for each of fiscal years 2016 and 2017, to re-
2 main available until expended.

3 (f) TERMINATION OF EFFECTIVENESS.—The author-
4 ity provided by this section terminates on December 31,
5 2017.

6 **SEC. 1103. STANDARDS FOR CERTAIN FURNACES.**

7 Section 325(f)(4) of the Energy Policy and Conserva-
8 tion Act (42 U.S.C. 6295(f)(4)) is amended by adding at
9 the end the following:

10 “(E) RESTRICTION ON FINAL RULE FOR
11 RESIDENTIAL NON-WEATHERIZED GAS FUR-
12 NACES AND MOBILE HOME FURNACES.—

13 “(i) IN GENERAL.—Notwithstanding
14 any other provision of this Act, the Sec-
15 retary shall not prescribe a final rule
16 amending the efficiency standards for resi-
17 dential non-weatherized gas furnaces or
18 mobile home furnaces until each of the fol-
19 lowing has occurred:

20 “(I) The Secretary convenes a
21 representative advisory group of inter-
22 ested stakeholders, including the man-
23 ufacturers, distributors, and contrac-
24 tors of residential non-weatherized gas
25 furnaces and mobile home furnaces,

1 home builders, building owners, en-
2 ergy efficiency advocates, natural gas
3 utilities, electric utilities, and con-
4 sumer groups.

5 “(II) Not later than 1 year after
6 the date of enactment of this subpara-
7 graph, the advisory group described in
8 subclause (I) completes an analysis of
9 a nationwide requirement of a con-
10 densing furnace efficiency standard
11 including—

12 “(aa) a complete analysis of
13 current market trends regarding
14 the transition of sales from non-
15 condensing furnaces to con-
16 densing furnaces;

17 “(bb) the projected net loss
18 in the industry of the present
19 value of original equipment man-
20 ufactured after adoption of the
21 standard;

22 “(cc) the projected consumer
23 payback period and life cycle cost
24 savings after adoption of the
25 standard;

1 “(dd) a determination of
2 whether the standard is economi-
3 cally justified, based solely on the
4 definition of energy under section
5 321; and

6 “(ee) other common eco-
7 nomic principles.

8 “(III) The advisory group de-
9 scribed in subclause (I) reviews the
10 analysis and determines whether a na-
11 tionwide requirement of a condensing
12 furnace efficiency standard is tech-
13 nically feasible and economically justi-
14 fied.

15 “(IV) The final determination of
16 the advisory group under subclause
17 (III) is published in the Federal Reg-
18 ister.

19 “(ii) AMENDED STANDARDS.—If the
20 advisory group determines under clause
21 (i)(III) that a nationwide requirement of a
22 condensing furnace efficiency standard is
23 not technically feasible and economically
24 justified, the Secretary shall, not later than
25 180 days after the date on which the final

1 determination of the advisory group is pub-
2 lished in the Federal Register under clause
3 (i)(IV), establish amended standards
4 through the negotiated rulemaking proce-
5 dure provided for under subchapter III of
6 chapter 5 of title 5, United States Code
7 (commonly known as the ‘Negotiated Rule-
8 making Act of 1990’).”.

9 **SEC. 1104. THIRD-PARTY CERTIFICATION UNDER ENERGY**
10 **STAR PROGRAM.**

11 Section 324A of the Energy Policy and Conservation
12 Act (42 U.S.C. 6294a) is amended by adding at the end
13 the following:

14 “(e) **THIRD-PARTY CERTIFICATION.**—

15 “(1) **IN GENERAL.**—Subject to paragraph (2),
16 not later than 180 days after the date of enactment
17 of this subsection, the Administrator shall revise the
18 certification requirements for the labeling of con-
19 sumer, home, and office electronic products for pro-
20 gram partners that have complied with all require-
21 ments of the Energy Star program for a period of
22 at least 18 months.

23 “(2) **ADMINISTRATION.**—In the case of a pro-
24 gram partner described in paragraph (1), the new
25 requirements under paragraph (1)—

1 “(A) shall not require third-party certifi-
2 cation for a product to be listed; but

3 “(B) may require that test data and other
4 product information be submitted to facilitate
5 product listing and performance verification for
6 a sample of products.

7 “(3) THIRD PARTIES.—Nothing in this sub-
8 section prevents the Administrator from using third
9 parties in the course of the administration of the
10 Energy Star program.

11 “(4) TERMINATION.—

12 “(A) IN GENERAL.—Subject to subpara-
13 graph (B), an exemption from third-party cer-
14 tification provided to a program partner under
15 paragraph (1) shall terminate if the program
16 partner is found to have violated program re-
17 quirements with respect to at least 2 separate
18 models during a 2-year period.

19 “(B) RESUMPTION.—A termination for a
20 program partner under subparagraph (A) shall
21 cease if the program partner complies with all
22 Energy Star program requirements for a period
23 of at least 3 years.”.

1 **SEC. 1105. ENERGY CONSERVATION STANDARDS FOR COM-**
2 **MERCIAL REFRIGERATION EQUIPMENT.**

3 (a) DEADLINE.—The requirements of the final rule
4 entitled “Energy Conservation Program: Energy Con-
5 servation Standards for Commercial Refrigeration Equip-
6 ment” (79 Fed. Reg. 17725 (March 28, 2014)), shall take
7 effect on January 1, 2020, for equipment covered by the
8 final rule that—

9 (1) uses natural refrigerants with a global
10 warming potential of 10 or less that are approved
11 for use by the Environmental Protection Agency
12 under the Significant New Alternatives Program;

13 (2) is within 1 of the following product cat-
14 egories:

15 (A) VCT.SC.M vertical cooler with trans-
16 parent door self contained medium temperature;
17 or

18 (B) HCT.SC.M horizontal cooler with
19 transparent door self contained medium tem-
20 perature; and

21 (3) uses not more than 115 percent of the en-
22 ergy use allowed by applicable standards under En-
23 ergy Star 3.0.

24 (b) FUTURE RULEMAKINGS.—Nothing in this section
25 changes the criteria to be considered during future
26 rulemakings undertaken by the Department under title III

1 of the Energy Policy and Conservation Act (42 U.S.C.
2 6291 et seq.).

3 (c) REVIEW.—Notwithstanding subsection (a), the
4 next review required under section 342(c)(6)(B) of the
5 Energy Policy and Conservation Act (42 U.S.C.
6 6313(c)(6)(B)) shall be conducted based on an effective
7 date of March 27, 2017.

8 **SEC. 1106. VOLUNTARY VERIFICATION PROGRAMS FOR AIR**
9 **CONDITIONING, FURNACE, BOILER, HEAT**
10 **PUMP, AND WATER HEATER PRODUCTS.**

11 Section 326(b) of the Energy Policy and Conserva-
12 tion Act (42 U.S.C. 6296(b)) is amended by adding at
13 the end the following:

14 “(6) VOLUNTARY VERIFICATION PROGRAMS FOR
15 AIR CONDITIONING, FURNACE, BOILER, HEAT PUMP,
16 AND WATER HEATER PRODUCTS.—

17 “(A) RELIANCE ON VOLUNTARY PRO-
18 GRAMS.—For the purpose of periodic testing to
19 verify compliance with energy conservation
20 standards and Energy Star specifications estab-
21 lished under sections 324A, 325, and 342 for
22 covered products described in paragraphs (3),
23 (4), (5), (9), and (11) of section 322(a) and
24 covered equipment described in subparagraphs
25 (B), (C), (D), (F), (I), (J), and (K) of section

1 340(1), the Secretary and the Administrator of
2 the Environmental Protection Agency shall rely
3 on testing conducted by voluntary verification
4 programs that are recognized by the Secretary
5 in accordance with subparagraph (B).

6 “(B) RECOGNITION OF VOLUNTARY
7 VERIFICATION PROGRAMS.—

8 “(i) IN GENERAL.—Not later than
9 180 days after the date of enactment of
10 this paragraph, the Secretary shall initiate
11 a negotiated rulemaking in accordance
12 with subchapter III of chapter 5 of title 5,
13 United States Code (commonly known as
14 the ‘Negotiated Rulemaking Act of 1990’)
15 to develop criteria that have consensus
16 support for achieving recognition by the
17 Secretary as an approved voluntary
18 verification program.

19 “(ii) MINIMUM REQUIREMENTS.—The
20 criteria developed under clause (i) shall, at
21 a minimum, ensure that the voluntary
22 verification program—

23 “(I) is nationally recognized;

1 “(II) is operated by a third party
2 and not directly operated by a pro-
3 gram participant;

4 “(III) satisfies any applicable ele-
5 ments of—

6 “(aa) International Organi-
7 zation for Standardization stand-
8 ard numbered 17025; and

9 “(bb) any other relevant
10 International Organization for
11 Standardization standards identi-
12 fied and agreed to through the
13 negotiated rulemaking under
14 clause (i);

15 “(IV) at least annually tests
16 independently obtained products fol-
17 lowing the test procedures established
18 under this title to verify the certified
19 rating of a representative sample of
20 products and equipment within the
21 scope of the program;

22 “(V) maintains a publicly avail-
23 able list of all ratings of products sub-
24 ject to verification;

1 “(VI) requires the changing of
2 the performance rating or removal of
3 the product or equipment from the
4 program if testing determines that the
5 performance rating does not meet the
6 levels the manufacturer has certified
7 to the Secretary;

8 “(VII) requires new program
9 participants to substantiate ratings
10 through test data generated in accord-
11 ance with DOE regulations;

12 “(VIII) allows for challenge test-
13 ing of products and equipment within
14 the scope of the program;

15 “(IX) requires program partici-
16 pants to disclose the performance rat-
17 ing of all covered products and equip-
18 ment within the scope of the program
19 for the covered product or equipment;

20 “(X) provides to the Secretary—

21 “(aa) an annual report of all
22 test results, the contents of which
23 shall be determined through the
24 negotiated rulemaking process
25 under clause (i); and

1 “(bb) test reports, on the re-
2 quest of the Secretary or the Ad-
3 ministrators of the Environmental
4 Protection Agency, that note any
5 instructions specified by the man-
6 ufacturer or the representative of
7 the manufacturer for the purpose
8 of conducting the verification
9 testing, to be exempted from dis-
10 closure to the extent provided
11 under section 552(b)(4) of title
12 5, United States Code (commonly
13 known as the ‘Freedom of Infor-
14 mation Act’); and

15 “(XI) satisfies any additional re-
16 quirements or standards that the Sec-
17 retary and Administrator of the Envi-
18 ronmental Protection Agency shall es-
19 tablish consistent with this subpara-
20 graph.

21 “(iii) FINDING REQUIRED FOR CES-
22 SATION OF RECOGNITION.—The Secretary
23 may only cease recognition of a voluntary
24 verification program as an approved pro-
25 gram described in subparagraph (A) on a

1 finding that the program is not meeting its
2 obligations for compliance through pro-
3 gram review criteria established under this
4 subparagraph.

5 “(iv) REVISIONS.—

6 “(I) IN GENERAL.—Major revi-
7 sions to voluntary verification pro-
8 gram criteria established under this
9 subparagraph shall only be made pur-
10 suant to a subsequent negotiated rule-
11 making in accordance with subchapter
12 III of chapter 5 of title 5, United
13 States Code (commonly known as the
14 ‘Negotiated Rulemaking Act of
15 1990’).

16 “(II) NONMAJOR REVISIONS.—

17 “(aa) IN GENERAL.—The
18 Secretary may make all other
19 nonmajor criteria revisions by
20 initiating a direct final rule in ac-
21 cordance with section
22 553(b)(3)(B) of title 5, United
23 States Code, on a determination
24 published in the Federal Register
25 that revisions to the criteria are

1 necessary and that substantive
2 opposition to the proposed revi-
3 sions is not expected.

4 “(bb) CONDITIONS FOR EF-
5 FECTIVENESS.—If the Secretary
6 does not receive adversarial com-
7 ments with respect to the deter-
8 mination published under item
9 (aa) during the 30-day-period fol-
10 lowing publication of that deter-
11 mination in the Federal Register,
12 the direct final rule shall have
13 the force and effect of law.

14 “(cc) WITHDRAWAL OF
15 FINAL RULE.—Receipt of any ad-
16 versarial comment with respect to
17 the determination published
18 under item (aa) shall require the
19 Secretary to withdraw the direct
20 final rule and publish—

21 “(AA) a notice of pro-
22 posed rulemaking pursuant
23 to section 553 of title 5,
24 United States Code; or

1 “(BB) a notice of pro-
2 posed rulemaking pursuant
3 to section 553 of title 5,
4 United States Code, that in-
5 cludes a determination that
6 revisions to the criteria are
7 necessary.

8 “(C) ADMINISTRATION.—

9 “(i) IN GENERAL.—The Secretary and
10 the Administrator of the Environmental
11 Protection Agency shall not require—

12 “(I) manufacturers to participate
13 in a voluntary verification program
14 described in subparagraph (A); or

15 “(II) participating manufacturers
16 to provide information that has al-
17 ready been provided to the Secretary
18 or the Administrator.

19 “(ii) LIST OF COVERED PRODUCTS.—
20 The Secretary or the Administrator of the
21 Environmental Protection Agency may
22 maintain a publicly available list of covered
23 products and equipment that distinguishes
24 between products that are, and are not
25 covered products and equipment verified

1 through a voluntary verification program
2 described in subparagraph (A);

3 “(iii) PERIODIC VERIFICATION TEST-
4 ING.—

5 “(I) IN GENERAL.—The Sec-
6 retary—

7 “(aa) shall not subject prod-
8 ucts or equipment that have been
9 verification tested under a vol-
10 untary verification program de-
11 scribed in subparagraph (A) to
12 periodic verification testing that
13 verifies the accuracy of the cer-
14 tified performance rating of the
15 products or equipment; but

16 “(bb) may test products or
17 equipment described in subclause
18 (I) if the testing is necessary—

19 “(AA) to assess the
20 overall performance of a vol-
21 untary verification program;

22 “(BB) to address spe-
23 cific performance issues;

1 “(CC) for use in updat-
 2 ing test procedures and
 3 standards; or

4 “(DD) for other pur-
 5 poses consistent with this
 6 title.

7 “(II) ADDITIONAL TESTING.—
 8 The Secretary may subject products
 9 or equipment described in subclause
 10 (I) to periodic verification testing out-
 11 side the restrictions of subclause
 12 (I)(bb), if agreed to during the rule-
 13 making described in subparagraph
 14 (B)

15 “(D) EFFECT ON OTHER AUTHORITY.—
 16 Nothing in this paragraph limits the authority
 17 of the Secretary or the Administrator of the
 18 Environmental Protection Agency to enforce
 19 compliance with any law.”.

20 **SEC. 1107. APPLICATION OF ENERGY CONSERVATION**
 21 **STANDARDS TO CERTAIN EXTERNAL POWER**
 22 **SUPPLIES.**

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

1 (1) by striking the subparagraph designation
2 and all that follows through “The term” and insert-
3 ing the following:

4 “(A) EXTERNAL POWER SUPPLY.—

5 “(i) IN GENERAL.—The term”; and

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

7 “(ii) EXCLUSION.—The term ‘external
8 power supply’ does not include a power
9 supply circuit, driver, or device that is de-
10 signed exclusively to be connected to, and
11 power—

12 “(I) light-emitting diodes pro-
13 viding illumination;

14 “(II) organic light-emitting di-
15 odes providing illumination; or

16 “(III) ceiling fans using direct
17 current motors.”.

18 (b) STANDARDS FOR LIGHTING POWER SUPPLY CIR-
19 CUITS.—

20 (1) DEFINITION.—Section 340(2)(B) of the
21 Energy Policy and Conservation Act (42 U.S.C.
22 6311(2)(B)) is amended by striking clause (v) and
23 inserting the following:

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

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

5 “(g) LIGHTING POWER SUPPLY CIRCUITS.—If the
6 Secretary, acting pursuant to section 341(b), includes as
7 a covered equipment solid state lighting power supply cir-
8 cuits, drivers, or devices described in section
9 321(36)(A)(ii), the Secretary may prescribe under this
10 part, not earlier than 1 year after the date on which a
11 test procedure has been prescribed, an energy conservation
12 standard for such equipment.”.

13 (c) TECHNICAL CORRECTIONS.—

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

17 (2) Section 324 of the Energy Policy and Con-
18 servation Act (42 U.S.C. 6294) is amended by strik-
19 ing “(19)” each place it appears in each of sub-
20 sections (a)(3), (b)(1)(B), (b)(3), and (b)(5) and in-
21 serting “(20)”.

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

1 **Subtitle C—Manufacturing**

2 **SEC. 1201. MANUFACTURING ENERGY EFFICIENCY.**

3 (a) **PURPOSES.**—The purposes of this section are—

4 (1) to reform and reorient the industrial effi-
5 ciency programs of the Department;

6 (2) to establish a clear and consistent authority
7 for industrial efficiency programs of the Depart-
8 ment;

9 (3) to accelerate the deployment of technologies
10 and practices that will increase industrial energy effi-
11 ciency and improve productivity;

12 (4) to accelerate the development and dem-
13 onstration of technologies that will assist the deploy-
14 ment goals of the industrial efficiency programs of
15 the Department and increase manufacturing effi-
16 ciency;

17 (5) to stimulate domestic economic growth and
18 improve industrial productivity and competitiveness;
19 and

20 (6) to strengthen partnerships between Federal
21 and State governmental agencies and the private
22 and academic sectors.

23 (b) **FUTURE OF INDUSTRY PROGRAM.**—

24 (1) **IN GENERAL.**—Section 452 of the Energy
25 Independence and Security Act of 2007 (42 U.S.C.

1 17111) is amended by striking the section heading
2 and inserting the following: “**FUTURE OF INDUS-**
3 **TRY PROGRAM**”.

4 (2) DEFINITION OF ENERGY SERVICE PRO-
5 VIDER.—Section 452(a) of the Energy Independence
6 and Security Act of 2007 (42 U.S.C. 17111(a)) is
7 amended—

8 (A) in paragraph (2)—

9 (i) by redesignating subparagraph (E)
10 as subparagraph (F); and

11 (ii) by inserting before subparagraph
12 (F) (as so redesignated) the following:

13 “(E) water and wastewater treatment fa-
14 cilities, including systems that treat municipal,
15 industrial, and agricultural waste; and”;

16 (B) by redesignating paragraphs (3)
17 through (5) as paragraphs (4) through (6), re-
18 spectively; and

19 (C) by inserting after paragraph (2) the
20 following:

21 “(3) ENERGY SERVICE PROVIDER.—The term
22 ‘energy service provider’ means any business pro-
23 viding technology or services to improve the energy
24 efficiency, water efficiency, power factor, or load
25 management of a manufacturing site or other indus-

1 trial process in an energy-intensive industry, or any
2 utility operating under a utility energy service
3 project.”.

4 (3) INDUSTRIAL RESEARCH AND ASSESSMENT
5 CENTERS.—Section 452(e) of the Energy Independ-
6 ence and Security Act of 2007 (42 U.S.C. 17111(e))
7 is amended—

8 (A) by redesignating paragraphs (1)
9 through (5) as subparagraphs (A) through (E),
10 respectively, and indenting appropriately;

11 (B) by striking “The Secretary” and in-
12 serting the following:

13 “(1) IN GENERAL.—The Secretary”;

14 (C) in subparagraph (A) (as redesignated
15 by subparagraph (A)), by inserting before the
16 semicolon at the end the following: “, including
17 assessments of sustainable manufacturing goals
18 and the implementation of information tech-
19 nology advancements for supply chain analysis,
20 logistics, system monitoring, industrial and
21 manufacturing processes, and other purposes”;
22 and

23 (D) by adding at the end the following:

1 “(2) COORDINATION.—To increase the value
2 and capabilities of the industrial research and as-
3 sessment centers, the centers shall—

4 “(A) coordinate with Manufacturing Ex-
5 tension Partnership Centers of the National In-
6 stitute of Standards and Technology;

7 “(B) coordinate with the Building Tech-
8 nologies Program of the Department of Energy
9 to provide building assessment services to man-
10 ufacturers;

11 “(C) increase partnerships with the Na-
12 tional Laboratories of the Department of En-
13 ergy to leverage the expertise and technologies
14 of the National Laboratories for national indus-
15 trial and manufacturing needs;

16 “(D) increase partnerships with energy
17 service providers and technology providers to le-
18 verage private sector expertise and accelerate
19 deployment of new and existing technologies
20 and processes for energy efficiency, power fac-
21 tor, and load management;

22 “(E) identify opportunities for reducing
23 greenhouse gas emissions; and

1 “(F) promote sustainable manufacturing
2 practices for small- and medium-sized manufac-
3 turers.

4 “(3) OUTREACH.—The Secretary shall provide
5 funding for—

6 “(A) outreach activities by the industrial
7 research and assessment centers to inform
8 small- and medium-sized manufacturers of the
9 information, technologies, and services avail-
10 able; and

11 “(B) coordination activities by each indus-
12 trial research and assessment center to leverage
13 efforts with—

14 “(i) Federal and State efforts;

15 “(ii) the efforts of utilities and energy
16 service providers;

17 “(iii) the efforts of regional energy ef-
18 ficiency organizations; and

19 “(iv) the efforts of other industrial re-
20 search and assessment centers.

21 “(4) WORKFORCE TRAINING.—

22 “(A) IN GENERAL.—The Secretary shall
23 pay the Federal share of associated internship
24 programs under which students work with or
25 for industries, manufacturers, and energy serv-

1 ice providers to implement the recommendations
2 of industrial research and assessment centers.

3 “(B) FEDERAL SHARE.—The Federal
4 share of the cost of carrying out internship pro-
5 grams described in subparagraph (A) shall be
6 50 percent.

7 “(5) SMALL BUSINESS LOANS.—The Adminis-
8 trator of the Small Business Administration shall, to
9 the maximum extent practicable, expedite consider-
10 ation of applications from eligible small business
11 concerns for loans under the Small Business Act (15
12 U.S.C. 631 et seq.) to implement recommendations
13 of industrial research and assessment centers estab-
14 lished under paragraph (1).

15 “(6) ADVANCED MANUFACTURING STEERING
16 COMMITTEE.—The Secretary shall establish an advi-
17 sory steering committee to provide recommendations
18 to the Secretary on planning and implementation of
19 the Advanced Manufacturing Office of the Depart-
20 ment of Energy.

21 “(7) EXPANSION OF TECHNICAL ASSISTANCE.—
22 The Secretary shall expand the institution of higher
23 education-based industrial research and assessment
24 centers, working across Federal agencies as nec-
25 essary—

1 “(A) to provide comparable assessment
2 services to water and wastewater treatment fa-
3 cilities, including systems that treat municipal,
4 industrial, and agricultural waste; and

5 “(B) to equip the directors of the centers
6 with the training and tools necessary to provide
7 technical assistance on energy savings to the
8 water and wastewater treatment facilities.”.

9 (c) SUSTAINABLE MANUFACTURING INITIATIVE.—

10 (1) IN GENERAL.—Part E of title III of the
11 Energy Policy and Conservation Act (42 U.S.C.
12 6341) is amended by adding at the end the fol-
13 lowing:

14 **“SEC. 376. SUSTAINABLE MANUFACTURING INITIATIVE.**

15 “(a) IN GENERAL.—As part of the Office of Energy
16 Efficiency and Renewable Energy, the Secretary, on the
17 request of a manufacturer, shall conduct on-site technical
18 assessments to identify opportunities for—

19 “(1) maximizing the energy efficiency of indus-
20 trial processes and cross-cutting systems;

21 “(2) preventing pollution and minimizing waste;

22 “(3) improving efficient use of water in manu-
23 facturing processes;

24 “(4) conserving natural resources; and

1 “(5) achieving such other goals as the Secretary
2 determines to be appropriate.

3 “(b) COORDINATION.—The Secretary shall carry out
4 the initiative in coordination with the private sector and
5 appropriate agencies, including the National Institute of
6 Standards and Technology, to accelerate adoption of new
7 and existing technologies and processes that improve en-
8 ergy efficiency.

9 “(c) RESEARCH AND DEVELOPMENT PROGRAM FOR
10 SUSTAINABLE MANUFACTURING AND INDUSTRIAL TECH-
11 NOLOGIES AND PROCESSES.—As part of the industrial ef-
12 ficiency programs of the Department of Energy, the Sec-
13 retary shall carry out a joint industry-government partner-
14 ship program to research, develop, and demonstrate new
15 sustainable manufacturing and industrial technologies and
16 processes that maximize the energy efficiency of industrial
17 plants, reduce pollution, and conserve natural resources.”.

18 (2) TABLE OF CONTENTS.—The table of con-
19 tents of the Energy Policy and Conservation Act (42
20 U.S.C. prec. 6201) is amended by adding at the end
21 of the items relating to part E of title III the fol-
22 lowing:

“Sec. 376. Sustainable manufacturing initiative.”.

1 **SEC. 1202. LEVERAGING EXISTING FEDERAL AGENCY PRO-**
2 **GRAMS TO ASSIST SMALL AND MEDIUM MAN-**
3 **UFACTURERS.**

4 (a) DEFINITIONS.—In this section and section 1203:

5 (1) ENERGY MANAGEMENT SYSTEM.—The term
6 “energy management system” means a business
7 management process based on standards of the
8 American National Standards Institute that enables
9 an organization to follow a systematic approach in
10 achieving continual improvement of energy perform-
11 ance, including energy efficiency, security, use, and
12 consumption.

13 (2) INDUSTRIAL ASSESSMENT CENTER.—The
14 term “industrial assessment center” means a center
15 located at an institution of higher education that—

16 (A) receives funding from the Department;

17 (B) provides an in-depth assessment of
18 small- and medium-size manufacturer plant
19 sites to evaluate the facilities, services, and
20 manufacturing operations of the plant site; and

21 (C) identifies opportunities for potential
22 savings for small- and medium-size manufac-
23 turer plant sites from energy efficiency improve-
24 ments, waste minimization, pollution preven-
25 tion, and productivity improvement.

1 (3) NATIONAL LABORATORY.—The term “Na-
2 tional Laboratory” has the meaning given the term
3 in section 2 of the Energy Policy Act of 2005 (42
4 U.S.C. 15801).

5 (4) SMALL AND MEDIUM MANUFACTURERS.—
6 The term “small and medium manufacturers”
7 means manufacturing firms—

8 (A) classified in the North American In-
9 dustry Classification System as any of sectors
10 31 through 33;

11 (B) with gross annual sales of less than
12 \$100,000,000;

13 (C) with fewer than 500 employees at the
14 plant site; and

15 (D) with annual energy bills totaling more
16 than \$100,000 and less than \$2,500,000.

17 (5) SMART MANUFACTURING.—The term
18 “smart manufacturing” means advanced tech-
19 nologies in information, automation, monitoring,
20 computation, sensing, modeling, and networking
21 that—

22 (A) digitally—

23 (i) simulate manufacturing production
24 lines;

1 (ii) operate computer-controlled man-
2 ufacturing equipment;

3 (iii) monitor and communicate pro-
4 duction line status; and

5 (iv) manage and optimize energy pro-
6 ductivity and cost throughout production;

7 (B) model, simulate, and optimize the en-
8 ergy efficiency of a factory building;

9 (C) monitor and optimize building energy
10 performance;

11 (D) model, simulate, and optimize the de-
12 sign of energy efficient and sustainable prod-
13 ucts, including the use of digital prototyping
14 and additive manufacturing to enhance product
15 design;

16 (E) connect manufactured products in net-
17 works to monitor and optimize the performance
18 of the networks, including automated network
19 operations; and

20 (F) digitally connect the supply chain net-
21 work.

22 (b) EXPANSION OF TECHNICAL ASSISTANCE PRO-
23 GRAMS.—The Secretary shall expand the scope of tech-
24 nologies covered by the Industrial Assessment Centers of
25 the Department—

1 (1) to include smart manufacturing technologies
2 and practices; and

3 (2) to equip the directors of the Industrial As-
4 sessment Centers with the training and tools nec-
5 essary to provide technical assistance in smart man-
6 ufacturing technologies and practices, including en-
7 ergy management systems, to manufacturers.

8 (c) FUNDING.—The Secretary shall use unobligated
9 funds of the Department to carry out this section.

10 **SEC. 1203. LEVERAGING SMART MANUFACTURING INFRA-**
11 **STRUCTURE AT NATIONAL LABORATORIES.**

12 (a) STUDY.—

13 (1) IN GENERAL.—Not later than 180 days
14 after the date of enactment of this Act, the Sec-
15 retary shall conduct a study on ways in which the
16 Department can increase access to existing high-per-
17 formance computing resources in the National Lab-
18 oratories, particularly for small and medium manu-
19 facturers.

20 (2) INCLUSIONS.—In identifying ways to in-
21 crease access to National Laboratories under para-
22 graph (1), the Secretary shall—

23 (A) focus on increasing access to the com-
24 puting facilities of the National Laboratories;
25 and

1 (B) ensure that—

2 (i) the information from the manufac-
3 turer is protected; and

4 (ii) the security of the National Lab-
5 oratory facility is maintained.

6 (3) REPORT.—Not later than 1 year after the
7 date of enactment of this Act, the Secretary shall
8 submit to Congress a report describing the results of
9 the study.

10 (b) ACTIONS FOR INCREASED ACCESS.—The Sec-
11 retary shall facilitate access to the National Laboratories
12 studied under subsection (a) for small and medium manu-
13 facturers so that small and medium manufacturers can
14 fully use the high-performance computing resources of the
15 National Laboratories to enhance the manufacturing com-
16 petitiveness of the United States.

17 **Subtitle D—Vehicles**

18 **SEC. 1301. SHORT TITLE.**

19 This subtitle may be cited as the “Vehicle Innovation
20 Act of 2016”.

21 **SEC. 1302. OBJECTIVES.**

22 The objectives of this subtitle are—

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

1 (2) to develop United States technologies and
2 practices that—

3 (A) improve the fuel efficiency and emis-
4 sions of all vehicles produced in the United
5 States; and

6 (B) reduce vehicle reliance on petroleum-
7 based fuels;

8 (3) to support domestic research, development,
9 engineering, demonstration, and commercial applica-
10 tion and manufacturing of advanced vehicles, en-
11 gines, and components;

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

15 (5) to develop cost-effective advanced tech-
16 nologies for wide-scale utilization throughout the
17 passenger, commercial, government, and transit ve-
18 hicle sectors;

19 (6) to allow for greater consumer choice of vehi-
20 cle technologies and fuels;

21 (7) shorten technology development and inte-
22 gration cycles in the vehicle industry;

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

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

4 **SEC. 1303. COORDINATION AND NONDUPLICATION.**

5 The Secretary shall ensure, to the maximum extent
6 practicable, that the activities authorized by this subtitle
7 do not duplicate those of other programs within the De-
8 partment or other relevant research agencies.

9 **SEC. 1304. AUTHORIZATION OF APPROPRIATIONS.**

10 There are authorized to be appropriated to the Sec-
11 retary for research, development, engineering, demonstra-
12 tion, and commercial application of vehicles and related
13 technologies in the United States, including activities au-
14 thorized under this subtitle—

15 (1) for fiscal year 2016, \$313,567,000;

16 (2) for fiscal year 2017, \$326,109,000;

17 (3) for fiscal year 2018, \$339,154,000;

18 (4) for fiscal year 2019, \$352,720,000; and

19 (5) for fiscal year 2020, \$366,829,000.

20 **SEC. 1305. REPORTING.**

21 (a) **TECHNOLOGIES DEVELOPED.**—Not later than 18
22 months after the date of enactment of this Act and annu-
23 ally thereafter through 2020, the Secretary shall submit
24 to Congress a report regarding the technologies developed
25 as a result of the activities authorized by this subtitle, with

1 a particular emphasis on whether the technologies were
2 successfully adopted for commercial applications, and if
3 so, whether products relying on those technologies are
4 manufactured in the United States.

5 (b) **ADDITIONAL MATTERS.**—At the end of each fis-
6 cal year through 2020, the Secretary shall submit to the
7 relevant Congressional committees of jurisdiction an an-
8 nual report describing activities undertaken in the pre-
9 vious year under this Act, active industry participants, the
10 status of public private partnerships, progress of the pro-
11 gram in meeting goals and timelines, and a strategic plan
12 for funding of activities across agencies.

13 **PART I—VEHICLE RESEARCH AND**

14 **DEVELOPMENT**

15 **SEC. 1306. PROGRAM.**

16 (a) **ACTIVITIES.**—The Secretary shall conduct a pro-
17 gram of basic and applied research, development, engi-
18 neering, demonstration, and commercial application activi-
19 ties on materials, technologies, and processes with the po-
20 tential to substantially reduce or eliminate petroleum use
21 and the emissions of the Nation’s passenger and commer-
22 cial vehicles, including activities in the areas of—

23 (1) electrification of vehicle systems;

24 (2) batteries, ultracapacitors, and other energy
25 storage devices;

- 1 (3) power electronics;
- 2 (4) vehicle, component, and subsystem manu-
3 facturing technologies and processes;
- 4 (5) engine efficiency and combustion optimiza-
5 tion;
- 6 (6) waste heat recovery;
- 7 (7) transmission and drivetrains;
- 8 (8) hydrogen vehicle technologies, including fuel
9 cells and internal combustion engines, and hydrogen
10 infrastructure, including hydrogen energy storage to
11 enable renewables and provide hydrogen for fuel and
12 power;
- 13 (9) natural gas vehicle technologies;
- 14 (10) aerodynamics, rolling resistance (including
15 tires and wheel assemblies), and accessory power
16 loads of vehicles and associated equipment;
- 17 (11) vehicle weight reduction, including
18 lightweighting materials and the development of
19 manufacturing processes to fabricate, assemble, and
20 use dissimilar materials;
- 21 (12) friction and wear reduction;
- 22 (13) engine and component durability;
- 23 (14) innovative propulsion systems;
- 24 (15) advanced boosting systems;
- 25 (16) hydraulic hybrid technologies;

1 (17) engine compatibility with and optimization
2 for a variety of transportation fuels including nat-
3 ural gas and other liquid and gaseous fuels;

4 (18) predictive engineering, modeling, and sim-
5 ulation of vehicle and transportation systems;

6 (19) refueling and charging infrastructure for
7 alternative fueled and electric or plug-in electric hy-
8 brid vehicles, including the unique challenges facing
9 rural areas;

10 (20) gaseous fuels storage systems and system
11 integration and optimization;

12 (21) sensing, communications, and actuation
13 technologies for vehicle, electrical grid, and infra-
14 structure;

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

19 (23) aftertreatment technologies;

20 (24) thermal management of battery systems;

21 (25) retrofitting advanced vehicle technologies
22 to existing vehicles;

23 (26) development of common standards, speci-
24 fications, and architectures for both transportation
25 and stationary battery applications;

- 1 (27) advanced internal combustion engines;
- 2 (28) mild hybrid;
- 3 (29) engine down speeding;
- 4 (30) vehicle-to-vehicle, vehicle-to-pedestrian,
- 5 and vehicle-to-infrastructure technologies; and
- 6 (31) other research areas as determined by the
- 7 Secretary.

8 (b) TRANSFORMATIONAL TECHNOLOGY.—The Sec-
9 retary shall ensure that the Department continues to sup-
10 port research, development, engineering, demonstration,
11 and commercial application activities and maintains com-
12 petency in mid- to long-term transformational vehicle tech-
13 nologies with potential to achieve reductions in emissions,
14 including activities in the areas of—

15 (1) hydrogen vehicle technologies, including fuel
16 cells, hydrogen storage, infrastructure, and activities
17 in hydrogen technology validation and safety codes
18 and standards;

19 (2) multiple battery chemistries and novel en-
20 ergy storage devices, including nonchemical batteries
21 and electromechanical storage technologies such as
22 hydraulics, flywheels, and compressed air storage;

23 (3) communication and connectivity among ve-
24 hicles, infrastructure, and the electrical grid; and

1 (4) other innovative technologies research and
2 development, as determined by the Secretary.

3 (c) INDUSTRY PARTICIPATION.—To the maximum
4 extent practicable, activities under this Act shall be carried
5 out in partnership or collaboration with automotive manu-
6 facturers, heavy commercial, vocational, and transit vehi-
7 cle manufacturers, qualified plug-in electric vehicle manu-
8 facturers, compressed natural gas vehicle manufacturers,
9 vehicle and engine equipment and component manufactur-
10 ers, manufacturing equipment manufacturers, advanced
11 vehicle service providers, fuel producers and energy sup-
12 pliers, electric utilities, universities, national laboratories,
13 and independent research laboratories. In carrying out
14 this Act the Secretary shall—

15 (1) determine whether a wide range of compa-
16 nies that manufacture or assemble vehicles or com-
17 ponents in the United States are represented in on-
18 going public private partnership activities, including
19 firms that have not traditionally participated in fed-
20 erally sponsored research and development activities,
21 and where possible, partner with such firms that
22 conduct significant and relevant research and devel-
23 opment activities in the United States;

24 (2) leverage the capabilities and resources of,
25 and formalize partnerships with, industry-led stake-

1 holder organizations, nonprofit organizations, indus-
2 try consortia, and trade associations with expertise
3 in the research and development of, and education
4 and outreach activities in, advanced automotive and
5 commercial vehicle technologies;

6 (3) develop more effective processes for trans-
7 ferring research findings and technologies to indus-
8 try;

9 (4) support public-private partnerships, dedi-
10 cated to overcoming barriers in commercial applica-
11 tion of transformational vehicle technologies, that
12 utilize such industry-led technology development fa-
13 cilities of entities with demonstrated expertise in
14 successfully designing and engineering pre-commer-
15 cial generations of such transformational technology;
16 and

17 (5) promote efforts to ensure that technology
18 research, development, engineering, and commercial
19 application activities funded under this Act are car-
20 ried out in the United States.

21 (d) INTERAGENCY AND INTRAAGENCY COORDINA-
22 TION.—To the maximum extent practicable, the Secretary
23 shall coordinate research, development, demonstration,
24 and commercial application activities among—

1 (1) relevant programs within the Department,
2 including—

3 (A) the Office of Energy Efficiency and
4 Renewable Energy;

5 (B) the Office of Science;

6 (C) the Office of Electricity Delivery and
7 Energy Reliability;

8 (D) the Office of Fossil Energy;

9 (E) the Advanced Research Projects Agen-
10 cy—Energy; and

11 (F) other offices as determined by the Sec-
12 retary; and

13 (2) relevant technology research and develop-
14 ment programs within other Federal agencies, as de-
15 termined by the Secretary.

16 (e) FEDERAL DEMONSTRATION OF TECH-
17 NOLOGIES.—The Secretary shall make information avail-
18 able to procurement programs of Federal agencies regard-
19 ing the potential to demonstrate technologies resulting
20 from activities funded through programs under this Act.

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

1 (g) CRITERIA.—When awarding grants under this
2 program, the Secretary shall give priority to those tech-
3 nologies (either individually or as part of a system) that—

4 (1) provide the greatest aggregate fuel savings
5 based on the reasonable projected sales volumes of
6 the technology; and

7 (2) provide the greatest increase in United
8 States employment.

9 (h) SECONDARY USE APPLICATIONS.—

10 (1) IN GENERAL.—The Secretary shall carry
11 out a research, development, and demonstration pro-
12 gram that—

13 (A) builds on any work carried out under
14 section 915 of the Energy Policy Act of 2005
15 (42 U.S.C. 16195);

16 (B) identifies possible uses of a vehicle bat-
17 tery after the useful life of the battery in a ve-
18 hicle has been exhausted;

19 (C) conducts long-term testing to verify
20 performance and degradation predictions and
21 lifetime valuations for secondary uses;

22 (D) evaluates innovative approaches to re-
23 cycling materials from plug-in electric drive ve-
24 hicles and the batteries used in plug-in electric
25 drive vehicles;

1 (E)(i) assesses the potential for markets
2 for uses described in subparagraph (B) to de-
3 velop; and

4 (ii) identifies any barriers to the develop-
5 ment of those markets; and

6 (F) identifies the potential uses of a vehi-
7 cle battery—

8 (i) with the most promise for market
9 development; and

10 (ii) for which market development
11 would be aided by a demonstration project.

12 (2) REPORT.—Not later than 1 year after the
13 date of enactment of this Act, the Secretary shall
14 submit to the appropriate committees of Congress
15 an initial report on the findings of the program de-
16 scribed in paragraph (1), including recommendations
17 for stationary energy storage and other potential ap-
18 plications for batteries used in plug-in electric drive
19 vehicles.

20 (3) SECONDARY USE DEMONSTRATION.—

21 (A) IN GENERAL.—Based on the results of
22 the program described in paragraph (1), the
23 Secretary shall develop guidelines for projects
24 that demonstrate the secondary uses and inno-
25 vative recycling of vehicle batteries.

1 (B) PUBLICATION OF GUIDELINES.—Not
2 later than 18 months after the date of enact-
3 ment of this Act, the Secretary shall—

4 (i) publish the guidelines described in
5 subparagraph (A); and

6 (ii) solicit applications for funding for
7 demonstration projects.

8 (C) PILOT DEMONSTRATION PROGRAM.—

9 Not later than 21 months after the date of en-
10 actment of this Act, the Secretary shall select
11 proposals for grant funding under this section,
12 based on an assessment of which proposals are
13 mostly likely to contribute to the development
14 of a secondary market for batteries.

15 **SEC. 1307. MANUFACTURING.**

16 The Secretary shall carry out a research, develop-
17 ment, engineering, demonstration, and commercial appli-
18 cation program of advanced vehicle manufacturing tech-
19 nologies and practices, including innovative processes—

20 (1) to increase the production rate and decrease
21 the cost of advanced battery and fuel cell manufac-
22 turing;

23 (2) to vary the capability of individual manufac-
24 turing facilities to accommodate different battery
25 chemistries and configurations;

1 (3) to reduce waste streams, emissions, and en-
2 ergy intensity of vehicle, engine, advanced battery
3 and component manufacturing processes;

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

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

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

14 (7) to design and manufacture purpose-built hy-
15 drogen fuel cell vehicles and components;

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

18 (9) to produce permanent magnets for advanced
19 vehicles.

20 **PART II—MEDIUM- AND HEAVY-DUTY**

21 **COMMERCIAL AND TRANSIT VEHICLES**

22 **SEC. 1308. PROGRAM.**

23 The Secretary, in partnership with relevant research
24 and development programs in other Federal agencies, and
25 a range of appropriate industry stakeholders, shall carry

1 out a program of cooperative research, development, dem-
2 onstration, and commercial application activities on ad-
3 vanced technologies for medium- to heavy-duty commer-
4 cial, vocational, recreational, and transit vehicles, includ-
5 ing activities in the areas of—

6 (1) engine efficiency and combustion research;

7 (2) onboard storage technologies for compressed
8 and liquefied natural gas;

9 (3) development and integration of engine tech-
10 nologies designed for natural gas operation of a vari-
11 ety of vehicle platforms;

12 (4) waste heat recovery and conversion;

13 (5) improved aerodynamics and tire rolling re-
14 sistance;

15 (6) energy and space-efficient emissions control
16 systems;

17 (7) mild hybrid, heavy hybrid, hybrid hydraulic,
18 plug-in hybrid, and electric platforms, and energy
19 storage technologies;

20 (8) drivetrain optimization;

21 (9) friction and wear reduction;

22 (10) engine idle and parasitic energy loss reduc-
23 tion;

24 (11) electrification of accessory loads;

- 1 (12) onboard sensing and communications tech-
- 2 nologies;
- 3 (13) advanced lightweighting materials and ve-
- 4 hicle designs;
- 5 (14) increasing load capacity per vehicle;
- 6 (15) thermal management of battery systems;
- 7 (16) recharging infrastructure;
- 8 (17) compressed natural gas infrastructure;
- 9 (18) advanced internal combustion engines;
- 10 (19) complete vehicle and power pack modeling,
- 11 simulation, and testing;
- 12 (20) hydrogen vehicle technologies, including
- 13 fuel cells and internal combustion engines, and hy-
- 14 drogen infrastructure, including hydrogen energy
- 15 storage to enable renewables and provide hydrogen
- 16 for fuel and power;
- 17 (21) retrofitting advanced technologies onto ex-
- 18 isting truck fleets;
- 19 (22) advanced boosting systems;
- 20 (23) engine down speeding; and
- 21 (24) integration of these and other advanced
- 22 systems onto a single truck and trailer platform.

1 **SEC. 1309. CLASS 8 TRUCK AND TRAILER SYSTEMS DEM-**
2 **ONSTRATION.**

3 (a) IN GENERAL.—The Secretary shall conduct a
4 competitive grant program to demonstrate the integration
5 of multiple advanced technologies on Class 8 truck and
6 trailer platforms, including a combination of technologies
7 listed in section 1308.

8 (b) APPLICANT TEAMS.—Applicant teams may be
9 comprised of truck and trailer manufacturers, engine and
10 component manufacturers, fleet customers, university re-
11 searchers, and other applicants as appropriate for the de-
12 velopment and demonstration of integrated Class 8 truck
13 and trailer systems.

14 **SEC. 1310. TECHNOLOGY TESTING AND METRICS.**

15 The Secretary, in coordination with the partners of
16 the interagency research program described in section
17 1308—

18 (1) shall develop standard testing procedures
19 and technologies for evaluating the performance of
20 advanced heavy vehicle technologies under a range of
21 representative duty cycles and operating conditions,
22 including for heavy hybrid propulsion systems;

23 (2) shall evaluate heavy vehicle performance
24 using work performance-based metrics other than
25 those based on miles per gallon, including those
26 based on units of volume and weight transported for

1 freight applications, and appropriate metrics based
2 on the work performed by nonroad systems; and

3 (3) may construct heavy duty truck and bus
4 testing facilities.

5 **SEC. 1311. NONROAD SYSTEMS PILOT PROGRAM.**

6 The Secretary shall undertake a pilot program of re-
7 search, development, demonstration, and commercial ap-
8 plications of technologies to improve total machine or sys-
9 tem efficiency for nonroad mobile equipment including ag-
10 ricultural, construction, air, and sea port equipment, and
11 shall seek opportunities to transfer relevant research find-
12 ings and technologies between the nonroad and on-high-
13 way equipment and vehicle sectors.

14 **PART III—ADMINISTRATION**

15 **SEC. 1312. REPEAL OF EXISTING AUTHORITIES.**

16 (a) IN GENERAL.—Sections 706, 711, 712, and 933
17 of the Energy Policy Act of 2005 (42 U.S.C. 16051,
18 16061, 16062, 16233) are repealed.

19 (b) ENERGY EFFICIENCY.—Section 911 of the En-
20 ergy Policy Act of 2005 (42 U.S.C. 16191) is amended—

21 (1) in subsection (a)—

22 (A) in paragraph (1)(A), by striking “vehi-
23 cles, buildings,” and inserting “buildings”; and

24 (B) in paragraph (2)—

25 (i) by striking subparagraph (A); and

1 (ii) by redesignating subparagraphs
 2 (B) through (E) as subparagraphs (A)
 3 through (D), respectively; and
 4 (2) in subsection (c)—
 5 (A) by striking paragraph (3);
 6 (B) by redesignating paragraph (4) as
 7 paragraph (3); and
 8 (C) in paragraph (3) (as so redesignated),
 9 by striking “(a)(2)(D)” and inserting
 10 “(a)(2)(C)”.

11 **SEC. 1313. REAUTHORIZATION OF DIESEL EMISSIONS RE-**
 12 **DUCTION PROGRAM.**

13 Section 797(a) of the Energy Policy Act of 2005 (42
 14 U.S.C. 16137(a)) is amended by striking “2016” and in-
 15 serting “2021”.

16 **SEC. 1314. GASEOUS FUEL DUAL FUELED AUTOMOBILES.**

17 Section 32905 of title 49, United States Code, is
 18 amended by striking subsection (d) and inserting the fol-
 19 lowing:

20 “(d) GASEOUS FUEL DUAL FUELED AUTO-
 21 MOBILES.—

22 “(1) MODEL YEARS 1993 THROUGH 2016.—For
 23 any model of gaseous fuel dual fueled automobile
 24 manufactured by a manufacturer in model years
 25 1993 through 2016, the Administrator shall measure

1 the fuel economy for that model by dividing 1.0 by
2 the sum of—

3 “(A) .5 divided by the fuel economy meas-
4 ured under section 32904(c) of this title when
5 operating the model on gasoline or diesel fuel;
6 and

7 “(B) .5 divided by the fuel economy meas-
8 ured under subsection (c) of this section when
9 operating the model on gaseous fuel.

10 “(2) SUBSEQUENT MODEL YEARS.—For any
11 model of gaseous fuel dual fueled automobile manu-
12 factured by a manufacturer in model year 2017 or
13 any subsequent model year, the Administrator shall
14 calculate fuel economy in accordance with section
15 600.510–12 (c)(2)(vii) of title 40, Code of Federal
16 Regulations (as in effect on the date of enactment
17 of this paragraph) if the vehicle qualifies under sec-
18 tion 32901(c).”.

19 **Subtitle E—Short Title**

20 **SEC. 1401. SHORT TITLE.**

21 This title may be cited as the “Portman-Shaheen En-
22 ergy Efficiency Improvement Act of 2016”.

23 **Subtitle F—Housing**

24 **SEC. 1501. DEFINITIONS.**

25 In this subtitle, the following definitions shall apply:

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

5 (2) HOMEOWNER.—The term “homeowner”
6 means the mortgagor under a covered loan.

7 (3) MORTGAGEE.—The term “mortgagee”
8 means an original lender under a covered loan or the
9 holder of a covered loan at the time at which that
10 mortgage transaction is consummated.

11 **SEC. 1502. ENHANCED ENERGY EFFICIENCY UNDER-**
12 **WRITING CRITERIA.**

13 (a) IN GENERAL.—Not later than 1 year after the
14 date of enactment of this Act, the Secretary of Housing
15 and Urban Development shall, in consultation with the ad-
16 visory group established in section 1505(c), develop and
17 issue guidelines for the Federal Housing Administration
18 to implement enhanced loan eligibility requirements, for
19 use when testing the ability of a loan applicant to repay
20 a covered loan, that account for the expected energy cost
21 savings for a loan applicant at a subject property, in the
22 manner set forth in subsections (b) and (c).

23 (b) REQUIREMENTS TO ACCOUNT FOR ENERGY COST
24 SAVINGS.—

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

11 (2) USE AS OFFSET.—To the extent that the
12 Federal Housing Administration uses a test such as
13 a debt-to-income test that includes certain regular
14 expenses, such as hazard insurance and property
15 taxes—

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

18 (B) the Federal Housing Administration
19 may not use the offset described in subpara-
20 graph (A) to qualify a loan applicant for insur-
21 ance under title II of the National Housing Act
22 (12 U.S.C. 1707 et seq.) with respect to a loan
23 that would not otherwise meet the requirements
24 for such insurance.

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

6 (c) DETERMINATION OF ESTIMATED ENERGY COST
7 SAVINGS.—

8 (1) IN GENERAL.—The guidelines to be issued
9 under subsection (a) shall include instructions for
10 the Federal Housing Administration to calculate es-
11 timated energy cost savings using—

12 (A) the energy efficiency report;

13 (B) an estimate of baseline average energy
14 costs; and

15 (C) additional sources of information as
16 determined by the Secretary of Housing and
17 Urban Development.

18 (2) REPORT REQUIREMENTS.—For the pur-
19 poses of paragraph (1), an energy efficiency report
20 shall—

21 (A) estimate the expected energy cost sav-
22 ings specific to the subject property, based on
23 specific information about the property;

1 (B) be prepared in accordance with the
2 guidelines to be issued under subsection (a);
3 and

4 (C) be prepared—

5 (i) in accordance with the Residential
6 Energy Service Network’s Home Energy
7 Rating System (commonly known as
8 “HERS”) by an individual certified by the
9 Residential Energy Service Network, un-
10 less the Secretary of Housing and Urban
11 Development finds that the use of HERS
12 does not further the purposes of this sub-
13 title;

14 (ii) in accordance with the Alaska
15 Housing Finance Corporation energy rat-
16 ing system by an individual certified by the
17 Alaska Housing Finance Corporation as an
18 authorized Energy Rater; or

19 (iii) by other methods approved by the
20 Secretary of Housing and Urban Develop-
21 ment, in consultation with the Secretary
22 and the advisory group established in sec-
23 tion 1505(c), for use under this subtitle,
24 which shall include a third-party quality
25 assurance procedure.

1 (3) USE BY APPRAISER.—If an energy effi-
2 ciency report is used under subsection (b), the en-
3 ergy efficiency report shall be provided to the ap-
4 praiser to estimate the energy efficiency of the sub-
5 ject property and for potential adjustments for en-
6 ergy efficiency.

7 (d) PRICING OF LOANS.—

8 (1) IN GENERAL.—The Federal Housing Ad-
9 ministration may price covered loans originated
10 under the enhanced loan eligibility requirements re-
11 quired under this section in accordance with the esti-
12 mated risk of the loans.

13 (2) IMPOSITION OF CERTAIN MATERIAL COSTS,
14 IMPEDIMENTS, OR PENALTIES.—In the absence of a
15 publicly disclosed analysis that demonstrates signifi-
16 cant additional default risk or prepayment risk asso-
17 ciated with the loans, the Federal Housing Adminis-
18 tration shall not impose material costs, impediments,
19 or penalties on covered loans merely because the
20 loan uses an energy efficiency report or the en-
21 hanced loan eligibility requirements required under
22 this section.

23 (e) LIMITATIONS.—

24 (1) IN GENERAL.—The Federal Housing Ad-
25 ministration may price covered loans originated

1 under the enhanced loan eligibility requirements re-
2 quired under this section in accordance with the esti-
3 mated risk of those loans.

4 (2) PROHIBITED ACTIONS.—The Federal Hous-
5 ing Administration shall not—

6 (A) modify existing underwriting criteria
7 or adopt new underwriting criteria that inten-
8 tionally negate or reduce the impact of the re-
9 quirements or resulting benefits that are set
10 forth or otherwise derived from the enhanced
11 loan eligibility requirements required under this
12 section; or

13 (B) impose greater buy back requirements,
14 credit overlays, or insurance requirements, in-
15 cluding private mortgage insurance, on covered
16 loans merely because the loan uses an energy
17 efficiency report or the enhanced loan eligibility
18 requirements required under this section.

19 (f) APPLICABILITY AND IMPLEMENTATION DATE.—
20 Not later than 3 years after the date of enactment of this
21 Act, and before December 31, 2019, the enhanced loan
22 eligibility requirements required under this section shall
23 be implemented by the Federal Housing Administration
24 to—

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

3 (2) be available on any residential real property
4 (including individual units of condominiums and co-
5 operatives) that qualifies for a covered loan; and

6 (3) provide prospective mortgagees with suffi-
7 cient guidance and applicable tools to implement the
8 required underwriting methods.

9 **SEC. 1503. ENHANCED ENERGY EFFICIENCY UNDER-**
10 **WRITING VALUATION GUIDELINES.**

11 (a) **IN GENERAL.**—Not later than 1 year after the
12 date of enactment of this Act, the Secretary of Housing
13 and Urban Development shall—

14 (1) in consultation with the Federal Financial
15 Institutions Examination Council and the advisory
16 group established in section 1505(c), develop and
17 issue guidelines for the Federal Housing Administra-
18 tion to determine the maximum permitted loan
19 amount based on the value of the property for all
20 covered loans made on properties with an energy ef-
21 ficiency report that meets the requirements of sec-
22 tion 1502(c)(2); and

23 (2) in consultation with the Secretary, issue
24 guidelines for the Federal Housing Administration
25 to determine the estimated energy savings under

1 subsection (c) for properties with an energy effi-
2 ciency report.

3 (b) REQUIREMENTS.—The enhanced energy effi-
4 ciency underwriting valuation guidelines required under
5 subsection (a) shall include—

6 (1) a requirement that if an energy efficiency
7 report that meets the requirements of section
8 1502(e)(2) is voluntarily provided to the mortgagee,
9 such report shall be used by the mortgagee or the
10 Federal Housing Administration to determine the
11 estimated energy savings of the subject property;
12 and

13 (2) a requirement that the estimated energy
14 savings of the subject property be added to the ap-
15 praised value of the subject property by a mortgagee
16 or the Federal Housing Administration for the pur-
17 pose of determining the loan-to-value ratio of the
18 subject property, unless the appraisal includes the
19 value of the overall energy efficiency of the subject
20 property, using methods to be established under the
21 guidelines issued under subsection (a).

22 (c) DETERMINATION OF ESTIMATED ENERGY SAV-
23 INGS.—

24 (1) AMOUNT OF ENERGY SAVINGS.—The
25 amount of estimated energy savings shall be deter-

1 mined by calculating the difference between the esti-
2 mated energy costs for the average comparable
3 houses, as determined in guidelines to be issued
4 under subsection (a), and the estimated energy costs
5 for the subject property based upon the energy effi-
6 ciency report.

7 (2) DURATION OF ENERGY SAVINGS.—The du-
8 ration of the estimated energy savings shall be based
9 upon the estimated life of the applicable equipment,
10 consistent with the rating system used to produce
11 the energy efficiency report.

12 (3) PRESENT VALUE OF ENERGY SAVINGS.—
13 The present value of the future savings shall be dis-
14 counted using the average interest rate on conven-
15 tional 30-year mortgages, in the manner directed by
16 guidelines issued under subsection (a).

17 (d) ENSURING CONSIDERATION OF ENERGY EFFI-
18 CIENT FEATURES.—Section 1110 of the Financial Institu-
19 tions Reform, Recovery, and Enforcement Act of 1989 (12
20 U.S.C. 3339) is amended—

21 (1) in paragraph (2), by striking “; and” at the
22 end;

23 (2) in paragraph (3), by striking the period at
24 the end and inserting “; and”; and

1 (3) by inserting after paragraph (3) the fol-
2 lowing:

3 “(4) that State certified and licensed appraisers
4 have timely access, whenever practicable, to informa-
5 tion from the property owner and the lender that
6 may be relevant in developing an opinion of value re-
7 garding the energy-saving improvements or features
8 of a property, such as—

9 “(A) labels or ratings of buildings;

10 “(B) installed appliances, measures, sys-
11 tems or technologies;

12 “(C) blueprints;

13 “(D) construction costs;

14 “(E) financial or other incentives regard-
15 ing energy-efficient components and systems in-
16 stalled in a property;

17 “(F) utility bills;

18 “(G) energy consumption and bench-
19 marking data; and

20 “(H) third-party verifications or represen-
21 tations of energy and water efficiency perform-
22 ance of a property, observing all financial pri-
23 vacy requirements adhered to by certified and
24 licensed appraisers, including section 501 of the
25 Gramm-Leach-Bliley Act (15 U.S.C. 6801).

1 Unless a property owner consents to a lender, an ap-
2 praiser, in carrying out the requirements of para-
3 graph (4), shall not have access to the commercial
4 or financial information of the owner that is privi-
5 leged or confidential.”.

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

10 (1) in paragraph (1), by inserting before the
11 semicolon the following: “, or any real property on
12 which the appraiser makes adjustments using an en-
13 ergy efficiency report”; and

14 (2) in paragraph (2), by inserting after before
15 the period at the end the following: “, or an ap-
16 praisal on which the appraiser makes adjustments
17 using an energy efficiency report”.

18 (f) PROTECTIONS.—

19 (1) AUTHORITY TO IMPOSE LIMITATIONS.—The
20 guidelines to be issued under subsection (a) shall in-
21 clude such limitations and conditions as determined
22 by the Secretary of Housing and Urban Develop-
23 ment to be necessary to protect against meaningful
24 under or over valuation of energy cost savings or du-
25 plicative counting of energy efficiency features or en-

1 ergy cost savings in the valuation of any subject
2 property that is used to determine a loan amount.

3 (2) **ADDITIONAL AUTHORITY.**—At the end of
4 the 7-year period following the implementation of
5 enhanced eligibility and underwriting valuation re-
6 quirements under this subtitle, the Secretary of
7 Housing and Urban Development may modify or
8 apply additional exceptions to the approach de-
9 scribed in subsection (b), where the Secretary of
10 Housing and Urban Development finds that the
11 unadjusted appraisal will reflect an accurate market
12 value of the efficiency of the subject property or that
13 a modified approach will better reflect an accurate
14 market value.

15 (g) **APPLICABILITY AND IMPLEMENTATION DATE.**—
16 Not later than 3 years after the date of enactment of this
17 Act, and before December 31, 2019, the Federal Housing
18 Administration shall implement the guidelines required
19 under this section, which shall—

20 (1) apply to any covered loan for the sale, or
21 refinancing of any loan for the sale, of any home;
22 and

23 (2) be available on any residential real property,
24 including individual units of condominiums and co-
25 operatives, that qualifies for a covered loan.

1 SEC. 1504. MONITORING.

2 Not later than 1 year after the date on which the
3 enhanced eligibility and underwriting valuation require-
4 ments are implemented under this subtitle, and every year
5 thereafter, the Federal Housing Administration shall issue
6 and make available to the public a report that—

7 (1) enumerates the number of covered loans of
8 the Federal Housing Administration for which there
9 was an energy efficiency report, and that used en-
10 ergy efficiency appraisal guidelines and enhanced
11 loan eligibility requirements;

12 (2) includes the default rates and rates of fore-
13 closures for each category of loans; and

14 (3) describes the risk premium, if any, that the
15 Federal Housing Administration has priced into cov-
16 ered loans for which there was an energy efficiency
17 report.

18 SEC. 1505. RULEMAKING.

19 (a) IN GENERAL.—The Secretary of Housing and
20 Urban Development shall prescribe regulations to carry
21 out this subtitle, in consultation with the Secretary and
22 the advisory group established in subsection (c), which
23 may contain such classifications, differentiations, or other
24 provisions, and may provide for such proper implementa-
25 tion and appropriate treatment of different types of trans-
26 actions, as the Secretary of Housing and Urban Develop-

1 ment determines are necessary or proper to effectuate the
2 purposes of this subtitle, to prevent circumvention or eva-
3 sion thereof, or to facilitate compliance therewith.

4 (b) RULE OF CONSTRUCTION.—Nothing in this sub-
5 title shall be construed to authorize the Secretary of Hous-
6 ing and Urban Development to require any homeowner or
7 other party to provide energy efficiency reports, energy ef-
8 ficiency labels, or other disclosures to the Federal Housing
9 Administration or to a mortgagee.

10 (c) ADVISORY GROUP.—To assist in carrying out this
11 subtitle, the Secretary of Housing and Urban Develop-
12 ment shall establish an advisory group, consisting of indi-
13 viduals representing the interests of—

- 14 (1) mortgage lenders;
- 15 (2) appraisers;
- 16 (3) energy raters and residential energy con-
17 sumption experts;
- 18 (4) energy efficiency organizations;
- 19 (5) real estate agents;
- 20 (6) home builders and remodelers;
- 21 (7) consumer advocates;
- 22 (8) State energy officials; and
- 23 (9) others as determined by the Secretary of
24 Housing and Urban Development.

1 **SEC. 1506. ADDITIONAL STUDY.**

2 (a) IN GENERAL.—Not later than 18 months after
3 the date of enactment of this Act, the Secretary of Hous-
4 ing and Urban Development shall reconvene the advisory
5 group established in section 1505(c), in addition to water
6 and locational efficiency experts, to advise the Secretary
7 of Housing and Urban Development on the implementa-
8 tion of the enhanced energy efficiency underwriting cri-
9 teria established in sections 1502 and 1503.

10 (b) RECOMMENDATIONS.—The advisory group estab-
11 lished in section 1505(c) shall provide recommendations
12 to the Secretary of Housing and Urban Development on
13 any revisions or additions to the enhanced energy effi-
14 ciency underwriting criteria deemed necessary by the
15 group, which may include alternate methods to better ac-
16 count for home energy costs and additional factors to ac-
17 count for substantial and regular costs of homeownership
18 such as location-based transportation costs and water
19 costs. The Secretary of Housing and Urban Development
20 shall forward any legislative recommendations from the
21 advisory group to Congress for its consideration.

22 **TITLE II—INFRASTRUCTURE**

23 **Subtitle A—Cybersecurity**

24 **SEC. 2001. CYBERSECURITY THREATS.**

25 Part II of the Federal Power Act (16 U.S.C. 824 et
26 seq.) is amended by adding at the end the following:

1 **“SEC. 224. CYBERSECURITY THREATS.**

2 “(a) DEFINITIONS.—In this section:

3 “(1) BULK-POWER SYSTEM.—The term ‘bulk-
4 power system’ has the meaning given the term in
5 section 215.

6 “(2) CRITICAL ELECTRIC INFRASTRUCTURE.—
7 The term ‘critical electric infrastructure’ means a
8 system or asset of the bulk-power system, whether
9 physical or virtual, the incapacity or destruction of
10 which would negatively affect national security, eco-
11 nomic security, public health or safety, or any com-
12 bination of those matters.

13 “(3) CRITICAL ELECTRIC INFRASTRUCTURE IN-
14 FORMATION.—

15 “(A) IN GENERAL.—The term ‘critical
16 electric infrastructure information’ means infor-
17 mation related to critical electric infrastructure,
18 or proposed critical electric infrastructure, gen-
19 erated by or provided to the Commission or
20 other Federal agency, other than classified na-
21 tional security information, that is designated
22 as critical electric infrastructure information by
23 the Commission under subsection (d)(2).

24 “(B) INCLUSIONS.—The term ‘critical elec-
25 tric infrastructure information’ includes infor-
26 mation that qualifies as critical energy infra-

1 structure information under regulations promul-
2 gated by the Commission.

3 “(4) CYBERSECURITY THREAT.—The term ‘cy-
4 bersecurity threat’ means the imminent danger of an
5 act that severely disrupts, attempts to severely dis-
6 rupt, or poses a significant risk of severely dis-
7 rupting the operation of programmable electronic de-
8 vices or communications networks (including hard-
9 ware, software, and data) essential to the reliable
10 operation of the bulk-power system.

11 “(5) ELECTRIC RELIABILITY ORGANIZATION.—
12 The term ‘Electric Reliability Organization’ has the
13 meaning given the term in section 215.

14 “(6) REGIONAL ENTITY.—The term ‘regional
15 entity’ has the meaning given the term in section
16 215.

17 “(7) SECRETARY.—The term ‘Secretary’ means
18 the Secretary of Energy.

19 “(b) EMERGENCY AUTHORITY OF SECRETARY.—

20 “(1) IN GENERAL.—If the President notifies
21 the Secretary that the President has made a deter-
22 mination that immediate action is necessary to pro-
23 tect the bulk-power system from a cybersecurity
24 threat, the Secretary may require, by order and with
25 or without notice, any entity that is registered with

1 the Electric Reliability Organization as an owner,
2 operator, or user of the bulk-power system to take
3 such actions as the Secretary determines will best
4 avert or mitigate the cybersecurity threat.

5 “(2) WRITTEN EXPLANATION.—As soon as
6 practicable after notifying the Secretary under para-
7 graph (1), the President shall—

8 “(A) provide to the Secretary, in writing,
9 a record of the determination and an expla-
10 nation of the reasons for the determination; and

11 “(B) promptly notify, in writing, congres-
12 sional committees of relevant jurisdiction, in-
13 cluding the Committee on Energy and Com-
14 merce of the House of Representatives and the
15 Committee on Energy and Natural Resources of
16 the Senate, of the contents of, and justification
17 for, the directive or determination.

18 “(3) COORDINATION WITH CANADA AND MEX-
19 ICO.—In exercising the authority pursuant to this
20 subsection, the Secretary is encouraged to consult
21 and coordinate with the appropriate officials in Can-
22 ada and Mexico responsible for the protection of cy-
23 bersecurity of the interconnected North American
24 electricity grid.

1 “(4) CONSULTATION.—Before exercising au-
2 thority pursuant to this subsection, to the maximum
3 extent practicable, taking into consideration the na-
4 ture of an identified cybersecurity threat and the ur-
5 gency of need for action, the Secretary shall consult
6 regarding implementation of actions that will effec-
7 tively address the cybersecurity threat with—

8 “(A) any entities potentially subject to the
9 cybersecurity threat that own, control, or oper-
10 ate bulk-power system facilities;

11 “(B) the Electric Reliability Organization;

12 “(C) the Electricity Sub-sector Coordi-
13 nating Council (as established by the Electric
14 Reliability Organization); and

15 “(D) officials of other Federal departments
16 and agencies, as appropriate.

17 “(5) COST RECOVERY.—

18 “(A) IN GENERAL.—The Commission shall
19 adopt regulations that permit entities subject to
20 an order under paragraph (1) to seek recovery
21 of prudently incurred costs required to imple-
22 ment actions ordered by the Secretary under
23 this subsection.

1 “(B) REQUIREMENTS.—Any rate or charge
2 approved under regulations adopted pursuant to
3 this paragraph—

4 “(i) shall be just and reasonable; and
5 “(ii) shall not be unduly discrimina-
6 tory or preferential.

7 “(c) DURATION OF EMERGENCY ORDERS.—An order
8 issued by the Secretary pursuant to subsection (b) shall
9 remain in effect for not longer than the 30-day period be-
10 ginning on the effective date of the order, unless, during
11 that 30 day-period, the Secretary—

12 “(1) provides to interested persons an oppor-
13 tunity to submit written data, recommendations, and
14 arguments; and

15 “(2) affirms, amends, or repeals the order, sub-
16 ject to the condition that an amended order shall not
17 exceed a total duration of 90 days.

18 “(d) PROTECTION AND SHARING OF CRITICAL ELEC-
19 TRIC INFRASTRUCTURE.—

20 “(1) PROTECTION OF CRITICAL ELECTRIC IN-
21 FRASTRUCTURE.—Critical electric infrastructure in-
22 formation—

23 “(A) shall be exempt from disclosure under
24 section 552(b)(3) of title 5, United States Code;
25 and

1 “(B) shall not be made available by any
2 State, political subdivision, or tribal authority
3 pursuant to any State, political subdivision, or
4 tribal law requiring disclosure of information or
5 records.

6 “(2) DESIGNATION AND SHARING OF CRITICAL
7 ELECTRIC INFRASTRUCTURE INFORMATION.—Not
8 later than 1 year after the date of enactment of this
9 section, the Commission, in consultation with the
10 Secretary of Energy, shall promulgate such regula-
11 tions and issue such orders as necessary—

12 “(A) to designate critical electric infra-
13 structure information;

14 “(B) to prohibit the unauthorized disclo-
15 sure of critical electric infrastructure informa-
16 tion; and

17 “(C) to ensure there are appropriate sanc-
18 tions in place for Commissioners, officers, em-
19 ployees, or agents of the Commission who
20 knowingly and willfully disclose critical electric
21 infrastructure information in a manner that is
22 not authorized under this section;

23 “(3) CONSIDERATIONS.—In promulgating regu-
24 lations and issuing orders under paragraph (2), the

1 Commission shall take into consideration the role of
2 State commissions in—

3 “(A) reviewing the prudence and cost of
4 investments;

5 “(B) determining the rates and terms of
6 conditions for electric services; and

7 “(C) ensuring the safety and reliability of
8 the bulk-power system and distribution facilities
9 within the respective jurisdictions of the State
10 commissions.

11 “(4) NO REQUIRED SHARING OF INFORMA-
12 TION.—Nothing in this section requires a person or
13 entity in possession of critical electric infrastructure
14 information to share the information with Federal,
15 State, political subdivision, or tribal authorities, or
16 any other person or entity.

17 “(5) DISCLOSURE OF NONCRITICAL ELECTRIC
18 INFRASTRUCTURE INFORMATION.—In carrying out
19 this section, the Commission shall segregate critical
20 electric infrastructure information within documents
21 and electronic communications, wherever feasible, to
22 facilitate disclosure of information that is not des-
23 ignated as critical electric infrastructure informa-
24 tion.”.

1 **SEC. 2002. ENHANCED GRID SECURITY.**

2 (a) DEFINITIONS.—In this section:

3 (1) ELECTRIC UTILITY.—The term “electric
4 utility” has the meaning given the term in section
5 3 of the Federal Power Act (16 U.S.C. 796).

6 (2) ES-ISAC.—The term “ES-ISAC” means
7 the Electricity Sector Information Sharing and
8 Analysis Center.

9 (3) NATIONAL LABORATORY.—The term “Na-
10 tional Laboratory” has the meaning given the term
11 in section 2 of the Energy Policy Act of 2005 (42
12 U.S.C. 15801).

13 (4) SECTOR-SPECIFIC AGENCY.—The term
14 “Sector-Specific Agency” has the meaning given the
15 term in the Presidential policy directive entitled
16 “Critical Infrastructure Security and Resilience”,
17 numbered 21, and dated February 12, 2013.

18 (b) SECTOR-SPECIFIC AGENCY FOR CYBERSECURITY
19 FOR THE ENERGY SECTOR.—

20 (1) IN GENERAL.—The Department shall be the
21 lead Sector-Specific Agency for cybersecurity for the
22 energy sector.

23 (2) DUTIES.—As the designated Sector-Specific
24 Agency for cybersecurity, the duties of the Depart-
25 ment shall include—

1 (A) coordinating with the Department of
2 Homeland Security and other relevant Federal
3 departments and agencies;

4 (B) collaborating with—

5 (i) critical infrastructure owners and
6 operators; and

7 (ii) as appropriate—

8 (I) independent regulatory agen-
9 cies; and

10 (II) State, local, tribal and terri-
11 torial entities;

12 (C) serving as a day-to-day Federal inter-
13 face for the dynamic prioritization and coordi-
14 nation of sector-specific activities;

15 (D) carrying out incident management re-
16 sponsibilities consistent with applicable law (in-
17 cluding regulations) and other appropriate poli-
18 cies or directives;

19 (E) providing, supporting, or facilitating
20 technical assistance and consultations for the
21 energy sector to identify vulnerabilities and help
22 mitigate incidents, as appropriate; and

23 (F) supporting the reporting requirements
24 of the Department of Homeland Security under
25 applicable law by providing, on an annual basis,

1 sector-specific critical infrastructure informa-
2 tion.

3 (c) CYBERSECURITY FOR THE ENERGY SECTOR RE-
4 SEARCH, DEVELOPMENT, AND DEMONSTRATION PRO-
5 GRAM.—

6 (1) IN GENERAL.—The Secretary, in consulta-
7 tion with appropriate Federal agencies, the energy
8 sector, the States, and other stakeholders, shall
9 carry out a program—

10 (A) to develop advanced cybersecurity ap-
11 plications and technologies for the energy sec-
12 tor—

13 (i) to identify and mitigate
14 vulnerabilities, including—

15 (I) dependencies on other critical
16 infrastructure; and

17 (II) impacts from weather and
18 fuel supply; and

19 (ii) to advance the security of field de-
20 vices and third-party control systems, in-
21 cluding—

22 (I) systems for generation, trans-
23 mission, distribution, end use, and
24 market functions;

1 (II) specific electric grid elements
2 including advanced metering, demand
3 response, distributed generation, and
4 electricity storage;

5 (III) forensic analysis of infected
6 systems; and

7 (IV) secure communications;

8 (B) to leverage electric grid architecture as
9 a means to assess risks to the energy sector, in-
10 cluding by implementing an all-hazards ap-
11 proach to communications infrastructure, con-
12 trol systems architecture, and power systems
13 architecture;

14 (C) to perform pilot demonstration projects
15 with the energy sector to gain experience with
16 new technologies; and

17 (D) to develop workforce development cur-
18 ricula for energy sector-related cybersecurity.

19 (2) AUTHORIZATION OF APPROPRIATIONS.—

20 There is authorized to be appropriated to carry out
21 this subsection \$65,000,000 for each of fiscal years
22 2017 through 2025.

23 (d) ENERGY SECTOR COMPONENT TESTING FOR
24 CYBERRESILIENCE PROGRAM.—

1 (1) IN GENERAL.—The Secretary shall carry
2 out a program—

3 (A) to establish a cybertesting and mitiga-
4 tion program to identify vulnerabilities of en-
5 ergy sector supply chain products to known
6 threats;

7 (B) to oversee third-party cybertesting;
8 and

9 (C) to develop procurement guidelines for
10 energy sector supply chain components.

11 (2) AUTHORIZATION OF APPROPRIATIONS.—

12 There is authorized to be appropriated to carry out
13 this subsection \$15,000,000 for each of fiscal years
14 2017 through 2025.

15 (e) ENERGY SECTOR OPERATIONAL SUPPORT FOR
16 CYBERRESILIENCE PROGRAM.—

17 (1) IN GENERAL.—The Secretary may carry out
18 a program—

19 (A) to enhance and periodically test—

20 (i) the emergency response capabilities
21 of the Department; and

22 (ii) the coordination of the Depart-
23 ment with other agencies, the National
24 Laboratories, and private industry;

1 (B) to expand cooperation of the Depart-
2 ment with the intelligence communities for en-
3 ergy sector-related threat collection and anal-
4 ysis;

5 (C) to enhance the tools of the Department
6 and ES-ISAC for monitoring the status of the
7 energy sector;

8 (D) to expand industry participation in
9 ES-ISAC; and

10 (E) to provide technical assistance to small
11 electric utilities for purposes of assessing
12 cybermaturity level.

13 (2) AUTHORIZATION OF APPROPRIATIONS.—
14 There is authorized to be appropriated to carry out
15 this subsection \$10,000,000 for each of fiscal years
16 2017 through 2025.

17 (f) MODELING AND ASSESSING ENERGY INFRA-
18 STRUCTURE RISK.—

19 (1) IN GENERAL.—The Secretary shall develop
20 an advanced energy security program to secure en-
21 ergy networks, including electric, natural gas, and
22 oil exploration, transmission, and delivery.

23 (2) SECURITY AND RESILIENCY OBJECTIVE.—
24 The objective of the program developed under para-
25 graph (1) is to increase the functional preservation

1 of the electric grid operations or natural gas and oil
2 operations in the face of natural and human-made
3 threats and hazards, including electric magnetic
4 pulse and geomagnetic disturbances.

5 (3) ELIGIBLE ACTIVITIES.—In carrying out the
6 program developed under paragraph (1), the Sec-
7 retary may—

8 (A) develop capabilities to identify
9 vulnerabilities and critical components that pose
10 major risks to grid security if destroyed or im-
11 paired;

12 (B) provide modeling at the national level
13 to predict impacts from natural or human-made
14 events;

15 (C) develop a maturity model for physical
16 security and cybersecurity;

17 (D) conduct exercises and assessments to
18 identify and mitigate vulnerabilities to the elec-
19 tric grid, including providing mitigation rec-
20 ommendations;

21 (E) conduct research hardening solutions
22 for critical components of the electric grid;

23 (F) conduct research mitigation and recov-
24 ery solutions for critical components of the elec-
25 tric grid; and

1 (G) provide technical assistance to States
2 and other entities for standards and risk anal-
3 ysis.

4 (4) AUTHORIZATION OF APPROPRIATIONS.—
5 There is authorized to be appropriated to carry out
6 this subsection \$10,000,000 for each of fiscal years
7 2017 through 2025.

8 (g) LEVERAGING EXISTING PROGRAMS.—The pro-
9 grams established under this section shall be carried out
10 consistent with—

11 (1) the report of the Department entitled
12 “Roadmap to Achieve Energy Delivery Systems Cy-
13 bersecurity” and dated 2011;

14 (2) existing programs of the Department; and

15 (3) any associated strategic framework that
16 links together academic and National Laboratory re-
17 searchers, electric utilities, manufacturers, and any
18 other relevant private industry organizations, includ-
19 ing the Electricity Sub-sector Coordinating Council.

20 (h) STUDY.—

21 (1) IN GENERAL.—Not later than 180 days
22 after the date of enactment of this Act, the Sec-
23 retary, in consultation with the Federal Energy Reg-
24 ulatory Commission and the North American Elec-
25 tric Reliability Corporation, shall conduct a study to

1 explore alternative management structures and fund-
2 ing mechanisms to expand industry membership and
3 participation in ES–ISAC.

4 (2) REPORT.—The Secretary shall submit to
5 the appropriate committees of Congress a report de-
6 scribing the results of the study conducted under
7 paragraph (1).

8 **Subtitle B—Strategic Petroleum** 9 **Reserve**

10 **SEC. 2101. STRATEGIC PETROLEUM RESERVE MODERNIZA-** 11 **TION.**

12 (a) REAFFIRMATION OF POLICY.—Congress reaf-
13 firms the continuing strategic importance and need for the
14 Strategic Petroleum Reserve as found and declared in sec-
15 tion 151 of the Energy Policy and Conservation Act (42
16 U.S.C. 6231).

17 (b) SPR PETROLEUM ACCOUNT.—Section 167(b) of
18 the Energy Policy and Conservation Act (42 U.S.C.
19 6247(b)) is amended to read as follows:

20 “(b) OBLIGATION OF FUNDS FOR THE ACQUISITION,
21 TRANSPORTATION, AND INJECTION OF PETROLEUM
22 PRODUCTS INTO SPR AND FOR OTHER PURPOSES.—

23 “(1) PURPOSES.—Amounts in the Account may
24 be obligated by the Secretary of Energy for—

1 “(A) the acquisition, transportation, and
2 injection of petroleum products into the Re-
3 serve;

4 “(B) test sales of petroleum products from
5 the Reserve;

6 “(C) the drawdown, sale, and delivery of
7 petroleum products from the Reserve;

8 “(D) the construction, maintenance, re-
9 pair, and replacement of storage facilities and
10 related facilities; and

11 “(E) carrying out non-Reserve projects
12 needed to enhance the energy security of the
13 United States by increasing the resilience, reli-
14 ability, safety, and security of energy supply,
15 transmission, storage, or distribution infrastruc-
16 ture.

17 “(2) AMOUNTS.—Amounts in the Account may
18 be obligated by the Secretary of Energy for purposes
19 of paragraph (1), in the case of any fiscal year—

20 “(A) subject to section 660 of the Depart-
21 ment of Energy Organization Act (42 U.S.C.
22 7270), in such aggregate amounts as may be
23 appropriated in advance in appropriations Acts;
24 and

1 “(B) notwithstanding section 660 of the
2 Department of Energy Organization Act (42
3 U.S.C. 7270), in an aggregate amount equal to
4 the aggregate amount of the receipts to the
5 United States from the sale of petroleum prod-
6 ucts in any drawdown and a distribution of the
7 Reserve under section 161, including—

8 “(i) a drawdown and distribution car-
9 ried out under subsection (g) of that sec-
10 tion; or

11 “(ii) from the sale of petroleum prod-
12 ucts under section 160(f).

13 “(3) AVAILABILITY OF FUNDS.—Funds avail-
14 able to the Secretary of Energy for obligation under
15 this subsection may remain available without fiscal
16 year limitation.”.

17 (c) DEFINITION OF RELATED FACILITY.—Section
18 152(8) of the Energy Policy and Conservation Act (42
19 U.S.C. 6232(8)) is amended by inserting “terminals,”
20 after “reservoirs,”.

21 **SEC. 2102. STRATEGIC PETROLEUM RESERVE DRAWDOWN**
22 **AND SALE.**

23 Section 403 of the Bipartisan Budget Act of 2015
24 (Public Law 114–74; 129 Stat. 589) is amended by add-
25 ing at the end the following:

1 “(d) INCREASE; LIMITATION.—

2 “(1) INCREASE.—The Secretary of Energy may
3 increase the drawdown and sales under paragraphs
4 (1) through (8) of subsection (a) as the Secretary of
5 Energy determines to be appropriate to maximize
6 the financial return to United States taxpayers.

7 “(2) LIMITATION.—The Secretary of Energy
8 shall not drawdown or conduct sales of crude oil
9 under this section after the date on which a total of
10 \$5,050,000,000 has been deposited in the general
11 fund of the Treasury from sales authorized under
12 this section.”.

13 **Subtitle C—Trade**

14 **SEC. 2201. ACTION ON APPLICATIONS TO EXPORT LIQUE-** 15 **FIED NATURAL GAS.**

16 (a) DECISION DEADLINE.—For proposals that must
17 also obtain authorization from the Federal Energy Regu-
18 latory Commission or the Maritime Administration to site,
19 construct, expand, or operate liquefied natural gas export
20 facilities, the Secretary shall issue a final decision on any
21 application for the authorization to export natural gas
22 under section 3(a) of the Natural Gas Act (15 U.S.C.
23 717b(a)) not later than 45 days after the later of—

24 (1) the conclusion of the review to site, con-
25 struct, expand, or operate the liquefied natural gas

1 export facilities required by the National Environ-
2 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.);
3 or

4 (2) the date of enactment of this Act.

5 (b) CONCLUSION OF REVIEW.—For purposes of sub-
6 section (a), review required by the National Environ-
7 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall
8 be considered concluded when the lead agency—

9 (1) for a project requiring an Environmental
10 Impact Statement, publishes a Final Environmental
11 Impact Statement;

12 (2) for a project for which an Environmental
13 Assessment has been prepared, publishes a Finding
14 of No Significant Impact; or

15 (3) determines that an application is eligible for
16 a categorical exclusion pursuant to National Envi-
17 ronmental Policy Act of 1969 (42 U.S.C. 4321 et
18 seq.) implementing regulations.

19 (c) JUDICIAL REVIEW.—

20 (1) IN GENERAL.—Except for review in the Su-
21 preme Court, the United States Court of Appeals for
22 the District of Columbia Circuit or the circuit in
23 which the liquefied natural gas export facility will be
24 located pursuant to an application described in sub-

1 section (a) shall have original and exclusive jurisdic-
2 tion over any civil action for the review of—

3 (A) an order issued by the Secretary with
4 respect to such application; or

5 (B) the failure of the Secretary to issue a
6 final decision on such application.

7 (2) ORDER.—If the Court in a civil action de-
8 scribed in paragraph (1) finds that the Secretary
9 has failed to issue a final decision on the application
10 as required under subsection (a), the Court shall
11 order the Secretary to issue the final decision not
12 later than 30 days after the order of the Court.

13 (3) EXPEDITED CONSIDERATION.—The Court
14 shall—

15 (A) set any civil action brought under this
16 subsection for expedited consideration; and

17 (B) set the matter on the docket as soon
18 as practicable after the filing date of the initial
19 pleading.

20 (4) TRANSFERS.—In the case of an application
21 described in subsection (a) for which a petition for
22 review has been filed—

23 (A) upon motion by an applicant, the mat-
24 ter shall be transferred to the United States
25 Court of Appeals for the District of Columbia

1 Circuit or the circuit in which a liquefied nat-
2 ural gas export facility will be located pursuant
3 to an application described in section 3(a) of
4 the Natural Gas Act (15 U.S.C. 717b(a)); and
5 (B) the provisions of this section shall
6 apply.

7 **SEC. 2202. PUBLIC DISCLOSURE OF LIQUEFIED NATURAL**
8 **GAS EXPORT DESTINATIONS.**

9 Section 3 of the Natural Gas Act (15 U.S.C. 717b)
10 is amended by adding at the end the following:

11 “(g) PUBLIC DISCLOSURE OF LNG EXPORT DES-
12 TINATIONS.—

13 “(1) IN GENERAL.—In the case of any author-
14 ization to export liquefied natural gas, the Secretary
15 of Energy shall require the applicant to report to the
16 Secretary of Energy the names of the 1 or more
17 countries of destination to which the exported lique-
18 fied natural gas is delivered.

19 “(2) TIMING.—The applicant shall file the re-
20 port required under paragraph (1) not later than—

21 “(A) in the case of the first export, the
22 last day of the month following the month of
23 the first export; and

24 “(B) in the case of subsequent exports, the
25 date that is 30 days after the last day of the

1 applicable month concerning the activity of the
2 previous month.

3 “(3) DISCLOSURE.—The Secretary of Energy
4 shall publish the information reported under this
5 subsection on the website of the Department of En-
6 ergy and otherwise make the information available
7 to the public.”.

8 **SEC. 2203. ENERGY DATA COLLABORATION.**

9 (a) IN GENERAL.—The Administrator of the Energy
10 Information Administration (referred to in this section as
11 the “Administrator”) shall collaborate with the appro-
12 priate officials in Canada and Mexico, as determined by
13 the Administrator, to improve—

14 (1) the quality and transparency of energy data
15 in North America through reconciliation of data on
16 energy trade flows among the United States, Can-
17 ada, and Mexico;

18 (2) the extension of energy mapping capabilities
19 in the United States, Canada, and Mexico; and

20 (3) the development of common energy data
21 terminology among the United States, Canada, and
22 Mexico.

23 (b) PERIODIC UPDATES.—The Administrator shall
24 periodically submit to the Committee on Energy and Nat-
25 ural Resources of the Senate and the Committee on En-

1 ergy and Commerce of the House of Representatives an
2 update on—

3 (1) the extent to which energy data is being
4 shared under subsection (a); and

5 (2) whether forward-looking projections for re-
6 gional energy flows are improving in accuracy as a
7 result of the energy data sharing under that sub-
8 section.

9 **Subtitle D—Electricity and Energy** 10 **Storage**

11 **SEC. 2301. GRID STORAGE PROGRAM.**

12 (a) IN GENERAL.—The Secretary shall conduct a
13 program of research, development, and demonstration of
14 electric grid energy storage that addresses the principal
15 challenges identified in the 2013 Department of Energy
16 Strategic Plan for Grid Energy Storage.

17 (b) AREAS OF FOCUS.—The program under this sec-
18 tion shall focus on—

19 (1) materials, electric thermal,
20 electromechanical, and electrochemical systems re-
21 search;

22 (2) power conversion technologies research;

23 (3) developing—

24 (A) empirical and science-based industry
25 standards to compare the storage capacity,

- 1 cycle length and capabilities, and reliability of
2 different types of electricity storage; and
3 (B) validation and testing techniques;
- 4 (4) other fundamental and applied research
5 critical to widespread deployment of electricity stor-
6 age;
- 7 (5) device development that builds on results
8 from research described in paragraphs (1), (2), and
9 (4), including combinations of power electronics, ad-
10 vanced optimizing controls, and energy storage as a
11 general purpose element of the electric grid;
- 12 (6) grid-scale testing and analysis of storage
13 devices, including test-beds and field trials;
- 14 (7) cost-benefit analyses that inform capital ex-
15 penditure planning for regulators and owners and
16 operators of components of the electric grid;
- 17 (8) electricity storage device safety and reli-
18 ability, including potential failure modes, mitigation
19 measures, and operational guidelines;
- 20 (9) standards for storage device performance,
21 control interface, grid interconnection, and inter-
22 operability; and
- 23 (10) maintaining a public database of energy
24 storage projects, policies, codes, standards, and reg-
25 ulations.

1 (c) ASSISTANCE TO STATES.—The Secretary may
2 provide technical and financial assistance to States, Indian
3 tribes, or units of local government to participate in or
4 use research, development, or deployment of technology
5 developed under this section.

6 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
7 authorized to be appropriated to the Secretary to carry
8 out this section \$50,000,000 for each of fiscal years 2017
9 through 2026.

10 (e) NO EFFECT ON OTHER PROVISIONS OF LAW.—
11 Nothing in this subtitle or an amendment made by this
12 subtitle authorizes regulatory actions that would duplicate
13 or conflict with regulatory requirements, mandatory
14 standards, or related processes under section 215 of the
15 Federal Power Act (16 U.S.C. 824o).

16 (f) USE OF FUNDS.—To the maximum extent prac-
17 ticable, in carrying out this section, the Secretary shall
18 ensure that the use of funds to carry out this section is
19 coordinated among different offices within the Grid Mod-
20 ernization Initiative of the Department and other pro-
21 grams conducting energy storage research.

22 **SEC. 2302. ELECTRIC SYSTEM GRID ARCHITECTURE, SCE-**
23 **NARIO DEVELOPMENT, AND MODELING.**

24 (a) GRID ARCHITECTURE AND SCENARIO DEVELOP-
25 MENT.—

1 (1) IN GENERAL.—Subject to paragraph (2),
2 the Secretary shall establish and facilitate a collabo-
3 rative process to develop model grid architecture and
4 a set of future scenarios for the electric system to
5 examine the impacts of different combinations of re-
6 sources (including different quantities of distributed
7 energy resources and large-scale, central generation)
8 on the electric grid.

9 (2) MARKET STRUCTURE.—The grid architec-
10 ture and scenarios developed under paragraph (1)
11 shall account for differences in market structure, in-
12 cluding an examination of the potential for stranded
13 costs in each type of market structure.

14 (3) FINDINGS.—Based on the findings of grid
15 architecture developed under paragraph (1), the Sec-
16 retary shall—

17 (A) determine whether any additional
18 standards are necessary to ensure the interoper-
19 ability of grid systems and associated commu-
20 nications networks; and

21 (B) if the Secretary makes a determination
22 that additional standards are necessary under
23 subparagraph (A), make recommendations for
24 additional standards, including, as may be ap-
25 propriate, to the Electric Reliability Organiza-

1 tion under section 215 of the Federal Power
2 Act (16 U.S.C. 824o).

3 (b) MODELING.—Subject to subsection (c), the Sec-
4 retary shall—

5 (1) conduct modeling based on the scenarios de-
6 veloped under subsection (a); and

7 (2) analyze and evaluate the technical and fi-
8 nancial impacts of the models to assist States, utili-
9 ties, and other stakeholders in—

10 (A) enhancing strategic planning efforts;

11 (B) avoiding stranded costs; and

12 (C) maximizing the cost-effectiveness of fu-
13 ture grid-related investments.

14 (c) INPUT.—The Secretary shall develop the sce-
15 narios and conduct the modeling and analysis under sub-
16 sections (a) and (b) with participation or input, as appro-
17 priate, from—

18 (1) the National Laboratories;

19 (2) States;

20 (3) State regulatory authorities;

21 (4) transmission organizations;

22 (5) representatives of the electric industry;

23 (6) academic institutions;

24 (7) independent research institutes; and

25 (8) other entities.

1 **SEC. 2303. HYBRID MICRO-GRID SYSTEMS FOR ISOLATED**
2 **AND RESILIENT COMMUNITIES.**

3 (a) DEFINITIONS.—In this section:

4 (1) HYBRID MICRO-GRID SYSTEM.—The term
5 “hybrid micro-grid system” means a stand-alone
6 electrical system that—

7 (A) is comprised of conventional generation
8 and at least 1 alternative energy resource; and

9 (B) may use grid-scale energy storage.

10 (2) ISOLATED COMMUNITY.—The term “iso-
11 lated community” means a community that is pow-
12 ered by a stand-alone electric generation and dis-
13 tribution system without the economic and reliability
14 benefits of connection to a regional electric grid.

15 (3) MICRO-GRID SYSTEM.—The term “micro-
16 grid system” means a standalone electrical system
17 that uses grid-scale energy storage.

18 (4) STRATEGY.—The term “strategy” means
19 the strategy developed pursuant to subsection
20 (b)(2)(B).

21 (b) PROGRAM.—

22 (1) ESTABLISHMENT.—The Secretary shall es-
23 tablish a program to promote the development of—

24 (A) hybrid micro-grid systems for isolated
25 communities; and

1 (B) micro-grid systems to increase the re-
2 silience of critical infrastructure.

3 (2) PHASES.—The program established under
4 paragraph (1) shall be divided into the following
5 phases:

6 (A) Phase I, which shall consist of the de-
7 velopment of a feasibility assessment for—

8 (i) hybrid micro-grid systems in iso-
9 lated communities; and

10 (ii) micro-grid systems to enhance the
11 resilience of critical infrastructure.

12 (B) Phase II, which shall consist of the de-
13 velopment of an implementation strategy, in ac-
14 cordance with paragraph (3), to promote the
15 development of hybrid micro-grid systems for
16 isolated communities, particularly for those
17 communities exposed to extreme weather condi-
18 tions and high energy costs, including elec-
19 tricity, space heating and cooling, and transpor-
20 tation.

21 (C) Phase III, which shall be carried out
22 in parallel with Phase II and consist of the de-
23 velopment of an implementation strategy to
24 promote the development of micro-grid systems

1 that increase the resilience of critical infrastruc-
2 ture.

3 (D) Phase IV, which shall consist of cost-
4 shared demonstration projects, based upon the
5 strategies developed under subparagraph (B)
6 that include the development of physical and cy-
7 bersecurity plans to take appropriate measures
8 to protect and secure the electric grid.

9 (E) Phase V, which shall establish a bene-
10 fits analysis plan to help inform regulators, pol-
11 icymakers, and industry stakeholders about the
12 affordability, environmental and resilience bene-
13 fits associated with Phases II, III and IV.

14 (3) REQUIREMENTS FOR STRATEGY.—In devel-
15 oping the strategy under paragraph (2)(B), the Sec-
16 retary shall consider—

17 (A) establishing future targets for the eco-
18 nomic displacement of conventional generation
19 using hybrid micro-grid systems, including dis-
20 placement of conventional generation used for
21 electric power generation, heating and cooling,
22 and transportation;

23 (B) the potential for renewable resources,
24 including wind, solar, and hydropower, to be in-
25 tegrated into a hybrid micro-grid system;

1 (C) opportunities for improving the effi-
2 ciency of existing hybrid micro-grid systems;

3 (D) the capacity of the local workforce to
4 operate, maintain, and repair a hybrid micro-
5 grid system;

6 (E) opportunities to develop the capacity of
7 the local workforce to operate, maintain, and
8 repair a hybrid micro-grid system;

9 (F) leveraging existing capacity within
10 local or regional research organizations, such as
11 organizations based at institutions of higher
12 education, to support development of hybrid
13 micro-grid systems, including by testing novel
14 components and systems prior to field deploy-
15 ment;

16 (G) the need for basic infrastructure to de-
17 velop, deploy, and sustain a hybrid micro-grid
18 system;

19 (H) input of traditional knowledge from
20 local leaders of isolated communities in the de-
21 velopment of a hybrid micro-grid system;

22 (I) the impact of hybrid micro-grid systems
23 on defense, homeland security, economic devel-
24 opment, and environmental interests;

1 (J) opportunities to leverage existing inter-
2 agency coordination efforts and recommenda-
3 tions for new interagency coordination efforts to
4 minimize unnecessary overhead, mobilization,
5 and other project costs; and

6 (K) any other criteria the Secretary deter-
7 mines appropriate.

8 (c) COLLABORATION.—The program established
9 under subsection (b)(1) shall be carried out in collabora-
10 tion with relevant stakeholders, including, as appro-
11 priate—

- 12 (1) States;
- 13 (2) Indian tribes;
- 14 (3) regional entities and regulators;
- 15 (4) units of local government;
- 16 (5) institutions of higher education; and
- 17 (6) private sector entities.

18 (d) REPORT.—Not later than 180 days after the date
19 of enactment of this Act, and annually thereafter, the Sec-
20 retary shall submit to the Committee on Energy and Nat-
21 ural Resources of the Senate and the Committee on En-
22 ergy and Commerce of the House of Representatives a re-
23 port on the efforts to implement the program established
24 under subsection (b)(1) and the status of the strategy de-
25 veloped under subsection (b)(2)(B).

1 **SEC. 2304. VOLUNTARY MODEL PATHWAYS.**

2 (a) ESTABLISHMENT OF VOLUNTARY MODEL PATH-
3 WAYS.—

4 (1) ESTABLISHMENT.—Not later than 90 days
5 after the date of enactment of this Act, the Sec-
6 retary shall initiate the development of voluntary
7 model pathways for modernizing the electric grid
8 through a collaborative, public-private effort that—

9 (A) produces illustrative policy pathways
10 that can be adapted for State and regional ap-
11 plications by regulators and policymakers;

12 (B) facilitates the modernization of the
13 electric grid to achieve the objectives described
14 in paragraph (2);

15 (C) ensures a reliable, resilient, affordable,
16 safe, and secure electric system; and

17 (D) acknowledges and provides for dif-
18 ferent priorities, electric systems, and rate
19 structures across States and regions.

20 (2) OBJECTIVES.—The pathways established
21 under paragraph (1) shall facilitate achievement of
22 the following objectives:

23 (A) Near real-time situational awareness of
24 the electric system.

25 (B) Data visualization.

1 (C) Advanced monitoring and control of
2 the advanced electric grid.

3 (D) Enhanced certainty for private invest-
4 ment in the electric system.

5 (E) Increased innovation.

6 (F) Greater consumer empowerment.

7 (G) Enhanced grid resilience, reliability,
8 and robustness.

9 (H) Improved—

10 (i) integration of distributed energy
11 resources;

12 (ii) interoperability of the electric sys-
13 tem; and

14 (iii) predictive modeling and capacity
15 forecasting.

16 (3) STEERING COMMITTEE.—Not later than 90
17 days after the date of enactment of this Act, the
18 Secretary shall establish a steering committee to fa-
19 cilitate the development of the pathways under para-
20 graph (1), to be composed of members appointed by
21 the Secretary, consisting of persons with appropriate
22 expertise representing a diverse range of interests in
23 the public, private, and academic sectors, including
24 representatives of—

25 (A) the Smart Grid Task Force; and

1 (B) the Smart Grid Advisory Committee.

2 (b) TECHNICAL ASSISTANCE.—The Secretary may
3 provide technical assistance to States, Indian tribes, or
4 units of local government to adopt 1 or more elements of
5 the pathways developed under subsection (a)(1).

6 **SEC. 2305. PERFORMANCE METRICS FOR ELECTRICITY IN-**
7 **FRASTRUCTURE PROVIDERS.**

8 (a) IN GENERAL.—Not later than 2 years after the
9 date of enactment of this Act, the Secretary shall submit
10 to the appropriate committees of Congress a report that
11 includes—

12 (1) an evaluation of the performance of the
13 electric grid as of the date of the report; and

14 (2) a description of the quantified costs and
15 benefits associated with the changes evaluated under
16 the scenarios developed under section 2302.

17 (b) CONSIDERATIONS FOR DEVELOPMENT OF
18 METRICS.—In developing metrics for evaluating and
19 quantifying the electric grid under subsection (a), the Sec-
20 retary shall consider—

21 (1) standard methodologies for calculating im-
22 provements or deteriorations in the performance
23 metrics, such as reliability, grid efficiency, power
24 quality, consumer satisfaction, sustainability, and fi-
25 nancial incentives;

1 (2) standard methodologies for calculating value
2 to ratepayers, including broad economic and related
3 impacts from improvements to the performance
4 metrics;

5 (3) appropriate ownership and operating roles
6 for electric utilities that would enable improved per-
7 formance through the adoption of emerging, com-
8 mercially available or advanced grid technologies or
9 solutions, including—

- 10 (A) multicustomer micro-grids;
- 11 (B) distributed energy resources;
- 12 (C) energy storage;
- 13 (D) electric vehicles;
- 14 (E) electric vehicle charging infrastructure;
- 15 (F) integrated information and commu-
16 nications systems;
- 17 (G) transactive energy systems; and
- 18 (H) advanced demand management sys-
19 tems; and

20 (4) with respect to States, the role of the grid
21 operator in enabling a robust future electric system
22 to ensure that—

- 23 (A) electric utilities remain financially via-
24 ble;

1 (B) electric utilities make the needed in-
2 vestments that ensure a reliable, secure, and re-
3 silient grid; and

4 (C) costs incurred to transform to an inte-
5 grated grid are allocated and recovered respon-
6 sibly, efficiently, and equitably.

7 **SEC. 2306. STATE AND REGIONAL ELECTRICITY DISTRIBUTION PLANNING.**
8

9 (a) IN GENERAL.—Upon the request of a State or
10 regional organization, the Secretary shall partner with
11 States and regional organizations to facilitate the develop-
12 ment of State and regional electricity distribution plans
13 by—

14 (1) conducting a resource assessment and anal-
15 ysis of future demand and distribution requirements;
16 and

17 (2) developing open source tools for State and
18 regional planning and operations.

19 (b) RISK AND SECURITY ANALYSIS.—The assessment
20 under subsection (a)(1) shall include—

21 (1) the evaluation of the physical and cyberse-
22 curity needs of an advanced distribution manage-
23 ment system and the integration of distributed en-
24 ergy resources; and

1 (2) advanced use of grid architecture to analyze
2 risks in an all-hazards approach that includes com-
3 munications infrastructure, control systems architec-
4 ture, and power systems architecture.

5 (c) TECHNICAL ASSISTANCE.—For the purpose of de-
6 veloping State and regional electricity distribution plans,
7 the Secretary shall provide technical assistance to—

8 (1) States;

9 (2) regional reliability entities; and

10 (3) other distribution asset owners and opera-
11 tors.

12 **SEC. 2307. AUTHORIZATION OF APPROPRIATIONS.**

13 There is authorized to be appropriated to the Sec-
14 retary to carry out sections 2302 through 2307
15 \$200,000,000 for each of fiscal years 2017 through 2026.

16 **SEC. 2308. ELECTRIC TRANSMISSION INFRASTRUCTURE**
17 **PERMITTING.**

18 (a) INTERAGENCY RAPID RESPONSE TEAM FOR
19 TRANSMISSION.—

20 (1) ESTABLISHMENT.—There is established an
21 interagency rapid response team, to be known as the
22 “Interagency Rapid Response Team for Trans-
23 mission” (referred to in this subsection as the
24 “Team”), to expedite and improve the permitting

1 process for electric transmission infrastructure on
2 Federal land and non-Federal land.

3 (2) MISSION.—The mission of the Team shall
4 be—

5 (A) to improve the timeliness and effi-
6 ciency of electric transmission infrastructure
7 permitting; and

8 (B) to facilitate the performance of main-
9 tenance and upgrades to electric transmission
10 lines on Federal land and non-Federal land.

11 (3) MEMBERSHIP.—The Team shall be com-
12 prised of representatives of—

13 (A) the Federal Energy Regulatory Com-
14 mission;

15 (B) the Department;

16 (C) the Department of the Interior;

17 (D) the Department of Defense;

18 (E) the Department of Agriculture;

19 (F) the Council on Environmental Quality;

20 (G) the Department of Commerce;

21 (H) the Advisory Council on Historic Pres-
22 ervation; and

23 (I) the Environmental Protection Agency.

24 (4) DUTIES.—The Team shall—

1 (A) facilitate coordination and unified envi-
2 ronmental documentation among electric trans-
3 mission infrastructure project applicants, Fed-
4 eral agencies, States, and Indian tribes involved
5 in the siting and permitting process;

6 (B) establish clear timelines for the review
7 and coordination of electric transmission infra-
8 structure projects by the applicable agencies;

9 (C) ensure that each electric transmission
10 infrastructure project is posted on the Federal
11 permitting transmission tracking system known
12 as “e-Trans”, including information on the sta-
13 tus and anticipated completion date of each
14 project; and

15 (D) regularly notify all participating mem-
16 bers of the Team involved in any specific permit
17 of—

18 (i) any outstanding agency action that
19 is required with respect to the permit; and

20 (ii) any approval or required comment
21 that has exceeded statutory or agency
22 timelines for completion, including an iden-
23 tification of any Federal agency, depart-
24 ment, or field office that has not met the
25 applicable timeline.

1 (5) ANNUAL REPORTS.—Annually, the Team
2 shall submit to the Committee on Energy and Nat-
3 ural Resources of the Senate and the Committee on
4 Energy and Commerce of the House of Representa-
5 tives a report that describes the average completion
6 time for specific categories of regionally and nation-
7 ally significant transmission projects, based on infor-
8 mation obtained from the applicable Federal agen-
9 cies.

10 (6) USE OF DATA BY OMB.—Using data pro-
11 vided by the Team, the Director of the Office of
12 Management and Budget shall prioritize inclusion of
13 individual electric transmission infrastructure
14 projects on the website operated by the Office of
15 Management and Budget in accordance with section
16 1122 of title 31, United States Code.

17 (b) TRANSMISSION OMBUDSPERSON.—

18 (1) ESTABLISHMENT.—To enhance and ensure
19 the reliability of the electric grid, there is established
20 within the Council on Environmental Quality the po-
21 sition of Transmission Ombudsperson (referred to in
22 this subsection as the “Ombudsperson”), to provide
23 a unified point of contact for—

1 (A) resolving interagency or intra-agency
2 issues or delays with respect to electric trans-
3 mission infrastructure permits; and

4 (B) receiving and resolving complaints
5 from parties with outstanding or in-process ap-
6 plications relating to electric transmission infra-
7 structure.

8 (2) DUTIES.—The Ombudsperson shall—

9 (A) establish a process for—

10 (i) facilitating the permitting process
11 for performance of maintenance and up-
12 grades to electric transmission lines on
13 Federal land and non-Federal land, with a
14 special emphasis on facilitating access for
15 immediate maintenance, repair, and vege-
16 tation management needs;

17 (ii) resolving complaints filed with the
18 Ombudsperson with respect to in-process
19 electric transmission infrastructure per-
20 mits; and

21 (iii) issuing recommended resolutions
22 to address the complaints filed with the
23 Ombudsperson; and

24 (B) hear, compile, and share any com-
25 plaints filed with Ombudsperson relating to in-

1 process electric transmission infrastructure per-
2 mits.

3 (c) AGREEMENTS.—

4 (1) IN GENERAL.—The Secretary of the Inte-
5 rior, with respect to public lands (as defined in sec-
6 tion 103(e) of the Federal Land Policy and Manage-
7 ment Act (43 U.S.C. 1702(e)), and the Secretary of
8 Agriculture, with respect to National Forest System
9 land, shall provide for continuity of the existing use
10 and occupancy for the transmission of electric en-
11 ergy by any Federal department or agency granted
12 across public lands or National Forest System land.

13 (2) AGREEMENTS.—The Secretary of the Inte-
14 rior or the Secretary of Agriculture, as applicable,
15 within 30 days after receiving a request from the
16 Federal department or agency administering the
17 electric energy transmission facilities, shall, in con-
18 sultation with that department or agency, initiate
19 agreements regarding the use and occupancy or
20 right-of-way (including vegetation management
21 agreements, where applicable).

22 (d) GEOMATIC DATA.—If a Federal or State depart-
23 ment or agency considering an aspect of an application
24 for Federal authorization requires the applicant to submit
25 environmental data, the department or agency shall con-

1 sider any such data gathered by geomatic techniques, in-
2 cluding tools and techniques used in land surveying, re-
3 mote sensing, cartography, geographic information sys-
4 tems, global navigation satellite systems, photogrammetry,
5 geophysics, geography, or other remote means.

6 **SEC. 2309. REPORT BY TRANSMISSION ORGANIZATIONS ON**
7 **DISTRIBUTED ENERGY RESOURCES AND**
8 **MICRO-GRID SYSTEMS.**

9 (a) DEFINITIONS.—In this section:

10 (1) DISTRIBUTED ENERGY RESOURCE.—The
11 term “distributed energy resource” means an elec-
12 tricity supply resource that, as permitted by State
13 law—

14 (A)(i) is interconnected to the electric sys-
15 tem operated by a transmission organization at
16 or below 69kV; and

17 (ii) is subject to dispatch by the trans-
18 mission organization; and

19 (B)(i) generates electricity using any pri-
20 mary energy source, including solar energy and
21 other renewable resources; or

22 (ii) stores energy and is capable of sup-
23 plying electricity to the electric system operated
24 by the transmission organization from the stor-
25 age reservoir.

1 (2) ELECTRIC GENERATING CAPACITY RE-
2 SOURCE.—The term “electric generating capacity re-
3 source” means an electric generating resource, as
4 measured by the maximum load-carrying ability of
5 the resource, exclusive of station use and planned,
6 unplanned, or other outage or derating, that is sub-
7 ject to dispatch by a transmission organization to
8 meet the resource adequacy needs of the systems op-
9 erated by the transmission organization.

10 (3) MICRO-GRID SYSTEM.—The term “micro-
11 grid system” means an electrically distinct system
12 under common control that—

13 (A) serves an electric load at or below
14 69kV from a distributed energy resource or
15 electric generating capacity resource; and

16 (B) is subject to dispatch by a trans-
17 mission organization.

18 (4) TRANSMISSION ORGANIZATION.—The term
19 “transmission organization” has the meaning given
20 the term in section 3 of the Federal Power Act (16
21 U.S.C. 796).

22 (b) REPORT.—

23 (1) NOTICE.—Not later than 14 days after the
24 date of enactment of this section, the Commission
25 shall submit to each transmission organization no-

1 tice that the transmission organization is required to
2 file with the Commission a report in accordance with
3 paragraph (2).

4 (2) REPORT.—Not later than 180 days after
5 the date on which a transmission organization re-
6 ceives a notice under paragraph (1), the trans-
7 mission organization shall submit to the Commission
8 a report that—

9 (A)(i) identifies distributed energy re-
10 sources and micro-grid systems that are subject
11 to dispatch by the transmission organization as
12 of the date of the report; and

13 (ii) describes the fuel sources and oper-
14 ational characteristics of such distributed en-
15 ergy resources and micro-grid systems, includ-
16 ing, to the extent practicable, a discussion of
17 the benefits and costs associated with the dis-
18 tributed energy resources and micro-grid sys-
19 tems identified under clause (i);

20 (B) evaluates, with due regard for oper-
21 ational and economic benefits and costs, the po-
22 tential for distributed energy resources and
23 micro-grid systems to be deployed to the trans-
24 mission organization over the short- and long-

1 term periods in the planning cycle of the trans-
2 mission organization; and

3 (C) identifies—

4 (i) over the short- and long-term peri-
5 ods in the planning cycle of the trans-
6 mission organization, barriers to the de-
7 ployment to the transmission organization
8 of distributed energy resources and micro-
9 grid systems; and

10 (ii) potential changes to the oper-
11 ational requirements for, or charges associ-
12 ated with, the interconnection of distrib-
13 uted energy resources and micro-grid sys-
14 tems to the transmission organization that
15 would reduce the barriers identified under
16 clause (i).

17 **SEC. 2310. NET METERING STUDY GUIDANCE.**

18 Title XVIII of Energy Policy Act of 2005 (Public
19 Law 109–58; 119 Stat. 1122) is amended by adding at
20 the end the following:

21 **“SEC. 1841. NET ENERGY METERING STUDY.**

22 “(a) IN GENERAL.—Not later than 180 days after
23 the date of enactment of this Act, the Secretary shall—

1 “(1) issue guidance on criteria required to be
2 included in studies of net metering conducted by the
3 Department; and

4 “(2) undertake a study of net energy metering.

5 “(b) REQUIREMENTS AND CONTENTS.—The model
6 guidance issued under subsection (a) shall clarify without
7 prejudice to other study criteria that any study of net en-
8 ergy metering, including the study conducted by the De-
9 partment under subsection (a) shall—

10 “(1) be publicly available; and

11 “(2) assess benefits and costs of net energy me-
12 tering, including—

13 “(A) load data, including hourly profiles;

14 “(B) distributed generation production
15 data;

16 “(C) best available technology, including
17 inverter capability; and

18 “(D) benefits and costs of distributed en-
19 ergy deployment, including—

20 “(i) environmental benefits;

21 “(ii) changes in electric system reli-
22 ability;

23 “(iii) changes in peak power require-
24 ments;

1 “(iv) provision of ancillary services,
2 including reactive power;
3 “(v) changes in power quality;
4 “(vi) changes in land-use effects;
5 “(vii) changes in right-of-way acquisi-
6 tion costs;
7 “(viii) changes in vulnerability to ter-
8 rorism; and
9 “(ix) changes in infrastructure resil-
10 ience.”.

11 **SEC. 2312. MODEL GUIDANCE FOR COMBINED HEAT AND**
12 **POWER SYSTEMS AND WASTE HEAT TO**
13 **POWER SYSTEMS.**

14 (a) DEFINITIONS.—In this section:

15 (1) ADDITIONAL SERVICES.—The term “addi-
16 tional services” means the provision of supple-
17 mentary power, backup or standby power, mainte-
18 nance power, or interruptible power to an electric
19 consumer by an electric utility.

20 (2) WASTE HEAT TO POWER SYSTEM.—

21 (A) IN GENERAL.—The term “waste heat
22 to power system” means a system that gen-
23 erates electricity through the recovery of waste
24 energy.

1 (B) EXCLUSION.—The term “waste heat
2 to power system” does not include a system
3 that generates electricity through the recovery
4 of a heat resource from a process the primary
5 purpose of which is the generation of electricity
6 using a fossil fuel.

7 (3) OTHER TERMS.—

8 (A) PURPA.—The terms “electric con-
9 sumer”, “electric utility”, “interconnection
10 service”, “nonregulated electric utility”, and
11 “State regulatory authority” have the meanings
12 given those terms in the Public Utility Regu-
13 latory Policies Act of 1978 (16 U.S.C. 2601 et
14 seq.), within the meaning of title I of that Act
15 (16 U.S.C. 2611 et seq.).

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

21 (b) REVIEW.—

22 (1) IN GENERAL.—Not later than 180 days
23 after the date of enactment of this Act, the Sec-
24 retary, in consultation with the Federal Energy Reg-
25 ulatory Commission and other appropriate entities,

1 shall review existing rules and procedures relating to
2 interconnection service and additional services
3 throughout the United States for electric generation
4 with nameplate capacity up to 20 megawatts to
5 identify barriers to the deployment of combined heat
6 and power systems and waste heat to power systems.

7 (2) INCLUSION.—The review under this sub-
8 section shall include a review of existing rules and
9 procedures relating to—

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

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

16 (c) MODEL GUIDANCE.—

17 (1) IN GENERAL.—Not later than 18 months
18 after the date of enactment of this Act, the Sec-
19 retary, in consultation with the Federal Energy Reg-
20 ulatory Commission and other appropriate entities,
21 shall issue model guidance for interconnection serv-
22 ice and additional services for use by State regu-
23 latory authorities and nonregulated electric utilities
24 to reduce the barriers identified under subsection
25 (b)(1).

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

10 (A) relevant current standards developed
11 by the Institute of Electrical and Electronic En-
12 gineers; and

13 (B) model codes and rules adopted by—

14 (i) States; or

15 (ii) associations of State regulatory
16 agencies.

17 (3) FACTORS FOR CONSIDERATION.—In estab-
18 lishing the model guidance under this subsection, the
19 Secretary shall take into consideration—

20 (A) the appropriateness of using standards
21 or procedures for interconnection service that
22 vary based on unit size, fuel type, or other rel-
23 evant characteristics;

1 (B) the appropriateness of establishing
2 fast-track procedures for interconnection serv-
3 ice;

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

8 (D) the best practices used to model out-
9 age assumptions and contingencies to determine
10 fees or rates for additional services;

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

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

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

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

21 (iii) waivers of fees or rates for addi-
22 tional services for small electric consumers;
23 and

24 (G) outcomes such as increased electric re-
25 liability, fuel diversification, enhanced power

1 quality, and reduced electric losses that may re-
2 sult from increased use of combined heat and
3 power systems and waste heat to power sys-
4 tems.

5 **Subtitle E—Computing**

6 **SEC. 2401. EXASCALE COMPUTER RESEARCH PROGRAM.**

7 (a) RENAMING OF ACT.—

8 (1) IN GENERAL.—Section 1 of the Department
9 of Energy High-End Computing Revitalization Act
10 of 2004 (15 U.S.C. 5501 note; Public Law 108–
11 423) is amended by striking “Department of Energy
12 High-End Computing Revitalization Act of 2004”
13 and inserting “Exascale Computing Act of 2016”.

14 (2) CONFORMING AMENDMENT.—Section
15 976(a)(1) of the Energy Policy Act of 2005 (42
16 U.S.C. 16316(1)) is amended by striking “Depart-
17 ment of Energy High-End Computing Revitalization
18 Act of 2004” and inserting “Exascale Computing
19 Act of 2016”.

20 (b) DEFINITIONS.—Section 2 of the Exascale Com-
21 puting Act of 2016 (15 U.S.C. 5541) is amended—

22 (1) by redesignating paragraphs (2) through
23 (5) as paragraphs (3) through (6), respectively;

24 (2) by striking paragraph (1) and inserting the
25 following:

1 “(1) DEPARTMENT.—The term ‘Department’
2 means the Department of Energy.

3 “(2) EXASCALE COMPUTING.—The term
4 ‘exascale computing’ means computing through the
5 use of a computing machine that performs near or
6 above 10 to the 18th power floating point operations
7 per second.”; and

8 (3) in paragraph (6) (as redesignated by para-
9 graph (1)), by striking “, acting through the Direc-
10 tor of the Office of Science of the Department of
11 Energy”.

12 (c) DEPARTMENT OF ENERGY HIGH-END COM-
13 PUTING RESEARCH AND DEVELOPMENT PROGRAM.—Sec-
14 tion 3 of the Exascale Computing Act of 2016 (15 U.S.C.
15 5542) is amended—

16 (1) in subsection (a)(1), by striking “program”
17 and inserting “coordinated program across the De-
18 partment”;

19 (2) in subsection (b)(2), by striking “, which
20 may” and all that follows through “architectures”;
21 and

22 (3) by striking subsection (d) and inserting the
23 following:

24 “(d) EXASCALE COMPUTING PROGRAM.—

1 “(1) IN GENERAL.—The Secretary shall con-
2 duct a research program (referred to in this sub-
3 section as the ‘Program’) to develop 2 or more
4 exascale computing machine architectures to pro-
5 mote the missions of the Department.

6 “(2) IMPLEMENTATION.—

7 “(A) IN GENERAL.—In carrying out the
8 Program, the Secretary shall—

9 “(i) establish 2 or more National Lab-
10 oratory partnerships with industry part-
11 ners and institutions of higher education
12 for the research and development of 2 or
13 more exascale computing architectures
14 across all applicable organizations of the
15 Department; and

16 “(ii) provide, as appropriate, on a
17 competitive, merit-reviewed basis, access
18 for researchers in industries in the United
19 States, institutions of higher education,
20 National Laboratories, and other Federal
21 agencies to the exascale computing systems
22 developed pursuant to clause (i).

23 “(B) SELECTION OF PARTNERS.—The Sec-
24 retary shall select members for the partnerships
25 with the computing facilities of the Department

1 under subparagraph (A) through a competitive,
2 peer-review process.

3 “(3) CODESIGN AND APPLICATION DEVELOP-
4 MENT.—

5 “(A) IN GENERAL.—The Secretary shall
6 carry out the Program through an integration
7 of applications, computer science, applied math-
8 ematics, and computer hardware architecture
9 using the partnerships established pursuant to
10 paragraph (2) to ensure that, to the maximum
11 extent practicable, 2 or more exascale com-
12 puting machine architectures are capable of
13 solving Department target applications and
14 broader scientific problems.

15 “(B) REPORT.—The Secretary shall sub-
16 mit to Congress a report on how the integration
17 under subparagraph (A) is furthering applica-
18 tion science data and computational workloads
19 across application interests, including national
20 security, material science, physical science, cy-
21 bersecurity, biological science, the Materials Ge-
22 nome and BRAIN Initiatives of the President,
23 advanced manufacturing, and the national elec-
24 tric grid.

25 “(4) PROJECT REVIEW.—

1 “(A) IN GENERAL.—The exascale architec-
2 tures developed pursuant to partnerships estab-
3 lished pursuant to paragraph (2) shall be re-
4 viewed through a project review process.

5 “(B) REPORT.—Not later than 90 days
6 after the date of enactment of this subsection,
7 the Secretary shall submit to Congress a report
8 on—

9 “(i) the results of the review con-
10 ducted under subparagraph (A); and

11 “(ii) the coordination and manage-
12 ment of the Program to ensure an inte-
13 grated research program across the De-
14 partment.

15 “(5) ANNUAL REPORTS.—At the time of the
16 budget submission of the Department for each fiscal
17 year, the Secretary, in consultation with the mem-
18 bers of the partnerships established pursuant to
19 paragraph (2), shall submit to Congress a report
20 that describes funding for the Program as a whole
21 by functional element of the Department and critical
22 milestones.”.

23 (d) AUTHORIZATION OF APPROPRIATIONS.—Section
24 4 of the Exascale Computing Act of 2016 (15 U.S.C.
25 5543) is amended—

1 (1) by striking “this Act” and inserting “sec-
2 tion 3(d)”; and

3 (2) by striking paragraphs (1) through (3) and
4 inserting the following:

5 “(1) \$272,000,000 for fiscal year 2016;

6 “(2) \$340,000,000 for fiscal year 2017; and

7 “(3) \$360,000,000 for fiscal year 2018.”.

8 **TITLE III—SUPPLY**
9 **Subtitle A—Renewables**

10 **PART I—HYDROELECTRIC**

11 **SEC. 3001. HYDROPOWER REGULATORY IMPROVEMENTS.**

12 (a) SENSE OF CONGRESS ON THE USE OF HYDRO-
13 POWER RENEWABLE RESOURCES.—It is the sense of Con-
14 gress that—

15 (1) hydropower is a renewable resource for pur-
16 poses of all Federal programs and is an essential
17 source of energy in the United States; and

18 (2) the United States should increase substan-
19 tially the capacity and generation of clean, renewable
20 hydropower resources that would improve environ-
21 mental quality in the United States.

22 (b) MODIFYING THE DEFINITION OF RENEWABLE
23 ENERGY TO INCLUDE HYDROPOWER.—Section 203 of the
24 Energy Policy Act of 2005 (42 U.S.C. 15852) is amend-
25 ed—

1 (1) in subsection (a), by striking “the following
2 amounts” and all that follows through paragraph (3)
3 and inserting “not less than 15 percent in fiscal year
4 2016 and each fiscal year thereafter shall be renew-
5 able energy.” ; and

6 (2) in subsection (b), by striking paragraph (2)
7 and inserting the following:

8 “(2) RENEWABLE ENERGY.—The term ‘renew-
9 able energy’ means energy produced from solar,
10 wind, biomass, landfill gas, ocean (including tidal,
11 wave, current, and thermal), geothermal, municipal
12 solid waste, or hydropower.”.

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

17 (d) PRELIMINARY PERMITS.—Section 5 of the Fed-
18 eral Power Act (16 U.S.C. 798) is amended—

19 (1) in subsection (a), by striking “three” and
20 inserting “4”; and

21 (2) in subsection (b)—

22 (A) by striking “Commission may extend
23 the period of a preliminary permit once for not
24 more than 2 additional years beyond the 3

1 years” and inserting the following: “Commis-
2 sion may—

3 “(1) extend the period of a preliminary permit
4 once for not more than 4 additional years beyond
5 the 4 years”;

6 (B) by striking the period at the end and
7 inserting “; and”; and

8 (C) by adding at the end the following:

9 “(2) after the end of an extension period grant-
10 ed under paragraph (1), issue an additional permit
11 to the permittee if the Commission determines that
12 there are extraordinary circumstances that warrant
13 the issuance of the additional permit.”.

14 (e) TIME LIMIT FOR CONSTRUCTION OF PROJECT
15 WORKS.—Section 13 of the Federal Power Act (16 U.S.C.
16 806) is amended in the second sentence by striking “once
17 but not longer than two additional years” and inserting
18 “for not more than 8 additional years,”.

19 (f) LICENSE TERM.—Section 15(e) of the Federal
20 Power Act (16 U.S.C. 808(e)) is amended—

21 (1) by striking “(e) Except” and inserting the
22 following:

23 “(e) LICENSE TERM ON RELICENSING.—

24 “(1) IN GENERAL.—Except”; and

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

1 “(2) CONSIDERATION.—In determining the
2 term of a license under paragraph (1), the Commis-
3 sion shall consider project-related investments by the
4 licensee over the term of the existing license (includ-
5 ing any terms under annual licenses) that resulted
6 in new development, construction, capacity, effi-
7 ciency improvements, or environmental measures,
8 but which did not result in the extension of the term
9 of the license by the Commission.”.

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

14 (h) ALTERNATIVE CONDITIONS AND PRESCRIP-
15 TIONS.—Section 33 of the Federal Power Act (16 U.S.C.
16 823d) is amended—

17 (1) in subsection (a)—

18 (A) in paragraph (1), by striking “deems”
19 and inserting “determines”;

20 (B) in paragraph (2)(B), in the matter
21 preceding clause (i), by inserting “determined
22 to be necessary” before “by the Secretary”;

23 (C) by striking paragraph (4); and

24 (D) by striking paragraph (5);

25 (2) in subsection (b)—

1 (A) by striking paragraph (4); and

2 (B) by striking paragraph (5); and

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

4 “(c) FURTHER CONDITIONS.—This section applies to
5 any further conditions or prescriptions proposed or im-
6 posed pursuant to section 4(e), 6, or 18.”.

7 (i) LICENSING PROCESS IMPROVEMENTS AND CO-
8 ORDINATION.—Part I of the Federal Power Act (16
9 U.S.C. 792 et seq.) is amended by adding at the end the
10 following:

11 **“SEC. 34. LICENSING PROCESS IMPROVEMENTS.**

12 “(a) LICENSE STUDIES.—

13 “(1) IN GENERAL.—To facilitate the timely and
14 efficient completion of the license proceedings under
15 this part, the Commission shall—

16 “(A) conduct an investigation of best prac-
17 tices in performing licensing studies, including
18 methodologies and the design of studies to as-
19 sess the full range of environmental impacts of
20 a project;

21 “(B) compile a comprehensive collection of
22 studies and data accessible to the public that
23 could be used to inform license proceedings
24 under this paragraph; and

1 “(C) encourage license applicants and co-
2 operating agencies to develop and use, for the
3 purpose of fostering timely and efficient consid-
4 eration of license applications, a limited number
5 of open-source methodologies and tools applica-
6 ble across a wide array of projects, including
7 water balance models and streamflow analyses.

8 “(2) USE OF EXISTING STUDIES.—To the max-
9 imum extent practicable, the Commission shall use
10 existing studies and data in individual licensing pro-
11 ceedings under this part in accordance with para-
12 graph (1).

13 “(3) NONDUPLICATION REQUIREMENT.—To the
14 maximum extent practicable, the Commission shall
15 ensure that studies and data required for any Fed-
16 eral authorization (as defined in section 35(a)) ap-
17 plicable to a particular project or facility are not du-
18 plicated in other licensing proceedings under this
19 part.

20 “(4) BIOLOGICAL OPINIONS.—To the maximum
21 extent practicable, the Secretary of Commerce shall
22 ensure that relevant offices within the National Ma-
23 rine Fisheries Service prepare any biological opinion
24 under section 7 of the Endangered Species Act of
25 1973 (16 U.S.C. 1536) that forms the basis for a

1 prescription under section 18 on a concurrent rather
2 than sequential basis.

3 “(5) WATER QUALITY CERTIFICATION DEAD-
4 LINE.—

5 “(A) IN GENERAL.—For purposes of
6 issuing a license under this part, the deadline
7 for a certifying agency to act under section
8 401(a) of the Federal Water Pollution Control
9 Act (33 U.S.C. 1341(a)) shall take effect only
10 on the submission of a request for certification
11 determined to be complete by the certifying
12 agency.

13 “(B) NOTICE OF COMPLETE REQUEST.—
14 The certifying agency shall inform the Commis-
15 sion when a request for certification is deter-
16 mined to be complete.

17 **“SEC. 35. LICENSING PROCESS COORDINATION.**

18 “(a) DEFINITION OF FEDERAL AUTHORIZATION.—In
19 this section, the term ‘Federal authorization’ means any
20 authorization required under Federal law (including any
21 license, permit, special use authorization, certification,
22 opinion, consultation, determination, or other approval)
23 with respect to—

24 “(1) a project licensed under section 4 or 15;
25 or

1 “(2) a facility exempted under—

2 “(A) section 30; or

3 “(B) section 405(d) of the Public Utility
4 Regulatory Policies Act of 1978 (16 U.S.C.
5 2705(d)).

6 “(b) DESIGNATION AS LEAD AGENCY.—

7 “(1) IN GENERAL.—The Commission shall act
8 as the lead agency for the purposes of coordinating
9 all applicable Federal authorizations.

10 “(2) OTHER AGENCIES.—Each Federal and
11 State agency considering an aspect of an application
12 for Federal authorization shall cooperate with the
13 Commission.

14 “(c) SCHEDULE.—

15 “(1) TIMING FOR ISSUANCE.—It is the sense of
16 Congress that all Federal authorizations required for
17 a project or facility, including a license or exemption
18 order of the Commission, should be issued by the
19 date that is 3 years after the date on which an ap-
20 plication is considered to be complete by the Com-
21 mission.

22 “(2) COMMISSION SCHEDULE.—

23 “(A) IN GENERAL.—The Commission shall
24 establish a schedule for the issuance of all Fed-
25 eral authorizations.

1 “(B) REQUIREMENTS.—In establishing the
2 schedule under subparagraph (A), the Commis-
3 sion shall—

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

7 “(ii) ensure the expeditious comple-
8 tion of all proceedings relating to a Fed-
9 eral authorization; and

10 “(iii) comply with applicable schedules
11 established by Federal law with respect to
12 a Federal authorization.

13 “(3) RESOLUTION OF INTERAGENCY DIS-
14 PUTES.—If the Federal agency fails to adhere to the
15 schedule established by the Commission under para-
16 graph (2), or if the final condition of the Secretary
17 under section 4(e) or prescription under section 18
18 has been unreasonably delayed in derogation of the
19 schedule established under paragraph (2), or if a
20 proposed alternative condition or prescription has
21 been unreasonably denied, or if a final condition or
22 prescription would be inconsistent with the purposes
23 of this part or other applicable law, the Commission
24 may refer the matter to the Chairman of the Council
25 on Environmental Quality—

1 “(A) to ensure timely participation;

2 “(B) to ensure a timely decision;

3 “(C) to mediate the dispute; or

4 “(D) to refer the matter to the President.

5 “(d) CONSOLIDATED RECORD.—

6 “(1) IN GENERAL.—The Commission shall
7 maintain official consolidated records of all license
8 proceedings under this part.

9 “(2) SUBMISSION OF RECOMMENDATIONS.—

10 Any Federal or State agency that is providing rec-
11 ommendations with respect to a license proceeding
12 under this part shall submit to the Commission for
13 inclusion in the consolidated record relating to the li-
14 cense proceeding maintained under paragraph (1)—

15 “(A) the recommendations;

16 “(B) the rationale for the recommenda-
17 tions; and

18 “(C) any supporting materials relating to
19 the recommendations.

20 “(3) WRITTEN STATEMENT.—In a case in
21 which a Federal agency is making a determination
22 with respect to a covered measure (as defined in sec-
23 tion 36(a)), the head of the Federal agency shall in-
24 clude in the consolidated record a written statement
25 demonstrating that the Federal agency gave equal

1 consideration to the effects of the covered measure
2 on—

3 “(A) energy supply, distribution, cost, and
4 use;

5 “(B) flood control;

6 “(C) navigation;

7 “(D) water supply; and

8 “(E) air quality and the preservation of
9 other aspects of environmental quality.

10 **“SEC. 36. TRIAL-TYPE HEARINGS.**

11 “(a) DEFINITION OF COVERED MEASURE.—In this
12 section, the term ‘covered measure’ means—

13 “(1) a condition prescribed under section 4(e),
14 including an alternative condition proposed under
15 section 33(a);

16 “(2) fishways prescribed under section 18, in-
17 cluding an alternative prescription proposed under
18 section 33(b); or

19 “(3) any further condition pursuant to section
20 4(e), 6, or 18.

21 “(b) AUTHORIZATION OF TRIAL-TYPE HEARING.—

22 The license applicant (including an applicant for a license
23 under section 15) and any party to the proceeding shall
24 be entitled to a determination on the record, after oppor-
25 tunity for a trial-type hearing of not more than 120 days,

1 on any disputed issues of material fact with respect to an
2 applicable covered measure.

3 “(c) DEADLINE FOR REQUEST.—A request for a
4 trial-type hearing under this section shall be submitted not
5 later than 60 days after the date on which, as applicable—

6 “(1) the Secretary submits the condition under
7 section 4(e) or prescription under section 18; or

8 “(2)(A) the Commission publishes notice of the
9 intention to use the reserved authority of the Com-
10 mission to order a further condition under section 6;
11 or

12 “(B) the Secretary exercises reserved authority
13 under the license to prescribe, submit, or revise any
14 condition to a license under the first proviso of sec-
15 tion 4(e) or fishway prescribed under section 18, as
16 appropriate.

17 “(d) NO REQUIREMENT TO EXHAUST.—By electing
18 not to request a trial-type hearing under subsection (d),
19 a license applicant and any other party to a license pro-
20 ceeding shall not be considered to have waived the right
21 of the applicant or other party to raise any issue of fact
22 or law in a non-trial-type proceeding, but no issue may
23 be raised for the first time on rehearing or judicial review
24 of the license decision of the Commission.

1 “(e) ADMINISTRATIVE LAW JUDGE.—All disputed
2 issues of material fact raised by a party in a request for
3 a trial-type hearing submitted under subsection (d) shall
4 be determined in a single trial-type hearing to be con-
5 ducted by an Administrative Law Judge within the Office
6 of Administrative Law Judges and Dispute Resolution of
7 the Commission, in accordance with the Commission rules
8 of practice and procedure under part 385 of title 18, Code
9 of Federal Regulations (or successor regulations), and
10 within the timeframe established by the Commission for
11 each license proceeding (including a proceeding for a li-
12 cense under section 15) under section 35(e).

13 “(f) STAY.—The Administrative Law Judge may im-
14 pose a stay of a trial-type hearing under this section for
15 a period of not more than 120 days to facilitate settlement
16 negotiations relating to resolving the disputed issues of
17 material fact with respect to the covered measure.

18 “(g) DECISION OF THE ADMINISTRATIVE LAW
19 JUDGE.—

20 “(1) CONTENTS.—The decision of the Adminis-
21 trative Law Judge shall contain—

22 “(A) findings of fact on all disputed issues
23 of material fact;

1 “(B) conclusions of law necessary to make
2 the findings of fact, including rulings on mate-
3 riality and the admissibility of evidence; and

4 “(C) reasons for the findings and conclu-
5 sions.

6 “(2) LIMITATION.—The decision of the Admin-
7 istrative Law Judge shall not contain conclusions as
8 to whether—

9 “(A) any condition or prescription should
10 be adopted, modified, or rejected; or

11 “(B) any alternative condition or prescrip-
12 tion should be adopted, modified, or rejected.

13 “(3) FINALITY.—A decision of an Administra-
14 tive Law Judge under this section with respect to a
15 disputed issue of material fact shall not be subject
16 to further administrative review.

17 “(4) SERVICE.—The Administrative Law Judge
18 shall serve the decision on each party to the hearing
19 and forward the complete record of the hearing to
20 the Commission and the Secretary that proposed the
21 original condition or prescription.

22 “(h) SECRETARIAL DETERMINATION.—

23 “(1) IN GENERAL.—Not later than 60 days
24 after the date on which the Administrative Law
25 Judge issues the decision under subsection (g) and

1 in accordance with the schedule established by the
2 Commission under section 35(c), the Secretary pro-
3 posing a condition under section 4(e) or a prescrip-
4 tion under section 18 shall file with the Commission
5 a final determination to adopt, modify, or withdraw
6 any condition or prescription that was the subject of
7 a hearing under this section, based on the decision
8 of the Administrative Law Judge.

9 “(2) RECORD OF DETERMINATION.—The final
10 determination of the Secretary filed with the Com-
11 mission shall identify the reasons for the decision
12 and any considerations taken into account that were
13 not part of, or inconsistent with, the findings of the
14 Administrative Law Judge and shall be included in
15 the consolidated record in section 35(d).

16 “(i) LICENSING DECISION OF THE COMMISSION.—
17 Notwithstanding sections 4(e) and 18, if the Commission
18 finds that the final condition or prescription of the Sec-
19 retary is inconsistent with the purposes of this part or
20 other applicable law, the Commission may refer the matter
21 to the Chairman of the Council on Environmental Quality
22 under section 35(c).

23 “(j) JUDICIAL REVIEW.—The decision of the Admin-
24 istrative Law Judge and the record of determination of
25 the Secretary shall be included in the record of the appli-

1 cable licensing proceeding and subject to judicial review
2 of the final licensing decision of the Commission under
3 section 313(b).

4 **“SEC. 37. PUMPED STORAGE PROJECTS.**

5 “In carrying out section 6(a) of the Hydropower Reg-
6 ulatory Efficiency Act of 2013 (16 U.S.C. 797 note; Pub-
7 lic Law 113–23), the Commission shall consider a closed
8 loop pumped storage project to include a project—

9 “(1) in which the upper and lower reservoirs do
10 not impound or directly withdraw water from a navi-
11 gable stream; or

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

14 **“SEC. 38. ANNUAL REPORTS.**

15 “(a) COMMISSION ANNUAL REPORT.—

16 “(1) IN GENERAL.—The Commission shall sub-
17 mit to the Committee on Energy and Natural Re-
18 sources of the Senate and the Committee on Energy
19 and Commerce of the House of Representatives an
20 annual report that—

21 “(A) describes and quantifies, for each li-
22 censed, exempted, or proposed project under
23 this part or section 405(d) of the Public Utility
24 Regulatory Policies Act of 1978 (16 U.S.C.
25 2705(d)) (referred to in this subsection as the

1 ‘covered project’), the quantity of energy and
2 capacity authorized for new development and
3 reauthorized for continued operation during the
4 reporting year, including an assessment of the
5 economic, climactic, air quality, and other envi-
6 ronmental benefits achieved by the new and re-
7 authorized energy and capacity;

8 “(B) describes and quantifies the loss of
9 energy, capacity, or ancillary services as a re-
10 sult of any licensing action under this part or
11 other requirement under Federal law during the
12 reporting year;

13 “(C) identifies any application to license,
14 relicense, or expand a covered project pending
15 as of the date of the annual report, including
16 a quantification of the new energy and capacity
17 with the potential to be gained or lost by action
18 relating to the covered project; and

19 “(D) lists all proposed covered projects
20 that, as of the date of the annual report, are
21 subject to a preliminary permit issued under
22 section 4(f), including a description of the
23 quantity of new energy and capacity that would
24 be achieved through the development of each
25 proposed covered project.

1 “(2) AVAILABILITY.—The Commission shall es-
2 tablish and maintain a publicly available website or
3 comparable resource that tracks all information re-
4 quired for the annual report under paragraph (1).

5 “(b) RESOURCE AGENCY ANNUAL REPORT.—

6 “(1) IN GENERAL.—Any Federal or State re-
7 source agency that is participating in any Commis-
8 sion proceeding under this part or that has respon-
9 sibilities for any Federal authorization shall submit
10 to the Committee on Energy and Natural Resources
11 of the Senate and the Committee on Energy and
12 Commerce of the House of Representatives a report
13 that—

14 “(A) describes each term, condition, or
15 other requirement prepared by the resource
16 agency during the reporting year with respect
17 to a Commission proceeding under this part, in-
18 cluding—

19 “(i) an assessment of whether imple-
20 mentation of the term, condition, or other
21 requirement would result in the loss of en-
22 ergy, capacity, or ancillary services at the
23 project, including a quantification of the
24 losses;

1 “(ii) an analysis of economic, air qual-
2 ity, climactic and other environmental ef-
3 fects associated with implementation of the
4 term, condition, or other requirement;

5 “(iii) a demonstration, based on evi-
6 dence in the record of the Commission,
7 that the resource agency prepared the
8 term, condition, or other requirement in a
9 manner that meets the policy established
10 by this part while discharging the respon-
11 sibilities of the resource agency under this
12 part or any other applicable requirement
13 under Federal law; and

14 “(iv) a statement of whether the head
15 of the applicable Federal agency has ren-
16 dered final approval of the term, condition,
17 or other requirement, or whether the term,
18 condition, or other requirement remains a
19 preliminary recommendation of staff of the
20 resource agency; and

21 “(B) identifies all pending, scheduled, and
22 anticipated proceedings under this part that, as
23 of the date of the annual report, the resource
24 agency expects to participate in, or has any ap-

1 proval or participatory responsibilities for under
2 Federal law, including—

3 “(i) an accounting of whether the re-
4 source agency met all deadlines or other
5 milestones established by the resource
6 agency or the Commission during the re-
7 porting year; and

8 “(ii) the specific plans of the resource
9 agency for allocating sufficient resources
10 for each project during the upcoming year.

11 “(2) AVAILABILITY.—Any resource agency pre-
12 paring an annual report to Congress under para-
13 graph (1) shall establish and maintain a publicly
14 available website or comparable resource that tracks
15 all information required for the annual report.”.

16 (j) PILOT PROGRAM.—

17 (1) IN GENERAL.—The Commission (as the
18 term is defined in section 3 of the Federal Power
19 Act (16 U.S.C. 796)) shall establish a voluntary
20 pilot program covering at least 1 region in which the
21 Commission, in consultation with the heads of co-
22 operating agencies, shall direct a set of region-wide
23 studies to inform subsequent project-level studies
24 within each region.

1 (2) DESIGNATION.—Not later than 2 years
2 after the date of enactment of this Act, if the condi-
3 tions under paragraph (3) are met, the Commission,
4 in consultation with the heads of cooperating agen-
5 cies, shall designate 1 or more regions to be studied
6 under this subsection.

7 (3) VOLUNTARY BASIS.—The Commission may
8 only designate regions under paragraph (2) in which
9 every licensee, on a voluntary basis and in writing,
10 agrees—

11 (A) to be included in the pilot program;

12 and

13 (B) to any cost-sharing arrangement with
14 other licensees and applicable Federal and
15 State agencies with respect to conducting basin-
16 wide studies.

17 (4) SCALE.—The regions designated under
18 paragraph (2) shall—

19 (A) be at an adequately large scale to
20 cover at least 5 existing projects that—

21 (i) are licensed under this part; and

22 (ii) the licenses of which shall expire
23 not later than 15 years after the date of
24 enactment of this section; and

1 (B) be likely to yield region-wide studies
2 and information that will significantly reduce
3 the need for and scope of subsequent project-
4 level studies and information.

5 (5) PROJECT LICENSE TERMS.—The Commis-
6 sion may extend the term of any existing license
7 within a region designated under paragraph (2) by
8 up to 8 years to provide sufficient time for relevant
9 region-wide studies to inform subsequent project-
10 level studies.

11 **SEC. 3002. HYDROELECTRIC PRODUCTION INCENTIVES**
12 **AND EFFICIENCY IMPROVEMENTS.**

13 (a) HYDROELECTRIC PRODUCTION INCENTIVES.—
14 Section 242 of the Energy Policy Act of 2005 (42 U.S.C.
15 15881) is amended—

16 (1) in subsection (c), by striking “10” and in-
17 serting “20”;

18 (2) in subsection (f), by striking “20” and in-
19 serting “30”; and

20 (3) in subsection (g), by striking “each of the
21 fiscal years 2006 through 2015” and inserting “each
22 of fiscal years 2016 through 2025”.

23 (b) HYDROELECTRIC EFFICIENCY IMPROVEMENT.—
24 Section 243(c) of the Energy Policy Act of 2005 (42
25 U.S.C. 15882(c)) is amended by striking “each of the fis-

1 cal years 2006 through 2015” and inserting “each of fis-
2 cal years 2016 through 2025”.

3 **SEC. 3003. EXTENSION OF TIME FOR A FEDERAL ENERGY**
4 **REGULATORY COMMISSION PROJECT IN-**
5 **VOLVING CLARK CANYON DAM.**

6 Notwithstanding the time period described in section
7 13 of the Federal Power Act (16 U.S.C. 806) that would
8 otherwise apply to the Federal Energy Regulatory Com-
9 mission project numbered 12429, the Federal Energy
10 Regulatory Commission (referred to in this section as the
11 “Commission”) shall, at the request of the licensee for the
12 project, and after reasonable notice and in accordance
13 with the procedures of the Commission under that section,
14 reinstate the license and extend the time period during
15 which the licensee is required to commence construction
16 of project works for the 3-year period beginning on the
17 date of enactment of this Act.

18 **SEC. 3004. EXTENSION OF TIME FOR A FEDERAL ENERGY**
19 **REGULATORY COMMISSION PROJECT IN-**
20 **VOLVING GIBSON DAM.**

21 (a) IN GENERAL.—Notwithstanding the require-
22 ments of section 13 of the Federal Power Act (16 U.S.C.
23 806) that would otherwise apply to the Federal Energy
24 Regulatory Commission project numbered 12478–003, the
25 Federal Energy Regulatory Commission (referred to in

1 this section as the “Commission”) may, at the request of
2 the licensee for the project, and after reasonable notice
3 and in accordance with the procedures of the Commission
4 under that section, extend the time period during which
5 the licensee is required to commence construction of the
6 project for a 6-year period that begins on the date de-
7 scribed in subsection (b).

8 (b) DATE DESCRIBED.—The date described in this
9 subsection is the date of the expiration of the extension
10 of the period required for commencement of construction
11 for the project described in subsection (a) that was issued
12 by the Commission prior to the date of enactment of this
13 Act under section 13 of the Federal Power Act (16 U.S.C.
14 806).

15 (c) REINSTATEMENT OF EXPIRED LICENSE.—If the
16 period required for commencement of construction of the
17 project described in subsection (b) has expired before the
18 date of enactment of this Act—

19 (1) the Commission shall reinstate the license
20 effective as of the date of the expiration of the li-
21 cense; and

22 (2) the first extension authorized under sub-
23 section (a) shall take effect on that expiration date.

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PART II—GEOTHERMAL

Subpart A—Geothermal Energy

SEC. 3005. NATIONAL GOALS FOR PRODUCTION AND SITE IDENTIFICATION.

It is the sense of Congress that, not later than 10 years after the date of enactment of this Act—

(1) the Secretary of the Interior shall seek to approve a significant increase in new geothermal energy capacity on public land across a geographically diverse set of States using the full range of available technologies; and

(2) the Director of the Geological Survey and the Secretary should identify sites capable of producing a total of 50,000 megawatts of geothermal power, using the full range of available technologies, through a program conducted in collaboration with industry, including cost-shared exploration drilling.

SEC. 3006. PRIORITY AREAS FOR DEVELOPMENT ON FEDERAL LAND.

The Director of the Bureau of Land Management, in consultation with other appropriate Federal agencies, shall—

(1) identify high priority areas for new geothermal development; and

1 (2) take any actions the Director determines
2 necessary to facilitate that development, consistent
3 with applicable laws.

4 **SEC. 3007. FACILITATION OF COPRODUCTION OF GEO-**
5 **THERMAL ENERGY ON OIL AND GAS LEASES.**

6 Section 4(b) of the Geothermal Steam Act of 1970
7 (30 U.S.C. 1003(b)) is amended by adding at the end the
8 following:

9 “(4) LAND SUBJECT TO OIL AND GAS LEASE.—
10 Land under an oil and gas lease issued pursuant to
11 the Mineral Leasing Act (30 U.S.C. 181 et seq.) or
12 the Mineral Leasing Act for Acquired Lands (30
13 U.S.C. 351 et seq.) that is subject to an approved
14 application for permit to drill and from which oil
15 and gas production is occurring may be available for
16 noncompetitive leasing under this section to the
17 holder of the oil and gas lease—

18 “(A) on a determination that—

19 “(i) geothermal energy will be pro-
20 duced from a well producing or capable of
21 producing oil and gas; and

22 “(ii) national energy security will be
23 improved by the issuance of such a lease;
24 and

1 “(B) to provide for the coproduction of
2 geothermal energy with oil and gas.”.

3 **SEC. 3008. NONCOMPETITIVE LEASING OF ADJOINING**
4 **AREAS FOR DEVELOPMENT OF GEOTHERMAL**
5 **RESOURCES.**

6 Section 4(b) of the Geothermal Steam Act of 1970
7 (30 U.S.C. 1003(b)) (as amended by section 3007) is
8 amended by adding at the end the following:

9 “(5) ADJOINING LAND.—

10 “(A) DEFINITIONS.—In this paragraph:

11 “(i) FAIR MARKET VALUE PER
12 ACRE.—The term ‘fair market value per
13 acre’ means a dollar amount per acre
14 that—

15 “(I) except as provided in this
16 clause, shall be equal to the market
17 value per acre (taking into account
18 the determination under subparagraph
19 (B)(iii) regarding a valid discovery on
20 the adjoining land), as determined by
21 the Secretary under regulations issued
22 under this paragraph;

23 “(II) shall be determined by the
24 Secretary with respect to a lease
25 under this paragraph, by not later

1 than the end of the 180-day period
2 beginning on the date the Secretary
3 receives an application for the lease;
4 and

5 “(III) shall be not less than the
6 greater of—

7 “(aa) 4 times the median
8 amount paid per acre for all land
9 leased under this Act during the
10 preceding year; or

11 “(bb) \$50.

12 “(ii) INDUSTRY STANDARDS.—The
13 term ‘industry standards’ means the stand-
14 ards by which a qualified geothermal pro-
15 fessional assesses whether downhole or
16 flowing temperature measurements with
17 indications of permeability are sufficient to
18 produce energy from geothermal resources,
19 as determined through flow or injection
20 testing or measurement of lost circulation
21 while drilling.

22 “(iii) QUALIFIED FEDERAL LAND.—
23 The term ‘qualified Federal land’ means
24 land that is otherwise available for leasing
25 under this Act.

1 “(iv) QUALIFIED GEOTHERMAL PRO-
2 FESSIONAL.—The term ‘qualified geo-
3 thermal professional’ means an individual
4 who is an engineer or geoscientist in good
5 professional standing with at least 5 years
6 of experience in geothermal exploration,
7 development, or project assessment.

8 “(v) QUALIFIED LESSEE.—The term
9 ‘qualified lessee’ means a person that is el-
10 igible to hold a geothermal lease under this
11 Act (including applicable regulations).

12 “(vi) VALID DISCOVERY.—The term
13 ‘valid discovery’ means a discovery of a
14 geothermal resource by a new or existing
15 slim hole or production well, that exhibits
16 downhole or flowing temperature measure-
17 ments with indications of permeability that
18 are sufficient to meet industry standards.

19 “(B) AUTHORITY.—An area of qualified
20 Federal land that adjoins other land for which
21 a qualified lessee holds a legal right to develop
22 geothermal resources may be available for a
23 noncompetitive lease under this section to the
24 qualified lessee at the fair market value per
25 acre, if—

1 “(i) the area of qualified Federal
2 land—

3 “(I) consists of not less than 1
4 acre and not more than 640 acres;
5 and

6 “(II) is not already leased under
7 this Act or nominated to be leased
8 under subsection (a);

9 “(ii) the qualified lessee has not pre-
10 viously received a noncompetitive lease
11 under this paragraph in connection with
12 the valid discovery for which data has been
13 submitted under clause (iii)(I); and

14 “(iii) sufficient geological and other
15 technical data prepared by a qualified geo-
16 thermal professional has been submitted by
17 the qualified lessee to the applicable Fed-
18 eral land management agency that would
19 lead individuals who are experienced in the
20 subject matter to believe that—

21 “(I) there is a valid discovery of
22 geothermal resources on the land for
23 which the qualified lessee holds the
24 legal right to develop geothermal re-
25 sources; and

1 “(II) that thermal feature ex-
2 tends into the adjoining areas.

3 “(C) DETERMINATION OF FAIR MARKET
4 VALUE.—

5 “(i) IN GENERAL.—The Secretary
6 shall—

7 “(I) publish a notice of any re-
8 quest to lease land under this para-
9 graph;

10 “(II) determine fair market value
11 for purposes of this paragraph in ac-
12 cordance with procedures for making
13 those determinations that are estab-
14 lished by regulations issued by the
15 Secretary;

16 “(III) provide to a qualified les-
17 see and publish, with an opportunity
18 for public comment for a period of 30
19 days, any proposed determination
20 under this subparagraph of the fair
21 market value of an area that the
22 qualified lessee seeks to lease under
23 this paragraph; and

24 “(IV) provide to the qualified les-
25 see and any adversely affected party

1 the opportunity to appeal the final de-
2 termination of fair market value in an
3 administrative proceeding before the
4 applicable Federal land management
5 agency, in accordance with applicable
6 law (including regulations).

7 “(ii) LIMITATION ON NOMINATION.—
8 After publication of a notice of request to
9 lease land under this paragraph, the Sec-
10 retary may not accept under subsection (a)
11 any nomination of the land for leasing un-
12 less the request has been denied or with-
13 drawn.

14 “(iii) ANNUAL RENTAL.—For pur-
15 poses of section 5(a)(3), a lease awarded
16 under this paragraph shall be considered a
17 lease awarded in a competitive lease sale.

18 “(D) REGULATIONS.—Not later than 270
19 days after the date of enactment of the Energy
20 Policy Modernization Act of 2016, the Sec-
21 retary shall issue regulations to carry out this
22 paragraph.”.

23 **SEC. 3009. REPORT TO CONGRESS.**

24 Not later than 3 years after the date of enactment
25 of this Act and not less frequently than once every 5 years

1 thereafter, the Secretary of the Interior and the Secretary
2 shall submit to Congress a report describing the progress
3 made towards achieving the goals described in section
4 3005.

5 **SEC. 3010. AUTHORIZATION OF APPROPRIATIONS.**

6 There are authorized to be appropriated to carry out
7 this subpart—

- 8 (1) \$65,000,000 for fiscal year 2017; and
9 (2) \$75,000,000 for each of fiscal years 2018
10 through 2021.

11 **Subpart B—Development of Geothermal, Solar, and**
12 **Wind Energy on Public Land**

13 **SEC. 3011. DEFINITIONS.**

14 In this subpart:

15 (1) COVERED LAND.—The term “covered land”
16 means land that is—

17 (A) public land administered by the Sec-
18 retary; and

19 (B) not excluded from the development of
20 geothermal, solar, or wind energy under—

- 21 (i) a land use plan established under
22 the Federal Land Policy and Management
23 Act of 1976 (43 U.S.C. 1701 et seq.); or
24 (ii) other Federal law.

1 (2) EXCLUSION AREA.—The term “exclusion
2 area” means covered land that is identified by the
3 Bureau of Land Management as not suitable for de-
4 velopment of renewable energy projects.

5 (3) PRIORITY AREA.—The term “priority area”
6 means covered land identified by the land use plan-
7 ning process of the Bureau of Land Management as
8 being a preferred location for a renewable energy
9 project.

10 (4) PUBLIC LAND.—The term “public land”
11 has the meaning given the term “public lands” in
12 section 103 of the Federal Land Policy and Manage-
13 ment Act of 1976 (43 U.S.C. 1702).

14 (5) RENEWABLE ENERGY PROJECT.—The term
15 “renewable energy project” means a project carried
16 out on covered land that uses wind, solar, or geo-
17 thermal energy to generate energy.

18 (6) SECRETARY.—The term “Secretary” means
19 the Secretary of the Interior.

20 (7) VARIANCE AREA.—The term “variance
21 area” means covered land that is—

22 (A) not an exclusion area; and

23 (B) not a priority area.

1 **SEC. 3011A. LAND USE PLANNING; SUPPLEMENTS TO PRO-**
2 **GRAMMATIC ENVIRONMENTAL IMPACT**
3 **STATEMENTS.**

4 (a) PRIORITY AREAS.—

5 (1) IN GENERAL.—The Secretary, in consulta-
6 tion with the Secretary of Energy, shall establish
7 priority areas on covered land for geothermal, solar,
8 and wind energy projects.

9 (2) DEADLINE.—

10 (A) GEOTHERMAL ENERGY.—For geo-
11 thermal energy, the Secretary shall establish
12 priority areas as soon as practicable, but not
13 later than 5 years, after the date of enactment
14 of this Act.

15 (B) SOLAR ENERGY.—For solar energy,
16 the solar energy zones established by the 2012
17 western solar plan of the Bureau of Land Man-
18 agement shall be considered to be priority areas
19 for solar energy projects.

20 (C) WIND ENERGY.—For wind energy, the
21 Secretary shall establish priority areas as soon
22 as practicable, but not later than 3 years, after
23 the date of enactment of this Act.

24 (b) VARIANCE AREAS.—To the maximum extent
25 practicable, variance areas shall be considered for renew-
26 able energy project development, consistent with the prin-

1 ciples of multiple use as defined in the Federal Land Pol-
2 icy and Management Act of 1976 (43 U.S.C. 1701 et
3 seq.).

4 (c) REVIEW AND MODIFICATION.—Not less fre-
5 quently than once every 10 years, the Secretary shall—

6 (1) review the adequacy of land allocations for
7 geothermal, solar, and wind energy priority and vari-
8 ance areas for the purpose of encouraging new re-
9 newable energy development opportunities; and

10 (2) based on the review carried out under para-
11 graph (1), add, modify, or eliminate priority, vari-
12 ance, and exclusion areas.

13 (d) COMPLIANCE WITH THE NATIONAL ENVIRON-
14 MENTAL POLICY ACT.—For purposes of this section, com-
15 pliance with the National Environmental Policy Act of
16 1969 (42 U.S.C. 4321 et seq.) shall be accomplished—

17 (1) for geothermal energy, by supplementing
18 the October 2008 final programmatic environmental
19 impact statement for geothermal leasing in the west-
20 ern United States;

21 (2) for solar energy, by supplementing the July
22 2012 final programmatic environmental impact
23 statement for solar energy projects; and

1 (3) for wind energy, by supplementing the July
2 2005 final programmatic environmental impact
3 statement for wind energy projects.

4 (e) NO EFFECT ON PROCESSING APPLICATIONS.—A
5 requirement to prepare a supplement to a programmatic
6 environmental impact statement under this section shall
7 not result in any delay in processing an application for
8 a renewable energy project.

9 (f) COORDINATION.—In developing a supplement re-
10 quired by this section, the Secretary shall coordinate, on
11 an ongoing basis, with appropriate State, tribal, and local
12 governments, transmission infrastructure owners and op-
13 erators, developers, and other appropriate entities to en-
14 sure that priority areas identified by the Secretary are—

15 (1) economically viable (including having access
16 to transmission);

17 (2) likely to avoid or minimize conflict with
18 habitat for animals and plants, recreation, and other
19 uses of covered land; and

20 (3) consistent with section 202 of the Federal
21 Land Policy and Management Act of 1976 (43
22 U.S.C. 1712), including subsection (c)(9) of that
23 section.

24 (g) REMOVAL FROM CLASSIFICATION.—In carrying
25 out subsections (a), (c), and (d), if the Secretary deter-

1 mines an area previously suited for development should
2 be removed from priority or variance classification, not
3 later than 90 days after the date of the determination,
4 the Secretary shall submit to Congress a report on the
5 determination.

6 **SEC. 3011B. ENVIRONMENTAL REVIEW ON COVERED LAND.**

7 (a) IN GENERAL.—If the Secretary determines that
8 a proposed renewable energy project has been sufficiently
9 analyzed by a programmatic environmental impact state-
10 ment conducted under section 3011B(d), the Secretary
11 shall not require any additional review under the National
12 Environmental Policy Act of 1969 (42 U.S.C. 4321 et
13 seq.).

14 (b) ADDITIONAL ENVIRONMENTAL REVIEW.—If the
15 Secretary determines that additional environmental review
16 under the National Environmental Policy Act of 1969 (42
17 U.S.C. 4321 et seq.) is necessary for a proposed renewable
18 energy project, the Secretary shall rely on the analysis in
19 the programmatic environmental impact statement con-
20 ducted under section 3011B(d), to the maximum extent
21 practicable when analyzing the potential impacts of the
22 project.

23 (c) RELATIONSHIP TO OTHER LAW.—Nothing in this
24 section modifies or supersedes any requirement under ap-

1 plicable law, including the National Environmental Policy
2 Act of 1969 (42 U.S.C. 4321 et seq.).

3 **SEC. 3011C. PROGRAM TO IMPROVE RENEWABLE ENERGY**
4 **PROJECT PERMIT COORDINATION.**

5 (a) ESTABLISHMENT.—The Secretary shall establish
6 a program to improve Federal permit coordination with
7 respect to renewable energy projects on covered land.

8 (b) MEMORANDUM OF UNDERSTANDING.—

9 (1) IN GENERAL.—Not later than 180 days
10 after the date of enactment of this Act, the Sec-
11 retary shall enter into a memorandum of under-
12 standing for purposes of this section, including to
13 specifically expedite the environmental analysis of
14 applications for projects proposed in a variance area,
15 with—

16 (A) the Secretary of Agriculture; and

17 (B) the Assistant Secretary of the Army
18 for Civil Works.

19 (2) STATE PARTICIPATION.—The Secretary
20 may request the Governor of any interested State to
21 be a signatory to the memorandum of understanding
22 under paragraph (1).

23 (c) DESIGNATION OF QUALIFIED STAFF.—

24 (1) IN GENERAL.—Not later than 90 days after
25 the date on which the memorandum of under-

1 standing under subsection (b) is executed, all Fed-
2 eral signatories, as appropriate, shall identify for
3 each of the Bureau of Land Management Renewable
4 Energy Coordination Offices an employee who has
5 expertise in the regulatory issues relating to the of-
6 fice in which the employee is employed, including, as
7 applicable, particular expertise in—

8 (A) consultation regarding, and prepara-
9 tion of, biological opinions under section 7 of
10 the Endangered Species Act of 1973 (16 U.S.C.
11 1536);

12 (B) permits under section 404 of Federal
13 Water Pollution Control Act (33 U.S.C. 1344);

14 (C) regulatory matters under the Clean Air
15 Act (42 U.S.C. 7401 et seq.);

16 (D) planning under section 14 of the Na-
17 tional Forest Management Act of 1976 (16
18 U.S.C. 472a);

19 (E) the Federal Land Policy and Manage-
20 ment Act of 1976 (43 U.S.C. 1701 et seq.);

21 (F) the Migratory Bird Treaty Act (16
22 U.S.C. 703 et seq.); and

23 (G) the preparation of analyses under the
24 National Environmental Policy Act of 1969 (42
25 U.S.C. 4321 et seq.).

1 (2) DUTIES.—Each employee assigned under
2 paragraph (1) shall—

3 (A) be responsible for addressing all issues
4 relating to the jurisdiction of the home office or
5 agency of the employee; and

6 (B) participate as part of the team of per-
7 sonnel working on proposed energy projects,
8 planning, monitoring, inspection, enforcement,
9 and environmental analyses.

10 (d) ADDITIONAL PERSONNEL.—The Secretary may
11 assign additional personnel for the renewable energy co-
12 ordination offices as are necessary to ensure the effective
13 implementation of any programs administered by those of-
14 fices, including inspection and enforcement relating to re-
15 newable energy project development on covered land, in
16 accordance with the multiple use mandate of the Federal
17 Land Policy and Management Act of 1976 (43 U.S.C.
18 1701 et seq.).

19 (e) RENEWABLE ENERGY COORDINATION OF-
20 FICES.—In implementing the program established under
21 this section, the Secretary may establish additional renew-
22 able energy coordination offices or temporarily assign the
23 qualified staff described in subsection (c) to a State, dis-
24 trict, or field office of the Bureau of Land Management

1 to expedite the permitting of renewable energy projects,
2 as the Secretary determines to be necessary.

3 (f) REPORT TO CONGRESS.—

4 (1) IN GENERAL.—Not later than February 1
5 of the first fiscal year beginning after the date of en-
6 actment of this Act, and each February 1 thereafter,
7 the Secretary shall submit to the Committee on En-
8 ergy and Natural Resources of the Senate and the
9 Committee on Natural Resources of the House of
10 Representatives a report describing the progress
11 made pursuant to the program under this subpart
12 during the preceding year.

13 (2) INCLUSIONS.—Each report under this sub-
14 section shall include—

15 (A) projections for renewable energy pro-
16 duction and capacity installations; and

17 (B) a description of any problems relating
18 to leasing, permitting, siting, or production.

19 **SEC. 3011D. SAVINGS CLAUSE.**

20 Nothing in this subpart establishes—

21 (1) a priority or preference for the development
22 of renewable energy projects on public land over
23 other energy-related or mineral projects or other
24 uses of public land; or

1 (2) an exception to the requirement that public
2 land be managed consistent with the principle of
3 multiple use (as defined in section of section 103 of
4 the Federal Land Policy and Management Act of
5 1976 (43 U.S.C. 1702)).

6 **Subpart C—Geothermal Exploration**

7 **SEC. 3012. GEOTHERMAL EXPLORATION TEST PROJECTS.**

8 The Geothermal Steam Act of 1970 (30 U.S.C. 1001
9 et seq.) is amended by adding at the end the following:

10 **“SEC. 30. GEOTHERMAL EXPLORATION TEST PROJECTS.**

11 “(a) DEFINITIONS.—In this section:

12 “(1) COVERED LAND.—The term ‘covered land’
13 means land that is—

14 “(A) subject to geothermal leasing in ac-
15 cordance with section 3; and

16 “(B) not excluded from the development of
17 geothermal energy under—

18 “(i) a final land use plan established
19 under the Federal Land Policy and Man-
20 agement Act of 1976 (43 U.S.C. 1701 et
21 seq.);

22 “(ii) a final land and resource man-
23 agement plan established under the Na-
24 tional Forest Management Act of 1976 (16
25 U.S.C. 1600 et seq.); or

1 “(iii) any other applicable law.

2 “(2) SECRETARY CONCERNED.—The term ‘Sec-
3 retary concerned’ means—

4 “(A) the Secretary of Agriculture (acting
5 through the Chief of the Forest Service), with
6 respect to National Forest System land; and

7 “(B) the Secretary, with respect to land
8 managed by the Bureau of Land Management
9 (including land held for the benefit of an Indian
10 tribe).

11 “(b) NEPA REVIEW OF GEOTHERMAL EXPLORATION
12 TEST PROJECTS.—

13 “(1) IN GENERAL.—An eligible activity de-
14 scribed in paragraph (2) carried out on covered land
15 shall be considered an action categorically excluded
16 from the requirements for an environmental assess-
17 ment or an environmental impact statement under
18 the National Environmental Policy Act of 1969 (42
19 U.S.C. 4321 et seq.) or section 1508.4 of title 40,
20 Code of Federal Regulations (or a successor regula-
21 tion) if—

22 “(A) the action is for the purpose of geo-
23 thermal resource exploration operations; and

24 “(B) the action is conducted pursuant to
25 this Act.

1 “(2) ELIGIBLE ACTIVITY.—An eligible activity
2 referred to in paragraph (1) is—

3 “(A) a geophysical exploration activity that
4 does not require drilling, including a seismic
5 survey;

6 “(B) the drilling of a well to test or ex-
7 plore for geothermal resources on land leased
8 by the Secretary concerned for the development
9 and production of geothermal resources that—

10 “(i) is carried out by the holder of the
11 lease;

12 “(ii) causes—

13 “(I) fewer than 5 acres of soil or
14 vegetation disruption at the location
15 of each geothermal exploration well;
16 and

17 “(II) not more than an additional
18 5 acres of soil or vegetation disruption
19 during access or egress to the project
20 site;

21 “(iii) is completed in fewer than 90
22 days, including the removal of any surface
23 infrastructure from the project site; and

24 “(iv) requires the restoration of the
25 project site not later than 3 years after the

1 date of completion of the project to ap-
2 proximately the condition that existed at
3 the time the project began, unless—

4 “(I) the project site is subse-
5 quently used as part of energy devel-
6 opment on the lease; or

7 “(II) the project—

8 “(aa) yields geothermal re-
9 sources; and

10 “(bb) the use of the geo-
11 thermal resources will be carried
12 out under another geothermal
13 generation project in existence at
14 the time of the discovery of the
15 geothermal resources; or

16 “(C) the drilling of a well to test or explore
17 for geothermal resources on land leased by the
18 Secretary concerned for the development and
19 production of geothermal resources that—

20 “(i) causes an individual surface dis-
21 turbance of fewer than 5 acres if—

22 “(I) the total surface disturbance
23 on the leased land is not more than
24 150 acres; and

1 “(II) a site-specific analysis has
2 been prepared under the National En-
3 vironmental Policy Act of 1969 (42
4 U.S.C. 4321 et seq.);

5 “(ii) involves the drilling of a geo-
6 thermal well at a location or well pad site
7 at which drilling has occurred within 5
8 years before the date of spudding the well;
9 or

10 “(iii) involves the drilling of a geo-
11 thermal well in a developed field for
12 which—

13 “(I) an approved land use plan
14 or any environmental document pre-
15 pared under the National Environ-
16 mental Policy Act of 1969 (42 U.S.C.
17 4321 et seq.) analyzed the drilling as
18 a reasonably foreseeable activity; and

19 “(II) the land use plan or envi-
20 ronmental document was approved
21 within 10 years before the date of
22 spudding the well.

23 “(3) LIMITATION BASED ON EXTRAORDINARY
24 CIRCUMSTANCES.—The categorical exclusion estab-
25 lished under paragraph (1) shall be subject to ex-

1 traordinary circumstances in accordance with the
2 Departmental Manual, 516 DM 2.3A(3) and 516
3 DM 2, Appendix 2 (or successor provisions).

4 “(c) NOTICE OF INTENT; REVIEW AND DETERMINA-
5 TION.—

6 “(1) REQUIREMENT TO PROVIDE NOTICE.—Not
7 later than 30 days before the date on which drilling
8 begins, a leaseholder intending to carry out an eligi-
9 ble activity shall provide notice to the Secretary con-
10 cerned.

11 “(2) REVIEW OF PROJECT.—Not later than 10
12 days after receipt of a notice of intent provided
13 under paragraph (1), the Secretary concerned
14 shall—

15 “(A) review the project described in the
16 notice and determine whether the project is an
17 eligible activity; and

18 “(B)(i) if the project is an eligible activity,
19 notify the leaseholder that under subsection (b),
20 the project is considered a categorical exclusion
21 under the National Environmental Policy Act of
22 1969 (42 U.S.C. 4321 et seq.) and section
23 1508.4 of title 40, Code of Federal Regulations
24 (or a successor regulation); or

1 “(ii) if the project is not an eligible activ-
2 ity—

3 “(I) notify the leaseholder that section
4 102(2)(C) of the National Environmental
5 Policy Act of 1969 (42 U.S.C. 4332(2)(C))
6 applies to the project;

7 “(II) include in that notification clear
8 and detailed findings on any deficiencies in
9 the project that prevent the application of
10 subsection (b) to the project; and

11 “(III) provide an opportunity to the
12 leaseholder to remedy the deficiencies de-
13 scribed in the notification before the date
14 on which the leaseholder plans to begin the
15 project under paragraph (1).”.

16 **PART III—MARINE HYDROKINETIC**

17 **SEC. 3013. DEFINITION OF MARINE AND HYDROKINETIC RE-**
18 **NEWABLE ENERGY.**

19 Section 632 of the Energy Independence and Security
20 Act of 2007 (42 U.S.C. 17211) is amended in the matter
21 preceding paragraph (1) by striking “electrical”.

1 **SEC. 3014. MARINE AND HYDROKINETIC RENEWABLE EN-**
2 **ERGY RESEARCH AND DEVELOPMENT.**

3 Section 633 of the Energy Independence and Security
4 Act of 2007 (42 U.S.C. 17212) is amended to read as
5 follows:

6 **“SEC. 633. MARINE AND HYDROKINETIC RENEWABLE EN-**
7 **ERGY RESEARCH AND DEVELOPMENT.**

8 “The Secretary, in consultation with the Secretary of
9 the Interior, the Secretary of Commerce, and the Federal
10 Energy Regulatory Commission, shall carry out a program
11 of research, development, demonstration, and commercial
12 application to accelerate the introduction of marine and
13 hydrokinetic renewable energy production into the United
14 States energy supply, giving priority to fostering acceler-
15 ated research, development, and commercialization of
16 technology, including programs—

17 “(1) to assist technology development to im-
18 prove the components, processes, and systems used
19 for power generation from marine and hydrokinetic
20 renewable energy resources;

21 “(2) to establish critical testing infrastructure
22 necessary—

23 “(A) to cost effectively and efficiently test
24 and prove marine and hydrokinetic renewable
25 energy devices; and

1 “(B) to accelerate the technological readi-
2 ness and commercialization of those devices;

3 “(3) to support efforts to increase the efficiency
4 of energy conversion, lower the cost, increase the
5 use, improve the reliability, and demonstrate the ap-
6 plicability of marine and hydrokinetic renewable en-
7 ergy technologies by participating in demonstration
8 projects;

9 “(4) to investigate variability issues and the ef-
10 ficient and reliable integration of marine and
11 hydrokinetic renewable energy with the utility grid;

12 “(5) to identify and study critical short- and
13 long-term needs to create a sustainable marine and
14 hydrokinetic renewable energy supply chain based in
15 the United States;

16 “(6) to increase the reliability and survivability
17 of marine and hydrokinetic renewable energy tech-
18 nologies;

19 “(7) to verify the performance, reliability, main-
20 tainability, and cost of new marine and hydrokinetic
21 renewable energy device designs and system compo-
22 nents in an operating environment, and consider the
23 protection of critical infrastructure, such as ade-
24 quate separation between marine and hydrokinetic
25 devices and projects and submarine telecommuni-

1 cations cables, including consideration of established
2 industry standards;

3 “(8) to coordinate and avoid duplication of ac-
4 tivities across programs of the Department and
5 other applicable Federal agencies, including National
6 Laboratories and to coordinate public-private col-
7 laboration in all programs under this section;

8 “(9) to identify opportunities for joint research
9 and development programs and development of
10 economies of scale between—

11 “(A) marine and hydrokinetic renewable
12 energy technologies; and

13 “(B) other renewable energy and fossil en-
14 ergy programs, offshore oil and gas production
15 activities, and activities of the Department of
16 Defense; and

17 “(10) to support in-water technology develop-
18 ment with international partners using existing co-
19 operative procedures (including memoranda of un-
20 derstanding)—

21 “(A) to allow cooperative funding and
22 other support of value to be exchanged and le-
23 veraged; and

24 “(B) to encourage the participation of
25 international research centers and companies

1 within the United States and the participation
2 of United States research centers and compa-
3 nies in international projects.”.

4 **SEC. 3015. NATIONAL MARINE RENEWABLE ENERGY RE-**
5 **SEARCH, DEVELOPMENT, AND DEMONSTRA-**
6 **TION CENTERS.**

7 Section 634 of the Energy Independence and Security
8 Act of 2007 (42 U.S.C. 17213) is amended by striking
9 subsection (b) and inserting the following:

10 “(b) PURPOSES.—A Center (in coordination with the
11 Department and National Laboratories) shall—

12 “(1) advance research, development, demonstra-
13 tion, and commercial application of marine and
14 hydrokinetic renewable energy technologies;

15 “(2) support in-water testing and demonstra-
16 tion of marine and hydrokinetic renewable energy
17 technologies, including facilities capable of testing—

18 “(A) marine and hydrokinetic renewable
19 energy systems of various technology readiness
20 levels and scales;

21 “(B) a variety of technologies in multiple
22 test berths at a single location; and

23 “(C) arrays of technology devices; and

24 “(3) serve as information clearinghouses for the
25 marine and hydrokinetic renewable energy industry

1 by collecting and disseminating information on best
2 practices in all areas relating to developing and
3 managing marine and hydrokinetic renewable energy
4 resources and energy systems.”.

5 **SEC. 3016. AUTHORIZATION OF APPROPRIATIONS.**

6 Section 636 of the Energy Independence and Security
7 Act of 2007 (42 U.S.C. 17215) is amended by striking
8 “\$50,000,000 for each of the fiscal years 2008 through
9 2012” and inserting “\$55,000,000 for each of fiscal years
10 2017 and 2018 and \$60,000,000 for each of fiscal years
11 2019 through 2021”.

12 **PART IV—BIOMASS**

13 **SEC. 3017. POLICIES RELATING TO BIOMASS ENERGY.**

14 To support the key role that forests in the United
15 States can play in addressing the energy needs of the
16 United States, the Secretary, the Secretary of Agriculture,
17 and the Administrator of the Environmental Protection
18 Agency shall, consistent with their missions, jointly—

19 (1) ensure that Federal policy relating to forest
20 bioenergy—

21 (A) is consistent across all Federal depart-
22 ments and agencies; and

23 (B) recognizes the full benefits of the use
24 of forest biomass for energy, conservation, and
25 responsible forest management; and

1 (2) establish clear and simple policies for the
2 use of forest biomass as an energy solution, includ-
3 ing policies that—

4 (A) reflect the carbon-neutrality of forest
5 bioenergy and recognize biomass as a renewable
6 energy source, provided the use of forest bio-
7 mass for energy production does not cause con-
8 version of forests to non-forest use.

9 (B) encourage private investment through-
10 out the forest biomass supply chain, including
11 in—

12 (i) working forests;

13 (ii) harvesting operations;

14 (iii) forest improvement operations;

15 (iv) forest bioenergy production;

16 (v) wood products manufacturing; or

17 (vi) paper manufacturing;

18 (C) encourage forest management to im-
19 prove forest health; and

20 (D) recognize State initiatives to produce
21 and use forest biomass.

1 **Subtitle B—Oil and Gas**

2 **SEC. 3101. AMENDMENTS TO THE METHANE HYDRATE RE-** 3 **SEARCH AND DEVELOPMENT ACT OF 2000.**

4 (a) METHANE HYDRATE RESEARCH AND DEVELOP-
5 MENT PROGRAM.—

6 (1) IN GENERAL.—Section 4 of the Methane
7 Hydrate Research and Development Act of 2000 (30
8 U.S.C. 2003) is amended by striking subsection (b)
9 and inserting the following:

10 “(b) GRANTS, CONTRACTS, COOPERATIVE AGREE-
11 MENTS, INTERAGENCY FUNDS TRANSFER AGREEMENTS,
12 AND FIELD WORK PROPOSALS.—

13 “(1) ASSISTANCE AND COORDINATION.—In car-
14 rying out the program of methane hydrate research
15 and development authorized by this section, the Sec-
16 retary may award grants to, or enter into contracts
17 or cooperative agreements with, institutions—

18 “(A) to conduct basic and applied re-
19 search—

20 “(i) to identify, explore, assess, and
21 develop methane hydrate as a commercially
22 viable source of energy; and

23 “(ii) to identify the environmental,
24 health, and safety impacts of methane hy-
25 drate development;

1 “(B) to identify and characterize methane
2 hydrate resources using remote sensing and
3 seismic data, including the characterization of
4 hydrate concentrations in marine reservoirs in
5 the Gulf of Mexico by the date that is 4 years
6 after the date of enactment of the Energy Pol-
7 icy Modernization Act of 2016;

8 “(C) to develop technologies required for
9 efficient and environmentally sound develop-
10 ment of methane hydrate resources;

11 “(D) to conduct basic and applied research
12 to assess and mitigate the environmental im-
13 pact of hydrate degassing (including natural
14 degassing and degassing associated with com-
15 mercial development);

16 “(E) to develop technologies to reduce the
17 risks of drilling through methane hydrates;

18 “(F) to conduct exploratory drilling, well
19 testing, and production testing operations on
20 permafrost and nonpermafrost gas hydrates in
21 support of the activities authorized by this
22 paragraph, including—

23 “(i) drilling of a test well and per-
24 forming a long-term hydrate production
25 test on land in the United States Arctic re-

1 gion by the date that is 4 years after the
2 date of enactment of the Energy Policy
3 Modernization Act of 2016;

4 “(ii) drilling of a test well and per-
5 forming a long-term hydrate production
6 test in a marine environment by the date
7 that is 10 years after the date of enact-
8 ment of the Energy Policy Modernization
9 Act of 2016; and

10 “(iii) drilling a full-scale production
11 test well at a location to be determined by
12 the Secretary; or

13 “(G) to expand education and training pro-
14 grams in methane hydrate resource research
15 and resource development through fellowships
16 or other means for graduate education and
17 training.

18 “(2) ENVIRONMENTAL MONITORING AND RE-
19 SEARCH.—The Secretary shall conduct a long-term
20 environmental monitoring and research program to
21 study the effects of production from methane hy-
22 drate reservoirs.

23 “(3) COMPETITIVE PEER REVIEW.—Funds
24 made available under paragraphs (1) and (2) shall
25 be made available based on a competitive process

1 using external scientific peer review of proposed re-
2 search.”.

3 (2) CONFORMING AMENDMENT.—Section 4(e)
4 of the Methane Hydrate Research and Development
5 Act of 2000 (30 U.S.C. 2003(e)) is amended in the
6 matter preceding paragraph (1) by striking “sub-
7 section (b)(1)” and inserting “paragraphs (1) and
8 (2) of subsection (b)”.

9 (b) AUTHORIZATION OF APPROPRIATIONS.—The
10 Methane Hydrate Research and Development Act of 2000
11 is amended by striking section 7 (30 U.S.C. 2006) and
12 inserting the following:

13 **“SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

14 “There is authorized to be appropriated to carry out
15 this Act \$35,000,000 for each of fiscal years 2017 through
16 2021.”.

17 **SEC. 3102. LIQUEFIED NATURAL GAS STUDY.**

18 (a) STUDY.—

19 (1) IN GENERAL.—Not later than 1 year after
20 the date of enactment of this Act, the Secretary, in
21 consultation with the National Association of Regu-
22 latory Utility Commissioners and the National Asso-
23 ciation of State Energy Officials, shall conduct a
24 study of the State, regional, and national implica-

1 tions of exporting liquefied natural gas with respect
2 to consumers and the economy.

3 (2) CONTENTS.—The study conducted under
4 paragraph (1) shall include an analysis of—

5 (A) the economic impact that exporting liq-
6 uefied natural gas will have in regions that cur-
7 rently import liquefied natural gas;

8 (B) job creation in the manufacturing sec-
9 tors; and

10 (C) such other issues as the Secretary con-
11 siders appropriate.

12 (b) REPORT TO CONGRESS.—Not later than 1 year
13 after the date of enactment of this Act, the Administrator
14 shall submit to Congress a report on the results of the
15 study conducted under subsection (a).

16 **SEC. 3103. FERC PROCESS COORDINATION WITH RESPECT**
17 **TO REGULATORY APPROVAL OF GAS**
18 **PROJECTS.**

19 (a) DEFINITIONS.—In this section:

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

22 (2) FEDERAL AUTHORIZATION.—

23 (A) IN GENERAL.—The term “Federal au-
24 thorization” means any authorization required
25 under Federal law with respect to an applica-

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

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

13 (b) DESIGNATION AS LEAD AGENCY.—

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

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

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

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

25 (c) SCHEDULE.—

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

7 (2) COMMISSION SCHEDULE.—

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

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

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

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

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

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

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

7 (A) to ensure timely participation;

8 (B) to ensure a timely decision;

9 (C) to mediate the dispute; or

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

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

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

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

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

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

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

11 (3) transmit to the Commission a statement—

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

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

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

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

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

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

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

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

14 (A) The schedule described in subsection

15 (c).

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

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

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

1 (E) In the event that an action is still
2 pending as of the expected date of completion,
3 a brief explanation of the reason for the delay.

4 **SEC. 3104. PILOT PROGRAM.**

5 (a) ESTABLISHMENT.—The Secretary of the Interior,
6 acting through the Director of the Bureau of Land Man-
7 agement (referred to in this section as the “Director”),
8 shall establish a pilot program in 1 State with at least
9 2,000 oil and gas drilling spacing units (as defined under
10 State law), in which—

11 (1) 25 percent or less of the minerals are owned
12 or held in trust by the Federal Government; and

13 (2) there is no surface land owned or held in
14 trust by the Federal Government.

15 (b) ACTIVITIES.—In carrying out the pilot program,
16 the Director shall identify and implement ways to stream-
17 line the review and approval of Applications for Permits
18 to Drill for oil and gas drilling spacing units of the State
19 in order to achieve a processing time for those oil and gas
20 drilling spacing units similar to that of spacing units that
21 require an Application for Permit to Drill and are not part
22 of the pilot program in the same State.

23 (c) FUNDING.—Beginning in fiscal year 2016, and
24 for a period of 3 years thereafter, to carry out the pilot

1 program efficiently, the Director may fund up to 10 full-
2 time equivalents at appropriate field offices.

3 (d) REPORT.—Not later than 4 years after the date
4 of enactment of this Act, the Director shall submit to Con-
5 gress a report on the results of the pilot program.

6 (e) WAIVER.—The Secretary of the Interior may
7 waive the requirement for an Application for Permit to
8 Drill if the Director determines that the mineral interest
9 of the United States in the spacing units in land covered
10 by this section is adequately protected, if otherwise in ac-
11 cordance with applicable laws, regulations, and lease
12 terms.

13 **SEC. 3105. GAO REVIEW AND REPORT.**

14 (a) IN GENERAL.—Not later than 1 year after the
15 date of enactment of this Act, and annually thereafter for
16 2 years, the Comptroller General of the United States
17 shall conduct a review of—

18 (1) energy production in the United States; and

19 (2) the effects, if any, of crude oil exports from
20 the United States on consumers, independent refin-
21 ers, and shipbuilding and ship repair yards.

22 (b) CONTENTS OF REPORT.—Not later than 1 year
23 after commencing each review under subsection (a), the
24 Comptroller General of the United States shall submit to
25 the Committees on Energy and Natural Resources, Bank-

1 ing, Housing, and Urban Affairs, Commerce, Science, and
2 Transportation, and Foreign Relations of the Senate and
3 the Committees on Natural Resources, Energy and Com-
4 merce, Financial Services, and Foreign Affairs of the
5 House of Representatives a report that includes—

6 (1) a statement of the principal findings of the
7 review; and

8 (2) recommendations for Congress and the
9 President to address any job loss in the shipbuilding
10 and ship repair industry or adverse impacts on con-
11 sumers and refiners that the Comptroller General of
12 the United States attributes to unencumbered crude
13 oil exports in the United States.

14 **SEC. 3106. ETHANE STORAGE STUDY.**

15 (a) IN GENERAL.—The Secretary and the Secretary
16 of Commerce, in consultation with other relevant Federal
17 departments and agencies and stakeholders, shall conduct
18 a study of the feasibility of establishing an ethane storage
19 and distribution hub in the Marcellus, Utica, and
20 Rogersville shale plays in the United States.

21 (b) CONTENTS.—The study conducted under sub-
22 section (a) shall include—

23 (1) an examination of, with respect to the pro-
24 posed ethane storage and distribution hub—

25 (A) potential locations;

- 1 (B) economic feasibility;
- 2 (C) economic benefits;
- 3 (D) geological storage capacity capabilities;
- 4 (E) above-ground storage capabilities;
- 5 (F) infrastructure needs; and
- 6 (G) other markets and trading hubs, par-
- 7 ticularly hubs relating to ethane; and
- 8 (2) the identification of potential additional
- 9 benefits of the proposed hub to energy security.

10 (c) PUBLICATION OF RESULTS.—Not later than 2

11 years after the date of enactment of this Act, the Sec-

12 retary and the Secretary of Commerce shall—

13 (1) submit to the Committee on Energy and

14 Commerce of the House of Representatives and the

15 Committees on Energy and Natural Resources and

16 Commerce, Science, and Transportation of the Sen-

17 ate a report describing the results of the study

18 under subsection (a); and

19 (2) publish those results on the Internet

20 websites of the Departments of Energy and Com-

21 merce, respectively.

22 **SEC. 3107. ALISO CANYON NATURAL GAS LEAK TASK**

23 **FORCE.**

24 (a) ESTABLISHMENT OF TASK FORCE.—Not later

25 than 15 days after the date of enactment of this Act, the

1 Secretary shall lead and establish an Aliso Canyon Task
2 Force (referred to in this section as the “task force”).

3 (b) MEMBERSHIP OF TASK FORCE.—In addition to
4 the Secretary, the task force shall be composed of—

5 (1) 1 representative from the Pipeline and Haz-
6 arduous Materials Safety Administration;

7 (2) 1 representative from the Department of
8 Health and Human Services;

9 (3) 1 representative from the Environmental
10 Protection Agency;

11 (4) 1 representative from the Department of
12 the Interior;

13 (5) 1 representative from the Department of
14 Commerce; and

15 (6) 1 representative from the Federal Energy
16 Regulatory Commission.

17 (c) REPORT.—

18 (1) FINAL REPORT.—

19 (A) IN GENERAL.—Not later than 180
20 days after the date of enactment of this Act,
21 the task force shall submit a final report that
22 contains the information described in subpara-
23 graph (B) to—

24 (i) the Committee on Energy and
25 Natural Resources of the Senate;

1 (ii) the Committee on Natural Re-
2 sources of the House of Representatives;

3 (iii) the Committee on Environment
4 and Public Works of the Senate;

5 (iv) the Committee on Transportation
6 and Infrastructure of the House of Rep-
7 resentatives;

8 (v) the Committee on Commerce,
9 Science, and Transportation of the Senate;

10 (vi) the Committee on Energy and
11 Commerce of the House of Representa-
12 tives;

13 (vii) the Committee on Health, Edu-
14 cation, Labor, and Pensions of the Senate;

15 (viii) the Committee on Education and
16 the Workforce of the House of Representa-
17 tives;

18 (ix) the President; and

19 (x) relevant Federal and State agen-
20 cies.

21 (B) INFORMATION INCLUDED.—The report
22 submitted under subparagraph (A) shall in-
23 clude, at a minimum—

24 (i) an analysis and conclusion of the
25 cause of the Aliso Canyon natural gas leak;

1 (ii) an analysis of measures taken to
2 stop the natural gas leak, with an imme-
3 diate focus on other, more effective meas-
4 ures that could be taken;

5 (iii) an assessment of the impact of
6 the natural gas leak on health, safety, the
7 environment, and the economy of the resi-
8 dents and property surrounding Aliso Can-
9 yon;

10 (iv) an analysis of how Federal and
11 State agencies responded to the natural
12 gas leak;

13 (v) in order to lessen the negative im-
14 pacts of natural gas leaks, recommenda-
15 tions on how to improve—

16 (I) the response to a future leak;
17 and

18 (II) coordination between all ap-
19 propriate Federal, State, and local
20 agencies in the response to the Aliso
21 Canyon natural gas leak and future
22 natural gas leaks;

23 (vi) an analysis of the potential for a
24 similar natural gas leak to occur at other

1 underground natural gas storage facilities
2 in the United States;

3 (vii) recommendations on how to pre-
4 vent any future natural gas leaks;

5 (viii) recommendations on whether to
6 continue operations at Aliso Canyon and
7 other facilities in close proximity to resi-
8 dential populations based on an assessment
9 of the risk of a future natural gas leak;

10 (ix) a recommendation on information
11 that is not currently collected but that
12 would be in the public interest to collect
13 and distribute to agencies and institutions
14 for the continued study and monitoring of
15 natural gas infrastructure in the United
16 States;

17 (x) an analysis of the impact of the
18 Aliso Canyon natural gas leak on wholesale
19 and retail electricity prices; and

20 (xi) an analysis of the impact of the
21 Aliso Canyon natural gas leak on the reli-
22 ability of the bulk-power system.

23 (2) PUBLICATION.—The interim reports and
24 recommendations under paragraph (1) and the final

1 report under paragraph (2) shall be made available
2 to the public in an electronically accessible format.

3 (3) If, before the final report is submitted
4 under paragraph (1) the task force finds methods to
5 solve the natural gas leak at Aliso Canyon; better
6 protect the affected communities; or finds methods
7 to help prevent other leaks, they must immediately
8 issue such findings to the same entities that are to
9 receive the final report.

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

13 **SEC. 3108. REPORT ON INCORPORATING INTERNET-BASED**
14 **LEASE SALES.**

15 Not later than 180 days after the date of enactment
16 of this Act, the Secretary of the Interior shall submit to
17 Congress a report containing recommendations for the in-
18 corporation of Internet-based lease sales at the Bureau of
19 Land Management in accordance with section 17(b)(1)(C)
20 of the Mineral Leasing Act (30 U.S.C. 226(b)(1)(C)) in
21 the event of an emergency or other disruption causing a
22 disruption to a sale.

1 **SEC. 3109. DENALI NATIONAL PARK AND PRESERVE NAT-**
2 **URAL GAS PIPELINE.**

3 (a) PERMIT.—Section 3(b)(1) of the Denali National
4 Park Improvement Act (Public Law 113–33; 127 Stat.
5 516) is amended by striking “within, along, or near the
6 approximately 7-mile segment of the George Parks High-
7 way that runs through the Park”.

8 (b) TERMS AND CONDITIONS.—Section 3(c)(1) of the
9 Denali National Park Improvement Act (Public Law 113–
10 33; 127 Stat. 516) is amended—

11 (1) in subparagraph (A), by inserting “and”
12 after the semicolon;

13 (2) by striking subparagraph (B); and

14 (3) by redesignating subparagraph (C) as sub-
15 paragraph (B).

16 (c) APPLICABLE LAW.—Section 3 of the Denali Na-
17 tional Park Improvement Act (Public Law 113–33; 127
18 Stat. 515) is amended by adding at the end the following:

19 “(d) APPLICABLE LAW.—A high pressure gas trans-
20 mission pipeline (including appurtenances) in a nonwilder-
21 ness area within the boundary of the Park, shall not be
22 subject to title XI of the Alaska National Interest Lands
23 Conservation Act (16 U.S.C. 3161 et seq.).”.

Subtitle C—Helium

1 2 **SEC. 3201. RIGHTS TO HELIUM.**

3 (a) DEFINITION OF HELIUM-RELATED PROJECT.—

4 The term “helium-related project” means a project—

5 (1) to explore or produce crude helium; and

6 (2) to sell crude or refined helium.

7 (b) EXPEDITED COMPLETION.—Notwithstanding any

8 other provision of law, applicable environmental reviews

9 under the National Environmental Policy Act of 1969 (42

10 U.S.C. 4321 et seq.) for helium-related projects shall be

11 completed on an expeditious basis and the shortest exist-

12 ing applicable process under that Act shall be used for

13 such projects.

14 (c) REPEAL OF RESERVATION OF HELIUM

15 RIGHTS.—The first section of the Mineral Leasing Act

16 (30 U.S.C. 181) is amended by striking the flush text that

17 follows the last undesignated subsection.

18 (d) RIGHTS TO HELIUM UNDER LEASES UNDER

19 MINERAL LEASING ACT FOR ACQUIRED LANDS.—The

20 Mineral Leasing Act for Acquired Lands (30 U.S.C. 351

21 et seq.) is amended by adding at the end the following:

22 **“SEC. 12. RIGHTS TO HELIUM.**

23 “Any lease issued under this Act that authorizes ex-

24 ploration for, or development or production of, gas shall

25 be considered to grant to the lessee a right of first refusal

1 to engage in exploration for, and development and produc-
2 tion of, helium on land that is subject to the lease in ac-
3 cordance with regulations issued by the Secretary.”.

4 **Subtitle D—Critical Minerals**

5 **SEC. 3301. DEFINITIONS.**

6 In this subtitle:

7 (1) **CRITICAL MINERAL.**—

8 (A) **IN GENERAL.**—The term “critical min-
9 eral” means any mineral, element, substance, or
10 material designated as critical pursuant to sec-
11 tion 3303.

12 (B) **EXCLUSIONS.**—The term “critical
13 mineral” does not include—

14 (i) fuel minerals, including oil, natural
15 gas, or any other fossil fuels; or

16 (ii) water, ice, or snow.

17 (2) **CRITICAL MINERAL MANUFACTURING.**—The
18 term “critical mineral manufacturing” means—

19 (A) the production, processing, refining,
20 alloying, separation, concentration, magnetic
21 sintering, melting, or beneficiation of critical
22 minerals within the United States;

23 (B) the fabrication, assembly, or produc-
24 tion, within the United States, of equipment,
25 components, or other goods with energy tech-

1 nology-, defense-, agriculture-, consumer elec-
2 tronics-, or health care-related applications; or

3 (C) any other value-added, manufacturing-
4 related use of critical minerals undertaken with-
5 in the United States.

6 (3) INDIAN TRIBE.—The term “Indian tribe”
7 has the meaning given the term in section 4 of the
8 Indian Self-Determination and Education Assistance
9 Act (25 U.S.C. 450b).

10 (4) STATE.—The term “State” means—

11 (A) a State;

12 (B) the District of Columbia;

13 (C) the Commonwealth of Puerto Rico;

14 (D) Guam;

15 (E) American Samoa;

16 (F) the Commonwealth of the Northern
17 Mariana Islands; and

18 (G) the United States Virgin Islands.

19 **SEC. 3302. POLICY.**

20 (a) IN GENERAL.—Section 3 of the National Mate-
21 rials and Minerals Policy, Research and Development Act
22 of 1980 (30 U.S.C. 1602) is amended in the second sen-
23 tence—

24 (1) by striking paragraph (3) and inserting the
25 following:

1 “(3) establish an analytical and forecasting ca-
2 pability for identifying critical mineral demand, sup-
3 ply, and other factors to allow informed actions to
4 be taken to avoid supply shortages, mitigate price
5 volatility, and prepare for demand growth and other
6 market shifts;”;

7 (2) in paragraph (6), by striking “and” after
8 the semicolon at the end; and

9 (3) by striking paragraph (7) and inserting the
10 following:

11 “(7) encourage Federal agencies to facilitate
12 the availability, development, and environmentally
13 responsible production of domestic resources to meet
14 national material or critical mineral needs;

15 “(8) avoid duplication of effort, prevent unnec-
16 essary paperwork, and minimize delays in the ad-
17 ministration of applicable laws (including regula-
18 tions) and the issuance of permits and authoriza-
19 tions necessary to explore for, develop, and produce
20 critical minerals and to construct critical mineral
21 manufacturing facilities in accordance with applica-
22 ble environmental and land management laws;

23 “(9) strengthen educational and research capa-
24 bilities and workforce training;

1 “(10) bolster international cooperation through
2 technology transfer, information sharing, and other
3 means;

4 “(11) promote the efficient production, use, and
5 recycling of critical minerals;

6 “(12) develop alternatives to critical minerals;
7 and

8 “(13) establish contingencies for the production
9 of, or access to, critical minerals for which viable
10 sources do not exist within the United States.”.

11 (b) CONFORMING AMENDMENT.—Section 2(b) of the
12 National Materials and Minerals Policy, Research and De-
13 velopment Act of 1980 (30 U.S.C. 1601(b)) is amended
14 by striking “(b) As used in this Act, the term” and insert-
15 ing the following:

16 “(b) DEFINITIONS.—In this Act:

17 “(1) CRITICAL MINERAL.—The term ‘critical
18 mineral’ means any mineral or element designated
19 as a critical mineral pursuant to section 3303 of the
20 Energy Policy Modernization Act of 2016.

21 “(2) MATERIALS.—The term”.

22 **SEC. 3303. CRITICAL MINERAL DESIGNATIONS.**

23 (a) DRAFT METHODOLOGY.—Not later than 90 days
24 after the date of enactment of this Act, the Secretary of
25 the Interior (acting through the Director of the United

1 States Geological Survey) (referred to in this subtitle as
2 the “Secretary”), in consultation with relevant Federal
3 agencies and entities, shall publish in the Federal Register
4 for public comment a draft methodology for determining
5 which minerals qualify as critical minerals based on an
6 assessment of whether the minerals are—

7 (1) subject to potential supply restrictions (in-
8 cluding restrictions associated with foreign political
9 risk, abrupt demand growth, military conflict, violent
10 unrest, anti-competitive or protectionist behaviors,
11 and other risks throughout the supply chain); and

12 (2) important in use (including energy tech-
13 nology-, defense-, currency-, agriculture-, consumer
14 electronics-, and health care-related applications).

15 (b) AVAILABILITY OF DATA.—If available data is in-
16 sufficient to provide a quantitative basis for the method-
17 ology developed under this section, qualitative evidence
18 may be used to the extent necessary.

19 (c) FINAL METHODOLOGY.—After reviewing public
20 comments on the draft methodology under subsection (a)
21 and updating the draft methodology as appropriate, not
22 later than 270 days after the date of enactment of this
23 Act, the Secretary shall publish in the Federal Register
24 a description of the final methodology for determining
25 which minerals qualify as critical minerals.

1 (d) DESIGNATIONS.—

2 (1) IN GENERAL.—For purposes of carrying out
3 this subtitle, the Secretary shall maintain a list of
4 minerals and elements designated as critical, pursu-
5 ant to the methodology under subsection (c).

6 (2) INITIAL LIST.—Subject to paragraph (1),
7 not later than 1 year after the date of enactment of
8 this Act, the Secretary shall publish in the Federal
9 Register an initial list of minerals designated as crit-
10 ical pursuant to the final methodology under sub-
11 section (c) for the purpose of carrying out this sub-
12 title.

13 (3) INCLUSIONS.—Notwithstanding the criteria
14 under subsection (c), the Secretary may designate
15 and include on the list any mineral or element deter-
16 mined by another Federal agency to be strategic and
17 critical to the defense or national security of the
18 United States.

19 (e) SUBSEQUENT REVIEW.—

20 (1) IN GENERAL.—The Secretary shall review
21 the methodology and designations under subsections
22 (c) and (d) at least every 3 years, or more frequently
23 as the Secretary considers to be appropriate.

24 (2) REVISIONS.—Subject to subsection (d)(1),
25 the Secretary may—

1 (A) revise the methodology described in
2 this section;

3 (B) determine that minerals or elements
4 previously determined to be critical minerals are
5 no longer critical minerals; and

6 (C) designate additional minerals or ele-
7 ments as critical minerals.

8 (f) NOTICE.—On finalization of the methodology
9 under subsection (c), the list under subsection (d), or any
10 revision to the methodology or list under subsection (e),
11 the Secretary shall submit to Congress written notice of
12 the action.

13 **SEC. 3304. RESOURCE ASSESSMENT.**

14 (a) IN GENERAL.—Not later than 4 years after the
15 date of enactment of this Act, in consultation with applica-
16 ble State (including geological surveys), local, academic,
17 industry, and other entities, the Secretary shall complete
18 a comprehensive national assessment of each critical min-
19 eral that—

20 (1) identifies and quantifies known critical min-
21 eral resources, using all available public and private
22 information and datasets, including exploration his-
23 tories; and

24 (2) provides a quantitative and qualitative as-
25 sessment of undiscovered critical mineral resources

1 throughout the United States, including probability
2 estimates of tonnage and grade, using all available
3 public and private information and datasets, includ-
4 ing exploration histories.

5 (b) SUPPLEMENTARY INFORMATION.—In carrying
6 out this section, the Secretary may carry out surveys and
7 field work (including drilling, remote sensing, geophysical
8 surveys, geological mapping, and geochemical sampling
9 and analysis) to supplement existing information and
10 datasets available for determining the existence of critical
11 minerals in the United States.

12 (c) TECHNICAL ASSISTANCE.—At the request of the
13 Governor of a State or the head of an Indian tribe, the
14 Secretary may provide technical assistance to State gov-
15 ernments and Indian tribes conducting critical mineral re-
16 source assessments on non-Federal land.

17 (d) PRIORITIZATION.—

18 (1) IN GENERAL.—The Secretary may sequence
19 the completion of resource assessments for each crit-
20 ical mineral such that critical minerals considered to
21 be most critical under the methodology established
22 under section 3303 are completed first.

23 (2) REPORTING.—During the period beginning
24 not later than 1 year after the date of enactment of
25 this Act and ending on the date of completion of all

1 of the assessments required under this section, the
2 Secretary shall submit to Congress on an annual
3 basis an interim report that—

4 (A) identifies the sequence and schedule
5 for completion of the assessments if the Sec-
6 retary sequences the assessments; or

7 (B) describes the progress of the assess-
8 ments if the Secretary does not sequence the
9 assessments.

10 (e) UPDATES.—The Secretary may periodically up-
11 date the assessments conducted under this section based
12 on—

13 (1) the generation of new information or
14 datasets by the Federal Government; or

15 (2) the receipt of new information or datasets
16 from critical mineral producers, State geological sur-
17 veys, academic institutions, trade associations, or
18 other persons.

19 (f) ADDITIONAL SURVEYS.—The Secretary shall com-
20 plete a resource assessment for each additional mineral
21 or element subsequently designated as a critical mineral
22 under section 3303(e)(2) not later than 2 years after the
23 designation of the mineral or element.

24 (g) REPORT.—Not later than 2 years after the date
25 of enactment of this Act, the Secretary shall submit to

1 Congress a report describing the status of geological sur-
2 veying of Federal land for any mineral commodity—

3 (1) for which the United States was dependent
4 on a foreign country for more than 25 percent of the
5 United States supply, as depicted in the report
6 issued by the United States Geological Survey enti-
7 tled “Mineral Commodity Summaries 2015”; but

8 (2) that is not designated as a critical mineral
9 under section 3303.

10 **SEC. 3305. PERMITTING.**

11 (a) PERFORMANCE IMPROVEMENTS.—To improve
12 the quality and timeliness of decisions, the Secretary (act-
13 ing through the Director of the Bureau of Land Manage-
14 ment) and the Secretary of Agriculture (acting through
15 the Chief of the Forest Service) (referred to in this section
16 as the “Secretaries”) shall, to the maximum extent prac-
17 ticable, with respect to critical mineral production on Fed-
18 eral land, complete Federal permitting and review proc-
19 esses with maximum efficiency and effectiveness, while
20 supporting vital economic growth, by—

21 (1) establishing and adhering to timelines and
22 schedules for the consideration of, and final deci-
23 sions regarding, applications, operating plans, leases,
24 licenses, permits, and other use authorizations for
25 mineral-related activities on Federal land;

1 (2) establishing clear, quantifiable, and tem-
2 poral permitting performance goals and tracking
3 progress against those goals;

4 (3) engaging in early collaboration among agen-
5 cies, project sponsors, and affected stakeholders—

6 (A) to incorporate and address the inter-
7 ests of those parties; and

8 (B) to minimize delays;

9 (4) ensuring transparency and accountability by
10 using cost-effective information technology to collect
11 and disseminate information regarding individual
12 projects and agency performance;

13 (5) engaging in early and active consultation
14 with State, local, and Indian tribal governments to
15 avoid conflicts or duplication of effort, resolve con-
16 cerns, and allow for concurrent, rather than sequen-
17 tial, reviews;

18 (6) providing demonstrable improvements in the
19 performance of Federal permitting and review proc-
20 esses, including lower costs and more timely deci-
21 sions;

22 (7) expanding and institutionalizing permitting
23 and review process improvements that have proven
24 effective;

1 (8) developing mechanisms to better commu-
2 nicate priorities and resolve disputes among agencies
3 at the national, regional, State, and local levels; and

4 (9) developing other practices, such as
5 preapplication procedures.

6 (b) REVIEW AND REPORT.—Not later than 1 year
7 after the date of enactment of this Act, the Secretaries
8 shall submit to Congress a report that—

9 (1) identifies additional measures (including
10 regulatory and legislative proposals, as appropriate)
11 that would increase the timeliness of permitting ac-
12 tivities for the exploration and development of do-
13 mestic critical minerals;

14 (2) identifies options (including cost recovery
15 paid by permit applicants) for ensuring adequate
16 staffing and training of Federal entities and per-
17 sonnel responsible for the consideration of applica-
18 tions, operating plans, leases, licenses, permits, and
19 other use authorizations for critical mineral-related
20 activities on Federal land;

21 (3) quantifies the amount of time typically re-
22 quired (including range derived from minimum and
23 maximum durations, mean, median, variance, and
24 other statistical measures or representations) to
25 complete each step (including those aspects outside

1 the control of the executive branch, such as judicial
2 review, applicant decisions, or State and local gov-
3 ernment involvement) associated with the develop-
4 ment and processing of applications, operating
5 plans, leases, licenses, permits, and other use au-
6 thORIZATIONS for critical mineral-related activities on
7 Federal land, which shall serve as a baseline for the
8 performance metric under subsection (c); and

9 (4) describes actions carried out pursuant to
10 subsection (a).

11 (c) PERFORMANCE METRIC.—Not later than 90 days
12 after the date of submission of the report under subsection
13 (b), the Secretaries, after providing public notice and an
14 opportunity to comment, shall develop and publish a per-
15 formance metric for evaluating the progress made by the
16 executive branch to expedite the permitting of activities
17 that will increase exploration for, and development of, do-
18 mestic critical minerals, while maintaining environmental
19 standards.

20 (d) ANNUAL REPORTS.—Beginning with the first
21 budget submission by the President under section 1105
22 of title 31, United States Code, after publication of the
23 performance metric required under subsection (c), and an-
24 nually thereafter, the Secretaries shall submit to Congress
25 a report that—

1 (1) summarizes the implementation of rec-
2 ommendations, measures, and options identified in
3 paragraphs (1) and (2) of subsection (b);

4 (2) using the performance metric under sub-
5 section (c), describes progress made by the executive
6 branch, as compared to the baseline established pur-
7 suant to subsection (b)(3), on expediting the permit-
8 ting of activities that will increase exploration for,
9 and development of, domestic critical minerals; and

10 (3) compares the United States to other coun-
11 tries in terms of permitting efficiency and any other
12 criteria relevant to the globally competitive critical
13 minerals industry.

14 (e) INDIVIDUAL PROJECTS.—Using data from the
15 Secretaries generated under subsection (d), the Director
16 of the Office of Management and Budget shall prioritize
17 inclusion of individual critical mineral projects on the
18 website operated by the Office of Management and Budget
19 in accordance with section 1122 of title 31, United States
20 Code.

21 (f) REPORT OF SMALL BUSINESS ADMINISTRA-
22 TION.—Not later than 1 year and 300 days after the date
23 of enactment of this Act, the Administrator of the Small
24 Business Administration shall submit to the applicable

1 committees of Congress a report that assesses the per-
2 formance of Federal agencies with respect to—

3 (1) complying with chapter 6 of title 5, United
4 States Code (commonly known as the “Regulatory
5 Flexibility Act”), in promulgating regulations appli-
6 cable to the critical minerals industry; and

7 (2) performing an analysis of regulations appli-
8 cable to the critical minerals industry that may be
9 outmoded, inefficient, duplicative, or excessively bur-
10 densome.

11 **SEC. 3306. FEDERAL REGISTER PROCESS.**

12 (a) DEPARTMENTAL REVIEW.—Absent any extraor-
13 dinary circumstance, and except as otherwise required by
14 law, the Secretary and the Secretary of Agriculture shall
15 ensure that each Federal Register notice described in sub-
16 section (b) shall be—

17 (1) subject to any required reviews within the
18 Department of the Interior or the Department of
19 Agriculture; and

20 (2) published in final form in the Federal Reg-
21 ister not later than 45 days after the date of initial
22 preparation of the notice.

23 (b) PREPARATION.—The preparation of Federal Reg-
24 ister notices required by law associated with the issuance
25 of a critical mineral exploration or mine permit shall be

1 delegated to the organizational level within the agency re-
2 sponsible for issuing the critical mineral exploration or
3 mine permit.

4 (c) TRANSMISSION.—All Federal Register notices re-
5 garding official document availability, announcements of
6 meetings, or notices of intent to undertake an action shall
7 be originated in, and transmitted to the Federal Register
8 from, the office in which, as applicable—

9 (1) the documents or meetings are held; or

10 (2) the activity is initiated.

11 **SEC. 3307. RECYCLING, EFFICIENCY, AND ALTERNATIVES.**

12 (a) ESTABLISHMENT.—The Secretary of Energy (re-
13 ferred to in this section as the “Secretary”) shall conduct
14 a program of research and development—

15 (1) to promote the efficient production, use,
16 and recycling of critical minerals throughout the
17 supply chain; and

18 (2) to develop alternatives to critical minerals
19 that do not occur in significant abundance in the
20 United States.

21 (b) COOPERATION.—In carrying out the program, the
22 Secretary shall cooperate with appropriate—

23 (1) Federal agencies and National Laboratories;

24 (2) critical mineral producers;

25 (3) critical mineral processors;

- 1 (4) critical mineral manufacturers;
- 2 (5) trade associations;
- 3 (6) academic institutions;
- 4 (7) small businesses; and
- 5 (8) other relevant entities or individuals.

6 (c) ACTIVITIES.—Under the program, the Secretary
7 shall carry out activities that include the identification and
8 development of—

9 (1) advanced critical mineral extraction, pro-
10 duction, separation, alloying, or processing tech-
11 nologies that decrease the energy consumption, envi-
12 ronmental impact, and costs of those activities, in-
13 cluding—

14 (A) efficient water and wastewater man-
15 agement strategies;

16 (B) technologies and management strate-
17 gies to control the environmental impacts of
18 radionuclides in ore tailings; and

19 (C) technologies for separation and proc-
20 essing;

21 (2) technologies or process improvements that
22 minimize the use, or lead to more efficient use, of
23 critical minerals across the full supply chain;

24 (3) technologies, process improvements, or de-
25 sign optimizations that facilitate the recycling of

1 critical minerals, and options for improving the rates
2 of collection of products and scrap containing critical
3 minerals from post-consumer, industrial, or other
4 waste streams;

5 (4) commercial markets, advanced storage
6 methods, energy applications, and other beneficial
7 uses of critical minerals processing byproducts;

8 (5) alternative minerals, metals, and materials,
9 particularly those available in abundance within the
10 United States and not subject to potential supply re-
11 strictions, that lessen the need for critical minerals;
12 and

13 (6) alternative energy technologies or alter-
14 native designs of existing energy technologies, par-
15 ticularly those that use minerals that—

16 (A) occur in abundance in the United
17 States; and

18 (B) are not subject to potential supply re-
19 strictions.

20 (d) REPORTS.—Not later than 2 years after the date
21 of enactment of this Act, and annually thereafter, the Sec-
22 retary shall submit to Congress a report summarizing the
23 activities, findings, and progress of the program.

1 **SEC. 3308. ANALYSIS AND FORECASTING.**

2 (a) CAPABILITIES.—In order to evaluate existing crit-
3 ical mineral policies and inform future actions that may
4 be taken to avoid supply shortages, mitigate price vola-
5 tility, and prepare for demand growth and other market
6 shifts, the Secretary, in consultation with the Energy In-
7 formation Administration, academic institutions, and oth-
8 ers in order to maximize the application of existing com-
9 petencies related to developing and maintaining computer-
10 models and similar analytical tools, shall conduct and pub-
11 lish the results of an annual report that includes—

12 (1) as part of the annually published Mineral
13 Commodity Summaries from the United States Geo-
14 logical Survey, a comprehensive review of critical
15 mineral production, consumption, and recycling pat-
16 terns, including—

17 (A) the quantity of each critical mineral
18 domestically produced during the preceding
19 year;

20 (B) the quantity of each critical mineral
21 domestically consumed during the preceding
22 year;

23 (C) market price data or other price data
24 for each critical mineral;

25 (D) an assessment of—

1 (i) critical mineral requirements to
2 meet the national security, energy, eco-
3 nomic, industrial, technological, and other
4 needs of the United States during the pre-
5 ceding year;

6 (ii) the reliance of the United States
7 on foreign sources to meet those needs
8 during the preceding year; and

9 (iii) the implications of any supply
10 shortages, restrictions, or disruptions dur-
11 ing the preceding year;

12 (E) the quantity of each critical mineral
13 domestically recycled during the preceding year;

14 (F) the market penetration during the pre-
15 ceding year of alternatives to each critical min-
16 eral;

17 (G) a discussion of international trends as-
18 sociated with the discovery, production, con-
19 sumption, use, costs of production, prices, and
20 recycling of each critical mineral as well as the
21 development of alternatives to critical minerals;
22 and

23 (H) such other data, analyses, and evalua-
24 tions as the Secretary finds are necessary to
25 achieve the purposes of this section; and

1 (2) a comprehensive forecast, entitled the “An-
2 nual Critical Minerals Outlook”, of projected critical
3 mineral production, consumption, and recycling pat-
4 terns, including—

5 (A) the quantity of each critical mineral
6 projected to be domestically produced over the
7 subsequent 1-year, 5-year, and 10-year periods;

8 (B) the quantity of each critical mineral
9 projected to be domestically consumed over the
10 subsequent 1-year, 5-year, and 10-year periods;

11 (C) an assessment of—

12 (i) critical mineral requirements to
13 meet projected national security, energy,
14 economic, industrial, technological, and
15 other needs of the United States;

16 (ii) the projected reliance of the
17 United States on foreign sources to meet
18 those needs; and

19 (iii) the projected implications of po-
20 tential supply shortages, restrictions, or
21 disruptions;

22 (D) the quantity of each critical mineral
23 projected to be domestically recycled over the
24 subsequent 1-year, 5-year, and 10-year periods;

1 (E) the market penetration of alternatives
2 to each critical mineral projected to take place
3 over the subsequent 1-year, 5-year, and 10-year
4 periods;

5 (F) a discussion of reasonably foreseeable
6 international trends associated with the dis-
7 covery, production, consumption, use, costs of
8 production, and recycling of each critical min-
9 eral as well as the development of alternatives
10 to critical minerals; and

11 (G) such other projections relating to each
12 critical mineral as the Secretary determines to
13 be necessary to achieve the purposes of this sec-
14 tion.

15 (b) PROPRIETARY INFORMATION.—In preparing a re-
16 port described in subsection (a), the Secretary shall en-
17 sure, consistent with section 5(f) of the National Materials
18 and Minerals Policy, Research and Development Act of
19 1980 (30 U.S.C. 1604(f)), that—

20 (1) no person uses the information and data
21 collected for the report for a purpose other than the
22 development of or reporting of aggregate data in a
23 manner such that the identity of the person or firm
24 who supplied the information is not discernible and

1 is not material to the intended uses of the informa-
2 tion;

3 (2) no person discloses any information or data
4 collected for the report unless the information or
5 data has been transformed into a statistical or ag-
6 gregate form that does not allow the identification of
7 the person or firm who supplied particular informa-
8 tion; and

9 (3) procedures are established to require the
10 withholding of any information or data collected for
11 the report if the Secretary determines that with-
12 holding is necessary to protect proprietary informa-
13 tion, including any trade secrets or other confiden-
14 tial information.

15 **SEC. 3309. EDUCATION AND WORKFORCE.**

16 (a) **WORKFORCE ASSESSMENT.**—Not later than 1
17 year and 300 days after the date of enactment of this Act,
18 the Secretary of Labor (in consultation with the Secretary,
19 the Director of the National Science Foundation, institu-
20 tions of higher education with substantial expertise in
21 mining, institutions of higher education with significant
22 expertise in minerals research, including fundamental re-
23 search into alternatives, and employers in the critical min-
24 erals sector) shall submit to Congress an assessment of
25 the domestic availability of technically trained personnel

1 necessary for critical mineral exploration, development, as-
2 sessment, production, manufacturing, recycling, analysis,
3 forecasting, education, and research, including an analysis
4 of—

5 (1) skills that are in the shortest supply as of
6 the date of the assessment;

7 (2) skills that are projected to be in short sup-
8 ply in the future;

9 (3) the demographics of the critical minerals in-
10 dustry and how the demographics will evolve under
11 the influence of factors such as an aging workforce;

12 (4) the effectiveness of training and education
13 programs in addressing skills shortages;

14 (5) opportunities to hire locally for new and ex-
15 isting critical mineral activities;

16 (6) the sufficiency of personnel within relevant
17 areas of the Federal Government for achieving the
18 policies described in section 3 of the National Mate-
19 rials and Minerals Policy, Research and Develop-
20 ment Act of 1980 (30 U.S.C. 1602); and

21 (7) the potential need for new training pro-
22 grams to have a measurable effect on the supply of
23 trained workers in the critical minerals industry.

24 (b) CURRICULUM STUDY.—

1 (1) IN GENERAL.—The Secretary and the Sec-
2 retary of Labor shall jointly enter into an arrange-
3 ment with the National Academy of Sciences and the
4 National Academy of Engineering under which the
5 Academies shall coordinate with the National
6 Science Foundation on conducting a study—

7 (A) to design an interdisciplinary program
8 on critical minerals that will support the critical
9 mineral supply chain and improve the ability of
10 the United States to increase domestic, critical
11 mineral exploration, development, production,
12 manufacturing, research, including fundamental
13 research into alternatives, and recycling;

14 (B) to address undergraduate and grad-
15 uate education, especially to assist in the devel-
16 opment of graduate level programs of research
17 and instruction that lead to advanced degrees
18 with an emphasis on the critical mineral supply
19 chain or other positions that will increase do-
20 mestic, critical mineral exploration, develop-
21 ment, production, manufacturing, research, in-
22 cluding fundamental research into alternatives,
23 and recycling;

24 (C) to develop guidelines for proposals
25 from institutions of higher education with sub-

1 stantial capabilities in the required disciplines
2 for activities to improve the critical mineral
3 supply chain and advance the capacity of the
4 United States to increase domestic, critical min-
5 eral exploration, research, development, produc-
6 tion, manufacturing, and recycling; and

7 (D) to outline criteria for evaluating per-
8 formance and recommendations for the amount
9 of funding that will be necessary to establish
10 and carry out the program described in sub-
11 section (c).

12 (2) REPORT.—Not later than 2 years after the
13 date of enactment of this Act, the Secretary shall
14 submit to Congress a description of the results of
15 the study required under paragraph (1).

16 (c) PROGRAM.—

17 (1) ESTABLISHMENT.—The Secretary and the
18 Secretary of Labor shall jointly conduct a competi-
19 tive grant program under which institutions of high-
20 er education may apply for and receive 4-year grants
21 for—

22 (A) startup costs for newly designated fac-
23 ulty positions in integrated critical mineral edu-
24 cation, research, innovation, training, and work-

1 force development programs consistent with
2 subsection (b);

3 (B) internships, scholarships, and fellow-
4 ships for students enrolled in programs related
5 to critical minerals;

6 (C) equipment necessary for integrated
7 critical mineral innovation, training, and work-
8 force development programs; and

9 (D) research of critical minerals and their
10 applications, particularly concerning the manu-
11 facture of critical components vital to national
12 security.

13 (2) RENEWAL.—A grant under this subsection
14 shall be renewable for up to 2 additional 3-year
15 terms based on performance criteria outlined under
16 subsection (b)(1)(D).

17 **SEC. 3310. NATIONAL GEOLOGICAL AND GEOPHYSICAL**
18 **DATA PRESERVATION PROGRAM.**

19 Section 351(k) of the Energy Policy Act of 2005 (42
20 U.S.C. 15908(k)) is amended by striking “\$30,000,000
21 for each of fiscal years 2006 through 2010” and inserting
22 “\$5,000,000 for each of fiscal years 2017 through 2026,
23 to remain available until expended”.

1 **SEC. 3311. ADMINISTRATION.**

2 (a) IN GENERAL.—The National Critical Materials
3 Act of 1984 (30 U.S.C. 1801 et seq.) is repealed.

4 (b) CONFORMING AMENDMENT.—Section 3(d) of the
5 National Superconductivity and Competitiveness Act of
6 1988 (15 U.S.C. 5202(d)) is amended in the first sentence
7 by striking “, with the assistance of the National Critical
8 Materials Council as specified in the National Critical Ma-
9 terials Act of 1984 (30 U.S.C. 1801 et seq.),”.

10 (c) SAVINGS CLAUSES.—

11 (1) IN GENERAL.—Nothing in this subtitle or
12 an amendment made by this subtitle modifies any
13 requirement or authority provided by—

14 (A) the matter under the heading “**GEO-**
15 **LOGICAL SURVEY**” of the first section of the
16 Act of March 3, 1879 (43 U.S.C. 31(a)); or

17 (B) the first section of Public Law 87–626
18 (43 U.S.C. 31(b)).

19 (2) SECRETARIAL ORDER NOT AFFECTED.—
20 This subtitle shall not apply to any mineral de-
21 scribed in Secretarial Order No. 3324, issued by the
22 Secretary of the Interior on December 3, 2012, in
23 any area to which the order applies.

1 **SEC. 3312. AUTHORIZATION OF APPROPRIATIONS.**

2 There is authorized to be appropriated to carry out
3 this subtitle \$50,000,000 for each of fiscal years 2017
4 through 2026.

5 **Subtitle E—Coal**

6 **SEC. 3401. SENSE OF THE SENATE ON CARBON CAPTURE,**
7 **USE, AND STORAGE DEVELOPMENT AND DE-**
8 **PLOYMENT.**

9 It is the sense of the Senate that—

10 (1) carbon capture, use, and storage deploy-
11 ment is—

12 (A) an important part of the clean energy
13 future and smart research and development in-
14 vestments of the United States; and

15 (B) critical—

16 (i) to increasing the energy security of
17 the United States;

18 (ii) to reducing emissions; and

19 (iii) to maintaining a diverse and reli-
20 able energy resource;

21 (2) the fossil energy programs of the Depart-
22 ment should continue to focus on research and devel-
23 opment of technologies that will improve the cap-
24 ture, transportation, use (including for the produc-
25 tion through biofixation of carbon-containing prod-
26 ucts), and injection processes essential for carbon

1 capture, use, and storage activities in the electrical
2 and industrial sectors;

3 (3) the Secretary should continue to partner
4 with the private sector and explore avenues to bring
5 down the cost of carbon capture, including through
6 loans, grants, and sequestration credits to help make
7 carbon capture, use, and storage technologies more
8 competitive compared to other technologies that are
9 a part of the clean energy future of the United
10 States; and

11 (4) the Secretary should continue working with
12 international partners on pre-existing agreements,
13 projects, and information sharing activities of the
14 Secretary to develop the latest and most cutting-
15 edge carbon capture, use, and storage technologies
16 for the electrical and industrial sectors.

17 **SEC. 3402. FOSSIL ENERGY.**

18 Section 961(a) of the Energy Policy Act of 2005 (42
19 U.S.C. 16291(a)) is amended by adding at the end the
20 following:

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

23 **SEC. 3403. ESTABLISHMENT OF COAL TECHNOLOGY PRO-**
24 **GRAM.**

25 (a) REPEALS.—

1 (1) IN GENERAL.—

2 (A) Sections 962 and 963 of the Energy
3 Policy Act of 2005 (42 U.S.C. 16292, 16293)
4 are repealed.

5 (B) Subtitle A of title IV of the Energy
6 Policy Act of 2005 (42 U.S.C. 15961 et seq.)
7 is repealed.

8 (2) SAVINGS CLAUSE.—Notwithstanding the
9 amendments made by paragraph (1), the Secretary
10 shall continue to manage any program activities that
11 are outstanding as of the date of enactment of this
12 Act under the terms and conditions of sections 962
13 and 963 of the Energy Policy Act of 2005 (42
14 U.S.C. 16292, 16293) or subtitle A of title IV of the
15 Energy Policy Act of 2005 (42 U.S.C. 15961 et
16 seq.) (as in effect on the day before the date of en-
17 actment of this Act), as applicable.

18 (3) CONFORMING AMENDMENTS.—

19 (A) Section 703(a)(3) of the Energy Inde-
20 pendence and Security Act of 2007 (42 U.S.C.
21 17251(a)(3)) is amended—

22 (i) in the matter preceding subpara-
23 graph (A), by striking the first and second
24 sentences; and

1 (ii) in subparagraph (B), by striking
2 “including” in the matter preceding clause
3 (i) and all that follows through the period
4 at the end and inserting “, including such
5 geologic sequestration projects as are ap-
6 proved by the Secretary”.

7 (B) Section 704 of the Energy Independ-
8 ence and Security Act of 2007 (42 U.S.C.
9 17252) is amended in the first sentence by
10 striking “under section 963(c)(3) of the Energy
11 Policy Act of 2005 (42 U.S.C. 16293(c)(3)), as
12 added by section 702 of this subtitle, and”.

13 (b) ESTABLISHMENT OF COAL TECHNOLOGY PRO-
14 GRAM.—The Energy Policy Act of 2005 (as amended by
15 subsection (a)) is amended by inserting after section 961
16 (42 U.S.C. 16291) the following:

17 **“SEC. 962. COAL TECHNOLOGY PROGRAM.**

18 “(a) DEFINITIONS.—In this section:

19 “(1) LARGE-SCALE PILOT PROJECT.—The term
20 ‘large-scale pilot project’ means a pilot project
21 that—

22 “(A) represents the scale of technology de-
23 velopment beyond laboratory development and
24 bench scale testing, but not yet advanced to the

1 point of being tested under real operational con-
2 ditions at commercial scale;

3 “(B) represents the scale of technology
4 necessary to gain the operational data needed
5 to understand the technical and performance
6 risks of the technology before the application of
7 that technology at commercial scale or in com-
8 mercial-scale demonstration; and

9 “(C) is large enough—

10 “(i) to validate scaling factors; and

11 “(ii) to demonstrate the interaction
12 between major components so that control
13 philosophies for a new process can be de-
14 veloped and enable the technology to ad-
15 vance from large-scale pilot plant applica-
16 tion to commercial-scale demonstration or
17 application.

18 “(2) NET-NEGATIVE CARBON DIOXIDE EMIS-
19 SIONS PROJECT.—The term ‘net-negative carbon di-
20 oxide emissions project’ means a project—

21 “(A) that employs a technology for
22 thermochemical coconversion of coal and bio-
23 mass fuels that—

24 “(i) uses a carbon capture system;

25 and

1 “(ii) with carbon dioxide removal, can
2 provide electricity, fuels, or chemicals with
3 net-negative carbon dioxide emissions from
4 production and consumption of the end
5 products, while removing atmospheric car-
6 bon dioxide;

7 “(B) that will proceed initially through a
8 large-scale pilot project for which front-end en-
9 gineering will be performed for bituminous, sub-
10 bituminous, and lignite coals; and

11 “(C) through which each use of coal will be
12 combined with the use of a regionally indige-
13 nous form of biomass energy, provided on a re-
14 newable basis, that is sufficient in quantity to
15 allow for net-negative emissions of carbon diox-
16 ide (in combination with a carbon capture sys-
17 tem), while avoiding impacts on food production
18 activities.

19 “(3) PROGRAM.—The term ‘program’ means
20 the program established under subsection (b)(1).

21 “(4) TRANSFORMATIONAL TECHNOLOGY.—

22 “(A) IN GENERAL.—The term ‘trans-
23 formational technology’ means a power genera-
24 tion technology that represents an entirely new
25 way to convert energy that will enable a step

1 change in performance, efficiency, and cost of
2 electricity as compared to the technology in ex-
3 istence on the date of enactment of this section.

4 “(B) INCLUSIONS.—The term ‘trans-
5 formational technology’ includes a broad range
6 of technology improvements, including—

7 “(i) thermodynamic improvements in
8 energy conversion and heat transfer, in-
9 cluding—

10 “(I) oxygen combustion;

11 “(II) chemical looping; and

12 “(III) the replacement of steam
13 cycles with supercritical carbon diox-
14 ide cycles;

15 “(ii) improvements in turbine tech-
16 nology;

17 “(iii) improvements in carbon capture
18 systems technology; and

19 “(iv) any other technology the Sec-
20 retary recognizes as transformational tech-
21 nology.

22 “(b) COAL TECHNOLOGY PROGRAM.—

23 “(1) IN GENERAL.—The Secretary shall estab-
24 lish a coal technology program to ensure the contin-
25 ued use of the abundant, domestic coal resources of

1 the United States through the development of tech-
2 nologies that will significantly improve the efficiency,
3 effectiveness, costs, and environmental performance
4 of coal use.

5 “(2) REQUIREMENTS.—The program shall in-
6 clude—

7 “(A) a research and development program;

8 “(B) large-scale pilot projects;

9 “(C) demonstration projects; and

10 “(D) net-negative carbon dioxide emissions
11 projects.

12 “(3) PROGRAM GOALS AND OBJECTIVES.—In
13 consultation with the interested entities described in
14 paragraph (4)(C), the Secretary shall develop goals
15 and objectives for the program to be applied to the
16 technologies developed within the program, taking
17 into consideration the following objectives:

18 “(A) Ensure reliable, low-cost power from
19 new and existing coal plants.

20 “(B) Achieve high conversion efficiencies.

21 “(C) Address emissions of carbon dioxide
22 through high-efficiency platforms and carbon
23 capture from new and existing coal plants.

24 “(D) Support small-scale and modular
25 technologies to enable incremental capacity ad-

1 conditions and load growth and large-scale genera-
2 tion technologies.

3 “(E) Support flexible baseload operations
4 for new and existing applications of coal gen-
5 eration.

6 “(F) Further reduce emissions of criteria
7 pollutants and reduce the use and manage the
8 discharge of water in power plant operations.

9 “(G) Accelerate the development of tech-
10 nologies that have transformational energy con-
11 version characteristics.

12 “(H) Validate geological storage of large
13 volumes of anthropogenic sources of carbon di-
14 oxide and support the development of the infra-
15 structure needed to support a carbon dioxide
16 use and storage industry.

17 “(I) Examine methods of converting coal
18 to other valuable products and commodities in
19 addition to electricity.

20 “(4) CONSULTATIONS REQUIRED.—In carrying
21 out the program, the Secretary shall—

22 “(A) undertake international collabora-
23 tions, as recommended by the National Coal
24 Council;

1 “(B) use existing authorities to encourage
2 international cooperation; and

3 “(C) consult with interested entities, in-
4 cluding—

5 “(i) coal producers;

6 “(ii) industries that use coal;

7 “(iii) organizations that promote coal
8 and advanced coal technologies;

9 “(iv) environmental organizations;

10 “(v) organizations representing work-
11 ers; and

12 “(vi) organizations representing con-
13 sumers.

14 “(c) REPORT.—

15 “(1) IN GENERAL.—Not later than 18 months
16 after the date of enactment of this section, the Sec-
17 retary shall submit to Congress a report describing
18 the performance standards adopted under subsection
19 (b)(3).

20 “(2) UPDATE.—Not less frequently than once
21 every 2 years after the initial report is submitted
22 under paragraph (1), the Secretary shall submit to
23 Congress a report describing the progress made to-
24 wards achieving the objectives and performance
25 standards adopted under subsection (b)(3).

1 “(d) FUNDING.—

2 “(1) AUTHORIZATION OF APPROPRIATIONS.—

3 There are authorized to be appropriated to the Sec-
4 retary to carry out this section, to remain available
5 until expended—

6 “(A) for activities under the research and
7 development program component described in
8 subsection (b)(2)(A)—

9 “(i) \$275,000,000 for each of fiscal
10 years 2017 through 2020; and

11 “(ii) \$200,000,000 for fiscal year
12 2021;

13 “(B) for activities under the demonstration
14 projects program component described in sub-
15 section (b)(2)(C)—

16 “(i) \$50,000,000 for each of fiscal
17 years 2017 through 2020; and

18 “(ii) \$75,000,000 for fiscal year 2021;

19 “(C) subject to paragraph (2), for activi-
20 ties under the large-scale pilot projects program
21 component described in subsection (b)(2)(B),
22 \$285,000,000 for each of fiscal years 2017
23 through 2021; and

24 “(D) for activities under the net-negative
25 carbon dioxide emissions projects program com-

1 ponent described in subsection (b)(2)(D),
2 \$22,000,000 for each of fiscal years 2017
3 through 2021.

4 “(2) COST SHARING FOR LARGE-SCALE PILOT
5 PROJECTS.—Activities under subsection (b)(2)(B)
6 shall be subject to the cost-sharing requirements of
7 section 988(b).”.

8 **SEC. 3404. REPORT ON PRICE STABILIZATION SUPPORT.**

9 (a) DEFINITION OF ELECTRIC GENERATION UNIT.—
10 In this section, the term “electric generation unit” means
11 an electric generation unit that—

- 12 (1) uses coal-based generation technology; and
13 (2) is capable of capturing carbon dioxide emis-
14 sions from the unit.

15 (b) REPORT.—Not later than 180 days after the date
16 of enactment of this Act, the Secretary shall prepare and
17 submit to the appropriate committees of Congress a re-
18 port—

- 19 (1) on the benefits and costs of entering into
20 long-term binding contracts on behalf of the Federal
21 Government with qualified parties to provide price
22 stabilization support for certain industrial sources
23 for capturing carbon dioxide from electricity gen-
24 erated at an electric generation unit or carbon diox-

1 ide captured from an electric generation unit and
2 sold to a purchaser for—

3 (A) the recovery of crude oil; or

4 (B) other purposes for which a commercial
5 market exists; and

6 (2) that—

7 (A) contains an analysis of how the De-
8 partment would establish, implement, and
9 maintain a contracting program described in
10 paragraph (1); and

11 (B) outlines options for how price stabiliza-
12 tion contracts may be structured and regula-
13 tions that would be necessary to implement a
14 contracting program described in paragraph
15 (1).

16 **Subtitle F—Nuclear**

17 **SEC. 3501. NUCLEAR ENERGY INNOVATION CAPABILITIES.**

18 (a) DEFINITIONS.—In this section:

19 (1) **ADVANCED FISSION REACTOR.**—The term
20 “advanced fission reactor” means a nuclear fission
21 reactor with significant improvements over the most
22 recent generation of nuclear reactors, including im-
23 provements such as—

24 (A) inherent safety features;

25 (B) lower waste yields;

- 1 (C) greater fuel utilization;
2 (D) superior reliability;
3 (E) resistance to proliferation;
4 (F) increased thermal efficiency; and
5 (G) ability to integrate into electric and
6 nonelectric applications.

7 (2) FAST NEUTRON.—The term “fast neutron”
8 means a neutron with kinetic energy above 100
9 kiloelectron volts.

10 (3) NATIONAL LABORATORY.—

11 (A) IN GENERAL.—Except as provided in
12 subparagraph (B), the term “National Labora-
13 tory” has the meaning given the term in section
14 2 of the Energy Policy Act of 2005 (42 U.S.C.
15 15801).

16 (B) LIMITATION.—With respect to the
17 Lawrence Livermore National Laboratory, the
18 Los Alamos National Laboratory, and the
19 Sandia National Laboratories, the term “Na-
20 tional Laboratory” means only the civilian ac-
21 tivities of the laboratory.

22 (4) NEUTRON FLUX.—The term “neutron flux”
23 means the intensity of neutron radiation measured
24 as a rate of flow of neutrons applied over an area.

1 (5) NEUTRON SOURCE.—The term “neutron
2 source” means a research machine that provides
3 neutron irradiation services for—

4 (A) research on materials sciences and nu-
5 clear physics; and

6 (B) testing of advanced materials, nuclear
7 fuels, and other related components for reactor
8 systems.

9 (b) MISSION.—Section 951 of the Energy Policy Act
10 of 2005 (42 U.S.C. 16271) is amended by striking sub-
11 section (a) and inserting the following:

12 “(a) IN GENERAL.—The Secretary shall conduct pro-
13 grams of civilian nuclear research, development, dem-
14 onstration, and commercial application, including activi-
15 ties described in this subtitle, that take into consideration
16 the following objectives:

17 “(1) Providing research infrastructure—

18 “(A) to promote scientific progress; and

19 “(B) to enable users from academia, the
20 National Laboratories, and the private sector to
21 make scientific discoveries relevant for nuclear,
22 chemical, and materials science engineering.

23 “(2) Maintaining nuclear energy research and
24 development programs at the National Laboratories
25 and institutions of higher education, including pro-

1 grams of infrastructure of National Laboratories
2 and institutions of higher education.

3 “(3) Providing the technical means to reduce
4 the likelihood of nuclear weapons proliferation.

5 “(4) Ensuring public safety.

6 “(5) Reducing the environmental impact of nu-
7 clear energy-related activities.

8 “(6) Supporting technology transfer from the
9 National Laboratories to the private sector.

10 “(7) Enabling the private sector to partner with
11 the National Laboratories to demonstrate novel reac-
12 tor concepts for the purpose of resolving technical
13 uncertainty associated with the objectives described
14 in this subsection.”.

15 (c) SENSE OF CONGRESS.—It is the sense of Con-
16 gress that—

17 (1) nuclear energy, through fission or fusion,
18 represents the highest energy density of any known
19 attainable source and yields low air emissions; and

20 (2) considering the inherent complexity and
21 regulatory burden associated with nuclear energy,
22 the Department should focus civilian nuclear re-
23 search and development activities of the Department
24 on programs that enable the private sector, National
25 Laboratories, and institutions of higher education to

1 carry out experiments to promote scientific progress
2 and enhance practical knowledge of nuclear engi-
3 neering.

4 (d) HIGH-PERFORMANCE COMPUTATION AND SUP-
5 PORTIVE RESEARCH.—

6 (1) MODELING AND SIMULATION PROGRAM.—

7 (A) IN GENERAL.—The Secretary shall
8 carry out a program to enhance the capabilities
9 of the United States to develop new reactor
10 technologies and related systems technologies
11 through high-performance computation mod-
12 eling and simulation techniques (referred to in
13 this paragraph as the “program”).

14 (B) COORDINATION REQUIRED.—In car-
15 rying out the program, the Secretary shall co-
16 ordinate with relevant Federal agencies through
17 the National Strategic Computing Initiative es-
18 tablished by Executive Order 13702 (80 Fed.
19 Reg. 46177) (July 29, 2015).

20 (C) OBJECTIVES.—In carrying out the pro-
21 gram, the Secretary shall take into consider-
22 ation the following objectives:

23 (i) Using expertise from the private
24 sector, institutions of higher education,
25 and National Laboratories to develop com-

1 computational software and capabilities that
2 prospective users may access to accelerate
3 research and development of advanced fis-
4 sion reactor systems, nuclear fusion sys-
5 tems, and reactor systems for space explo-
6 ration.

7 (ii) Developing computational tools to
8 simulate and predict nuclear phenomena
9 that may be validated through physical ex-
10 perimentation.

11 (iii) Increasing the utility of the re-
12 search infrastructure of the Department by
13 coordinating with the Advanced Scientific
14 Computing Research program of the Office
15 of Science.

16 (iv) Leveraging experience from the
17 Energy Innovation Hub for Modeling and
18 Simulation.

19 (v) Ensuring that new experimental
20 and computational tools are accessible to
21 relevant research communities, including
22 private companies engaged in nuclear en-
23 ergy technology development.

24 (2) SUPPORTIVE RESEARCH ACTIVITIES.—The
25 Secretary shall consider support for additional re-

1 search activities to maximize the utility of the re-
2 search facilities of the Department, including re-
3 search—

4 (A) on physical processes to simulate deg-
5 radation of materials and behavior of fuel
6 forms; and

7 (B) for validation of computational tools.

8 (e) VERSATILE NEUTRON SOURCE.—

9 (1) DETERMINATION OF MISSION NEED.—

10 (A) IN GENERAL.—Not later than Decem-
11 ber 31, 2016, the Secretary shall determine the
12 mission need for a versatile reactor-based fast
13 neutron source, which shall operate as a na-
14 tional user facility (referred to in this sub-
15 section as the “user facility”).

16 (B) CONSULTATION REQUIRED.—In car-
17 rying out subparagraph (A), the Secretary shall
18 consult with the private sector, institutions of
19 higher education, the National Laboratories,
20 and relevant Federal agencies to ensure that
21 the user facility will meet the research needs of
22 the largest possible majority of prospective
23 users.

24 (2) PLAN FOR ESTABLISHMENT.—On the deter-
25 mination of the mission need under paragraph (1),

1 the Secretary, as expeditiously as practicable, shall
2 submit to the Committee on Energy and Natural
3 Resources of the Senate and the Committee on
4 Science, Space, and Technology of the House of
5 Representatives a detailed plan for the establishment
6 of the user facility (referred to in this section as the
7 “plan”).

8 (3) DEADLINE FOR ESTABLISHMENT.—The
9 Secretary shall make every effort to complete con-
10 struction of, and approve the start of operations for,
11 the user facility by December 31, 2025.

12 (4) FACILITY REQUIREMENTS.—

13 (A) CAPABILITIES.—The Secretary shall
14 ensure that the user facility shall provide, at a
15 minimum—

16 (i) fast neutron spectrum irradiation
17 capability; and

18 (ii) capacity for upgrades to accommo-
19 date new or expanded research needs.

20 (B) CONSIDERATIONS.—In carrying out
21 the plan, the Secretary shall consider—

22 (i) capabilities that support experi-
23 mental high-temperature testing;

24 (ii) providing a source of fast neu-
25 trons—

1 (I) at a neutron flux that is high-
2 er than the neutron flux at which re-
3 search facilities operate before estab-
4 lishment of the user facility; and

5 (II) sufficient to enable research
6 for an optimal base of prospective
7 users;

8 (iii) maximizing irradiation flexibility
9 and irradiation volume to accommodate as
10 many concurrent users as possible;

11 (iv) capabilities for irradiation with
12 neutrons of a lower energy spectrum;

13 (v) multiple loops for fuels and mate-
14 rials testing in different coolants; and

15 (vi) additional pre-irradiation and
16 post-irradiation examination capabilities.

17 (5) COORDINATION.—In carrying out this sub-
18 section, the Secretary shall leverage the best prac-
19 tices of the Office of Science for the management,
20 construction, and operation of national user facili-
21 ties.

22 (6) REPORT.—The Secretary shall include in
23 the annual budget request of the Department an ex-
24 planation for any delay in carrying out this sub-
25 section.

1 (f) ENABLING NUCLEAR ENERGY INNOVATION.—

2 (1) ESTABLISHMENT OF NATIONAL NUCLEAR
3 INNOVATION CENTER.—The Secretary may enter
4 into a memorandum of understanding with the
5 Chairman of the Nuclear Regulatory Commission to
6 establish a center to be known as the “National Nu-
7 clear Innovation Center” (referred to in this sub-
8 section as the “Center”)—

9 (A) to enable the testing and demonstra-
10 tion of reactor concepts to be proposed and
11 funded, in whole or in part, by the private sec-
12 tor;

13 (B) to establish and operate a database to
14 store and share data and knowledge on nuclear
15 science between Federal agencies and private
16 industry; and

17 (C) to establish capabilities to develop and
18 test reactor electric and nonelectric integration
19 and energy conversion systems.

20 (2) ROLE OF NRC.—In operating the Center,
21 the Secretary shall—

22 (A) consult with the Nuclear Regulatory
23 Commission on safety issues; and

1 (B) permit staff of the Nuclear Regulatory
2 Commission to actively observe and learn about
3 the technology being developed at the Center.

4 (3) OBJECTIVES.—A reactor developed under
5 paragraph (1)(A) shall have the following objectives:

6 (A) Enabling physical validation of fusion
7 and advanced fission experimental reactors at
8 the National Laboratories or other facilities of
9 the Department.

10 (B) Resolving technical uncertainty and in-
11 crease practical knowledge relevant to safety,
12 resilience, security, and functionality of novel
13 reactor concepts.

14 (C) Conducting general research and devel-
15 opment to improve novel reactor technologies.

16 (4) USE OF TECHNICAL EXPERTISE.—In oper-
17 ating the Center, the Secretary shall leverage the
18 technical expertise of relevant Federal agencies and
19 National Laboratories—

20 (A) to minimize the time required to carry
21 out paragraph (3); and

22 (B) to ensure reasonable safety for individ-
23 uals working at the National Laboratories or
24 other facilities of the Department to carry out
25 that paragraph.

1 (5) REPORTING REQUIREMENT.—

2 (A) IN GENERAL.—Not later than 180
3 days after the date of enactment of this Act,
4 the Secretary, in consultation with the National
5 Laboratories, relevant Federal agencies, and
6 other stakeholders, shall submit to the Com-
7 mittee on Energy and Natural Resources and
8 the Committee on Environment and Public
9 Works of the Senate and the Committee on
10 Science, Space, and Technology and the Com-
11 mittee on Energy and Commerce of the House
12 of Representatives a report assessing the capa-
13 bilities of the Department to authorize, host,
14 and oversee privately proposed and funded reac-
15 tors (as described in paragraph (1)(A)).

16 (B) CONTENTS.—The report shall ad-
17 dress—

18 (i) the safety review and oversight ca-
19 pabilities of the Department, including op-
20 tions to leverage expertise from the Nu-
21 clear Regulatory Commission and the Na-
22 tional Laboratories;

23 (ii) potential sites capable of hosting
24 the activities described in paragraph (1);

1 (iii) the efficacy of the available con-
2 tractual mechanisms of the Department to
3 partner with the private sector and other
4 Federal agencies, including cooperative re-
5 search and development agreements, stra-
6 tegic partnership projects, and agreements
7 for commercializing technology;

8 (iv) how the Federal Government and
9 the private sector will address potential in-
10 tellectual property concerns;

11 (v) potential cost structures relating
12 to physical security, decommissioning, li-
13 ability, and other long term project costs;
14 and

15 (vi) other challenges or considerations
16 identified by the Secretary.

17 (g) BUDGET PLAN.—

18 (1) IN GENERAL.—Not later than 1 year after
19 the date of enactment of this Act, the Secretary
20 shall submit to the Committee on Energy and Nat-
21 ural Resources of the Senate and the Committee on
22 Science, Space, and Technology of the House of
23 Representatives 3 alternative 10-year budget plans
24 for civilian nuclear energy research and development

1 by the Department in accordance with paragraph
2 (2).

3 (2) DESCRIPTION OF PLANS.—

4 (A) IN GENERAL.—The 3 alternative 10-
5 year budget plans submitted under paragraph
6 (1) shall be the following:

7 (i) A plan that assumes constant an-
8 nual funding at the level of appropriations
9 for fiscal year 2016 for the civilian nuclear
10 energy research and development of the
11 Department, particularly for programs
12 critical to advanced nuclear projects and
13 development.

14 (ii) A plan that assumes 2 percent an-
15 nual increases to the level of appropria-
16 tions described in clause (i).

17 (iii) A plan that uses an uncon-
18 strained budget.

19 (B) INCLUSIONS.—Each plan shall in-
20 clude—

21 (i) a prioritized list of the programs,
22 projects, and activities of the Department
23 that best support the development, licens-
24 ing, and deployment of advanced nuclear
25 energy technologies;

1 (ii) realistic budget requirements for
2 the Department to carry out subsections
3 (d), (e), and (f); and

4 (iii) the justification of the Depart-
5 ment for continuing or terminating exist-
6 ing civilian nuclear energy research and
7 development programs.

8 (h) NUCLEAR REGULATORY COMMISSION REPORT.—
9 Not later than December 31, 2016, the Chairman of the
10 Nuclear Regulatory Commission shall submit to the Com-
11 mittee on Energy and Natural Resources and the Com-
12 mittee on Environment and Public Works of the Senate
13 and the Committee on Science, Space, and Technology
14 and the Committee on Energy and Commerce of the
15 House of Representatives a report describing—

16 (1) the extent to which the Nuclear Regulatory
17 Commission is capable of licensing advanced reactor
18 designs that are developed pursuant to this section
19 by the end of the 4-year period beginning on the
20 date on which an application is received under part
21 50 or 52 of title 10, Code of Federal Regulations (or
22 successor regulations); and

23 (2) any organizational or institutional barriers
24 the Nuclear Regulatory Commission will need to
25 overcome to be able to license the advanced reactor

1 designs that are developed pursuant to this section
2 by the end of the 4-year period described in para-
3 graph (1).

4 **SEC. 3502. NEXT GENERATION NUCLEAR PLANT PROJECT.**

5 Section 642(b) of the Energy Policy Act of 2005 (42
6 U.S.C. 16022(b)) is amended—

7 (1) by striking paragraph (3); and

8 (2) by redesignating paragraphs (4) and (5) as
9 paragraphs (3) and (4), respectively.

10 **Subtitle G—Workforce**
11 **Development**

12 **SEC. 3601. 21ST CENTURY ENERGY WORKFORCE ADVISORY**
13 **BOARD.**

14 (a) ESTABLISHMENT.—The Secretary shall establish
15 the 21st Century Energy Workforce Advisory Board (re-
16 ferred to in this section as the “Board”), to develop a
17 strategy for the support and development of a skilled en-
18 ergy workforce that—

19 (1) meets the current and future industry and
20 labor needs of the energy sector;

21 (2) provides opportunities for students to be-
22 come qualified for placement in traditional energy
23 sector and clean energy sector jobs;

1 (3) aligns apprenticeship programs and work-
2 force development programs to provide industry rec-
3 ognized certifications and credentials;

4 (4) encourages leaders in the education system
5 of the United States to equip students with the
6 skills, mentorships, training, and technical expertise
7 necessary to fill the employment opportunities vital
8 to managing and operating the energy- and manu-
9 facturing-related industries of the United States;

10 (5) appropriately supports other Federal agen-
11 cies;

12 (6) strengthens and more fully engages work-
13 force training programs of the Department and the
14 National Laboratories in carrying out the Minorities
15 in Energy Initiative of the Department and other
16 Department workforce priorities;

17 (7) supports the design and replication of exist-
18 ing model energy curricula, particularly in new and
19 emerging technologies, that leads to industry-wide
20 credentials;

21 (8) develops plans to support and retrain dis-
22 placed and unemployed energy sector workers; and

23 (9) makes a Department priority to provide
24 education and job training to underrepresented
25 groups, including ethnic minorities, Indian tribes (as

1 defined in section 4 of the Indian Self-Determination
2 and Education Assistance Act (25 U.S.C. 450b)),
3 women, veterans, and socioeconomically disadvan-
4 tagged individuals.

5 (b) MEMBERSHIP.—

6 (1) IN GENERAL.—The Board shall be com-
7 posed of 9 members, with the initial members of the
8 Board to be appointed by the Secretary not later
9 than 1 year after the date of enactment of this Act.

10 (2) NOMINATIONS.—Not later than 1 year after
11 the date of enactment of this Act, the President’s
12 Council of Advisors on Science and Technology shall
13 nominate for appointment to the Board under para-
14 graph (1) not less than 18 individuals who meet the
15 qualifications described in paragraph (3).

16 (3) QUALIFICATIONS.—Each individual nomi-
17 nated for appointment to the Board under para-
18 graph (1) shall—

19 (A) be eminent in the field of economics or
20 workforce development;

21 (B) have expertise in relevant traditional
22 energy industries and clean energy industries;

23 (C) have expertise in secondary and post-
24 secondary education;

1 (D) have expertise in energy workforce de-
2 velopment or apprentice programs of States and
3 units of local government;

4 (E) have expertise in relevant organized
5 labor organizations; or

6 (F) have expertise in bringing underrep-
7 resented groups, including ethnic minorities,
8 women, veterans, and socioeconomically dis-
9 advantaged individuals, into the workforce.

10 (4) REPRESENTATION.—The membership of the
11 Board shall be representative of the broad range of
12 the energy industry, labor organizations, workforce
13 development, education, minority participation, cy-
14 bersecurity, and economics disciplines related to ac-
15 tivities carried out under this section.

16 (5) LIMITATION.—No individual shall be nomi-
17 nated for appointment to the Board who is an em-
18 ployee of an entity applying for a grant under sec-
19 tion 3602.

20 (c) ADVISORY BOARD REVIEW AND RECOMMENDA-
21 TIONS.—

22 (1) DETERMINATION BY BOARD.—In developing
23 the strategy required under subsection (a), the
24 Board shall—

1 (A) determine whether there are opportuni-
2 ties to more effectively and efficiently use the
3 capabilities of the Department in the develop-
4 ment of a skilled energy workforce;

5 (B) identify ways in which the Department
6 could work with other relevant Federal agen-
7 cies, States, units of local government, edu-
8 cational institutions, labor, and industry in the
9 development of a skilled energy workforce;

10 (C) identify ways in which the Department
11 and National Laboratories can—

12 (i) increase outreach to minority-serv-
13 ing institutions; and

14 (ii) make resources available to in-
15 crease the number of skilled minorities and
16 women trained to go into the energy- and
17 manufacturing-related sectors;

18 (D) identify ways in which the Department
19 and National Laboratories can—

20 (i) increase outreach to displaced and
21 unemployed energy sector workers; and

22 (ii) make resources available to pro-
23 vide training to displaced and unemployed
24 energy sector workers to reenter the en-
25 ergy workforce; and

1 (E) identify the energy sectors in greatest
2 need of workforce training and develop guide-
3 lines for the skills necessary to develop a work-
4 force trained to work in those energy sectors.

5 (2) REQUIRED ANALYSIS.—In developing the
6 strategy required under subsection (a), the Board
7 shall analyze the effectiveness of—

8 (A) existing Department directed support;
9 and

10 (B) developing energy workforce training
11 programs.

12 (3) REPORT.—Not later than 1 year after the
13 date on which the Board is established under this
14 section, and each year thereafter, the Board shall
15 submit to the Secretary and Congress, and make
16 public, a report containing the findings of the Board
17 and model energy curricula with respect to the strat-
18 egy required to be developed under subsection (a).

19 (d) REPORT BY SECRETARY.—Not later than 18
20 months after the date on which the Board is established
21 under this section, the Secretary shall submit to the Com-
22 mittees on Appropriations of Senate and the House of
23 Representatives, the Committee on Energy and Natural
24 Resources of the Senate, and the Committee on Energy

1 and Commerce of the House of Representatives a report
2 that—

3 (1) describes whether the Secretary approves or
4 disapproves the recommendations of the Board
5 under subsection (c)(3); and

6 (2) provides an implementation plan for rec-
7 ommendations approved by the Board under para-
8 graph (1).

9 (e) CLEARINGHOUSE.—Based on the recommenda-
10 tions of the Board, the Secretary shall establish a clearing-
11 house—

12 (1) to maintain and update information and re-
13 sources on training and workforce development pro-
14 grams for energy- and manufacturing-related jobs;
15 and

16 (2) to act as a resource, and provide guidance,
17 for secondary schools, institutions of higher edu-
18 cation (including community colleges and minority-
19 serving institutions), workforce development organi-
20 zations, labor management organizations, and indus-
21 try organizations that would like to develop and im-
22 plement energy- and manufacturing-related training
23 programs.

1 (f) OUTREACH TO MINORITY-SERVING INSTITU-
2 TIONS.—In developing the strategy under subsection (a),
3 the Board shall—

4 (1) give special consideration to increasing out-
5 reach to minority-serving institutions (including his-
6 torically black colleges and universities, predomi-
7 nantly black institutions, Hispanic serving institu-
8 tions, and tribal institutions);

9 (2) make resources available to minority-serving
10 institutions with the objective of increasing the num-
11 ber of skilled minorities and women trained to go
12 into the energy and manufacturing sectors; and

13 (3) encourage industry to improve the opportu-
14 nities for students of minority-serving institutions to
15 participate in industry internships and cooperative
16 work-study programs.

17 (g) SUNSET.—The Board established under this sec-
18 tion shall remain in effect until September 30, 2020.

19 **SEC. 3602. ENERGY WORKFORCE PILOT GRANT PROGRAM.**

20 (a) IN GENERAL.—Not later than 1 year after the
21 date of enactment of this Act, the Secretary, in consulta-
22 tion with the Secretary of Labor and the Secretary of
23 Education, shall establish a pilot program to award grants
24 on a competitive basis to eligible entities for job training
25 programs that lead to an industry-recognized credential.

1 (b) ELIGIBILITY.—To be eligible to receive a grant
2 under this section, an entity shall be a public or nonprofit
3 organization or a consortium of public or nonprofit organi-
4 zations that—

5 (1) includes an advisory board of proportional
6 participation, as determined by the Secretary, of rel-
7 evant organizations, including—

8 (A) relevant energy industry organizations,
9 including public and private employers;

10 (B) labor organizations;

11 (C) postsecondary education organizations;

12 and

13 (D) workforce development boards;

14 (2) demonstrates experience in implementing
15 and operating job training and education programs;

16 (3) demonstrates the ability to recruit and sup-
17 port individuals who plan to work in the energy in-
18 dustry in the successful completion of relevant job
19 training and education programs; and

20 (4) provides students who complete the job
21 training and education program with an industry-
22 recognized credential.

23 (c) APPLICATIONS.—Eligible entities desiring a grant
24 under this section shall submit to the Secretary an appli-

1 cation at such time, in such manner, and containing such
2 information as the Secretary may require.

3 (d) PRIORITY.—In selecting eligible entities to receive
4 grants under this section, the Secretary shall prioritize ap-
5 plicants that—

6 (1) house the job training and education pro-
7 grams in—

8 (A) a community college or institution of
9 higher education that includes basic science and
10 math education in the curriculum of the com-
11 munity college, institution of higher education;
12 or

13 (B) an apprenticeship program registered
14 with the Department of Labor or a State (as
15 defined in 202 of the Energy Conservation and
16 Production Act (42 U.S.C. 6802)) (referred to
17 in this section as the “State”);

18 (2) work with the Secretary of Defense and the
19 Secretary of Veterans Affairs or veteran service or-
20 ganizations recognized by the Secretary of Veterans
21 Affairs under section 5902 of title 38, United States
22 Code, to transition members of the Armed Forces
23 and veterans to careers in the energy sector;

24 (3) work with Indian tribes (as defined in sec-
25 tion 4 of the Indian Self-Determination and Edu-

1 cation Assistance Act (25 U.S.C. 450b)), tribal orga-
2 nizations (as defined in section 3765 of title 38,
3 United States Code), and Native American veterans
4 (as defined in section 3765 of title 38, United States
5 Code), including veterans who are a descendant of
6 an Alaska Native (as defined in section 3(r) of the
7 Alaska Native Claims Settlement Act (43 U.S.C.
8 1602(r));

9 (4) apply as a State or regional consortia to le-
10 verage best practices already available in the State
11 or region in which the community college or institu-
12 tion of higher education is located;

13 (5) have a State-supported entity included in
14 the consortium applying for the grant;

15 (6) include an apprenticeship program reg-
16 istered with the Department of Labor or a State as
17 part of the job training and education program;

18 (7) provide support services and career coach-
19 ing;

20 (8) provide introductory energy workforce devel-
21 opment training;

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

1 (10) provide job training for displaced and un-
2 employed workers in the energy sector;

3 (11) establish a community college or 2-year
4 technical college-based “Center of Excellence” for an
5 energy and maritime workforce technical training
6 program; or

7 (12) are located in close proximity to marine or
8 port facilities in the Gulf of Mexico, Atlantic Ocean,
9 Pacific Ocean, Arctic Ocean, Bering Sea, Gulf of
10 Alaska, or Great Lakes.

11 (e) ADDITIONAL CONSIDERATION.—In making
12 grants under this section, the Secretary shall consider re-
13 gional diversity.

14 (f) LIMITATION ON APPLICATIONS.—An eligible enti-
15 ty may not submit, either individually or as part of a joint
16 application, more than 1 application for a grant under this
17 section during any 1 fiscal year.

18 (g) LIMITATIONS ON AMOUNT OF GRANT.—The
19 amount of an individual grant for any 1 year shall not
20 exceed \$1,000,000.

21 (h) COST SHARING.—

22 (1) FEDERAL SHARE.—The Federal share of
23 the cost of a job training and education program
24 carried out using a grant under this section shall be
25 not greater than 65 percent.

1 (2) NON-FEDERAL SHARE.—

2 (A) IN GENERAL.—The non-Federal share
3 of the cost of a job training and education pro-
4 gram carried out using a grant under this sec-
5 tion shall consist of not less than 50 percent
6 cash.

7 (B) LIMITATION.—Not greater than 50
8 percent of the non-Federal contribution of the
9 total cost of a job training and education pro-
10 gram carried out using a grant under this sec-
11 tion shall be in the form of in-kind contribu-
12 tions of goods or services fairly valued.

13 (i) REDUCTION OF DUPLICATION.—Prior to submit-
14 ting an application for a grant under this section, each
15 applicant shall consult with the appropriate agencies of
16 the Federal Government and coordinate the proposed ac-
17 tivities of the applicant with existing State and local pro-
18 grams.

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

24 (k) TECHNICAL ASSISTANCE.—The Secretary shall
25 provide technical assistance and capacity building to na-

1 tional and State energy partnerships, including the enti-
2 ties described in subsection (b)(1), to leverage the existing
3 job training and education programs of the Department.

4 (l) REPORT.—The Secretary shall submit to Congress
5 and make publicly available on the website of the Depart-
6 ment an annual report on the program established under
7 this section, including a description of—

8 (1) the entities receiving grants;

9 (2) the activities carried out using the grants;

10 (3) best practices used to leverage the invest-
11 ment of the Federal Government;

12 (4) the rate of employment for participants
13 after completing a job training and education pro-
14 gram carried out using a grant; and

15 (5) an assessment of the results achieved by the
16 program.

17 (m) AUTHORIZATION OF APPROPRIATIONS.—There is
18 authorized to be appropriated to carry out this section
19 \$20,000,000 for each of fiscal years 2017 through 2020.

20 **Subtitle H—Recycling**

21 **SEC. 3701. RECYCLED CARBON FIBER.**

22 (a) STUDY.—

23 (1) IN GENERAL.—The Secretary shall conduct
24 a study on—

1 (A) the technology of recycled carbon fiber
2 and production waste carbon fiber; and

3 (B) the potential lifecycle energy savings
4 and economic impact of recycled carbon fiber.

5 (2) FACTORS FOR CONSIDERATION.—In con-
6 ducting the study under paragraph (1), the Sec-
7 retary shall consider—

8 (A) the quantity of recycled carbon fiber or
9 production waste carbon fiber that would make
10 the use of recycled carbon fiber or production
11 waste carbon fiber economically viable;

12 (B) any existing or potential barriers to re-
13 cycling carbon fiber or using recycled carbon
14 fiber;

15 (C) any financial incentives that may be
16 necessary for the development of recycled car-
17 bon fiber or production waste carbon fiber;

18 (D) the potential lifecycle savings in energy
19 from producing recycled carbon fiber, as com-
20 pared to producing new carbon fiber;

21 (E) the best and highest use for recycled
22 carbon fiber;

23 (F) the potential reduction in carbon diox-
24 ide emissions from producing recycled carbon

1 fiber, as compared to producing new carbon
2 fiber;

3 (G) any economic benefits gained from
4 using recycled carbon fiber or production waste
5 carbon fiber;

6 (H) workforce training and skills needed to
7 address labor demands in the development of
8 recycled carbon fiber or production waste car-
9 bon fiber; and

10 (I) how the Department can leverage exist-
11 ing efforts in the industry on the use of produc-
12 tion waste carbon fiber.

13 (3) REPORT.—Not later than 1 year after the
14 date of enactment of this Act, the Secretary shall
15 submit to Congress a report describing the results of
16 the study conducted under paragraph (1).

17 (b) RECYCLED CARBON FIBER DEMONSTRATION
18 PROJECT.—On completion of the study required under
19 subsection (a)(1), the Secretary shall consult with the
20 aviation and automotive industries and existing programs
21 of the Advanced Manufacturing Office of the Department
22 to develop a carbon fiber recycling demonstration project.

23 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
24 authorized to be appropriated to the Secretary to carry

1 out this section \$10,000,000, to remain available until ex-
2 pended.

3 **SEC. 3702. ENERGY GENERATION AND REGULATORY RE-**
4 **LIEF STUDY REGARDING RECOVERY AND**
5 **CONVERSION OF NONRECYCLED MIXED**
6 **PLASTICS.**

7 (a) DEFINITIONS.—In this section:

8 (1) ENGINEERED FUEL.—The term “engi-
9 neered fuel” means a solid fuel that is manufactured
10 from nonrecycled constituents of municipal solid
11 waste or other secondary materials.

12 (2) GASIFICATION.—The term “gasification”
13 means a process through which nonrecycled waste is
14 heated and converted to synthesis gas in an oxygen-
15 deficient atmosphere, which can be converted into
16 fuels such as ethanol or other chemical feedstocks.

17 (3) PYROLYSIS.—The term “pyrolysis” means a
18 process through which nonrecycled plastics are heat-
19 ed in the absence of oxygen until melted and ther-
20 mally decomposed, and are then cooled, condensed,
21 and converted into synthetic crude oil or refined into
22 synthetic fuels and feedstocks such as diesel or
23 naphtha.

24 (b) STUDY.—With respect to nonrecycled mixed plas-
25 ties that are part of municipal solid waste or other sec-

1 onduary materials in the United States (and are often de-
2 posited in landfills), the Secretary shall conduct a study
3 to determine the manner in which the United States can
4 make progress toward a cost-effective system (including
5 with respect to environmental issues) through which pyrol-
6 ysis, gasification, and other innovative technologies such
7 as engineered fuels are used to convert such plastics, alone
8 or in combination with other municipal solid waste or sec-
9 onduary materials, into materials that can be used to gen-
10 erate electric energy or fuels or as chemical feedstocks.

11 (c) COMPLETION OF STUDY.—Not later than 2 years
12 after the date of enactment of this Act, the Secretary shall
13 complete the study described in subsection (b) and submit
14 to the appropriate committees of Congress reports pro-
15 viding findings and recommendations developed through
16 the study.

17 (d) FUNDING.—The Secretary may use unobligated
18 funds of the Department to carry out this section.

19 **SEC. 3703. ELIGIBLE PROJECTS.**

20 Section 1703(b)(1) of the Energy Policy Act of 2005
21 (42 U.S.C. 16513(b)(1)) is amended by inserting “(ex-
22 cluding the burning of commonly recycled paper that has
23 been segregated from solid waste to generate electricity)”
24 after “systems”.

1 **SEC. 3704. PROMOTING USE OF RECLAIMED REFRIG-**
 2 **ERANTS IN FEDERAL FACILITIES.**

3 (a) IN GENERAL.—Not later than 180 days after the
 4 date of enactment of this Act, the Administrator of Gen-
 5 eral Services shall issue guidance relating to the procure-
 6 ment of reclaimed refrigerants to service existing equip-
 7 ment of Federal facilities.

8 (b) PREFERENCE.—The guidance issued under sub-
 9 section (a) shall give preference to the use of reclaimed
 10 refrigerants, on the conditions that—

11 (1) the refrigerant has been reclaimed by a per-
 12 son or entity that is certified under the laboratory
 13 certification program of the Air Conditioning, Heat-
 14 ing, and Refrigeration Institute; and

15 (2) the price of the reclaimed refrigerant does
 16 not exceed the price of a newly manufactured (vir-
 17 gin) refrigerant.

18 **Subtitle I—Thermal Energy**

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

21 (a) IN GENERAL.—Section 203 of the Energy Policy
 22 Act of 2005 (42 U.S.C. 15852) (as amended by section
 23 3001(b)) is amended—

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

1 (2) in subsection (b)—

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

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

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

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

10 “(B) waste gas or industrial tail gas that
11 would otherwise be flared, incinerated, or vent-
12 ed;

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

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

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

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

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

4 (3) in subsection (c)—

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

8 (B) in the matter preceding subparagraph
9 (A) (as so redesignated), by striking “For pur-
10 poses” and inserting the following:

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

12 (C) by adding at the end the following:

13 “(2) SEPARATE CALCULATION.—

14 “(A) IN GENERAL.—For purposes of deter-
15 mining compliance with the requirements of
16 this section, any energy consumption that is
17 avoided through the use of renewable energy
18 shall be considered to be renewable energy pro-
19 duced.

20 “(B) DENIAL OF DOUBLE BENEFIT.—
21 Avoided energy consumption that is considered
22 to be renewable energy produced under sub-
23 paragraph (A) shall not also be counted for
24 purposes of achieving compliance with another
25 Federal energy efficiency goal.”.

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

6 **TITLE IV—ACCOUNTABILITY**

7 **Subtitle A—Loan Programs**

8 **SEC. 4001. TERMS AND CONDITIONS FOR INCENTIVES FOR** 9 **INNOVATIVE TECHNOLOGIES.**

10 (a) BORROWER PAYMENT OF SUBSIDY COST.—

11 (1) IN GENERAL.—Section 1702 of the Energy
12 Policy Act of 2005 (42 U.S.C. 16512) is amended
13 by adding at the end the following:

14 “(1) BORROWER PAYMENT OF SUBSIDY COST.—

15 “(1) IN GENERAL.—In addition to the require-
16 ment in subsection (b)(1), no guarantee shall be
17 made unless the Secretary has received from the
18 borrower not less than 25 percent of the cost of the
19 guarantee.

20 “(2) ESTIMATE.—The Secretary shall provide
21 to the borrower, as soon as practicable, an estimate
22 or range of the cost of the guarantee under para-
23 graph (1).”.

1 (2) CONFORMING AMENDMENT.—Section
2 1702(b) of the Energy Policy Act of 2005 (42
3 U.S.C. 16512(b)) is amended—

4 (A) by striking “(1) IN GENERAL.—No
5 guarantee” and inserting the following: “Sub-
6 ject to subsection (l), no guarantee”;

7 (B) by redesignating subparagraphs (A),
8 (B), and (C) as paragraphs (1), (2), and (3),
9 respectively, and indenting appropriately; and

10 (C) in paragraph (3) (as so redesign-
11 ated)—

12 (i) by striking “subparagraph (A)”
13 and inserting “paragraph (1)”; and

14 (ii) by striking “subparagraph (B)”
15 and inserting “paragraph (2)”.

16 (3) EFFECTIVE DATE.—The amendments made
17 by paragraphs (1) and (2) shall take effect on Octo-
18 ber 1, 2019.

19 (b) PROHIBITION ON SUBORDINATION OF DEBT.—
20 Section 1702(d)(3) of the Energy Policy Act of 2005 (42
21 U.S.C. 16512(d)(3)) is amended by striking “is not subor-
22 dinate” and inserting “(including any reorganization, re-
23 structuring, or termination of the obligation) shall not at
24 any time be subordinate”.

1 (c) LOAN PROGRAM TRANSPARENCY.—Section 1703
2 of the Energy Policy Act of 2005 (42 U.S.C. 16513) is
3 amended by adding at the end the following:

4 “(f) LOAN STATUS.—

5 “(1) REQUEST.—If the Secretary does not
6 make a final decision on an application for a loan
7 guarantee under this section by the date that is 270
8 days after receipt of the application by the Sec-
9 retary, on that date and every 90 days thereafter
10 until the final decision is made, the applicant may
11 request that the Secretary provide to the applicant
12 a description of the status of the application.

13 “(2) RESPONSE.—Not later than 10 days after
14 receiving a request from an applicant under para-
15 graph (1), the Secretary shall provide to the appli-
16 cant a response that includes—

17 “(A) a summary of any factors that are
18 delaying a final decision on the application; and

19 “(B) an estimate of when review of the ap-
20 plication will be completed.”.

21 (d) TEMPORARY PROGRAM FOR RAPID DEPLOYMENT
22 OF RENEWABLE ENERGY AND ELECTRIC POWER TRANS-
23 MISSION PROJECTS.—

24 (1) REPEAL.—Section 1705 of the Energy Pol-
25 icy Act of 2005 (42 U.S.C. 16516) is repealed.

1 (2) RESCISSION.—There is rescinded the unob-
2 ligated balance of amounts made available to carry
3 out the loan guarantee program established under
4 section 1705 of the Energy Policy Act of 2005 (42
5 U.S.C. 16516) (before the amendment made by
6 paragraph (1)).

7 (3) MANAGEMENT.—The Secretary shall ensure
8 rigorous continued management and oversight of all
9 outstanding loans guaranteed under the program de-
10 scribed in subsection (b) until those loans have been
11 repaid in full.

12 **SEC. 4002. STATE LOAN ELIGIBILITY.**

13 (a) DEFINITIONS.—Section 1701 of the Energy Pol-
14 icy Act of 2005 (42 U.S.C. 16511) is amended by adding
15 at the end the following:

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

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

21 “(A) IN GENERAL.—The term ‘State en-
22 ergy financing institution’ means a quasi-inde-
23 pendent entity or an entity within a State agen-
24 cy or financing authority established by a
25 State—

1 “(i) to provide financing support or
2 credit enhancements, including loan guar-
3 antees and loan loss reserves, for eligible
4 projects; and

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

10 “(B) INCLUSION.—The term ‘State energy
11 financing institution’ includes an entity or orga-
12 nization established to achieve the purposes de-
13 scribed in clauses (i) and (ii) of subparagraph
14 (A) by an Indian tribal entity or an Alaska Na-
15 tive Corporation.”.

16 (b) TERMS AND CONDITIONS.—Section 1702 of the
17 Energy Policy Act of 2005 (42 U.S.C. 16512) (as amend-
18 ed by section 4001(a)(1)) is amended—

19 (1) in subsection (a), by inserting “or to a
20 State energy financing institution” after “for
21 projects”; and

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

23 “(m) STATE ENERGY FINANCING INSTITUTIONS.—

1 “(1) ELIGIBILITY.—To be eligible for a guar-
2 antee under this title, a State energy financing insti-
3 tution—

4 “(A) shall meet the requirements of section
5 1703(a)(1); and

6 “(B) shall not be required to meet the re-
7 quirements of section 1703(a)(2).

8 “(2) PARTNERSHIPS AUTHORIZED.—In car-
9 rying out a project receiving a loan guarantee under
10 this title, State energy financing institutions may
11 enter into partnerships with private entities, tribal
12 entities, and Alaska Native corporations.

13 “(3) PROHIBITION ON USE OF APPROPRIATED
14 FUNDS.—Amounts appropriated to the Department
15 of Energy before the date of enactment of this sub-
16 section shall not be available to be used for the cost
17 of loan guarantees made to State energy financing
18 institutions under this subsection.”.

19 **SEC. 4003. GAO STUDY ON FOSSIL LOAN GUARANTEE IN-**
20 **CENTIVE PROGRAM.**

21 (a) IN GENERAL.—Not later than 180 days after the
22 date of enactment of this Act, the Comptroller General
23 of the United States shall carry out, and submit to Con-
24 gress a report describing the results of, a study on the
25 effectiveness of the advanced fossil loan guarantee incen-

1 tive program and other incentive programs for advanced
2 fossil energy of the Department.

3 (b) CONTENTS.—In carrying out the study under
4 subsection (a), the Comptroller General of the United
5 States shall—

6 (1) solicit industry and stakeholder input;

7 (2) evaluate the effectiveness of the advanced
8 fossil loan guarantee incentive program, alone or in
9 combination with other incentives, in advancing car-
10 bon capture and storage technology;

11 (3) review each Federal incentive provided by
12 the Department and other Federal agencies for car-
13 bon capture and storage demonstration projects to
14 determine the adequacy and effectiveness of the
15 combined Federal incentives in advancing carbon
16 capture and storage and advanced fossil energy tech-
17 nologies;

18 (4) assess whether combinations of the incentive
19 programs in existence as of the date of enactment of
20 this Act could be effective to advance carbon capture
21 and storage and advanced fossil energy technologies;
22 and

23 (5) evaluate the impact and costs of imple-
24 menting the recommendations described in the Jan-
25 uary 2015 National Coal Council report entitled

1 “Fossil Forward: Revitalizing CCS, Bringing Scale
2 and Speed to CCS Deployment” on the effectiveness
3 of the advanced fossil loan guarantee program.

4 **SEC. 4004. PROGRAM ELIGIBILITY FOR VESSELS.**

5 Subtitle B of title I of the Energy Independence and
6 Security Act of 2007 (42 U.S.C. 17011 et seq.) is amend-
7 ed by adding at the end the following:

8 **“SEC. 137. ADVANCED TECHNOLOGY VEHICLES MANUFAC-**
9 **TURING INCENTIVE PROGRAM ELIGIBILITY**
10 **FOR VESSELS.**

11 “(a) DEFINITION OF VESSEL.—In this section, the
12 term ‘vessel’ means a vessel (as defined in section 3 of
13 title 1, United States Code), whether in existence or under
14 construction, that has been issued a certificate of docu-
15 mentation as a United States flagged vessel under chapter
16 121 of title 46, United States Code and that meets the
17 standards established under section 4005(a) of the Energy
18 Policy Modernization Act of 2016.

19 “(b) ELIGIBILITY.—Subject to the terms and condi-
20 tions of subsections (d) and (f) of section 136, projects
21 for the reequipping, expanding, or establishing of a manu-
22 facturing facility in the United States to produce vessels
23 shall be considered eligible for direct loans under section
24 136(d).

25 “(c) FUNDING.—

1 “(1) PROHIBITION ON USE OF EXISTING CRED-
2 IT SUBSIDY.—None of the projects made eligible
3 under this section shall be eligible to receive any
4 credit subsidy provided under section 136 before the
5 date of enactment of this section.

6 “(2) SPECIFIC APPROPRIATION OR CONTRIBU-
7 TION.—The authority under this section to incur in-
8 debtedness, or enter into contracts, obligating
9 amounts to be expended by the Federal Government
10 shall be effective for any fiscal year only—

11 “(A)(i) to such extent or in such amounts
12 as are provided in advance by appropriation
13 Acts; and

14 “(ii) if the borrower has agreed to pay a
15 reasonable percentage of the cost of the obliga-
16 tion; or

17 “(B) if the Secretary has received from the
18 borrower a payment in full for the cost of the
19 obligation and deposited the payment into the
20 Treasury.”.

21 **SEC. 4005. ADDITIONAL REFORMS.**

22 (a) ISSUANCE OF RULE.—Not later than 180 days
23 after the date of enactment of this Act and after consulta-
24 tion with, and taking into account comments from, the
25 vessel industry, the Secretary shall issue a rule that speci-

1 fees which energy efficiency improvement standards shall
2 apply to applicants for loans under section 137 of the En-
3 ergy Independence and Security Act of 2007 (as added
4 by section 4004) for the manufacturing, retrofitting, or
5 repowering vessels that have been issued certificates of
6 documentation as United States flagged vessels under
7 chapter 121 of title 46, United States Code.

8 (b) FEES.—Section 136 of the Energy Independence
9 and Security Act of 2007 (42 U.S.C. 17013) is amended
10 by striking subsection (f) and inserting the following:

11 “(f) FEES.—

12 “(1) IN GENERAL.—The Secretary shall charge
13 and collect fees for loans provided under this section
14 in amounts that the Secretary determines are suffi-
15 cient to cover applicable administrative expenses as-
16 sociated with the loans, including reasonable closing
17 fees on the loans.

18 “(2) AVAILABILITY.—Fees collected under
19 paragraph (1) shall—

20 “(A) be deposited by the Secretary into the
21 Treasury; and

22 “(B) remain available until expended, sub-
23 ject to such other conditions as are contained in
24 annual appropriations Acts.”.

1 **SEC. 4006. DEPARTMENT OF ENERGY INDIAN ENERGY EDU-**
2 **CATION PLANNING AND MANAGEMENT AS-**
3 **SISTANCE PROGRAM.**

4 Section 2602(b)(6) of the Energy Policy Act of 1992
5 (25 U.S.C. 3502(b)(6)) is amended by striking “2016”
6 and inserting “2026”.

7 **Subtitle B—Energy-Water Nexus**

8 **SEC. 4101. NEXUS OF ENERGY AND WATER FOR SUSTAIN-**
9 **ABILITY.**

10 (a) DEFINITIONS.—In this section:

11 (1) ENERGY-WATER NEXUS.—The term “en-
12 ergy-water nexus” means the links between—

13 (A) the water needed to produce fuels,
14 electricity, and other forms of energy; and

15 (B) the energy needed to transport, re-
16 claim, and treat water and wastewater.

17 (2) INTERAGENCY COORDINATION COM-
18 MITTEE.—The term “Interagency Coordination
19 Committee” means the Committee on the Nexus of
20 Energy and Water for Sustainability (or the
21 “NEWS Committee”) established under subsection
22 (b)(1).

23 (3) NEXUS OF ENERGY AND WATER SUSTAIN-
24 ABILITY OFFICE; NEWS OFFICE.—The term “Nexus
25 of Energy and Water Sustainability Office” or the
26 “NEWS Office” means an office located at the De-

1 department and managed in cooperation with the De-
2 partment of the Interior pursuant to an agreement
3 between the 2 agencies to carry out leadership and
4 administrative functions for the Interagency Coordi-
5 nation Committee.

6 (4) RD&D ACTIVITIES.—The term “RD&D ac-
7 tivities” means research, development, and dem-
8 onstration activities.

9 (b) INTERAGENCY COORDINATION COMMITTEE.—

10 (1) ESTABLISHMENT.—Not later than 180 days
11 after the date of enactment of this Act, the Sec-
12 retary and the Secretary of the Interior shall estab-
13 lish the joint NEWS Office and Interagency Coordi-
14 nation Committee on the Nexus of Energy and
15 Water for Sustainability (or the “NEWS Com-
16 mittee”) to carry out the duties described in para-
17 graph (3).

18 (2) ADMINISTRATION.—

19 (A) CHAIRS.—The Secretary and the Sec-
20 retary of the Interior shall jointly manage the
21 NEWS Office and serve as co-chairs of the
22 Interagency Coordination Committee.

23 (B) MEMBERSHIP; STAFFING.—Member-
24 ship and staffing shall be determined by the co-
25 chairs.

1 (3) DUTIES.—The Interagency Coordination
2 Committee shall—

3 (A) serve as a forum for developing com-
4 mon Federal goals and plans on energy-water
5 nexus RD&D activities in coordination with the
6 National Science and Technology Council;

7 (B) not later than 1 year after the date of
8 enactment of this Act, and biannually there-
9 after, issue a strategic plan on energy-water
10 nexus RD&D activities priorities and objectives;

11 (C) convene and promote coordination of
12 the activities of Federal departments and agen-
13 cies on energy-water nexus RD&D activities, in-
14 cluding the activities of—

15 (i) the Department;

16 (ii) the Department of the Interior;

17 (iii) the Corps of Engineers;

18 (iv) the Department of Agriculture;

19 (v) the Department of Defense;

20 (vi) the Department of State;

21 (vii) the Environmental Protection
22 Agency;

23 (viii) the Council on Environmental
24 Quality;

1 (ix) the National Institute of Stand-
2 ards and Technology;

3 (x) the National Oceanic and Atmos-
4 pheric Administration;

5 (xi) the National Science Foundation;

6 (xii) the Office of Management and
7 Budget;

8 (xiii) the Office of Science and Tech-
9 nology Policy;

10 (xiv) the National Aeronautics and
11 Space Administration; and

12 (xv) such other Federal departments
13 and agencies as the Interagency Coordina-
14 tion Committee considers appropriate;

15 (D)(i) coordinate and develop capabilities
16 and methodologies for data collection, manage-
17 ment, and dissemination of information related
18 to energy-water nexus RD&D activities from
19 and to other Federal departments and agencies;
20 and

21 (ii) promote information exchange between
22 Federal departments and agencies—

23 (I) to identify and document Federal
24 and non-Federal programs and funding op-
25 portunities that support basic and applied

1 research, development, and demonstration
2 proposals to advance energy-water nexus
3 related science and technologies;

4 (II) to leverage existing programs by
5 encouraging joint solicitations, block
6 grants, and matching programs with non-
7 Federal entities; and

8 (III) to identify opportunities for do-
9 mestic and international public-private
10 partnerships, innovative financing mecha-
11 nisms, information and data exchange;

12 (E) promote the integration of energy-
13 water nexus considerations into existing Federal
14 water, energy, and other natural resource, in-
15 frastructure, and science programs at the na-
16 tional and regional levels and with programs
17 administered in partnership with non-Federal
18 entities; and

19 (F) not later than 1 year after the date of
20 enactment of this Act, issue a report on the po-
21 tential benefits and feasibility of establishing an
22 energy-water center of excellence within the Na-
23 tional Laboratories (as that term is defined in
24 section 2 of the Energy Policy Act of 2005 (42
25 U.S.C. 15801)).

1 (4) NO REGULATION.—Nothing in this sub-
2 section grants to the Interagency Coordination Com-
3 mittee the authority to promulgate regulations or set
4 standards.

5 (5) REVIEW; REPORT.—At the end of the 5-
6 year period beginning on the date on which the
7 Interagency Coordination Committee and NEWS Of-
8 fice are established, the NEWS Office shall—

9 (A) review the activities, relevance, and ef-
10 fectiveness of the Interagency Coordination
11 Committee; and

12 (B) submit to the Committee on Energy
13 and Natural Resources of the Senate and the
14 Committees on Science, Space, and Technology,
15 Energy and Commerce, and Natural Resources
16 of the House of Representatives a report that—

17 (i) describes the results of the review
18 conducted under subparagraph (A); and

19 (ii) includes a recommendation on
20 whether the Interagency Coordination
21 Committee should continue.

22 (c) CROSSCUT BUDGET.—Not later than 30 days
23 after the President submits the budget of the United
24 States Government under section 1105 of title 31, United
25 States Code, the co-chairs of the Interagency Coordination

1 Committee (acting through the NEWS Office) shall sub-
2 mit to the Committee on Energy and Natural Resources
3 of the Senate and the Committees on Science, Space, and
4 Technology, Energy and Commerce, and Natural Re-
5 sources of the House of Representatives, an interagency
6 budget crosscut report that displays at the program-,
7 project-, and activity-level for each of the Federal agencies
8 that carry out or support (including through grants, con-
9 tracts, interagency and intraagency transfers, and
10 multiyear and no-year funds) basic and applied RD&D ac-
11 tivities to advance the energy-water nexus related science
12 and technologies—

13 (1) the budget proposed in the budget request
14 of the President for the upcoming fiscal year;

15 (2) expenditures and obligations for the prior
16 fiscal year; and

17 (3) estimated expenditures and obligations for
18 the current fiscal year.

19 **SEC. 4102. SMART ENERGY AND WATER EFFICIENCY PILOT**
20 **PROGRAM.**

21 Subtitle A of title IX of the Energy Policy Act of
22 2005 (42 U.S.C. 16191 et seq.) is amended by adding at
23 the end the following:

1 **“SEC. 918. SMART ENERGY AND WATER EFFICIENCY PILOT**
2 **PROGRAM.**

3 “(a) DEFINITIONS.—In this section:

4 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
5 tity’ means—

6 “(A) a utility;

7 “(B) a municipality;

8 “(C) a water district;

9 “(D) an Indian tribe or Alaska Native vil-
10 lage; and

11 “(E) any other authority that provides
12 water, wastewater, or water reuse services.

13 “(2) SMART ENERGY AND WATER EFFICIENCY
14 PILOT PROGRAM.—The term ‘smart energy and
15 water efficiency pilot program’ or ‘pilot program’
16 means the pilot program established under sub-
17 section (b).

18 “(b) SMART ENERGY AND WATER EFFICIENCY
19 PILOT PROGRAM.—

20 “(1) IN GENERAL.—The Secretary shall estab-
21 lish and carry out a smart energy and water effi-
22 ciency pilot program in accordance with this section.

23 “(2) PURPOSE.—The purpose of the smart en-
24 ergy and water efficiency pilot program is to award
25 grants to eligible entities to demonstrate unique, ad-

1 vanced, or innovative technology-based solutions that
2 will—

3 “(A) increase the energy efficiency of
4 water, wastewater, and water reuse systems;

5 “(B) improve energy efficiency of water,
6 wastewater, and water reuse systems to help
7 communities across the United States make
8 measurable progress in conserving water, saving
9 energy, and reducing costs;

10 “(C) support the implementation of inno-
11 vative and unique processes and the installation
12 of established advanced automated systems that
13 provide real-time data on energy and water; and

14 “(D) improve energy-water conservation
15 and quality and predictive maintenance through
16 technologies that utilize internet connected
17 technologies, including sensors, intelligent gate-
18 ways, and security embedded in hardware.

19 “(3) PROJECT SELECTION.—

20 “(A) IN GENERAL.—The Secretary shall
21 make competitive, merit-reviewed grants under
22 the pilot program to not less than 3, but not
23 more than 5, eligible entities.

1 “(B) SELECTION CRITERIA.—In selecting
2 an eligible entity to receive a grant under the
3 pilot program, the Secretary shall consider—

4 “(i) energy and cost savings;

5 “(ii) the uniqueness, commercial via-
6 bility, and reliability of the technology to
7 be used;

8 “(iii) the degree to which the project
9 integrates next-generation sensors soft-
10 ware, analytics, and management tools;

11 “(iv) the anticipated cost-effectiveness
12 of the pilot project through measurable en-
13 ergy efficiency savings, water savings or
14 reuse, and infrastructure costs averted;

15 “(v) whether the technology can be
16 deployed in a variety of geographic regions
17 and the degree to which the technology can
18 be implemented in a wide range of applica-
19 tions ranging in scale from small towns to
20 large cities, including tribal communities;

21 “(vi) whether the technology has been
22 successfully deployed elsewhere;

23 “(vii) whether the technology was
24 sourced from a manufacturer based in the
25 United States; and

1 “(viii) whether the project will be
2 completed in 5 years or less.

3 “(C) APPLICATIONS.—

4 “(i) IN GENERAL.—Subject to clause
5 (ii), an eligible entity seeking a grant
6 under the pilot program shall submit to
7 the Secretary an application at such time,
8 in such manner, and containing such infor-
9 mation as the Secretary determines to be
10 necessary.

11 “(ii) CONTENTS.—An application
12 under clause (i) shall, at a minimum, in-
13 clude—

14 “(I) a description of the project;

15 “(II) a description of the tech-
16 nology to be used in the project;

17 “(III) the anticipated results, in-
18 cluding energy and water savings, of
19 the project;

20 “(IV) a comprehensive budget for
21 the project;

22 “(V) the names of the project
23 lead organization and any partners;

24 “(VI) the number of users to be
25 served by the project;

1 “(VII) a description of the ways
2 in which the proposal would meet per-
3 formance measures established by the
4 Secretary; and

5 “(VIII) any other information
6 that the Secretary determines to be
7 necessary to complete the review and
8 selection of a grant recipient.

9 “(4) ADMINISTRATION.—

10 “(A) IN GENERAL.—Not later than 300
11 days after the date of enactment of this section,
12 the Secretary shall select grant recipients under
13 this section.

14 “(B) EVALUATIONS.—

15 “(i) ANNUAL EVALUATIONS.—The
16 Secretary shall annually carry out an eval-
17 uation of each project for which a grant is
18 provided under this section that meets per-
19 formance measures and benchmarks devel-
20 oped by the Secretary, consistent with the
21 purposes of this section.

22 “(ii) REQUIREMENTS.—Consistent
23 with the performance measures and bench-
24 marks developed under clause (i), in car-

1 rying out an evaluation under that clause,
2 the Secretary shall—

3 “(I) evaluate the progress and
4 impact of the project; and

5 “(II) assesses the degree to
6 which the project is meeting the goals
7 of the pilot program.

8 “(C) TECHNICAL AND POLICY ASSIST-
9 ANCE.—On the request of a grant recipient, the
10 Secretary shall provide technical and policy as-
11 sistance.

12 “(D) BEST PRACTICES.—The Secretary
13 shall make available to the public through the
14 Internet and other means the Secretary con-
15 siders to be appropriate—

16 “(i) a copy of each evaluation carried
17 out under subparagraph (B); and

18 “(ii) a description of any best prac-
19 tices identified by the Secretary as a result
20 of those evaluations.

21 “(E) REPORT TO CONGRESS.—The Sec-
22 retary shall submit to Congress a report con-
23 taining the results of each evaluation carried
24 out under subparagraph (B).

1 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
2 is authorized to be appropriated to carry out this section
3 \$15,000,000, to remain available until expended.”.

4 **Subtitle C—Innovation**

5 **SEC. 4201. AMERICA COMPETES PROGRAMS.**

6 (a) BASIC RESEARCH.—Section 971(b) of the Energy
7 Policy Act of 2005 (42 U.S.C. 16311(b)) is amended—

8 (1) in paragraph (6), by striking “and” at the
9 end;

10 (2) in paragraph (7), by striking the period at
11 the end and inserting a semicolon; and

12 (3) by adding at the end the following:

13 “(8) \$5,423,000,000 for fiscal year 2016;

14 “(9) \$5,808,000,000 for fiscal year 2017;

15 “(10) \$6,220,000,000 for fiscal year 2018;

16 “(11) \$6,661,000,000 for fiscal year 2019; and

17 “(12) \$7,134,000,000 for fiscal year 2020.”.

18 (b) ADVANCED RESEARCH PROJECTS AGENCY-EN-
19 ERGY.—Section 5012 of the America COMPETES Act
20 (42 U.S.C. 16538) is amended—

21 (1) in subsection (a)(3), by striking “subsection
22 (n)(1)” and inserting “subsection (o)(1)”;

23 (2) in subsection (i), by striking paragraph (1)
24 and inserting the following:

1 “(1) IN GENERAL.—To the maximum extent
2 practicable, the Director shall ensure that—

3 “(A) the activities of ARPA–E are coordi-
4 nated with, and do not duplicate the efforts of,
5 programs and laboratories within the Depart-
6 ment and other relevant research agencies; and

7 “(B) ARPA–E does not provide funding
8 for a project unless the prospective grantee
9 demonstrates sufficient attempts to secure pri-
10 vate financing or indicates that the project is
11 not independently commercially viable.”;

12 (3) by redesignating subsection (n) as sub-
13 section (o);

14 (4) by inserting after subsection (m) the fol-
15 lowing:

16 “(n) PROTECTION OF INFORMATION.—The following
17 types of information collected by the ARPA–E from recipi-
18 ents of financial assistance awards shall be considered
19 commercial and financial information obtained from a per-
20 son and privileged or confidential and not subject to dis-
21 closure under section 552(b)(4) of title 5, United States
22 Code:

23 “(1) Plans for commercialization of technologies
24 developed under the award, including business plans,

1 technology-to-market plans, market studies, and cost
2 and performance models.

3 “(2) Investments provided to an awardee from
4 third parties (such as venture capital firms, hedge
5 funds, and private equity firms), including amounts
6 and the percentage of ownership of the awardee pro-
7 vided in return for the investments.

8 “(3) Additional financial support that the
9 awardee—

10 “(A) plans to or has invested into the tech-
11 nology developed under the award; or

12 “(B) is seeking from third parties.

13 “(4) Revenue from the licensing or sale of new
14 products or services resulting from research con-
15 ducted under the award.”; and

16 (5) in subsection (o) (as redesignated by para-
17 graph (3))—

18 (A) in paragraph (2)—

19 (i) in the matter preceding subpara-
20 graph (A), by striking “paragraphs (4)
21 and (5)” and inserting “paragraph (4)”;

22 (ii) in subparagraph (D), by striking
23 “and” at the end;

1 (iii) in subparagraph (E), by striking
2 the period at the end and inserting a semi-
3 colon; and

4 (iv) by adding at the end the fol-
5 lowing:

6 “(F) \$325,000,000 for each of fiscal years
7 2016 through 2018; and

8 “(G) \$375,000,000 for each of fiscal years
9 2019 and 2020.”; and

10 (B) in paragraph (4)(B), by striking
11 “(e)(2)(D)” and inserting “(e)(2)(C)”.

12 **SEC. 4202. INCLUSION OF EARLY STAGE TECHNOLOGY**
13 **DEMONSTRATION IN AUTHORIZED TECH-**
14 **NOLOGY TRANSFER ACTIVITIES.**

15 Section 1001 of the Energy Policy Act of 2005 (42
16 U.S.C. 16391) is amended—

17 (1) by redesignating subsection (g) as sub-
18 section (h); and

19 (2) by inserting after subsection (f) the fol-
20 lowing:

21 “(g) **EARLY STAGE TECHNOLOGY DEMONSTRA-**
22 **TION.**—The Secretary shall permit the directors of the Na-
23 tional Laboratories to use funds authorized to support
24 technology transfer within the Department to carry out
25 early stage and precommercial technology demonstration

1 activities to remove technology barriers that limit private
2 sector interest and demonstrate potential commercial ap-
3 plications of any research and technologies arising from
4 National Laboratory activities.”.

5 **SEC. 4203. SUPPORTING ACCESS OF SMALL BUSINESS CON-**
6 **CERNS TO NATIONAL LABORATORIES.**

7 (a) DEFINITIONS.—In this section:

8 (1) NATIONAL LABORATORY.—The term “Na-
9 tional Laboratory” has the meaning given the term
10 in section 2 of the Energy Policy Act of 2005 (42
11 U.S.C. 15801).

12 (2) SMALL BUSINESS CONCERN.—The term
13 “small business concern” has the same meaning as
14 in section 3 of the Small Business Act (15 U.S.C.
15 632).

16 (b) ACTIONS FOR INCREASED ACCESS AT NATIONAL
17 LABORATORIES FOR SMALL BUSINESS CONCERNS.—To
18 promote the technology transfer of innovative energy tech-
19 nologies and enhance the competitiveness of the United
20 States, the Secretary shall take such actions as are appro-
21 priate to facilitate access to the National Laboratories for
22 small business concerns.

23 (c) INFORMATION ON THE DOE WEBSITE RELATING
24 TO NATIONAL LABORATORY PROGRAMS AVAILABLE TO
25 SMALL BUSINESS CONCERNS.—

1 (1) IN GENERAL.—Not later than 180 days
2 after the date of enactment of this Act, the Sec-
3 retary, in coordination with the Directors of the Na-
4 tional Laboratories, shall—

5 (A) publish in a consolidated manner on
6 the website of the Department information re-
7 lating to National Laboratory programs that
8 are available to small business concerns;

9 (B) provide for the information published
10 under subparagraph (A) to be kept up-to-date;
11 and

12 (C) include in the information published
13 under subparagraph (A), information on each
14 available program under which small business
15 concerns are eligible to enter into agreements to
16 work with the National Laboratories.

17 (2) COMPONENTS.—The information published
18 on the Department website under paragraph (1)
19 shall include—

20 (A) a brief description of each agreement
21 available to small business concerns to work
22 with National Laboratories;

23 (B) a step-by-step guide for completing
24 agreements to work with National Laboratories;

1 (C) best practices for working with Na-
2 tional Laboratories;

3 (D) individual National Laboratory
4 websites that provide information specific to
5 technology transfer and working with small
6 business concerns;

7 (E) links to funding opportunity announce-
8 ments, nonfinancial resources, and other pro-
9 grams available to small business concerns; and

10 (F) any other information that the Sec-
11 retary determines to be appropriate.

12 (3) ACCESSIBILITY.—The information published
13 on the Department website under paragraph (1)
14 shall be—

15 (A) readily accessible and easily found on
16 the Internet by the public and members and
17 committees of Congress; and

18 (B) presented in a searchable, machine-
19 readable format.

20 (4) GUIDANCE.—The Secretary shall issue De-
21 partmental guidance to ensure that the information
22 published on the Department website under para-
23 graph (1) is provided in a manner that presents a
24 coherent picture of all National Laboratory pro-
25 grams that are relevant to small business concerns.

1 **SEC. 4204. MICROLAB TECHNOLOGY COMMERCIALIZATION.**

2 (a) DEFINITIONS.—In this section:

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

6 (2) NATIONAL LABORATORY.—The term “na-
7 tional laboratory” means—

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

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

14 (b) ESTABLISHMENT OF MICROLAB PROGRAM.—

15 (1) IN GENERAL.—The Secretary, in collabora-
16 tion with the directors of national laboratories, may
17 establish a microlab program under which the Sec-
18 retary establishes microlabs that are located in close
19 proximity to national laboratories and that are ac-
20 cessible to the public for the purposes of—

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

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

1 (C) promoting regional workforce develop-
2 ment through science, technology, engineering,
3 and mathematics (“STEM”) instruction and
4 training.

5 (2) CRITERIA.—In determining the placement
6 of microlabs under paragraph (1), the Secretary
7 shall consider—

8 (A) the commitment of a national labora-
9 tory to establishing a microlab;

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

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

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

16 (iii) has the capability to house a
17 microlab;

18 (C) whether employees of a national lab-
19 oratory and persons from academia, industry,
20 and government are available to be assigned to
21 the microlab; and

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

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

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

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

13 (c) REPORTS.—

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

1 (2) PROGRESS REPORT.—Not later than 1 year
2 after the date of implementation of the microlab pro-
3 gram under subsection (b), the Secretary shall sub-
4 mit to the Committee on Armed Services of the Sen-
5 ate, the Committee on Armed Services of the House
6 of Representatives, the Committee on Energy and
7 Natural Resources of the Senate, and the Committee
8 on Science, Space, and Technology of the House of
9 Representatives a report on the microlab program
10 under subsection (b), including findings and rec-
11 ommendations of the Secretary.

12 (d) AUTHORIZATION OF APPROPRIATIONS.—

13 There is authorized to be appropriated to carry out
14 this Act \$50,000,000 for fiscal year 2016.

15 **SEC. 4205. SENSE OF THE SENATE ON ACCELERATING EN-**
16 **ERGY INNOVATION.**

17 It is the sense of the Senate that—

18 (1) although important progress has been made
19 in cost reduction and deployment of clean energy
20 technologies, accelerating clean energy innovation
21 will help meet critical competitiveness, energy secu-
22 rity, and environmental goals;

23 (2) accelerating the pace of clean energy inno-
24 vation in the United States calls for—

1 (A) supporting existing research and devel-
2 opment programs at the Department and the
3 world-class National Laboratories (as defined in
4 section 2 of the Energy Policy Act of 2005 (42
5 U.S.C. 15801));

6 (B) exploring and developing new path-
7 ways for innovators, investors, and decision-
8 makers to leverage the resources of the Depart-
9 ment for addressing the challenges and com-
10 parative strengths of geographic regions; and

11 (C) recognizing the financial constraints of
12 the Department, regularly reviewing clean en-
13 ergy programs to ensure that taxpayer invest-
14 ments are maximized;

15 (3) the energy supply, demand, policies, mar-
16 kets, and resource options of the United States vary
17 by geographic region;

18 (4) a regional approach to innovation can
19 bridge the gaps between local talent, institutions,
20 and industries to identify opportunities and convert
21 United States investment into domestic companies;
22 and

23 (5) Congress, the Secretary, and energy indus-
24 try participants should advance efforts that promote
25 international, domestic, and regional cooperation on

1 the research and development of energy innovations
2 that—

3 (A) provide clean, affordable, and reliable
4 energy for everyone;

5 (B) promote economic growth;

6 (C) are critical for energy security; and

7 (D) are sustainable without government
8 support.

9 **SEC. 4206. RESTORATION OF LABORATORY DIRECTED RE-**
10 **SEARCH AND DEVELOPMENT PROGRAM.**

11 The Secretary shall ensure that laboratory operating
12 contractors do not allocate costs of general and adminis-
13 trative overhead to laboratory directed research and devel-
14 opment.

15 **SEC. 4207. NATIONAL SCIENCE AND TECHNOLOGY COUNCIL**
16 **COORDINATING SUBCOMMITTEE FOR HIGH-**
17 **ENERGY PHYSICS.**

18 (a) ESTABLISHMENT.—Not later than 1 year after
19 the date of enactment of this Act, the National Science
20 and Technology Council shall establish a subcommittee to
21 coordinate Federal efforts relating to high-energy physics
22 research (referred to in this section as the “sub-
23 committee”).

24 (b) PURPOSES.—The purposes of the subcommittee
25 are—

1 (1) to maximize the efficiency and effectiveness
2 of United States investment in high-energy physics;
3 and

4 (2) to support a robust, internationally competi-
5 tive United States high-energy physics program that
6 includes—

7 (A) underground science and engineering
8 research; and

9 (B) physical infrastructure.

10 (c) CO-CHAIRS.—The Director of the National
11 Science Foundation and the Secretary shall serve as co-
12 chairs of the subcommittee.

13 (d) RESPONSIBILITIES.—The responsibilities of the
14 subcommittee shall be—

15 (1) to provide recommendations on planning for
16 construction and stewardship of large facilities par-
17 ticipating in high-energy physics;

18 (2) to provide recommendations on research co-
19 ordination and collaboration among the programs
20 and activities of Federal agencies;

21 (3) to establish goals and priorities for high-en-
22 ergy physics, underground science, and research and
23 development that will strengthen United States com-
24 petitiveness in high-energy physics;

1 (4) to propose methods for engagement with
2 international, Federal, and State agencies and Fed-
3 eral laboratories not represented on the sub-
4 committee to identify and reduce regulatory,
5 logistical, and fiscal barriers that inhibit United
6 States leadership in high-energy physics and related
7 underground science; and

8 (5) to develop, and update once every 5 years,
9 a strategic plan to guide Federal programs and ac-
10 tivities in support of high-energy physics research.

11 (e) ANNUAL REPORT.—Annually, the subcommittee
12 shall update Congress regarding—

13 (1) efforts taken in support of the strategic
14 plan described in subsection (d)(5);

15 (2) an evaluation of the needs for maintaining
16 United States leadership in high-energy physics; and

17 (3) identification of priorities in the area of
18 high-energy physics.

19 (f) SUNSET.—The subcommittee shall terminate on
20 the date that is 10 years after the date of enactment of
21 this Act.

1 **Subtitle D—Grid Reliability**

2 **SEC. 4301. BULK-POWER SYSTEM RELIABILITY IMPACT**
3 **STATEMENT.**

4 Section 215 of the Federal Power Act (16 U.S.C.
5 824o) is amended by adding at the end the following:

6 “(1) RELIABILITY IMPACT STATEMENT.—

7 “(1) SOLICITATION BY COMMISSION.—Not later
8 than 15 days after the date on which the head of a
9 Federal agency proposes a major rule (as defined in
10 section 804 of title 5, United States Code) that may
11 significantly affect the reliable operation of the bulk-
12 power system, the Commission shall solicit from the
13 ERO, who shall coordinate with regional entities af-
14 fected by the proposed rule, a reliability impact
15 statement with respect to the proposed rule.

16 “(2) REQUIREMENTS.—A reliability impact
17 statement under paragraph (1) shall include a de-
18 tailed statement on—

19 “(A) the impact of the proposed rule on
20 the reliable operation of the bulk-power system;

21 “(B) any adverse effects on the reliable op-
22 eration of the bulk-power system if the pro-
23 posed rule was implemented; and

1 “(C) alternatives to cure the identified ad-
2 verse reliability impacts, including a no-action
3 alternative.

4 “(3) SUBMISSION TO COMMISSION AND CON-
5 GRESS.—On completion of a reliability impact state-
6 ment under paragraph (1), the ERO shall submit to
7 the Commission and Congress the reliability impact
8 statement.

9 “(4) TRANSMITTAL TO HEAD OF FEDERAL
10 AGENCY.—On receipt of a reliability impact state-
11 ment submitted to the Commission under paragraph
12 (3), the Commission shall transmit to the head of
13 the applicable Federal agency the reliability impact
14 statement prepared under this subsection for inclu-
15 sion in the public record.

16 “(5) INCLUSION OF DETAILED RESPONSE IN
17 FINAL RULE.—With respect to a final major rule
18 subject to a reliability impact statement prepared
19 under paragraph (1), the head of the Federal agency
20 shall—

21 “(A) consider the reliability impact state-
22 ment;

23 “(B) give due weight to the technical ex-
24 pertise of the ERO with respect to matters that

1 are the subject of the reliability impact state-
 2 ment; and

3 “(C) include in the final rule a detailed re-
 4 sponse to the reliability impact statement that
 5 reasonably addresses the detailed statements re-
 6 quired under paragraph (2).”.

7 **SEC. 4302. REPORT BY TRANSMISSION ORGANIZATIONS ON**
 8 **DIVERSITY OF SUPPLY.**

9 (a) DEFINITIONS.—In this section:

10 (1) ELECTRIC GENERATING CAPACITY RE-
 11 SOURCE.—

12 (A) IN GENERAL.—The term “electric gen-
 13 erating capacity resource” means an electric
 14 generating resource, as measured by the max-
 15 imum load-carrying ability of the resource, ex-
 16 clusive of station use and planned, unplanned,
 17 or other outage or derating subject to dispatch
 18 by the transmission organization to meet the re-
 19 source adequacy needs of the systems operated
 20 by the transmission organization.

21 (B) EFFECT.—The term “electric gener-
 22 ating capacity resource” does not address non-
 23 electric generating resources that are qualified
 24 as capacity resources in the tariffs of various

1 transmission organizations as of the date of en-
2 actment of this Act.

3 (2) TRANSMISSION ORGANIZATION.—The term
4 “transmission organization” has the meaning given
5 the term in section 3 of the Federal Power Act (16
6 U.S.C. 796).

7 (b) REPORT.—

8 (1) NOTICE.—Not later than 14 days after the
9 date of enactment of this Act, the Commission (as
10 the term is defined in section 3 of the Federal
11 Power Act (16 U.S.C. 796)) shall submit to each
12 transmission organization that has a tariff on file
13 with the Commission that includes provisions ad-
14 dressing the procurement of electric generating ca-
15 pacity resources, a notice that the transmission or-
16 ganization is required to file with the Commission a
17 report in accordance with paragraph (2).

18 (2) REPORT.—Not later than 180 days after
19 the date on which a transmission organization re-
20 ceives a notice under paragraph (1), the trans-
21 mission organization shall submit to the Commission
22 a report that, to the maximum extent practicable—

23 (A)(i) identifies electric generating capac-
24 ity resources that are available to the trans-

1 mission organization as of the date of the re-
2 port; and

3 (ii) describes the primary energy sources
4 and operational characteristics of electric capac-
5 ity resources available, in the aggregate, to the
6 transmission organization;

7 (B) evaluates, using generally accepted
8 metrics, the current operational performance, in
9 the aggregate, of electric capacity resources;

10 (C) identifies, for the aggregate of electric
11 generating capacity resources available to the
12 transmission organization—

13 (i) over the short- and long-term peri-
14 ods in the planning cycle of the trans-
15 mission organization, reasonable projec-
16 tions concerning the operational and eco-
17 nomic risk profile of electric generating ca-
18 pacity resources;

19 (ii) the projected future needs of the
20 transmission organization for electric gen-
21 erating capacity resources; and

22 (iii) the availability of transmission fa-
23 cilities and transmission support services
24 necessary to provide for the transmission
25 organization reasonable assurances of es-

1 sential reliability services, including ade-
2 quate voltage support; and

3 (D) assesses whether and to what extent
4 the market rules of the transmission organiza-
5 tion—

6 (i) yield capacity auction clearing
7 prices that promote necessary and prudent
8 investment;

9 (ii) yield energy market clearing
10 prices that reflect the marginal cost of
11 supply, taking into account transmission
12 constraints and other factors needed to en-
13 sure reliable grid operation;

14 (iii) produce meaningful price signals
15 that clearly indicate where new supply and
16 investment are needed;

17 (iv) reduce uncertainty or instability
18 resulting from changes to market rules,
19 processes, or protocols;

20 (v) promote transparency and commu-
21 nication by the market operator to market
22 participants;

23 (vi) support a diverse generation port-
24 folio and the availability of transmission
25 facilities and transmission support services

1 on a short- and long-term basis necessary
2 to provide reasonable assurances of a con-
3 tinuous supply of electricity for customers
4 of the transmission organization at the
5 proper voltage and frequency; and

6 (vii) provide an enhanced opportunity
7 for self-supply of electric generating capac-
8 ity resources by electric cooperatives, Fed-
9 eral power marketing agencies, and State
10 utilities with a service obligation (as those
11 terms are defined in section 217(a)) of the
12 Federal Power Act (16 U.S.C. 824q(a))) in
13 a manner that is consistent with tradi-
14 tional utility business models and does not
15 unduly affect wholesale market prices.

16 **Subtitle E—Management**

17 **SEC. 4401. FEDERAL LAND MANAGEMENT.**

18 (a) DEFINITIONS.—In this section:

19 (1) CADASTRE.—The term “cadastre” means
20 an inventory of buildings and other real property
21 (including associated infrastructure such as roads
22 and utility transmission lines and pipelines) located
23 on land administered by the Secretary, which is de-
24 veloped through collecting, storing, retrieving, or dis-
25 seminating graphical or digital data and any infor-

1 mation related to the data, including surveys, maps,
2 charts, images, and services.

3 (2) SECRETARY.—The term “Secretary” means
4 the Secretary of the Interior.

5 (b) CADASTRE OF FEDERAL REAL PROPERTY.—

6 (1) IN GENERAL.—The Secretary is author-
7 ized—

8 (A) to develop and maintain a current and
9 accurate multipurpose cadastre to support Fed-
10 eral land management activities for the Depart-
11 ment of the Interior;

12 (B) to incorporate any related inventories
13 of Federal real property, including any inven-
14 tories prepared under applicable land or re-
15 source management plans; and

16 (C) to enter into discussions with other
17 Federal agencies to make the cadastre available
18 for use by the agency to support agency man-
19 agement activities.

20 (2) COST-SHARING AGREEMENTS.—

21 (A) IN GENERAL.—The Secretary may
22 enter into cost-sharing agreements with other
23 Federal agencies, and with States, Indian
24 tribes, and local governments, to include any
25 non-Federal land in a State in the cadastre.

1 (B) COST SHARE.—The Federal share of
2 any cost agreement described in subparagraph
3 (A) shall not exceed 50 percent of the total cost
4 to a State, Indian tribe, or local government for
5 the development of the cadastre of non-Federal
6 land.

7 (3) CONSOLIDATION AND REPORT.—Not later
8 than 180 days after the date of enactment of this
9 Act, the Secretary shall submit to the Committee on
10 Energy and Natural Resources of the Senate and
11 the Committee on Natural Resources of the House
12 of Representatives a report on the real property in-
13 ventories or any components of any cadastre or re-
14 lated inventories that—

15 (A) exist as of the date of enactment of
16 this Act;

17 (B) are authorized by law or conducted by
18 the Secretary; and

19 (C) are of sufficient accuracy to be in-
20 cluded in the cadastre authorized under para-
21 graph (1).

22 (4) COORDINATION.—In carrying out this sub-
23 section, the Secretary shall—

24 (A) participate (in accordance with section
25 216 of the E-Government Act of 2002 (44

1 U.S.C. 3501 note; Public Law 107–347)) in the
2 establishment of such standards and common
3 protocols as are necessary to ensure the inter-
4 operability of geospatial information pertaining
5 to the cadastre for all users of the information;

6 (B) coordinate with, seek assistance and
7 cooperation of, and provide liaison to the Fed-
8 eral Geographic Data Committee pursuant to
9 Office of Management and Budget Circular A-
10 16 and Executive Order 12906 (43 U.S.C.
11 1457 note; relating to coordinating geographic
12 data acquisition and access: the National Spa-
13 tial Data Infrastructure) for the implementa-
14 tion of and compliance with such standards as
15 may be applicable to the cadastre;

16 (C) make the cadastre interoperable with
17 the Federal Real Property Profile established
18 pursuant to Executive Order 13327 (40 U.S.C.
19 121 note; relating to Federal real property
20 asset management);

21 (D) integrate with and leverage, to the
22 maximum extent practicable, cadastre activities
23 of units of State and local government; and

24 (E) use contracts with the private sector,
25 if practicable, to provide such products and

1 services as are necessary to develop the cadas-
2 tre.

3 (c) TRANSPARENCY AND PUBLIC ACCESS.—The Sec-
4 retary shall—

5 (1) make the cadastre required under this sec-
6 tion publically available on the Internet in a graphi-
7 cally geoenabled and searchable format; and

8 (2) in consultation with the Secretary of De-
9 fense and the Secretary of Homeland Security, pre-
10 vent the disclosure of the identity of any buildings
11 or facilities, or information related to the buildings
12 or facilities, if the disclosure would impair or jeop-
13 ardize the national security or homeland defense of
14 the United States.

15 (d) EFFECT.—Nothing in this section—

16 (1) creates any substantive or procedural right
17 or benefit;

18 (2) authorizes any new surveying or mapping of
19 Federal real property, except that a Federal agency
20 may conduct a new survey to update the accuracy of
21 the inventory data of the agency before storage on
22 a cadaster; or

23 (3) authorizes—

24 (A) the evaluation of any real property
25 owned by the United States for disposal; or

1 (B) new appraisals or assessments of the
2 value of—

3 (i) real property; or

4 (ii) cultural or archaeological re-
5 sources on any parcel of Federal land or
6 other real property.

7 **SEC. 4402. QUADRENNIAL ENERGY REVIEW.**

8 (a) IN GENERAL.—Section 801 of the Department of
9 Energy Organization Act (42 U.S.C. 7321) is amended
10 to read as follows:

11 **“SEC. 801. QUADRENNIAL ENERGY REVIEW.**

12 “(a) QUADRENNIAL ENERGY REVIEW TASK
13 FORCE.—

14 “(1) ESTABLISHMENT.—The President shall es-
15 tablish a Quadrennial Energy Review Task Force
16 (referred to in this section as the ‘Task Force’) to
17 coordinate the Quadrennial Energy Review.

18 “(2) COCHAIRPERSONS.—The President shall
19 designate appropriate senior Federal Government of-
20 ficials to be cochairpersons of the Task Force.

21 “(3) MEMBERSHIP.—The Task Force may be
22 comprised of representatives at level I or II of the
23 Executive Schedule of—

24 “(A) the Department of Energy;

25 “(B) the Department of Commerce;

- 1 “(C) the Department of Defense;
- 2 “(D) the Department of State;
- 3 “(E) the Department of the Interior;
- 4 “(F) the Department of Agriculture;
- 5 “(G) the Department of the Treasury;
- 6 “(H) the Department of Transportation;
- 7 “(I) the Department of Homeland Secu-
- 8 rity;
- 9 “(J) the Office of Management and Budg-
- 10 et;
- 11 “(K) the National Science Foundation;
- 12 “(L) the Environmental Protection Agen-
- 13 cy; and
- 14 “(M) such other Federal agencies, and en-
- 15 tities within the Executive Office of the Presi-
- 16 dent, as the President considers to be appro-
- 17 priate.
- 18 “(b) CONDUCT OF REVIEW.—
- 19 “(1) IN GENERAL.—Each Quadrennial Energy
- 20 Review shall be conducted to—
- 21 “(A) provide an integrated view of impor-
- 22 tant national energy objectives and Federal en-
- 23 ergy policy; and

1 “(B) identify the maximum practicable
2 alignment of research programs, incentives, reg-
3 ulations, and partnerships.

4 “(2) ELEMENTS.—A Quadrennial Energy Re-
5 view shall—

6 “(A) establish integrated, governmentwide
7 national energy objectives in the context of eco-
8 nomic, environmental, and security priorities;

9 “(B) recommend coordinated actions
10 across Federal agencies;

11 “(C) assess and recommend priorities for
12 research, development, and demonstration;

13 “(D) provide a strong analytical base for
14 Federal energy policy decisions;

15 “(E) consider reasonable estimates of fu-
16 ture Federal budgetary resources when making
17 recommendations; and

18 “(F) be conducted with substantial input
19 from—

20 “(i) Congress;

21 “(ii) the energy industry;

22 “(iii) academia;

23 “(iv) State, local, and tribal govern-
24 ments;

1 “(v) nongovernmental organizations;

2 and

3 “(vi) the public.

4 “(c) SUBMISSION OF QUADRENNIAL ENERGY RE-
5 VIEW TO CONGRESS.—

6 “(1) IN GENERAL.—The President—

7 “(A) shall publish and submit to Congress
8 a report on the Quadrennial Energy Review
9 once every 4 years; and

10 “(B) more frequently than once every 4
11 years, as the President determines to be appro-
12 priate, may prepare and publish interim reports
13 as part of the Quadrennial Energy Review.

14 “(2) INCLUSIONS.—The reports described in
15 paragraph (1) shall address or consider, as appro-
16 priate—

17 “(A) an integrated view of short-term, in-
18 termediate-term, and long-term objectives for
19 Federal energy policy in the context of eco-
20 nomic, environmental, and security priorities;

21 “(B) potential executive actions (including
22 programmatic, regulatory, and fiscal actions)
23 and resource requirements—

24 “(i) to achieve the objectives described
25 in subparagraph (A); and

1 “(ii) to be coordinated across multiple
2 agencies;

3 “(C) analysis of the existing and prospec-
4 tive roles of parties (including academia, indus-
5 try, consumers, the public, and Federal agen-
6 cies) in achieving the objectives described in
7 subparagraph (A), including—

8 “(i) an analysis by energy use sector,
9 including—

10 “(I) commercial and residential
11 buildings;

12 “(II) the industrial sector;

13 “(III) transportation; and

14 “(IV) electric power;

15 “(ii) requirements for invention, adop-
16 tion, development, and diffusion of energy
17 technologies as they relate to each of the
18 energy use sectors; and

19 “(iii) other research that informs
20 strategies to incentivize desired actions;

21 “(D) assessment of policy options to in-
22 crease domestic energy supplies and energy effi-
23 ciency;

24 “(E) evaluation of national and regional
25 energy storage, transmission, and distribution

1 requirements, including requirements for renew-
2 able energy;

3 “(F) portfolio assessments that describe
4 the optimal deployment of resources, including
5 prioritizing financial resources for energy-rel-
6 evant programs;

7 “(G) mapping of the linkages among basic
8 research and applied programs, demonstration
9 programs, and other innovation mechanisms
10 across the Federal agencies;

11 “(H) identification of demonstration
12 projects;

13 “(I) identification of public and private
14 funding needs for various energy technologies,
15 systems, and infrastructure, including consider-
16 ation of public-private partnerships, loans, and
17 loan guarantees;

18 “(J) assessment of global competitors and
19 an identification of programs that can be en-
20 hanced with international cooperation;

21 “(K) identification of policy gaps that need
22 to be filled to accelerate the adoption and diffu-
23 sion of energy technologies, including consider-
24 ation of—

25 “(i) Federal tax policies; and

1 “(ii) the role of Federal agencies as
2 early adopters and purchasers of new en-
3 ergy technologies;

4 “(L) priority listing for implementation of
5 objectives and actions taking into account esti-
6 mated Federal budgetary resources;

7 “(M) analysis of—

8 “(i) points of maximum leverage for
9 policy intervention to achieve outcomes;
10 and

11 “(ii) areas of energy policy that can
12 be most effective in meeting national goals
13 for the energy sector; and

14 “(N) recommendations for executive
15 branch organization changes to facilitate the
16 development and implementation of Federal en-
17 ergy policies.

18 “(d) REPORT DEVELOPMENT.—The Secretary of En-
19 ergy shall provide such support for the Quadrennial En-
20 ergy Review with the necessary analytical, financial, and
21 administrative support for the conduct of each Quadren-
22 nial Energy Review required under this section as may
23 be requested by the cochairpersons designated under sub-
24 section (a)(2).

1 “(e) COOPERATION.—The heads of applicable Fed-
2 eral agencies shall cooperate with the Secretary and pro-
3 vide such assistance, information, and resources as the
4 Secretary may require to assist in carrying out this sec-
5 tion.”.

6 (b) TABLE OF CONTENTS AMENDMENT.—The item
7 relating to section 801 in the table of contents of such
8 Act is amended to read as follows:

“Sec. 801. Quadrennial Energy Review.”.

9 (c) ADMINISTRATION.—Nothing in this section or an
10 amendment made by this section supersedes, modifies,
11 amends, or repeals any provision of Federal law not ex-
12 pressly superseded, modified, amended, or repealed by this
13 section.

14 **SEC. 4403. STATE OVERSIGHT OF OIL AND GAS PROGRAMS.**

15 On request of the Governor of a State, the Secretary
16 of the Interior shall establish a program under which the
17 Director of the Bureau of Land Management shall enter
18 into a memorandum of understanding with the State to
19 consider the costs and benefits of consistent rules and
20 processes for the measurement of oil and gas production
21 activities, inspection of meters or other measurement
22 methodologies, and other operational activities, as deter-
23 mined by the Secretary of the Interior.

1 **SEC. 4404. UNDER SECRETARY FOR SCIENCE AND ENERGY.**

2 (a) IN GENERAL.—Section 202(b) of the Department
3 of Energy Organization Act (42 U.S.C. 7132(b)) is
4 amended—

5 (1) in paragraph (1), by striking “for Science”
6 and inserting “for Science and Energy (referred to
7 in this subsection as the ‘Under Secretary’)”;

8 (2) in paragraph (3), in the matter preceding
9 subparagraph (A), by striking “for Science”; and

10 (3) in paragraph (4)—

11 (A) in the matter preceding subparagraph
12 (A), by striking “for Science”;

13 (B) in subparagraph (F), by striking
14 “and” at the end;

15 (C) in subparagraph (G), by striking the
16 period at the end and inserting a semicolon;
17 and

18 (D) by inserting after subparagraph (G)
19 the following:

20 “(H) establish appropriate linkages be-
21 tween offices under the jurisdiction of the
22 Under Secretary; and

23 “(I) perform such functions and duties as
24 the Secretary shall prescribe, consistent with
25 this section.”.

1 (b) CONFORMING AMENDMENT.—Section 641(h)(2)
2 of the United States Energy Storage Competitiveness Act
3 of 2007 (42 U.S.C. 17231(h)(2)) is amended by striking
4 “Under Secretary for Science” and inserting “Under Sec-
5 retary for Science and Energy”.

6 **SEC. 4405. WESTERN AREA POWER ADMINISTRATION PILOT**
7 **PROJECT.**

8 (a) IN GENERAL.—The Administrator of the Western
9 Area Power Administration (referred to in this section as
10 the “Administrator”) shall establish a pilot project, as
11 part of the continuous process improvement program and
12 to provide increased transparency for customers, to pub-
13 lish on a publicly available website of the Western Area
14 Power Administration, a searchable database of the fol-
15 lowing information, beginning with fiscal year 2008, relat-
16 ing to the Western Area Power Administration:

17 (1) By power system, rates charged to cus-
18 tomers for power and transmission service.

19 (2) By power system, the amount of capacity or
20 energy sold.

21 (3) By region, a detailed accounting of the allo-
22 cation of budget authority, including—

23 (A) overhead costs;

24 (B) the number of contractors; and

25 (C) the number of full-time equivalents.

1 (4) For the corporate services office, a detailed
2 accounting of the allocation of budget authority, in-
3 cluding—

4 (A) overhead costs;

5 (B) the number of contractors;

6 (C) the number of full-time equivalents;

7 and

8 (D) expenses charged to other Federal
9 agencies or programs for the administration of
10 programs not related to the marketing, trans-
11 mission, or wheeling of Federal hydropower re-
12 sources, including—

13 (i) overhead costs;

14 (ii) the number of contractors; and

15 (iii) the number of full-time equiva-
16 lents.

17 (5) Capital expenditures, including—

18 (A) capital investments delineated by the
19 year in which each investment is placed into
20 service; and

21 (B) the sources of capital for each invest-
22 ment.

23 (b) REPORT.—Not less than once each year for the
24 duration of the pilot project under this section, the Admin-
25 istrator shall submit to the Committee on Appropriations

1 of the Senate and the Committee on Appropriations of the
2 House of Representatives a report that—

3 (1) describes the annual estimated avoided costs
4 and the savings as a result of the pilot project under
5 this section; and

6 (2) includes a certification from the Adminis-
7 trator that—

8 (A) the rates for each power system do not
9 recover costs and expenses recovered by other
10 power systems; and

11 (B) each expense allocated by the cor-
12 porate services office to an individual power
13 system is only recovered once.

14 (c) TERMINATION.—The pilot project under this sec-
15 tion shall terminate on the date that is 10 years after the
16 date of enactment of this Act.

17 **SEC. 4406. RESEARCH GRANTS DATABASE.**

18 (a) IN GENERAL.—The Secretary shall establish and
19 maintain a public database, accessible on the website of
20 the Department, that contains a searchable listing of every
21 unclassified research and development project contract,
22 grant, cooperative agreement, task order for federally
23 funded research and development centers, or other trans-
24 action administered by the Department.

1 (b) CLASSIFIED PROJECTS.—Each year, the Sec-
2 retary shall submit to the relevant committees of Congress
3 a report that lists every classified project of the Depart-
4 ment, including all relevant details of the projects.

5 (c) REQUIREMENTS.—Each listing described in sub-
6 sections (a) and (b) shall include, at a minimum, for each
7 listed project, the component carrying out the project, the
8 project name, an abstract or summary of the project,
9 funding levels, project duration, contractor or grantee
10 name, and expected objectives and milestones.

11 (d) RELEVANT LITERATURE AND PATENTS.—To the
12 maximum extent practicable, the Secretary shall provide
13 information through the public database established under
14 subsection (a) on relevant literature and patents that are
15 associated with each research and development project
16 contract, grant, or cooperative agreement, or other trans-
17 action, of the Department.

18 **SEC. 4407. REVIEW OF ECONOMIC IMPACT OF BSEE RULE**

19 **ON SMALL ENTITIES.**

20 (a) DEFINITIONS.—In this section—

21 (1) the term “BSEE” means the Bureau of
22 Safety and Environmental Enforcement;

23 (2) the term “Chief Counsel” means the Chief
24 Counsel for Advocacy of the Small Business Admin-
25 istration;

1 (3) the term “covered proposed rule” means the
2 proposed rule of the BSEE entitled “Oil and Gas
3 and Sulphur Operations in the Outer Continental
4 Shelf—Blowout Preventer Systems and Well Con-
5 trol” (80 Fed. Reg. 21504 (April 17, 2015)); and

6 (4) the term “small entity” has the meaning
7 given the term in section 601 of title 5, United
8 States Code.

9 (b) REQUIREMENT TO CONDUCT REVIEW.—

10 (1) IN GENERAL.—If the BSEE issues a final
11 rule for the covered proposed rule, then not later
12 than 1 year after the effective date of the final rule
13 the BSEE, in consultation with the Chief Counsel,
14 shall complete a review of the final rule under sec-
15 tion 610 of title 5, United States Code.

16 (2) ASSESSMENT OF ECONOMIC IMPACT.—In
17 conducting the review required under paragraph (1),
18 the BSEE, in consultation with the Chief Counsel,
19 shall assess the economic impact of the final rule on
20 small entities in the oil and gas supply chain.

21 (3) REPORT.—Not later than 180 days after
22 the date on which the review is completed under this
23 subsection, the BSEE, in consultation with the Chief
24 Counsel, shall submit to Congress a report on the
25 findings of the review.

1 **SEC. 4408. ENERGY EMERGENCY RESPONSE EFFORTS OF**
2 **THE DEPARTMENT.**

3 (a) CONGRESSIONAL DECLARATION OF PURPOSE.—
4 Section 102 of the Department of Energy Organization
5 Act (42 U.S.C. 7112) is amended by adding at the end
6 the following:

7 “(20) To facilitate the development and imple-
8 mentation of a strategy for responding to energy in-
9 frastructure and supply emergencies through—

10 “(A) continuously monitoring and pub-
11 lishing information on the energy delivery and
12 supply infrastructure of the United States, in-
13 cluding electricity, liquid fuels, natural gas, and
14 coal;

15 “(B) managing Federal strategic energy
16 reserves;

17 “(C) advising national leadership during
18 emergencies on ways to respond to and mini-
19 mize energy disruptions; and

20 “(D) working with Federal agencies and
21 State and local governments—

22 “(i) to enhance energy emergency pre-
23 paredness; and

24 “(ii) to respond to and mitigate en-
25 ergy emergencies.”.

1 (b) UNDER SECRETARY FOR SCIENCE AND EN-
 2 ERGY.—Section 202(b)(4) of the Department of Energy
 3 Organization Act (42 U.S.C. 7132(b)(4)) (as amended by
 4 section 4404(a)(3)) is amended, in subparagraph (B), by
 5 inserting “and applied energy” before “programs of the”.

6 (c) RESPONSIBILITIES OF ASSISTANT SECRE-
 7 TARIES.—Section 203(a) of the Department of Energy
 8 Organization Act (42 U.S.C. 7133(a)) is amended by add-
 9 ing at the end the following:

10 “(12) Emergency response functions, including
 11 assistance in the prevention of, or in the response to,
 12 an emergency disruption of energy supply, trans-
 13 mission, and distribution.”.

14 **SEC. 4409. GAO REPORT ON BUREAU OF SAFETY AND ENVI-**
 15 **RONMENTAL ENFORCEMENT STATUTORY**
 16 **AND REGULATORY AUTHORITY FOR THE**
 17 **PROCUREMENT OF HELICOPTER FUEL.**

18 Not later than 1 year after the date of enactment
 19 of this Act, the Comptroller General of the United States
 20 shall submit to the Committee on Energy and Natural Re-
 21 sources of the Senate and the Committee on Natural Re-
 22 sources of the House of Representatives a report that de-
 23 fines the statutory and regulatory authority of the Bureau
 24 of Safety and Environmental Enforcement with respect to
 25 legally procuring privately owned helicopter fuel, without

1 agreement, from lessees, permit holders, operators of fed-
2 erally leased offshore facilities, or independent third par-
3 ties not under contract with the Bureau of Safety and En-
4 vironmental Enforcement or an agent of the Bureau of
5 Safety and Environmental Enforcement.

6 **SEC. 4410. CONVEYANCE OF FEDERAL LAND WITHIN THE**
7 **SWAN LAKE HYDROELECTRIC PROJECT**
8 **BOUNDARY.**

9 Not later than 18 months after the date of enactment
10 of this Act, the Secretary of the Interior, after consulta-
11 tion with the Secretary of Agriculture, shall—

12 (1) survey the exterior boundaries of the tract
13 of Federal land within the project boundary of the
14 Swan Lake Hydroelectric Project (FERC No. 2911)
15 as generally depicted and labeled “Lost Creek” on
16 the map entitled “Swan Lake Project Boundary—
17 Lot 2” and dated February 1, 2016; and

18 (2) issue a patent to the State of Alaska for the
19 tract described in paragraph (1) in accordance
20 with—

21 (A) the survey authorized under paragraph
22 (1);

23 (B) section 6(a) of the Act of July 7, 1958
24 (commonly known as the “Alaska Statehood

1 Act”) (48 U.S.C. note prec. 21; Public Law 85–
2 508); and

3 (C) section 24 of the Federal Power Act
4 (16 U.S.C. 818).

5 **SEC. 4411. STUDY OF WAIVERS OF CERTAIN COST-SHARING**
6 **REQUIREMENTS.**

7 Not later than 180 days after the date of enactment
8 of this Act, the Secretary shall—

9 (1) complete a study on the ability of, and any
10 actions before the date of enactment of this Act by,
11 the Secretary to waive the cost-sharing requirement
12 under section 988 of the Energy Policy Act of 2005
13 (42 U.S.C. 16352); and

14 (2) based on the results of the study under
15 paragraph (1), make recommendations to Congress
16 for the issuance of, and factors that should be con-
17 sidered with respect to, waivers of the cost-sharing
18 requirement by the Secretary.

19 **SEC. 4412. NATIONAL PARK CENTENNIAL.**

20 (a) NATIONAL PARK CENTENNIAL CHALLENGE
21 FUND.—

22 (1) IN GENERAL.—Chapter 1049 of title 54,
23 United States Code (as amended by section
24 5001(a)), is amended by adding at the end the fol-
25 lowing:

1 **“§ 104909. National Park Centennial Challenge Fund**

2 “(a) PURPOSE.—The purpose of this section is to es-
3 tablish a fund in the Treasury—

4 “(1) to finance signature projects and programs
5 to enhance the National Park System as the centen-
6 nial of the National Park System approaches in
7 2016; and

8 “(2) to prepare the System for another century
9 of conservation, preservation, and enjoyment.

10 “(b) DEFINITIONS.—In this section:

11 “(1) CHALLENGE FUND.—The term ‘Challenge
12 Fund’ means the National Park Centennial Chal-
13 lenge Fund established by subsection (c)(1).

14 “(2) QUALIFIED DONATION.—The term ‘quali-
15 fied donation’ means a cash donation or the pledge
16 of a cash donation guaranteed by an irrevocable let-
17 ter of credit to the Service that the Secretary cer-
18 tifies is to be used for a signature project or pro-
19 gram.

20 “(3) SIGNATURE PROJECT OR PROGRAM.—The
21 term ‘signature project or program’ means any
22 project or program identified by the Secretary as a
23 project or program that would further the purposes
24 of the System or any System unit.

25 “(c) NATIONAL PARK CENTENNIAL CHALLENGE
26 FUND.—

1 “(1) ESTABLISHMENT.—There is established in
2 the Treasury of the United States a fund, to be
3 known as the ‘National Park Centennial Challenge
4 Fund’.

5 “(2) DEPOSITS.—The Challenge Fund shall
6 consist of—

7 “(A) qualified donations that are trans-
8 ferred from the Service donation account, in ac-
9 cordance with subsection (e)(1); and

10 “(B) not more than \$17,500,000, to be ap-
11 propriated from the general fund of the Treas-
12 ury, in accordance with subsection (e)(2).

13 “(3) AVAILABILITY.—Amounts in the Challenge
14 Fund shall—

15 “(A) be available to the Secretary for sig-
16 nature projects and programs under this title,
17 without further appropriation; and

18 “(B) remain available until expended.

19 “(d) SIGNATURE PROJECTS AND PROGRAMS.—

20 “(1) DEVELOPMENT OF LIST.—Not later than
21 180 days after the date of enactment of this section,
22 the Secretary shall develop a list of signature
23 projects and programs eligible for funding from the
24 Challenge Fund.

1 “(2) SUBMISSION TO CONGRESS.—The Sec-
2 retary shall submit to the Committees on Appropria-
3 tions and Energy and Natural Resources of the Sen-
4 ate and the Committees on Appropriations and Nat-
5 ural Resources of the House of Representatives the
6 list developed under paragraph (1).

7 “(3) UPDATES.—Subject to the notice require-
8 ments under paragraph (2), the Secretary may add
9 any signature project or program to the list devel-
10 oped under paragraph (1).

11 “(e) DONATIONS AND MATCHING FEDERAL
12 FUNDS.—

13 “(1) QUALIFIED DONATIONS.—The Secretary
14 may transfer any qualified donations to the Chal-
15 lenge Fund.

16 “(2) MATCHING AMOUNT.—There is authorized
17 to be appropriated to the Challenge Fund for each
18 fiscal year through fiscal year 2020 an amount equal
19 to the amount of qualified donations received for the
20 fiscal year.

21 “(3) SOLICITATION.—Nothing in this section
22 expands any authority of the Secretary, the Service,
23 or any employee of the Service to receive or solicit
24 donations.

1 “(f) REPORT TO CONGRESS.—The Secretary shall
2 provide with the submission of the budget of the President
3 to Congress for each fiscal year a report on the status
4 and funding of the signature projects and programs.”.

5 (2) CLERICAL AMENDMENT.—The table of sec-
6 tions affected for title 54, United States Code (as
7 amended by section 5001(b)), is amended by insert-
8 ing after the item relating to section 104908 the fol-
9 lowing:

“§104909. National Park Centennial Challenge Fund.”.

10 (b) SECOND CENTURY ENDOWMENT FOR THE NA-
11 TIONAL PARK SYSTEM.—

12 (1) IN GENERAL.—Subchapter II of chapter
13 1011 of title 54, United States Code, is amended by
14 adding at the end the following:

15 **“§ 101121. Second Century Endowment for the Na-
16 tional Park System**

17 “(a) IN GENERAL.—The National Park Foundation
18 shall establish an endowment, to be known as the ‘Second
19 Century Endowment for the National Park System’ (re-
20 ferred to in this section as the ‘Endowment’).

21 “(b) CAMPAIGN.—To further the mission of the Serv-
22 ice, the National Park Foundation may undertake a cam-
23 paign to fund the Endowment through gifts, devises, or
24 bequests, in accordance with section 101113.

25 “(c) USE OF PROCEEDS.—

1 “(1) IN GENERAL.—On request of the Sec-
2 retary, the National Park Foundation shall expend
3 proceeds from the Endowment in accordance with
4 projects and programs in furtherance of the mission
5 of the Service, as identified by the Secretary.

6 “(2) MANAGEMENT.—The National Park Foun-
7 dation shall manage the Endowment in a manner
8 that ensures that annual expenditures as a percent-
9 age of the principal are consistent with Internal Rev-
10 enue Service guidelines for endowments maintained
11 for charitable purposes.

12 “(d) INVESTMENTS.—The National Park Foundation
13 shall—

14 “(1) maintain the Endowment in an interest-
15 bearing account; and

16 “(2) invest Endowment proceeds with the pur-
17 pose of supporting and enriching the System in per-
18 petuity.

19 “(e) REPORT.—Each year, the National Park Foun-
20 dation shall make publicly available information on the
21 amounts deposited into, and expended from, the Endow-
22 ment.”.

23 (2) CLERICAL AMENDMENT.—The table of sec-
24 tions affected for title 54, United States Code, is

1 amended by inserting after the item relating to sec-
 2 tion 101120 the following:

“§101121. Second Century Endowment for the National Park System.”.

3 (c) NATIONAL PARK SERVICE INTELLECTUAL PROP-
 4 erty PROTECTION.—

5 (1) IN GENERAL.—Chapter 1049 of title 54,
 6 United States Code (as amended by subsection
 7 (a)(1)), is amended by adding at the end the fol-
 8 lowing:

9 **“§ 104910. Intellectual property**

10 “(a) DEFINITIONS.—In this section:

11 “(1) SERVICE EMBLEM.—

12 “(A) IN GENERAL.—The term ‘Service em-
 13 blem’ means any word, phrase, insignia, logo,
 14 logotype, trademark, service mark, symbol, de-
 15 sign, graphic, image, color, badge, uniform, or
 16 any combination of emblems used to identify
 17 the Service or a component of the System.

18 “(B) INCLUSIONS.—The term ‘Service em-
 19 blem’ includes—

20 “(i) the Service name;

21 “(ii) an official System unit name;

22 “(iii) any other name used to identify
 23 a Service component or program; and

24 “(iv) the Arrowhead symbol.

1 “(2) SERVICE UNIFORM.—The term ‘Service
2 uniform’ means any combination of apparel, acces-
3 sories, or emblems, any distinctive clothing or other
4 items of dress, or a representation of dress—

5 “(A) that is worn during the performance
6 of official duties; and

7 “(B) that identifies the wearer as a Service
8 employee.

9 “(b) PROHIBITED ACTS.—No person shall, without
10 the written permission of the Secretary—

11 “(1) use any Service emblem or uniform, or any
12 word, term, name, symbol or device or any combina-
13 tion of emblems to suggest any colorable likeness of
14 the Service emblem or Service uniform in connection
15 with goods or services in commerce if the use is like-
16 ly to cause confusion, or to deceive the public into
17 believing that the emblem or uniform is from or con-
18 nected with the Service;

19 “(2) use any Service emblem or Service uniform
20 or any word, term, name, symbol, device, or any
21 combination of emblems or uniforms to suggest any
22 likeness of the Service emblem or Service uniform in
23 connection with goods or services in commerce in a
24 manner reasonably calculated to convey the impres-

1 sion to the public that the goods or services are ap-
 2 proved, endorsed, or authorized by the Service;

3 “(3) use in commerce any word, term, name,
 4 symbol, device or any combination of words, terms,
 5 names, symbols, or devices to suggest any likeness of
 6 the Service emblem or Service uniform in a manner
 7 that is reasonably calculated to convey the impres-
 8 sion that the wearer of the item of apparel is acting
 9 pursuant to the legal authority of the Service; or

10 “(4) knowingly make any false statement for
 11 the purpose of obtaining permission to use any Serv-
 12 ice emblem or Service uniform.”.

13 (2) CLERICAL AMENDMENT.—The table of sec-
 14 tions affected for title 54, United States Code, is
 15 amended by inserting after the item relating to sec-
 16 tion 104908 (as added by subsection (a)(2)) the fol-
 17 lowing:

“§104910. Intellectual property.”.

18 (d) NATIONAL PARK SERVICE EDUCATION AND IN-
 19 TERPRETATION.—

20 (1) IN GENERAL.—Division A of subtitle I of
 21 title 54, United States Code, is amended by insert-
 22 ing after chapter 1007 the following:

23 **“CHAPTER 1008—EDUCATION AND**
 24 **INTERPRETATION**

“CHAPTER 1008—EDUCATION AND INTERPRETATION

“Sec.

“100801. Definitions.

“100802. Interpretation and education authority.

“100803. Interpretation and education evaluation and quality improvement.

“100804. Improved utilization of partners and volunteers in interpretation and education.

1 **“§ 100801. Definitions**

2 “In this chapter:

3 “(1) EDUCATION.—The term ‘education’ means
4 enhancing public awareness, understanding, and ap-
5 preciation of the resources of the System through
6 learner-centered, place-based materials, programs,
7 and activities that achieve specific learning objectives
8 as identified in a curriculum.

9 “(2) INTERPRETATION.—The term ‘interpreta-
10 tion’ means—

11 “(A) providing opportunities for people to
12 form intellectual and emotional connections to
13 gain awareness, appreciation, and under-
14 standing of the resources of the System; and

15 “(B) the professional career field of Serv-
16 ice employees, volunteers, and partners who in-
17 terpret the resources of the System.

18 “(3) RELATED AREA.—The term ‘related area’
19 means—

20 “(A) a component of the National Trails
21 System;

22 “(B) a National Heritage Area; and

1 “(C) an affiliated area administered in
2 connection with the System.

3 **“§ 100802. Interpretation and education authority**

4 “The Secretary shall ensure that management of Sys-
5 tem units and related areas is enhanced by the availability
6 and utilization of a broad program of the highest quality
7 interpretation and education.

8 **“§ 100803. Interpretation and education evaluation**
9 **and quality improvement**

10 “The Secretary may undertake a program of regular
11 evaluation of interpretation and education programs to en-
12 sure that the programs—

13 “(1) adjust to the ways in which people learn
14 and engage with the natural world and shared herit-
15 age as embodied in the System;

16 “(2) reflect different cultural backgrounds,
17 ages, education, gender, abilities, ethnicity, and
18 needs;

19 “(3) demonstrate innovative approaches to
20 management and appropriately incorporate emerging
21 learning and communications technology; and

22 “(4) reflect current scientific and academic re-
23 search, content, methods, and audience analysis.

1 **“§ 100804. Improved utilization of partners and vol-**
 2 **unteers in interpretation and education**

3 “The Secretary may—

4 “(1) coordinate with System unit partners and
 5 volunteers in the delivery of quality programs and
 6 services to supplement the programs and services
 7 provided by the Service as part of a Long-Range In-
 8 terpretive Plan for a System unit;

9 “(2) support interpretive partners by providing
 10 opportunities to participate in interpretive training;
 11 and

12 “(3) collaborate with other Federal and non-
 13 Federal public or private agencies, organizations, or
 14 institutions for the purposes of developing, pro-
 15 moting, and making available educational opportuni-
 16 ties related to resources of the System and pro-
 17 grams.”.

18 (2) CLERICAL AMENDMENT.—The table of
 19 chapters for division A of subtitle I of title 54,
 20 United States Code, is amended by inserting after
 21 the item relating to chapter 1007 the following:

“1008. Education and Interpretation100801”.

22 (e) PUBLIC LAND CORPS AMENDMENTS.—

23 (1) DEFINITIONS.—Section 203(10)(A) of the
 24 Public Lands Corps Act of 1993 (16 U.S.C.

1 1722(10)(A)) is amended by striking “25” and in-
2 sserting “30”.

3 (2) PARTICIPANTS.—Section 204(b) of the Pub-
4 lic Lands Corps Act of 1993 (16 U.S.C. 1723(b)) is
5 amended in the first sentence by striking “25” and
6 inserting “30”.

7 (3) HIRING.—Section 207(c)(2) of the Public
8 Lands Corps Act of 1993 (16 U.S.C., 1726(c)(2)) is
9 amended by striking “120 days” and inserting “2
10 years”.

11 (f) NATIONAL PARK FOUNDATION.—Subchapter II
12 of chapter 1011 of title 54, United States Code, is amend-
13 ed—

14 (1) in section 101112—

15 (A) by striking subsection (a) and insert-
16 ing the following:

17 “(a) MEMBERSHIP.—The National Park Foundation
18 shall consist of a Board having as members at least 6 pri-
19 vate citizens of the United States appointed by the Sec-
20 retary, with the Secretary and the Director serving as ex
21 officio members of the Board.”; and

22 (B) by striking subsection (c) and insert-
23 ing the following:

24 “(c) CHAIRMAN.—

1 “(1) SELECTION.—The Board shall select a
2 Chairman of the Board from among the members of
3 the Board.

4 “(2) TERM.—The Chairman of the Board shall
5 serve for a 2-year term.”; and

6 (2) in section 101113(a)—

7 **SEC. 4413. PROGRAM TO REDUCE THE POTENTIAL IMPACTS**
8 **OF SOLAR ENERGY FACILITIES ON CERTAIN**
9 **SPECIES.**

10 In carrying out a program of the Department relating
11 to solar energy or the conduct of solar energy projects
12 using funds provided by the Department, the Secretary
13 shall establish a program to undertake research that—

14 (1) identifies baseline avian populations and
15 mortality; and

16 (2) quantifies the impacts of solar energy
17 projects on birds, as compared to other threats to
18 birds.

19 **SEC. 4414. WILD HORSES IN AND AROUND THE CURRITUCK**
20 **NATIONAL WILDLIFE REFUGE.**

21 (a) GENETIC DIVERSITY.—The Secretary of the Inte-
22 rior (referred to in this section as the “Secretary”), in con-
23 sultation with the North Carolina Department of Environ-
24 ment and Natural Resources, Currituck County, North
25 Carolina, and the Corolla Wild Horse Fund, shall allow

1 for the introduction of a small number of free-roaming
2 wild horses from the Cape Lookout National Seashore as
3 necessary to ensure the genetic diversity and viability of
4 the wild horse population currently found in and around
5 the Currituck National Wildlife Refuge, consistent with—

6 (1) the laws (including regulations) applicable
7 to the Currituck National Wildlife Refuge and the
8 Cape Lookout National Seashore; and

9 (2) the December 2014 Wild Horse Manage-
10 ment Agreement approved by the United States Fish
11 and Wildlife Service, the North Carolina Depart-
12 ment of Environment and Natural Resources,
13 Currituck County, North Carolina, and the Corolla
14 Wild Horse Fund.

15 (b) AGREEMENT.—

16 (1) IN GENERAL.—The Secretary may enter
17 into an agreement with the Corolla Wild Horse
18 Fund to provide for the cost-effective management
19 of the horses in and around the Currituck National
20 Wildlife Refuge while ensuring that natural re-
21 sources within the Currituck National Wildlife Ref-
22 uge are not adversely impacted.

23 (2) REQUIREMENTS.—The agreement entered
24 into under paragraph (1) shall specify that the Co-

1 rolla Wild Horse Fund shall pay the costs associated
2 with—

3 (A) coordinating and conducting a periodic
4 census, and inspecting the health, of the horses;

5 (B) maintaining records of the horses liv-
6 ing in the wild and in confinement;

7 (C) coordinating and conducting the re-
8 moval and placement of horses and monitoring
9 of any horses removed from the Currituck
10 County Outer Banks; and

11 (D) administering a viable population con-
12 trol plan for the horses, including auctions,
13 adoptions, contraceptive fertility methods, and
14 other viable options.

15 **Subtitle F—Markets**

16 **SEC. 4501. ENHANCED INFORMATION ON CRITICAL ENERGY** 17 **SUPPLIES.**

18 (a) IN GENERAL.—Section 205 of the Department of
19 Energy Organization Act (42 U.S.C. 7135) is amended
20 by adding at the end the following:

21 “(n) COLLECTION OF INFORMATION ON CRITICAL
22 ENERGY SUPPLIES.—

23 “(1) IN GENERAL.—To ensure transparency of
24 information relating to energy infrastructure and
25 product ownership in the United States and improve

1 the ability to evaluate the energy security of the
2 United States, the Administrator, in consultation
3 with other Federal agencies (as necessary), shall—

4 “(A) not later than 120 days after the date
5 of enactment of this subsection, develop and
6 provide notice of a plan to collect, in coopera-
7 tion with the Commodity Futures Trade Com-
8 mission, information identifying all oil inven-
9 tories, and other physical oil assets (including
10 all petroleum-based products and the storage of
11 such products in off-shore tankers), that are
12 owned by the 50 largest traders of oil contracts
13 (including derivative contracts), as determined
14 by the Commodity Futures Trade Commission;
15 and

16 “(B) not later than 90 days after the date
17 on which notice is provided under subparagraph
18 (A), implement the plan described in that sub-
19 paragraph.

20 “(2) INFORMATION.—The plan required under
21 paragraph (1) shall include a description of the plan
22 of the Administrator for collecting company-specific
23 data, including—

24 “(A) volumes of product under ownership;
25 and

1 “(B) storage and transportation capacity
2 (including owned and leased capacity).

3 “(3) PROTECTION OF PROPRIETARY INFORMA-
4 TION.—Section 12(f) of the Federal Energy Admin-
5 istration Act of 1974 (15 U.S.C. 771(f)) shall apply
6 to information collected under this subsection.

7 “(o) COLLECTION OF INFORMATION ON STORAGE
8 CAPACITY FOR OIL AND NATURAL GAS.—

9 “(1) IN GENERAL.—Not later than 90 days
10 after the date of enactment of this subsection, the
11 Administrator of the Energy Information Adminis-
12 tration shall collect information quantifying the com-
13 mercial storage capacity for oil and natural gas in
14 the United States.

15 “(2) UPDATES.—The Administrator shall up-
16 date annually the information required under para-
17 graph (1).

18 “(3) PROTECTION OF PROPRIETARY INFORMA-
19 TION.—Section 12(f) of the Federal Energy Admin-
20 istration Act of 1974 (15 U.S.C. 771(f)) shall apply
21 to information collected under this subsection.

22 “(p) FINANCIAL MARKET ANALYSIS OFFICE.—

23 “(1) ESTABLISHMENT.—There shall be within
24 the Energy Information Administration a Financial
25 Market Analysis Office.

1 “(2) DUTIES.—The Office shall—

2 “(A) be responsible for analysis of the fi-
3 nancial aspects of energy markets;

4 “(B) review the reports required by section
5 4503(c) of the Energy Policy Modernization Act
6 of 2016 in advance of the submission of the re-
7 ports to Congress; and

8 “(C) not later than 1 year after the date
9 of enactment of this subsection—

10 “(i) make recommendations to the
11 Administrator of the Energy Information
12 Administration that identify and quantify
13 any additional resources that are required
14 to improve the ability of the Energy Infor-
15 mation Administration to more fully inte-
16 grate financial market information into the
17 analyses and forecasts of the Energy Infor-
18 mation Administration, including the role
19 of energy futures contracts, energy com-
20 modity swaps, and derivatives in price for-
21 mation for oil;

22 “(ii) conduct a review of implications
23 of policy changes (including changes in ex-
24 port or import policies) and changes in
25 how crude oil and refined petroleum prod-

1 ucts are transported with respect to price
2 formation of crude oil and refined petro-
3 leum products; and

4 “(iii) notify the Committee on Energy
5 and Natural Resources, and the Committee
6 on Appropriations, of the Senate and the
7 Committee on Energy and Commerce, and
8 the Committee on Appropriations, of the
9 House of Representatives of the rec-
10 ommendations described in clause (i).

11 “(3) ANALYSES.—The Administrator of the En-
12 ergy Information Administration shall take analyses
13 by the Office into account in conducting analyses
14 and forecasting of energy prices.”.

15 (b) CONFORMING AMENDMENT.—Section 645 of the
16 Department of Energy Organization Act (42 U.S.C. 7255)
17 is amended by inserting “(15 U.S.C. 3301 et seq.) and
18 the Natural Gas Act (15 U.S.C. 717 et seq.)” after “Nat-
19 ural Gas Policy Act of 1978”.

20 **SEC. 4502. WORKING GROUP ON ENERGY MARKETS.**

21 (a) ESTABLISHMENT.—There is established a Work-
22 ing Group on Energy Markets (referred to in this section
23 as the “Working Group”).

24 (b) COMPOSITION.—The Working Group shall be
25 composed of—

1 (1) the Secretary;

2 (2) the Secretary of the Treasury;

3 (3) the Chairman of the Federal Energy Regu-
4 latory Commission;

5 (4) the Chairman of Federal Trade Commis-
6 sion;

7 (5) the Chairman of the Securities and Ex-
8 change Commission;

9 (6) the Chairman of the Commodity Futures
10 Trading Commission; and

11 (7) the Administrator of the Energy Informa-
12 tion Administration.

13 (c) CHAIRPERSON.—The Secretary shall serve as the
14 Chairperson of the Working Group.

15 (d) COMPENSATION.—A member of the Working
16 Group shall serve without additional compensation for the
17 work of the member of the Working Group.

18 (e) PURPOSE AND FUNCTION.—The Working Group
19 shall—

20 (1) investigate the effect of increased financial
21 investment in energy commodities on energy prices
22 and the energy security of the United States;

23 (2) recommend to the President and Congress
24 laws (including regulations) that may be needed to
25 prevent excessive speculation in energy commodity

1 markets in order to prevent or minimize the adverse
2 impact of excessive speculation on energy prices on
3 consumers and the economy of the United States;
4 and

5 (3) review energy security implications of devel-
6 opments in international energy markets.

7 (f) ADMINISTRATION.—The Secretary shall provide
8 the Working Group with such administrative and support
9 services as may be necessary for the performance of the
10 functions of the Working Group.

11 (g) COOPERATION OF OTHER AGENCIES.—The heads
12 of Executive departments, agencies, and independent in-
13 strumentalities shall, to the extent permitted by law, pro-
14 vide the Working Group with such information as the
15 Working Group requires to carry out this section.

16 (h) CONSULTATION.—The Working Group shall con-
17 sult, as appropriate, with representatives of the various
18 exchanges, clearinghouses, self-regulatory bodies, other
19 major market participants, consumers, and the general
20 public.

21 **SEC. 4503. STUDY OF REGULATORY FRAMEWORK FOR EN-**
22 **ERGY MARKETS.**

23 (a) STUDY.—The Working Group shall conduct a
24 study—

1 (1) to identify the factors that affect the pricing
2 of crude oil and refined petroleum products, includ-
3 ing an examination of the effects of market specula-
4 tion on prices; and

5 (2) to review and assess—

6 (A) existing statutory authorities relating
7 to the oversight and regulation of markets crit-
8 ical to the energy security of the United States;
9 and

10 (B) the need for additional statutory au-
11 thority for the Federal Government to effec-
12 tively oversee and regulate markets critical to
13 the energy security of the United States.

14 (b) ELEMENTS OF STUDY.—The study shall in-
15 clude—

16 (1) an examination of price formation of crude
17 oil and refined petroleum products;

18 (2) an examination of relevant international
19 regulatory regimes; and

20 (3) an examination of the degree to which
21 changes in energy market transparency, liquidity,
22 and structure have influenced or driven abuse, ma-
23 nipulation, excessive speculation, or inefficient price
24 formation.

1 (c) REPORT AND RECOMMENDATIONS.—The Sec-
 2 retary shall submit to the Committee on Energy and Nat-
 3 ural Resources of the Senate and the Committee on En-
 4 ergy and Commerce of the House of Representatives quar-
 5 terly progress reports during the conduct of the study
 6 under this section, and a final report not later than 1 year
 7 after the date of enactment of this Act, that—

8 (1) describes the results of the study; and

9 (2) provides options and the recommendations
 10 of the Working Group for appropriate Federal co-
 11 ordination of oversight and regulatory actions to en-
 12 sure transparency of crude oil and refined petroleum
 13 product pricing and the elimination of excessive
 14 speculation, including recommendations on data col-
 15 lection and analysis to be carried out by the Finan-
 16 cial Market Analysis Office established by section
 17 205(p) of the Department of Energy Organization
 18 Act (42 U.S.C. 7135(p)).

19 **Subtitle G—Affordability**

20 **SEC. 4601. E-PRIZE COMPETITION PILOT PROGRAM.**

21 Section 1008 of the Energy Policy Act of 2005 (42
 22 U.S.C. 16396) is amended by adding at the end the fol-
 23 lowing:

24 “(g) E-PRIZE COMPETITION PILOT PROGRAM.—

25 “(1) DEFINITIONS.—In this section:

1 “(A) ELIGIBLE ENTITY.—The term ‘eligi-
2 ble entity’ means—

3 “(i) a private sector for-profit or non-
4 profit entity;

5 “(ii) a public-private partnership; or

6 “(iii) a local, municipal, or tribal gov-
7 ernmental entity.

8 “(B) HIGH-COST REGION.—The term
9 ‘high-cost region’ means a region in which the
10 average annual unsubsidized costs of electrical
11 power retail rates or household space heating
12 costs per square foot exceed 150 percent of the
13 national average, as determined by the Sec-
14 retary.

15 “(2) E-PRIZE COMPETITION PILOT PROGRAM.—

16 “(A) IN GENERAL.—The Secretary shall
17 establish an e-prize competition or challenge
18 pilot program to broadly implement sustainable
19 community and regional energy solutions that
20 seek to reduce energy costs through increased
21 efficiency, conservation, and technology innova-
22 tion in high-cost regions.

23 “(B) SELECTION.—In carrying out the
24 pilot program under subparagraph (A), the Sec-
25 retary shall award a prize purse, in amounts to

1 be determined by the Secretary, to each eligible
2 entity selected through 1 or more of the fol-
3 lowing competitions or challenges:

4 “(i) A point solution competition that
5 rewards and spurs the development of solu-
6 tions for a particular, well-defined problem.

7 “(ii) An exposition competition that
8 helps identify and promote a broad range
9 of ideas and practices that may not other-
10 wise attract attention, facilitating further
11 development of the idea or practice by
12 third parties.

13 “(iii) A participation competition that
14 creates value during and after the competi-
15 tion by encouraging contestants to change
16 their behavior or develop new skills that
17 may have beneficial effects during and
18 after the competition.

19 “(iv) Such other types of prizes or
20 challenges as the Secretary, in consultation
21 with relevant heads of Federal agencies,
22 considers appropriate to stimulate innova-
23 tion that has the potential to advance the
24 mission of the applicable Federal agency.

1 “(3) AUTHORIZATION OF APPROPRIATIONS.—
 2 There is authorized to be appropriated to carry out
 3 this subsection \$10,000,000, to remain available
 4 until expended.”.

5 **SEC. 4602. CARBON DIOXIDE CAPTURE TECHNOLOGY**
 6 **PRIZE.**

7 Section 1008 of the Energy Policy Act of 2005 (42
 8 U.S.C. 16396) (as amended by section 4601) is amended
 9 by adding at the end the following:

10 “(h) CARBON DIOXIDE CAPTURE TECHNOLOGY
 11 PRIZE.—

12 “(1) DEFINITIONS.—In this subsection:

13 “(A) BOARD.—The term ‘Board’ means
 14 the Carbon Dioxide Capture Technology Advi-
 15 sory Board established by paragraph (6).

16 “(B) DILUTE.—The term ‘dilute’ means a
 17 concentration of less than 1 percent by volume.

18 “(C) INTELLECTUAL PROPERTY.—The
 19 term ‘intellectual property’ means—

20 “(i) an invention that is patentable
 21 under title 35, United States Code; and

22 “(ii) any patent on an invention de-
 23 scribed in clause (i).

1 “(D) SECRETARY.—The term ‘Secretary’
2 means the Secretary of Energy or designee, in
3 consultation with the Board.

4 “(2) AUTHORITY.—Not later than 1 year after
5 the date of enactment of this subsection, as part of
6 the program carried out under this section, the Sec-
7 retary shall establish and award competitive tech-
8 nology financial awards for carbon dioxide capture
9 from media in which the concentration of carbon di-
10 oxide is dilute.

11 “(3) DUTIES.—In carrying out this subsection,
12 the Secretary shall—

13 “(A) subject to paragraph (4), develop spe-
14 cific requirements for—

15 “(i) the competition process;

16 “(ii) minimum performance standards
17 for qualifying projects; and

18 “(iii) monitoring and verification pro-
19 cedures for approved projects;

20 “(B) establish minimum levels for the cap-
21 ture of carbon dioxide from a dilute medium
22 that are required to be achieved to qualify for
23 a financial award described in subparagraph
24 (C);

25 “(C) offer financial awards for—

1 “(i) a design for a promising capture
2 technology;

3 “(ii) a successful bench-scale dem-
4 onstration of a capture technology;

5 “(iii) a design for a technology de-
6 scribed in clause (i) that will—

7 “(I) be operated on a demonstra-
8 tion scale; and

9 “(II) achieve significant reduc-
10 tion in the level of carbon dioxide; and

11 “(iv) an operational capture tech-
12 nology on a commercial scale that meets
13 the minimum levels described in subpara-
14 graph (B); and

15 “(D) submit to Congress—

16 “(i) an annual report that describes
17 the progress made by the Board and re-
18 cipients of financial awards under this sub-
19 section in achieving the demonstration
20 goals established under subparagraph (C);
21 and

22 “(ii) not later than 1 year after the
23 date of enactment of this subsection, a re-
24 port on the adequacy of authorized funding
25 levels in this subsection.

1 “(4) PUBLIC PARTICIPATION.—In carrying out
2 paragraph (3)(A), the Board shall—

3 “(A) provide notice of and, for a period of
4 at least 60 days, an opportunity for public com-
5 ment on, any draft or proposed version of the
6 requirements described in paragraph (3)(A);
7 and

8 “(B) take into account public comments
9 received in developing the final version of those
10 requirements.

11 “(5) PEER REVIEW.—No financial awards may
12 be provided under this subsection until the proposal
13 for which the award is sought has been peer re-
14 viewed in accordance with such standards for peer
15 review as are established by the Secretary.

16 “(6) CARBON DIOXIDE CAPTURE TECHNOLOGY
17 ADVISORY BOARD.—

18 “(A) ESTABLISHMENT.—There is estab-
19 lished an advisory board to be known as the
20 ‘Carbon Dioxide Capture Technology Advisory
21 Board’.

22 “(B) COMPOSITION.—The Board shall be
23 composed of 9 members appointed by the Presi-
24 dent, who shall provide expertise in—

25 “(i) climate science;

1 “(ii) physics;
2 “(iii) chemistry;
3 “(iv) biology;
4 “(v) engineering;
5 “(vi) economics;
6 “(vii) business management; and
7 “(viii) such other disciplines as the
8 Secretary determines to be necessary to
9 achieve the purposes of this subsection.

10 “(C) TERM; VACANCIES.—

11 “(i) TERM.—A member of the Board
12 shall serve for a term of 6 years.

13 “(ii) VACANCIES.—A vacancy on the
14 Board—

15 “(I) shall not affect the powers of
16 the Board; and

17 “(II) shall be filled in the same
18 manner as the original appointment
19 was made.

20 “(D) INITIAL MEETING.—Not later than
21 30 days after the date on which all members of
22 the Board have been appointed, the Board shall
23 hold the initial meeting of the Board.

24 “(E) MEETINGS.—The Board shall meet
25 at the call of the Chairperson.

1 “(F) QUORUM.—A majority of the mem-
2 bers of the Board shall constitute a quorum,
3 but a lesser number of members may hold hear-
4 ings.

5 “(G) CHAIRPERSON AND VICE CHAIR-
6 PERSON.—The Board shall select a Chairperson
7 and Vice Chairperson from among the members
8 of the Board.

9 “(H) COMPENSATION.—Each member of
10 the Board may be compensated at not to exceed
11 the daily equivalent of the annual rate of basic
12 pay in effect for a position at level V of the Ex-
13 ecutive Schedule for each day during which the
14 member is engaged in the actual performance of
15 the duties of the Board.

16 “(I) DUTIES.—The Board shall advise the
17 Secretary on carrying out the duties of the Sec-
18 retary under this subsection.

19 “(7) INTELLECTUAL PROPERTY.—

20 “(A) IN GENERAL.—As a condition of re-
21 ceiving a financial award under this subsection,
22 an applicant shall agree to vest the intellectual
23 property of the applicant derived from the tech-
24 nology in 1 or more entities that are incor-
25 porated in the United States.

1 “(B) RESERVATION OF LICENSE.—The
2 United States—

3 “(i) may reserve a nonexclusive, non-
4 transferable, irrevocable, paid-up license,
5 to have practiced for or on behalf of the
6 United States, in connection with any in-
7 tellectual property described in subpara-
8 graph (A); but

9 “(ii) shall not, in the exercise of a li-
10 cense reserved under clause (i), publicly
11 disclose proprietary information relating to
12 the license.

13 “(C) TRANSFER OF TITLE.—Title to any
14 intellectual property described in subparagraph
15 (A) shall not be transferred or passed, except to
16 an entity that is incorporated in the United
17 States, until the expiration of the first patent
18 obtained in connection with the intellectual
19 property.

20 “(8) AUTHORIZATION OF APPROPRIATIONS.—
21 There are authorized to be appropriated to carry out
22 this subsection \$50,000,000, to remain available
23 until expended.

1 “(9) TERMINATION OF AUTHORITY.—The
2 Board and all authority provided under this sub-
3 section shall terminate on December 31, 2026.”.

4 **Subtitle H—Code Maintenance**

5 **SEC. 4701. REPEAL OF OFF-HIGHWAY MOTOR VEHICLES** 6 **STUDY.**

7 (a) REPEAL.—Part I of title III of the Energy Policy
8 and Conservation Act (42 U.S.C. 6373) is repealed.

9 (b) CONFORMING AMENDMENT.—The table of con-
10 tents for the Energy Policy and Conservation Act (Public
11 Law 94–163; 89 Stat. 871) is amended—

12 (1) by striking the item relating to part I of
13 title III; and

14 (2) by striking the item relating to section 385.

15 **SEC. 4702. REPEAL OF METHANOL STUDY.**

16 Section 400EE of the Energy Policy and Conserva-
17 tion Act (42 U.S.C. 6374d) is amended—

18 (1) by striking subsection (a); and

19 (2) by redesignating subsections (b) and (c) as
20 subsections (a) and (b), respectively.

21 **SEC. 4703. REPEAL OF AUTHORIZATION OF APPROPRIA-** 22 **TIONS PROVISION.**

23 (a) REPEAL.—Section 208 of the Energy Conserva-
24 tion and Production Act (42 U.S.C. 6808) is repealed.

1 (b) CONFORMING AMENDMENT.—The table of con-
2 tents for the Energy Conservation and Production Act
3 (Public Law 94–385; 90 Stat. 1126) is amended by strik-
4 ing the item relating to section 208.

5 **SEC. 4704. REPEAL OF RESIDENTIAL ENERGY EFFICIENCY**
6 **STANDARDS STUDY.**

7 (a) REPEAL.—Section 253 of the National Energy
8 Conservation Policy Act (42 U.S.C. 8232) is repealed.

9 (b) CONFORMING AMENDMENT.—The table of con-
10 tents for the National Energy Conservation Policy Act
11 (Public Law 95–619; 92 Stat. 3206) is amended by strik-
12 ing the item relating to section 253.

13 **SEC. 4705. REPEAL OF WEATHERIZATION STUDY.**

14 (a) REPEAL.—Section 254 of the National Energy
15 Conservation Policy Act (42 U.S.C. 8233) is repealed.

16 (b) CONFORMING AMENDMENT.—The table of con-
17 tents for the National Energy Conservation Policy Act
18 (Public Law 95–619; 92 Stat. 3206) is amended by strik-
19 ing the item relating to section 254.

20 **SEC. 4706. REPEAL OF REPORT TO CONGRESS.**

21 (a) REPEAL.—Section 273 of the National Energy
22 Conservation Policy Act (42 U.S.C. 8236b) is repealed.

23 (b) CONFORMING AMENDMENT.—The table of con-
24 tents for the National Energy Conservation Policy Act

1 (Public Law 95–619; 92 Stat. 3206) is amended by strik-
2 ing the item relating to section 273.

3 **SEC. 4707. 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)
10 is amended by striking the item relating to section
11 154.

12 (2) Section 159 of the Energy Policy Act of
13 1992 (42 U.S.C. 8262e) is amended by striking sub-
14 section (c).

15 **SEC. 4708. REPEAL OF INTERGOVERNMENTAL ENERGY**
16 **MANAGEMENT PLANNING AND COORDINA-**
17 **TION WORKSHOPS.**

18 (a) REPEAL.—Section 156 of the Energy Policy Act
19 of 1992 (42 U.S.C. 8262b) is repealed.

20 (b) CONFORMING AMENDMENT.—The table of con-
21 tents for the Energy Policy Act of 1992 (Public Law 102–
22 486; 106 Stat. 2776) is amended by striking the item re-
23 lating to section 156.

1 **SEC. 4709. REPEAL OF INSPECTOR GENERAL AUDIT SUR-**
 2 **VEY AND PRESIDENT’S COUNCIL ON INTEG-**
 3 **RITY AND EFFICIENCY REPORT TO CON-**
 4 **GRESS.**

5 (a) REPEAL.—Section 160 of the Energy Policy Act
 6 of 1992 (42 U.S.C. 8262f) is amended by striking the sec-
 7 tion designation and heading and all that follows through
 8 “(c) INSPECTOR GENERAL REVIEW.—Each Inspector
 9 General” and inserting the following:

10 **“SEC. 160. INSPECTOR GENERAL REVIEW.**

11 “Each Inspector General”.

12 (b) CONFORMING AMENDMENT.—The table of con-
 13 tents for the Energy Policy Act of 1992 (Public Law 102–
 14 486; 106 Stat. 2776) is amended by striking the item re-
 15 lating to section 160 and inserting the following:

“Sec. 160. Inspector General review.”.

16 **SEC. 4710. REPEAL OF PROCUREMENT AND IDENTIFICA-**
 17 **TION OF ENERGY EFFICIENT PRODUCTS PRO-**
 18 **GRAM.**

19 (a) REPEAL.—Section 161 of the Energy Policy Act
 20 of 1992 (42 U.S.C. 8262g) is repealed.

21 (b) CONFORMING AMENDMENT.—The table of con-
 22 tents for the Energy Policy Act of 1992 (Public Law 102–
 23 486; 106 Stat. 2776) is amended by striking the item re-
 24 lating to section 161.

1 **SEC. 4711. REPEAL OF NATIONAL ACTION PLAN FOR DE-**
2 **MAND RESPONSE.**

3 (a) REPEAL.—Part 5 of title V of the National En-
4 ergy Conservation Policy Act (42 U.S.C. 8279 et seq.) is
5 repealed.

6 (b) CONFORMING AMENDMENT.—The table of con-
7 tents for the National Energy Conservation Policy Act
8 (Public Law 95–619; 92 Stat. 3206; 121 Stat. 1665) is
9 amended—

10 (1) by striking the item relating to part 5 of
11 title V; and

12 (2) by striking the item relating to section 571.

13 **SEC. 4712. REPEAL OF NATIONAL COAL POLICY STUDY.**

14 (a) REPEAL.—Section 741 of the Powerplant and In-
15 dustrial Fuel Use Act of 1978 (42 U.S.C. 8451) is re-
16 pealed.

17 (b) CONFORMING AMENDMENT.—The table of con-
18 tents for the Powerplant and Industrial Fuel Use Act of
19 1978 (Public Law 95–620; 92 Stat. 3289) is amended by
20 striking the item relating to section 741.

21 **SEC. 4713. REPEAL OF STUDY ON COMPLIANCE PROBLEM**
22 **OF SMALL ELECTRIC UTILITY SYSTEMS.**

23 (a) REPEAL.—Section 744 of the Powerplant and In-
24 dustrial Fuel Use Act of 1978 (42 U.S.C. 8454) is re-
25 pealed.

1 (b) CONFORMING AMENDMENT.—The table of con-
2 tents for the Powerplant and Industrial Fuel Use Act of
3 1978 (Public Law 95–620; 92 Stat. 3289) is amended by
4 striking the item relating to section 744.

5 **SEC. 4714. REPEAL OF STUDY OF SOCIOECONOMIC IM-**
6 **PACTS OF INCREASED COAL PRODUCTION**
7 **AND OTHER ENERGY DEVELOPMENT.**

8 (a) REPEAL.—Section 746 of the Powerplant and In-
9 dustrial Fuel Use Act of 1978 (42 U.S.C. 8456) is re-
10 pealed.

11 (b) CONFORMING AMENDMENT.—The table of con-
12 tents for the Powerplant and Industrial Fuel Use Act of
13 1978 (Public Law 95–620; 92 Stat. 3289) is amended by
14 striking the item relating to section 746.

15 **SEC. 4715. REPEAL OF STUDY OF THE USE OF PETROLEUM**
16 **AND NATURAL GAS IN COMBUSTORS.**

17 (a) REPEAL.—Section 747 of the Powerplant and In-
18 dustrial Fuel Use Act of 1978 (42 U.S.C. 8457) is re-
19 pealed.

20 (b) CONFORMING AMENDMENT.—The table of con-
21 tents for the Powerplant and Industrial Fuel Use Act of
22 1978 (Public Law 95–620; 92 Stat. 3289) is amended by
23 striking the item relating to section 747.

1 **SEC. 4716. REPEAL OF SUBMISSION OF REPORTS.**

2 (a) REPEAL.—Section 807 of the Powerplant and In-
3 dustrial Fuel Use Act of 1978 (42 U.S.C. 8483) is re-
4 pealed.

5 (b) CONFORMING AMENDMENT.—The table of con-
6 tents for the Powerplant and Industrial Fuel Use Act of
7 1978 (Public Law 95–620; 92 Stat. 3289) is amended by
8 striking the item relating to section 807.

9 **SEC. 4717. REPEAL OF ELECTRIC UTILITY CONSERVATION**
10 **PLAN.**

11 (a) REPEAL.—Section 808 of the Powerplant and In-
12 dustrial Fuel Use Act of 1978 (42 U.S.C. 8484) is re-
13 pealed.

14 (b) CONFORMING AMENDMENTS.—

15 (1) TABLE OF CONTENTS.—The table of con-
16 tents for the Powerplant and Industrial Fuel Use
17 Act of 1978 (Public Law 95–620; 92 Stat. 3289) is
18 amended by striking the item relating to section
19 808.

20 (2) REPORT ON IMPLEMENTATION.—Section
21 712 of the Powerplant and Industrial Fuel Use Act
22 of 1978 (42 U.S.C. 8422) is amended—

23 (A) by striking “(a) GENERALLY.—”; and

24 (B) by striking subsection (b).

25 **SEC. 4718. EMERGENCY ENERGY CONSERVATION REPEALS.**

26 (a) REPEALS.—

1 (1) Section 201 of the Emergency Energy Con-
2 servation Act of 1979 (42 U.S.C. 8501) is amend-
3 ed—

4 (A) in the section heading, by striking
5 “**FINDINGS AND**”; and

6 (B) by striking subsection (a).

7 (2) Section 221 of the Emergency Energy Con-
8 servation Act of 1979 (42 U.S.C. 8521) is repealed.

9 (3) Section 222 of the Emergency Energy Con-
10 servation Act of 1979 (42 U.S.C. 8522) is repealed.

11 (4) 241 of the Emergency Energy Conservation
12 Act of 1979 (42 U.S.C. 8531) is repealed.

13 (b) CONFORMING AMENDMENT.—The table of con-
14 tents for the Emergency Energy Conservation Act of 1979
15 (Public Law 96–102; 93 Stat. 749) is amended—

16 (1) by striking the item relating to section 201
17 and inserting the following:

“Sec. 201. Purposes.”; and

18 (2) by striking the items relating to sections
19 221, 222, and 241.

20 **SEC. 4719. ENERGY SECURITY ACT REPEALS.**

21 (a) BIOMASS ENERGY DEVELOPMENT PLANS.—Sub-
22 title A of title II of the Energy Security Act (42 U.S.C.
23 8811 et seq.) is repealed.

1 (b) MUNICIPAL WASTE BIOMASS ENERGY.—Subtitle
 2 B of title II of the Energy Security Act (42 U.S.C. 8831
 3 et seq.) is repealed.

4 (c) USE OF GASOHOL IN FEDERAL MOTOR VEHI-
 5 CLES.—Section 271 of the Energy Security Act (42
 6 U.S.C. 8871) is repealed.

7 (d) CONFORMING AMENDMENTS.—

8 (1) The table of contents for the Energy Secu-
 9 rity Act (Public Law 96–294; 94 Stat. 611) is
 10 amended—

11 (A) by striking the items relating to sub-
 12 title A and B of title II;

13 (B) by striking the item relating to section
 14 204 and inserting the following:

“Sec. 204. Funding. ”; and

15 (C) by striking the item relating to section
 16 271.

17 (2) Section 203 of the Biomass Energy and Al-
 18 cohool Fuels Act of 1980 (42 U.S.C. 8802) is amend-
 19 ed—

20 (A) by striking paragraph (16); and

21 (B) by redesignating paragraphs (17)
 22 through (19) as paragraphs (16) through (18),
 23 respectively.

24 (3) Section 204 of the Energy Security Act (42
 25 U.S.C. 8803) is amended—

- 1 (A) in the section heading, by striking
2 “FOR SUBTITLES A AND B”; and
3 (B) in subsection (a)—
4 (i) in paragraph (1), by adding “and”
5 after the semicolon at the end;
6 (ii) in paragraph (2), by striking “;
7 and” at the end and inserting a period;
8 and
9 (iii) by striking paragraph (3).

10 **SEC. 4720. NUCLEAR SAFETY RESEARCH, DEVELOPMENT,**
11 **AND DEMONSTRATION ACT OF 1980 REPEALS.**

12 Sections 5 and 6 of the Nuclear Safety Research, De-
13 velopment, and Demonstration Act of 1980 (42 U.S.C.
14 9704, 9705) are repealed.

15 **SEC. 4721. ELIMINATION AND CONSOLIDATION OF CERTAIN**
16 **AMERICA COMPETES PROGRAMS.**

17 (a) **ELIMINATION OF PROGRAM AUTHORITIES.—**

18 (1) **NUCLEAR SCIENCE TALENT EXPANSION**
19 **PROGRAM FOR INSTITUTIONS OF HIGHER EDU-**
20 **CATION.—**Section 5004 of the America COMPETES
21 Act (42 U.S.C. 16532) is repealed.

22 (2) **HYDROCARBON SYSTEMS SCIENCE TALENT**
23 **EXPANSION PROGRAM FOR INSTITUTIONS OF HIGH-**
24 **ER EDUCATION.—**

1 (A) IN GENERAL.—Section 5005(e) of the
2 America COMPETES Act (42 U.S.C.
3 16533(e)) is repealed.

4 (B) CONFORMING AMENDMENTS.—Section
5 5005(f) of the America COMPETES Act (42
6 U.S.C. 16533(f)) is amended—

7 (i) by striking paragraph (2);

8 (ii) by striking the subsection designa-
9 tion and heading and all that follows
10 through “There are” in paragraph (1) and
11 inserting the following:

12 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
13 are”; and

14 (iii) by redesignating subparagraphs
15 (A) through (F) as paragraphs (1) through
16 (6), respectively, and indenting appro-
17 priately.

18 (3) DISCOVERY SCIENCE AND ENGINEERING IN-
19 NOVATION INSTITUTES.—Section 5008 of the Amer-
20 ica COMPETES Act (42 U.S.C. 16535) is repealed.

21 (4) ELIMINATION OF DUPLICATIVE AUTHORITY
22 FOR EDUCATION PROGRAMS.—Sections 3181 and
23 3185 of the Department of Energy Science Edu-
24 cation Enhancement Act (42 U.S.C. 7381l, 42
25 U.S.C. 7381n) are repealed.

1 (5) MENTORING PROGRAM.—Section 3195 of
2 the Department of Energy Science Education En-
3 hancement Act (42 U.S.C. 7381r) is repealed.

4 (b) REPEAL OF AUTHORIZATIONS.—

5 (1) DEPARTMENT OF ENERGY EARLY CAREER
6 AWARDS FOR SCIENCE, ENGINEERING, AND MATHE-
7 MATICS RESEARCHERS.—Section 5006 of the Amer-
8 ica COMPETES Act (42 U.S.C. 16534) is amended
9 by striking subsection (h).

10 (2) DISTINGUISHED SCIENTIST PROGRAM.—
11 Section 5011 of the America COMPETES Act (42
12 U.S.C. 16537) is amended by striking subsection (j).

13 (3) PROTECTING AMERICA’S COMPETITIVE
14 EDGE (PACE) GRADUATE FELLOWSHIP PROGRAM.—
15 Section 5009 of the America COMPETES Act (42
16 U.S.C. 16536) is amended by striking subsection (f).

17 (c) CONSOLIDATION OF DUPLICATIVE PROGRAM AU-
18 THORITIES.—

19 (1) UNIVERSITY NUCLEAR SCIENCE AND ENGI-
20 NEERING SUPPORT.—Section 954 of the Energy Pol-
21 icy Act of 2005 (42 U.S.C. 16274) is amended—

22 (A) in subsection (a), by inserting “nuclear
23 chemistry,” after “nuclear engineering,”; and

24 (B) in subsection (b)—

1 (i) by redesignating paragraphs (3)
2 through (5) as paragraphs (4) through (6),
3 respectively; and

4 (ii) by inserting after paragraph (2)
5 the following:

6 “(3) award grants, not to exceed 5 years in du-
7 ration, to institutions of higher education with exist-
8 ing academic degree programs in nuclear sciences
9 and related fields—

10 “(A) to increase the number of graduates
11 in nuclear science and related fields;

12 “(B) to enhance the teaching and research
13 of advanced nuclear technologies;

14 “(C) to undertake collaboration with indus-
15 try and National Laboratories; and

16 “(D) to bolster or sustain nuclear infra-
17 structure and research facilities of institutions
18 of higher education, such as research and train-
19 ing reactors and laboratories;”.

20 (2) CONSOLIDATION OF DEPARTMENT OF EN-
21 ERGY EARLY CAREER AWARDS FOR SCIENCE, ENGI-
22 NEERING, AND MATHEMATICS RESEARCHERS PRO-
23 GRAM AND DISTINGUISHED SCIENTIST PROGRAM.—

1 (A) FUNDING.—Section 971(c) of the En-
2 ergy Policy Act of 2005 (42 U.S.C. 16311(e))
3 is amended by adding at the end the following:

4 “(8) For the Department of Energy early ca-
5 reer awards for science, engineering, and mathe-
6 matics researchers program under section 5006 of
7 the America COMPETES Act (42 U.S.C. 16534)
8 and the distinguished scientist program under sec-
9 tion 5011 of that Act (42 U.S.C. 16537),
10 \$150,000,000 for each of fiscal years 2016 through
11 2020, of which not more than 65 percent of the
12 amount made available for a fiscal year under this
13 paragraph may be used to carry out section 5006 or
14 5011 of that Act.”.

15 (B) DEPARTMENT OF ENERGY EARLY CA-
16 REER AWARDS FOR SCIENCE, ENGINEERING,
17 AND MATHEMATICS RESEARCHERS.—Section
18 5006 of the America COMPETES Act (42
19 U.S.C. 16534) is amended—

20 (i) in subsection (b)(1)—

21 (I) in the matter preceding sub-
22 paragraph (A)—

23 (aa) by inserting “average”

24 before “amount”; and

1 (bb) by inserting “for each
2 year” before “shall”;

3 (II) in subparagraph (A), by
4 striking “\$80,000” and inserting
5 “\$190,000”; and

6 (III) in subparagraph (B), by
7 striking “\$125,000” and inserting
8 “\$490,000”;

9 (ii) in subsection (c)(1)(C)—

10 (I) in clause (i)—

11 (aa) by striking “assistant
12 professor or equivalent title” and
13 inserting “untenured assistant or
14 associate professor”; and

15 (bb) by inserting “or” after
16 the semicolon at the end;

17 (II) by striking clause (ii); and

18 (III) by redesignating clause (iii)
19 as clause (ii);

20 (iii) in subsection (d), by striking “on
21 a competitive, merit-reviewed basis” and
22 inserting “through a competitive process
23 using merit-based peer review.”;

24 (iv) in subsection (e)—

1 (I) by striking “(e)” and all that
2 follows through “To be eligible” and
3 inserting the following:

4 “(e) SELECTION PROCESS AND CRITERIA.—To be eli-
5 gible”; and

6 (II) by striking paragraph (2);
7 and

8 (v) in subsection (f)(1), by striking
9 “nonprofit, nondegree-granting research
10 organizations” and inserting “National
11 Laboratories”.

12 (3) SCIENCE EDUCATION PROGRAMS.—Section
13 3164 of the Department of Energy Science Edu-
14 cation Enhancement Act (42 U.S.C. 7381a) is
15 amended—

16 (A) in subsection (b)—

17 (i) by striking paragraphs (1) and (2)
18 and inserting the following:

19 “(1) IN GENERAL.—The Director of the Office
20 of Science (referred to in this subsection as the ‘Di-
21 rector’) shall provide for appropriate coordination of
22 science, technology, engineering, and mathematics
23 education programs across all functions of the De-
24 partment.

1 “(2) ADMINISTRATION.—In carrying out para-
2 graph (1), the Director shall—

3 “(A) consult with—

4 “(i) the Assistant Secretary of Energy
5 with responsibility for energy efficiency
6 and renewable energy programs; and

7 “(ii) the Deputy Administrator for
8 Defense Programs of the National Nuclear
9 Security Administration; and

10 “(B) seek to increase the participation and
11 advancement of women and underrepresented
12 minorities at every level of science, technology,
13 engineering, and mathematics education.”; and

14 (ii) in paragraph (3)—

15 (I) in subparagraph (D), by
16 striking “and” at the end;

17 (II) by redesignating subpara-
18 graph (E) as subparagraph (F); and

19 (III) by inserting after subpara-
20 graph (D) the following:

21 “(E) represent the Department as the
22 principal interagency liaison for all coordination
23 activities under the President for science, tech-
24 nology, engineering, and mathematics education
25 programs; and”;

1 (B) in subsection (d)—

2 (i) by striking “The Secretary” and
3 inserting the following:

4 “(1) IN GENERAL.—The Secretary”; and

5 (ii) by adding at the end the fol-
6 lowing:

7 “(2) REPORT.—Not later than 180 days after
8 the date of enactment of this subparagraph, the Di-
9 rector shall submit a report describing the impact of
10 the activities assisted with the Fund established
11 under paragraph (1) to—

12 “(A) the Committee on Science, Space,
13 and Technology of the House of Representa-
14 tives; and

15 “(B) the Committee on Energy and Nat-
16 ural Resources of the Senate.”.

17 (4) PROTECTING AMERICA’S COMPETITIVE
18 EDGE (PACE) GRADUATE FELLOWSHIP PROGRAM.—
19 Section 5009 of the America COMPETES Act (42
20 U.S.C. 16536) is amended—

21 (A) in subsection (c)—

22 (i) in paragraph (1) by striking “, in-
23 volving” and all that follows through “Sec-
24 retary”; and

1 (ii) in paragraph (2), by striking sub-
2 paragraph (B) and inserting the following:

3 “(B) to demonstrate excellent academic
4 performance and understanding of scientific or
5 technical subjects; and”;

6 (B) in subsection (d)(1)(B)(i), by inserting
7 “full or partial” before “graduate tuition”; and

8 (C) in subsection (e), in the matter pre-
9 ceeding paragraph (1), by striking “Director of
10 Science, Engineering, and Mathematics Edu-
11 cation” and inserting “Director of the Office of
12 Science.”.

13 (d) CONFORMING AMENDMENTS.—The table of con-
14 tents for the America COMPETES ACT (Public Law
15 110–69; 121 Stat. 573) is amended by striking the items
16 relating to sections 5004 and 5008.

17 **SEC. 4722. REPEAL OF STATE UTILITY REGULATORY AS-**
18 **SISTANCE.**

19 (a) REPEAL.—Section 207 of the Energy Conserva-
20 tion and Production Act (42 U.S.C. 6807) is repealed.

21 (b) CONFORMING AMENDMENT.—The table of con-
22 tents for the Energy Conservation and Production Act
23 (Public Law 94–385; 90 Stat. 1126) is amended by strik-
24 ing the item relating to section 207.

1 **SEC. 4723. 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 En-
7 ergy Conservation Policy Act (Public Law 95–619;
8 92 Stat. 3206; 106 Stat. 2851) is amended by strik-
9 ing 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. 4724. REPEAL OF PHOTOVOLTAIC ENERGY PROGRAM.**

16 (a) REPEAL.—Part 4 of title V of the National En-
17 ergy Conservation Policy Act (42 U.S.C. 8271 et seq.) is
18 repealed.

19 (b) CONFORMING AMENDMENT.—The table of con-
20 tents for the National Energy Conservation Policy Act
21 (Public Law 95–619; 92 Stat. 3206) is amended—

22 (1) by striking the item relating to part 4 of
23 title V; and

24 (2) by striking the items relating to sections
25 561 through 569.

1 **SEC. 4725. REPEAL OF ENERGY AUDITOR TRAINING AND**
2 **CERTIFICATION.**

3 (a) REPEAL.—Subtitle F of title V of the Energy Se-
4 curity Act (42 U.S.C. 8285 et seq.) is repealed.

5 (b) CONFORMING AMENDMENT.—The table of con-
6 tents for the Energy Security Act (Public Law 96–294;
7 94 Stat. 611) is amended by striking the items relating
8 to subtitle F of title V.

9 **SEC. 4726. REPEAL OF AUTHORIZATION OF APPROPRIA-**
10 **TIONS.**

11 (a) REPEAL.—Subtitle F of title VII of the Power-
12 plant and Industrial Fuel Use Act of 1978 (42 U.S.C.
13 8461) is repealed.

14 (b) CONFORMING AMENDMENT.—The table of con-
15 tents for the Powerplant and Industrial Fuel Use Act of
16 1978 (Public Law 95–620; 92 Stat. 3289) is amended by
17 striking the item relating to subtitle F of title VII.

18 **SEC. 4727. REPEAL OF RENEWABLE ENERGY AND ENERGY**
19 **EFFICIENCY TECHNOLOGY COMPETITIVE-**
20 **NESS ACT OF 1989.**

21 (a) REPEAL.—The Renewable Energy and Energy
22 Efficiency Technology Competitiveness Act of 1989 (42
23 U.S.C. 12001 et seq.) is repealed.

24 (b) CONFORMING AMENDMENTS.—

1 (1) Section 6(b)(3) of the Federal Nonnuclear
2 Energy Research and Development Act of 1974 (42
3 U.S.C. 5905(b)(3)) is amended—

4 (A) in subparagraph (Q), by adding “and”
5 after the semicolon;

6 (B) by striking subparagraph (R); and

7 (C) by redesignating subparagraph (S) as
8 subparagraph (R).

9 (2) Section 1204 of the Energy Policy Act of
10 1992 (42 U.S.C. 13313) is amended—

11 (A) in subsection (b), in the matter pre-
12 ceding paragraph (1), in the first sentence, by
13 striking “, in consultation with” and all that
14 follows through “under section 6 of the Renew-
15 able Energy and Energy Efficiency Technology
16 Competitiveness Act of 1989,”; and

17 (B) in subsection (c), by striking “, in con-
18 sultation with the Advisory Committee,”.

19 **SEC. 4728. REPEAL OF HYDROGEN RESEARCH, DEVELOP-**
20 **MENT, AND DEMONSTRATION PROGRAM.**

21 The Spark M. Matsunaga Hydrogen Research, Devel-
22 opment, and Demonstration Act of 1990 (42 U.S.C.
23 12401 et seq.) is repealed.

1 **SEC. 4729. REPEAL OF STUDY ON ALTERNATIVE FUEL USE**
2 **IN NONROAD VEHICLES AND ENGINES.**

3 (a) IN GENERAL.—Section 412 of the Energy Policy
4 Act of 1992 (42 U.S.C. 13238) is repealed.

5 (b) CONFORMING AMENDMENT.—The table of con-
6 tents for the Energy Policy Act of 1992 (Public Law 102–
7 486; 106 Stat. 2776) is amended by striking the item re-
8 lating to section 412.

9 **SEC. 4730. REPEAL OF LOW INTEREST LOAN PROGRAM FOR**
10 **SMALL BUSINESS FLEET PURCHASES.**

11 (a) IN GENERAL.—Section 414 of the Energy Policy
12 Act of 1992 (42 U.S.C. 13239) is repealed.

13 (b) CONFORMING AMENDMENT.—The table of con-
14 tents for the Energy Policy Act of 1992 (Public Law 102–
15 486; 106 Stat. 2776) is amended by striking the item re-
16 lating to section 414.

17 **SEC. 4731. REPEAL OF TECHNICAL AND POLICY ANALYSIS**
18 **FOR REPLACEMENT FUEL DEMAND AND SUP-**
19 **PLY INFORMATION.**

20 (a) IN GENERAL.—Section 506 of the Energy Policy
21 Act of 1992 (42 U.S.C. 13256) is repealed.

22 (b) CONFORMING AMENDMENTS.—

23 (1) The table of contents for the Energy Policy
24 Act of 1992 (Public Law 102–486; 106 Stat. 2776)
25 is amended by striking the item relating to section
26 506.

1 (2) Section 507(m) of the Energy Policy Act of
2 1992 (42 U.S.C. 13257(m)) is amended by striking
3 “and section 506”.

4 **SEC. 4732. REPEAL OF 1992 REPORT ON CLIMATE CHANGE.**

5 (a) IN GENERAL.—Section 1601 of the Energy Policy
6 Act of 1992 (42 U.S.C. 13381) 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)
10 is amended by striking the item relating to section
11 1601.

12 (2) Section 1602(a) of the Energy Policy Act of
13 1992 (42 U.S.C. 13382(a)) is amended, in the mat-
14 ter preceding paragraph (1), in the third sentence,
15 by striking “the report required under section 1601
16 and”.

17 **SEC. 4733. REPEAL OF DIRECTOR OF CLIMATE PROTECTOR**
18 **ESTABLISHMENT.**

19 (a) IN GENERAL.—Section 1603 of the Energy Policy
20 Act of 1992 (42 U.S.C. 13383) is repealed.

21 (b) CONFORMING AMENDMENT.—The table of con-
22 tents for the Energy Policy Act of 1992 (Public Law 102–
23 486; 106 Stat. 2776) is amended by striking the item re-
24 lating to section 1603.

1 **SEC. 4734. REPEAL OF 1994 REPORT ON GLOBAL CLIMATE**
2 **CHANGE EMISSIONS.**

3 (a) IN GENERAL.—Section 1604 of the Energy Policy
4 Act of 1992 (42 U.S.C. 13384) is repealed.

5 (b) CONFORMING AMENDMENT.—The table of con-
6 tents for the Energy Policy Act of 1992 (Public Law 102–
7 486; 106 Stat. 2776) is amended by striking the item re-
8 lating to section 1604.

9 **SEC. 4735. REPEAL OF TELECOMMUTING STUDY.**

10 (a) IN GENERAL.—Section 2028 of the Energy Policy
11 Act of 1992 (42 U.S.C. 13438) is repealed.

12 (b) CONFORMING AMENDMENT.—The table of con-
13 tents for the Energy Policy Act of 1992 (Public Law 102–
14 486; 106 Stat. 2776) is amended by striking the item re-
15 lating to section 2028.

16 **SEC. 4736. REPEAL OF ADVANCED BUILDINGS FOR 2005**
17 **PROGRAM.**

18 (a) IN GENERAL.—Section 2104 of the Energy Policy
19 Act of 1992 (42 U.S.C. 13454) is repealed.

20 (b) CONFORMING AMENDMENTS.—

21 (1) The table of contents for the Energy Policy
22 Act of 1992 (Public Law 102–486; 106 Stat. 2776)
23 is amended by striking the item relating to section
24 2104.

1 (2) Section 2101(a) of the Energy Policy Act of
2 1992 (42 U.S.C. 13451(a)) is amended, in the third
3 sentence, by striking “2104,”.

4 **SEC. 4737. REPEAL OF ENERGY RESEARCH, DEVELOPMENT,**
5 **DEMONSTRATION, AND COMMERCIAL APPLI-**
6 **CATION ADVISORY BOARD.**

7 (a) IN GENERAL.—Section 2302 of the Energy Policy
8 Act of 1992 (42 U.S.C. 13522) is repealed.

9 (b) CONFORMING AMENDMENTS.—

10 (1) The table of contents for the Energy Policy
11 Act of 1992 (Public Law 102–486; 106 Stat. 2776)
12 is amended by striking the item relating to section
13 2302.

14 (2) Section 6 of the Federal Nonnuclear Energy
15 Research and Development Act of 1974 (42 U.S.C.
16 5905) is amended—

17 (A) in subsection (a), in the matter pre-
18 ceding paragraph (1), in the first sentence, by
19 striking “, in consultation with the Advisory
20 Board established under section 2302 of the
21 Energy Policy Act of 1992,”;

22 (B) in subsection (b)—

23 (i) in paragraph (1), in the first sen-
24 tence, by striking “, in consultation with
25 the Advisory Board established under sec-

1 tion 2302 of the Energy Policy Act of
2 1992,”; and

3 (ii) in paragraph (2), in the second
4 sentence, by striking “, in consultation
5 with the Advisory Board established under
6 section 2302 of the Energy Policy Act of
7 1992,”; and

8 (C) in subsection (c), in the first sentence,
9 by striking “, in consultation with the Advisory
10 Board established under section 2302 of the
11 Energy Policy Act of 1992,”.

12 (3) Section 2011(c) of the Energy Policy Act of
13 1992 (42 U.S.C. 13411(c)) is amended, in the sec-
14 ond sentence, by striking “, and with the Advisory
15 Board established under section 2302”.

16 (4) Section 2304 of the Energy Policy Act of
17 1992 (42 U.S.C. 13523), is amended—

18 (A) in subsection (a), by striking “, in con-
19 sultation with the Advisory Board established
20 under section 2302,”; and

21 (B) in subsection (c), in the matter pre-
22 ceding paragraph (1), in the first sentence, by
23 striking “, with the advice of the Advisory
24 Board established under section 2302 of this
25 Act,”.

1 **SEC. 4738. REPEAL OF STUDY ON USE OF ENERGY FUTURES**
2 **FOR FUEL PURCHASE.**

3 (a) IN GENERAL.—Section 3014 of the Energy Policy
4 Act of 1992 (42 U.S.C. 13552) is repealed.

5 (b) CONFORMING AMENDMENT.—The table of con-
6 tents for the Energy Policy Act of 1992 (Public Law 102–
7 486; 106 Stat. 2776) is amended by striking the item re-
8 lating to section 3014.

9 **SEC. 4739. REPEAL OF ENERGY SUBSIDY STUDY.**

10 (a) IN GENERAL.—Section 3015 of the Energy Policy
11 Act of 1992 (42 U.S.C. 13553) is repealed.

12 (b) CONFORMING AMENDMENT.—The table of con-
13 tents for the Energy Policy Act of 1992 (Public Law 102–
14 486; 106 Stat. 2776) is amended by striking the item re-
15 lating to section 3015.

16 **SEC. 4740. MODERNIZATION OF TERMS RELATING TO MI-**
17 **NORITIES.**

18 (a) OFFICE OF MINORITY ECONOMIC IMPACT.—Sec-
19 tion 211(f)(1) of the Department of Energy Organization
20 Act (42 U.S.C. 7141(f)(1)) is amended by striking “a
21 Negro, Puerto Rican, American Indian, Eskimo, Oriental,
22 or Aleut or is a Spanish speaking individual of Spanish
23 descent” and inserting “Asian American, Native Hawai-
24 ian, a Pacific Islander, African-American, Hispanic, Puer-
25 to Rican, Native American, or an Alaska Native”.

1 (b) MINORITY BUSINESS ENTERPRISES.—Section
 2 106(f)(2) of the Local Public Works Capital Development
 3 and Investment Act of 1976 (42 U.S.C. 6705(f)(2)) is
 4 amended in the third sentence by striking “Negroes,
 5 Spanish-speaking, Orientals, Indians, Eskimos, and
 6 Aleuts” and inserting “Asian American, Native Hawaiian,
 7 Pacific Islanders, African-American, Hispanic, Native
 8 American, or Alaska Natives”.

9 **TITLE V—CONSERVATION**
 10 **REAUTHORIZATION**

11 **SEC. 5001. NATIONAL PARK SERVICE MAINTENANCE AND**
 12 **REVITALIZATION CONSERVATION FUND.**

13 (a) IN GENERAL.—Chapter 1049 of title 54, United
 14 States Code, is amended by adding at the end the fol-
 15 lowing:

16 **“§ 104908. National Park Service Maintenance and**
 17 **Revitalization Conservation Fund**

18 “(a) IN GENERAL.—There is established in the
 19 Treasury a fund, to be known as the ‘National Park Serv-
 20 ice Critical Maintenance and Revitalization Conservation
 21 Fund’ (referred to in this section as the ‘Fund’).

22 “(b) DEPOSITS TO FUND.—Notwithstanding any
 23 provision of law providing that the proceeds shall be cred-
 24 ited to miscellaneous receipts of the Treasury, for each
 25 fiscal year, there shall be deposited in the Fund, from rev-

1 enues due and payable to the United States under section
2 9 of the Outer Continental Shelf Lands Act (43 U.S.C.
3 1338) \$150,000,000.

4 “(c) USE AND AVAILABILITY.—

5 “(1) IN GENERAL.—Amounts deposited in the
6 Fund shall—

7 “(A) be used only for the purposes de-
8 scribed in subsection (d); and

9 “(B) be available for expenditure only after
10 the amounts are appropriated for those pur-
11 poses.

12 “(2) AVAILABILITY.—Any amounts in the Fund
13 not appropriated shall remain available in the Fund
14 until appropriated.

15 “(3) NO LIMITATION.—Appropriations from the
16 Fund pursuant to this section may be made without
17 fiscal year limitation.

18 “(d) NATIONAL PARK SYSTEM CRITICAL DEFERRED
19 MAINTENANCE.—The Secretary shall use amounts appro-
20 priated from the Fund for high-priority deferred mainte-
21 nance needs of the Service that support critical infrastruc-
22 ture and visitor services.

23 “(e) LAND ACQUISITION PROHIBITION.—Amounts in
24 the Fund shall not be used for land acquisition.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 for chapter 1049 of title 54, United States Code, is
3 amended by inserting after the item relating to section
4 104907 the following:

“§104908. National Park Service Maintenance and Revitalization Conservation
Fund.”.

5 **SEC. 5002. LAND AND WATER CONSERVATION FUND.**

6 (a) REAUTHORIZATION.—Section 200302 of title 54,
7 United States Code, is amended—

8 (1) in subsection (b), in the matter preceding
9 paragraph (1), by striking “During the period end-
10 ing September 30, 2018, there” and inserting
11 “There”; and

12 (2) in subsection (c)(1), by striking “through
13 September 30, 2018”.

14 (b) ALLOCATION OF FUNDS.—Section 200304 of title
15 54, United States Code, is amended—

16 (1) by striking “There” and inserting “(a) In
17 General.—There”; and

18 (2) by striking the second sentence and insert-
19 ing the following:

20 “(b) ALLOCATION.—Of the appropriations from the
21 Fund—

22 “(1) not less than 40 percent shall be used col-
23 lectively for Federal purposes under section 200306;

1 “(2) not less than 40 percent shall be used col-
2 lectively—

3 “(A) to provide financial assistance to
4 States under section 200305;

5 “(B) for the Forest Legacy Program es-
6 tablished under section 7 of the Cooperative
7 Forestry Assistance Act of 1978 (16 U.S.C.
8 2103e);

9 “(C) for cooperative endangered species
10 grants authorized under section 6 of the En-
11 dangered Species Act of 1973 (16 U.S.C.
12 1535); and

13 “(D) for the American Battlefield Protec-
14 tion Program established under chapter 3081;
15 and

16 “(3) not less than 1.5 percent or \$10,000,000,
17 whichever is greater, shall be used for projects that
18 secure recreational public access to Federal public
19 land for hunting, fishing, or other recreational pur-
20 poses.”.

21 (c) CONSERVATION EASEMENTS.—Section 200306 of
22 title 54, United States Code, is amended by adding at the
23 end the following:

24 “(c) CONSERVATION EASEMENTS.—The Secretary
25 and the Secretary of Agriculture shall consider the acqui-

1 sition of conservation easements and other similar inter-
2 ests in land where appropriate and feasible.”.

3 (d) ACQUISITION CONSIDERATIONS.—Section
4 200306 of title 54, United States Code (as amended by
5 subsection (c)), is amended by adding at the end the fol-
6 lowing:

7 “(d) ACQUISITION CONSIDERATIONS.—The Secretary
8 and the Secretary of Agriculture shall take into account
9 the following in determining the land or interests in land
10 to acquire:

11 “(1) Management efficiencies.

12 “(2) Management cost savings.

13 “(3) Geographic distribution.

14 “(4) Significance of the acquisition.

15 “(5) Urgency of the acquisition.

16 “(6) Threats to the integrity of the land to be
17 acquired.

18 “(7) The recreational value of the land.”.

19 **SEC. 5003. HISTORIC PRESERVATION FUND.**

20 Section 303102 of title 54, United States Code, is
21 amended by striking “of fiscal years 2012 to 2015” and
22 inserting “fiscal year”.

1 **SEC. 5004. CONSERVATION INCENTIVES LANDOWNER EDU-**
2 **CATION PROGRAM.**

3 (a) **IN GENERAL.**—Not later than 1 year after the
4 date of enactment of this Act, the Secretary of the Interior
5 shall establish a conservation incentives landowner edu-
6 cation program (referred to in this section as the “pro-
7 gram”).

8 (b) **PURPOSE OF PROGRAM.**—The program shall pro-
9 vide information on Federal conservation programs avail-
10 able to landowners interested in undertaking conservation
11 actions on the land of the landowners, including options
12 under each conservation program available to achieve the
13 conservation goals of the program, such as—

- 14 (1) fee title land acquisition;
15 (2) donation; and
16 (3) perpetual and term conservation easements
17 or agreements.

18 (c) **AVAILABILITY.**—The Secretary of the Interior
19 shall ensure that the information provided under the pro-
20 gram is made available to—

- 21 (1) interested landowners; and
22 (2) the public.

23 (d) **NOTIFICATION.**—In any case in which the Sec-
24 retary of the Interior contacts a landowner directly about
25 participation in a Federal conservation program, the Sec-
26 retary shall, in writing—

- 1 (1) notify the landowner of the program; and
- 2 (2) make available information on the conserva-
- 3 tion program options that may be available to the
- 4 landowner.

5 **TITLE VI—INDIAN TRIBAL EN-**
6 **ERGY DEVELOPMENT AND**
7 **SELF-DETERMINATION**

8 **SECTION 6001. SHORT TITLE.**

9 This title may be cited as the “Indian Tribal Energy
10 Development and Self-Determination Act Amendments of
11 2016”.

12 **Subtitle A—Indian Tribal Energy**
13 **Development and Self-deter-**
14 **mination Act Amendments**

15 **SEC. 6011. INDIAN TRIBAL ENERGY RESOURCE DEVELOP-**
16 **MENT.**

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

- 19 (1) in paragraph (2)—
 - 20 (A) in subparagraph (C), by striking
 - 21 “and” after the semicolon;
 - 22 (B) in subparagraph (D), by striking the
 - 23 period at the end and inserting “; and”; and
 - 24 (C) by adding at the end the following:

1 “(E) consult with each applicable Indian
2 tribe before adopting or approving a well spac-
3 ing program or plan applicable to the energy re-
4 sources of that Indian tribe or the members of
5 that Indian tribe.”; and

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

7 “(4) PLANNING.—

8 “(A) IN GENERAL.—In carrying out the
9 program established by paragraph (1), the Sec-
10 retary shall provide technical assistance to in-
11 terested Indian tribes to develop energy plans,
12 including—

13 “(i) plans for electrification;

14 “(ii) plans for oil and gas permitting,
15 renewable energy permitting, energy effi-
16 ciency, electricity generation, transmission
17 planning, water planning, and other plan-
18 ning relating to energy issues;

19 “(iii) plans for the development of en-
20 ergy resources and to ensure the protection
21 of natural, historic, and cultural resources;
22 and

23 “(iv) any other plans that would as-
24 sist an Indian tribe in the development or
25 use of energy resources.

1 “(B) COOPERATION.—In establishing the
2 program under paragraph (1), the Secretary
3 shall work in cooperation with the Office of In-
4 dian Energy Policy and Programs of the De-
5 partment of Energy.”.

6 (b) DEPARTMENT OF ENERGY INDIAN ENERGY EDU-
7 CATION PLANNING AND MANAGEMENT ASSISTANCE PRO-
8 GRAM.—Section 2602(b)(2) of the Energy Policy Act of
9 1992 (25 U.S.C. 3502(b)(2)) is amended—

10 (1) in the matter preceding subparagraph (A),
11 by inserting “, intertribal organization,” after “In-
12 dian tribe”;

13 (2) by redesignating subparagraphs (C) and
14 (D) as subparagraphs (D) and (E), respectively; and

15 (3) by inserting after subparagraph (B) the fol-
16 lowing:

17 “(C) activities to increase the capacity of
18 Indian tribes to manage energy development
19 and energy efficiency programs;”.

20 (c) DEPARTMENT OF ENERGY LOAN GUARANTEE
21 PROGRAM.—Section 2602(c) of the Energy Policy Act of
22 1992 (25 U.S.C. 3502(c)) is amended—

23 (1) in paragraph (1), by inserting “or a tribal
24 energy development organization” after “Indian
25 tribe”;

1 (2) in paragraph (3)—

2 (A) in the matter preceding subparagraph
3 (A), by striking “guarantee” and inserting
4 “guaranteed”;

5 (B) in subparagraph (A), by striking “or”;

6 (C) in subparagraph (B), by striking the
7 period at the end and inserting “; or”; and

8 (D) by adding at the end the following:

9 “(C) a tribal energy development organiza-
10 tion, from funds of the tribal energy develop-
11 ment organization.”; and

12 (3) in paragraph (5), by striking “The Sec-
13 retary of Energy may” and inserting “Not later
14 than 1 year after the date of enactment of the In-
15 dian Tribal Energy Development and Self-Deter-
16 mination Act Amendments of 2016, the Secretary of
17 Energy shall”.

18 **SEC. 6012. INDIAN TRIBAL ENERGY RESOURCE REGULA-**
19 **TION.**

20 Section 2603(c) of the Energy Policy Act of 1992 (25
21 U.S.C. 3503(c)) is amended—

22 (1) in paragraph (1), by striking “on the re-
23 quest of an Indian tribe, the Indian tribe” and in-
24 serting “on the request of an Indian tribe or a tribal

1 energy development organization, the Indian tribe or
2 tribal energy development organization”; and

3 (2) in paragraph (2)(B), by inserting “or tribal
4 energy development organization” after “Indian
5 tribe”.

6 **SEC. 6013. TRIBAL ENERGY RESOURCE AGREEMENTS.**

7 (a) AMENDMENT.—Section 2604 of the Energy Pol-
8 icy Act of 1992 (25 U.S.C. 3504) is amended—

9 (1) in subsection (a)—

10 (A) in paragraph (1)—

11 (i) in subparagraph (A), by striking
12 “or” after the semicolon at the end;

13 (ii) in subparagraph (B)—

14 (I) by striking clause (i) and in-
15 serting the following:

16 “(i) an electric production, generation,
17 transmission, or distribution facility (in-
18 cluding a facility that produces electricity
19 from renewable energy resources) located
20 on tribal land; or”; and

21 (II) in clause (ii)—

22 (aa) by inserting “, at least
23 a portion of which have been”
24 after “energy resources”;

1 (bb) by inserting “or pro-
2 duced from” after “developed
3 on”; and

4 (cc) by striking “and” after
5 the semicolon at the end and in-
6 serting “or”; and

7 (iii) by adding at the end the fol-
8 lowing:

9 “(C) pooling, unitization, or
10 communitization of the energy mineral re-
11 sources of the Indian tribe located on tribal
12 land with any other energy mineral resource
13 (including energy mineral resources owned by
14 the Indian tribe or an individual Indian in fee,
15 trust, or restricted status or by any other per-
16 sons or entities) if the owner, or, if appropriate,
17 lessee, of the resources has consented or con-
18 sents to the pooling, unitization, or
19 communitization of the other resources under
20 any lease or agreement; and”;

21 (B) by striking paragraph (2) and insert-
22 ing the following:

23 “(2) a lease or business agreement described in
24 paragraph (1) shall not require review by, or the ap-
25 proval of, the Secretary under section 2103 of the

1 Revised Statutes (25 U.S.C. 81), or any other provi-
2 sion of law (including regulations), if the lease or
3 business agreement—

4 “(A) was executed—

5 “(i) in accordance with the require-
6 ments of a tribal energy resource agree-
7 ment in effect under subsection (e) (includ-
8 ing the periodic review and evaluation of
9 the activities of the Indian tribe under the
10 agreement, to be conducted pursuant to
11 subparagraphs (D) and (E) of subsection
12 (e)(2)); or

13 “(ii) by the Indian tribe and a tribal
14 energy development organization for which
15 the Indian tribe has obtained a certifi-
16 cation pursuant to subsection (h); and

17 “(B) has a term that does not exceed—

18 “(i) 30 years; or

19 “(ii) in the case of a lease for the pro-
20 duction of oil resources, gas resources, or
21 both, 10 years and as long thereafter as oil
22 or gas is produced in paying quantities.”;

23 (2) by striking subsection (b) and inserting the
24 following:

1 “(b) RIGHTS-OF-WAY.—An Indian tribe may grant a
2 right-of-way over tribal land without review or approval
3 by the Secretary if the right-of-way—

4 “(1) serves—

5 “(A) an electric production, generation,
6 transmission, or distribution facility (including
7 a facility that produces electricity from renew-
8 able energy resources) located on tribal land;

9 “(B) a facility located on tribal land that
10 extracts, produces, processes, or refines energy
11 resources; or

12 “(C) the purposes, or facilitates in car-
13 rying out the purposes, of any lease or agree-
14 ment entered into for energy resource develop-
15 ment on tribal land;

16 “(2) was executed—

17 “(A) in accordance with the requirements
18 of a tribal energy resource agreement in effect
19 under subsection (e) (including the periodic re-
20 view and evaluation of the activities of the In-
21 dian tribe under the agreement, to be conducted
22 pursuant to subparagraphs (D) and (E) of sub-
23 section (e)(2)); or

24 “(B) by the Indian tribe and a tribal en-
25 ergy development organization for which the In-

1 dian tribe has obtained a certification pursuant
2 to subsection (h); and

3 “(3) has a term that does not exceed 30
4 years.”;

5 (3) by striking subsection (d) and inserting the
6 following:

7 “(d) VALIDITY.—No lease or business agreement en-
8 tered into, or right-of-way granted, pursuant to this sec-
9 tion shall be valid unless the lease, business agreement,
10 or right-of-way is authorized by subsection (a) or (b).”;

11 (4) in subsection (e)—

12 (A) by striking paragraph (1) and insert-
13 ing the following:

14 “(1) IN GENERAL.—

15 “(A) AUTHORIZATION.—On or after the
16 date of enactment of the Indian Tribal Energy
17 Development and Self-Determination Act
18 Amendments of 2016, a qualified Indian tribe
19 may submit to the Secretary a tribal energy re-
20 source agreement governing leases, business
21 agreements, and rights-of-way under this sec-
22 tion.

23 “(B) NOTICE OF COMPLETE PROPOSED
24 AGREEMENT.—Not later than 60 days after the
25 date on which the tribal energy resource agree-

1 ment is submitted under subparagraph (A), the
2 Secretary shall—

3 “(i) notify the Indian tribe as to
4 whether the agreement is complete or in-
5 complete;

6 “(ii) if the agreement is incomplete,
7 notify the Indian tribe of what information
8 or documentation is needed to complete the
9 submission; and

10 “(iii) identify and notify the Indian
11 tribe of the financial assistance, if any, to
12 be provided by the Secretary to the Indian
13 tribe to assist in the implementation of the
14 tribal energy resource agreement, including
15 the environmental review of individual
16 projects.

17 “(C) EFFECT.—Nothing in this paragraph
18 precludes the Secretary from providing any fi-
19 nancial assistance at any time to the Indian
20 tribe to assist in the implementation of the trib-
21 al energy resource agreement.”;

22 (B) in paragraph (2)—

23 (i) by striking “(2)(A)” and all that
24 follows through the end of subparagraph
25 (A) and inserting the following:

1 “(2) PROCEDURE.—

2 “(A) EFFECTIVE DATE.—

3 “(i) IN GENERAL.—On the date that
4 is 271 days after the date on which the
5 Secretary receives a tribal energy resource
6 agreement from a qualified Indian tribe
7 under paragraph (1), the tribal energy re-
8 source agreement shall take effect, unless
9 the Secretary disapproves the tribal energy
10 resource agreement under subparagraph
11 (B).

12 “(ii) REVISED TRIBAL ENERGY RE-
13 SOURCE AGREEMENT.—On the date that is
14 91 days after the date on which the Sec-
15 retary receives a revised tribal energy re-
16 source agreement from a qualified Indian
17 tribe under paragraph (4)(B), the revised
18 tribal energy resource agreement shall take
19 effect, unless the Secretary disapproves the
20 revised tribal energy resource agreement
21 under subparagraph (B).”;

22 (ii) in subparagraph (B)—

23 (I) by striking “(B)” and all that
24 follows through clause (ii) and insert-
25 ing the following:

1 “(B) DISAPPROVAL.—The Secretary shall
2 disapprove a tribal energy resource agreement
3 submitted pursuant to paragraph (1) or (4)(B)
4 only if—

5 “(i) a provision of the tribal energy
6 resource agreement violates applicable
7 Federal law (including regulations) or a
8 treaty applicable to the Indian tribe;

9 “(ii) the tribal energy resource agree-
10 ment does not include 1 or more provisions
11 required under subparagraph (D); or”;

12 (II) in clause (iii)—

13 (aa) in the matter preceding
14 subclause (I), by striking “in-
15 cludes” and all that follows
16 through “section—” and insert-
17 ing “does not include provisions
18 that, with respect to any lease,
19 business agreement, or right-of-
20 way to which the tribal energy
21 resource agreement applies—”;

22 (bb) by striking subclauses
23 (I), (II), (V), (VIII), and (XV);

24 (cc) by redesignating clauses
25 (III), (IV), (VI), (VII), (IX)

1 through (XIV), and (XVI) as
2 clauses (I), (II), (III), (IV), (V)
3 through (X), and (XI), respec-
4 tively;

5 (dd) in item (bb) of sub-
6 clause (XI) (as redesignated by
7 item (cc))—

8 (AA) by striking “or
9 tribal”; and

10 (BB) by striking the
11 period at the end and insert-
12 ing a semicolon; and

13 (ee) by adding at the end
14 the following:

15 “(XII) include a certification by
16 the Indian tribe that the Indian tribe
17 has—

18 “(aa) carried out a contract
19 or compact under title I or IV of
20 the Indian Self-Determination
21 and Education Assistance Act
22 (25 U.S.C. 450 et seq.) for a pe-
23 riod of not less than 3 consecu-
24 tive years ending on the date on
25 which the Indian tribe submits

1 the application without material
2 audit exception (or without any
3 material audit exceptions that
4 were not corrected within the 3-
5 year period) relating to the man-
6 agement of tribal land or natural
7 resources; or

8 “(bb) substantial experience
9 in the administration, review, or
10 evaluation of energy resource
11 leases or agreements or has oth-
12 erwise substantially participated
13 in the administration, manage-
14 ment, or development of energy
15 resources located on the tribal
16 land of the Indian tribe; and

17 “(XIII) at the option of the In-
18 dian tribe, identify which functions, if
19 any, authorizing any operational or
20 development activities pursuant to a
21 lease, right-of-way, or business agree-
22 ment approved by the Indian tribe,
23 that the Indian tribe intends to con-
24 duct.”;

25 (iii) in subparagraph (C)—

1 (I) by striking clauses (i) and
2 (ii);

3 (II) by redesignating clauses (iii)
4 through (v) as clauses (ii) through
5 (iv), respectively; and

6 (III) by inserting before clause
7 (ii) (as redesignated by subclause (II))
8 the following:

9 “(i) a process for ensuring that—

10 “(I) the public is informed of,
11 and has reasonable opportunity to
12 comment on, any significant environ-
13 mental impacts of the proposed ac-
14 tion; and

15 “(II) the Indian tribe provides
16 responses to relevant and substantive
17 public comments on any impacts de-
18 scribed in subclause (I) before the In-
19 dian tribe approves the lease, business
20 agreement, or right-of-way.”;

21 (iv) in subparagraph (D)(ii), by strik-
22 ing “subparagraph (B)(iii)(XVI)” and in-
23 sserting “subparagraph (B)(iv)(XI)”;

24 (v) by adding at the end the following:

1 “(F) EFFECTIVE PERIOD.—A tribal energy
2 resource agreement that takes effect pursuant
3 to this subsection shall remain in effect to the
4 extent any provision of the tribal energy re-
5 source agreement is consistent with applicable
6 Federal law (including regulations), unless the
7 tribal energy resource agreement is—

8 “(i) rescinded by the Secretary pursu-
9 ant to paragraph (7)(D)(iii)(II); or

10 “(ii) voluntarily rescinded by the In-
11 dian tribe pursuant to the regulations pro-
12 mulgated under paragraph (8)(B) (or suc-
13 cessor regulations).”;

14 (C) in paragraph (4), by striking “date of
15 disapproval” and all that follows through the
16 end of subparagraph (C) and inserting the fol-
17 lowing: “date of disapproval, provide the Indian
18 tribe with—

19 “(A) a detailed, written explanation of—

20 “(i) each reason for the disapproval;
21 and

22 “(ii) the revisions or changes to the
23 tribal energy resource agreement necessary
24 to address each reason; and

1 “(B) an opportunity to revise and resubmit
2 the tribal energy resource agreement.”;

3 (D) in paragraph (6)—

4 (i) in subparagraph (B)—

5 (I) by striking “(B) Subject to”
6 and inserting the following:

7 “(B) Subject only to”; and

8 (II) by striking “subparagraph
9 (D)” and inserting “subparagraphs
10 (C) and (D)”;

11 (ii) in subparagraph (C), in the mat-
12 ter preceding clause (i), by inserting “to
13 perform the obligations of the Secretary
14 under this section and” before “to ensure”;
15 and

16 (iii) in subparagraph (D), by adding
17 at the end the following:

18 “(iii) Nothing in this section absolves,
19 limits, or otherwise affects the liability, if
20 any, of the United States for any—

21 “(I) term of any lease, business
22 agreement, or right-of-way under this
23 section that is not a negotiated term;
24 or

1 “(II) losses that are not the re-
2 sult of a negotiated term, including
3 losses resulting from the failure of the
4 Secretary to perform an obligation of
5 the Secretary under this section.”;

6 (E) in paragraph (7)—

7 (i) in subparagraph (A), by striking
8 “has demonstrated” and inserting “the
9 Secretary determines has demonstrated
10 with substantial evidence”;

11 (ii) in subparagraph (B), by striking
12 “any tribal remedy” and inserting “all
13 remedies (if any) provided under the laws
14 of the Indian tribe”;

15 (iii) in subparagraph (D)—

16 (I) in clause (i), by striking “de-
17 termine” and all that follows through
18 the end of the clause and inserting the
19 following: “determine—

20 “(I) whether the petitioner
21 is an interested party; and

22 “(II) if the petitioner is an
23 interested party, whether the In-
24 dian tribe is not in compliance
25 with the tribal energy resource

1 agreement as alleged in the peti-
2 tion.”;

3 (II) in clause (ii), by striking
4 “determination” and inserting “deter-
5 minations”; and

6 (III) in clause (iii), in the matter
7 preceding subclause (I) by striking
8 “agreement” the first place it appears
9 and all that follows through “, includ-
10 ing” and inserting “agreement pursu-
11 ant to clause (i), the Secretary shall
12 only take such action as the Secretary
13 determines necessary to address the
14 claims of noncompliance made in the
15 petition, including”;

16 (iv) in subparagraph (E)(i), by strik-
17 ing “the manner in which” and inserting
18 “, with respect to each claim made in the
19 petition, how”; and

20 (v) by adding at the end the following:

21 “(G) Notwithstanding any other provision
22 of this paragraph, the Secretary shall dismiss
23 any petition from an interested party that has
24 agreed with the Indian tribe to a resolution of

1 the claims presented in the petition of that
2 party.”;

3 (F) in paragraph (8)—

4 (i) by striking subparagraph (A);

5 (ii) by redesignating subparagraphs
6 (B) through (D) as subparagraphs (A)
7 through (C), respectively; and

8 (iii) in subparagraph (A) (as redesignig-
9 nated by clause (ii))—

10 (I) in clause (i), by striking
11 “and” at the end;

12 (II) in clause (ii), by adding
13 “and” after the semicolon; and

14 (III) by adding at the end the
15 following:

16 “(iii) amend an approved tribal energy
17 resource agreement to assume authority
18 for approving leases, business agreements,
19 or rights-of-way for development of an-
20 other energy resource that is not included
21 in an approved tribal energy resource
22 agreement without being required to apply
23 for a new tribal energy resource agree-
24 ment;” and

25 (G) by adding at the end the following:

1 “(9) EFFECT.—Nothing in this section author-
2 izes the Secretary to deny a tribal energy resource
3 agreement or any amendment to a tribal energy re-
4 source agreement, or to limit the effect or implemen-
5 tation of this section, due to lack of promulgated
6 regulations.”;

7 (5) by redesignating subsection (g) as sub-
8 section (j); and

9 (6) by inserting after subsection (f) the fol-
10 lowing:

11 “(g) FINANCIAL ASSISTANCE IN LIEU OF ACTIVITIES
12 BY THE SECRETARY.—

13 “(1) IN GENERAL.—Any amounts that the Sec-
14 retary would otherwise expend to operate or carry
15 out any program, function, service, or activity (or
16 any portion of a program, function, service, or activ-
17 ity) of the Department that, as a result of an Indian
18 tribe carrying out activities under a tribal energy re-
19 source agreement, the Secretary does not expend,
20 the Secretary shall, at the request of the Indian
21 tribe, make available to the Indian tribe in accord-
22 ance with this subsection.

23 “(2) ANNUAL FUNDING AGREEMENTS.—The
24 Secretary shall make the amounts described in para-
25 graph (1) available to an Indian tribe through an

1 annual written funding agreement that is negotiated
2 and entered into with the Indian tribe that is separate from the tribal energy resource agreement.

3 “(3) EFFECT OF APPROPRIATIONS.—Notwithstanding paragraph (1)—

4 “(A) the provision of amounts to an Indian
5 tribe under this subsection is subject to the
6 availability of appropriations; and

7 “(B) the Secretary shall not be required to
8 reduce amounts for programs, functions, services, or activities that serve any other Indian
9 tribe to make amounts available to an Indian
10 tribe under this subsection.

11 “(4) DETERMINATION.—

12 “(A) IN GENERAL.—The Secretary shall
13 calculate the amounts under paragraph (1) in
14 accordance with the regulations adopted under
15 section 6013(b) of the Indian Tribal Energy
16 Development and Self-Determination Act
17 Amendments of 2016.

18 “(B) APPLICABILITY.—The effective date
19 or implementation of a tribal energy resource
20 agreement under this section shall not be delayed or otherwise affected by—
21
22
23
24

1 “(i) a delay in the promulgation of
2 regulations under section 6013(b) of the
3 Indian Tribal Energy Development and
4 Self-Determination Act Amendments of
5 2016;

6 “(ii) the period of time needed by the
7 Secretary to make the calculation required
8 under paragraph (1); or

9 “(iii) the adoption of a funding agree-
10 ment under paragraph (2).

11 “(h) CERTIFICATION OF TRIBAL ENERGY DEVELOP-
12 MENT ORGANIZATION.—

13 “(1) IN GENERAL.—Not later than 90 days
14 after the date on which an Indian tribe submits an
15 application for certification of a tribal energy devel-
16 opment organization in accordance with regulations
17 promulgated under section 6013(b) of the Indian
18 Tribal Energy Development and Self-Determination
19 Act Amendments of 2016, the Secretary shall ap-
20 prove or disapprove the application.

21 “(2) REQUIREMENTS.—The Secretary shall ap-
22 prove an application for certification if—

23 “(A)(i) the Indian tribe has carried out a
24 contract or compact under title I or IV of the

1 Indian Self-Determination and Education As-
2 sistance Act (25 U.S.C. 450 et seq.); and

3 “(ii) for a period of not less than 3 con-
4 secutive years ending on the date on which the
5 Indian tribe submits the application, the con-
6 tract or compact—

7 “(I) has been carried out by the In-
8 dian tribe without material audit excep-
9 tions (or without any material audit excep-
10 tions that were not corrected within the 3-
11 year period); and

12 “(II) has included programs or activi-
13 ties relating to the management of tribal
14 land; and

15 “(B)(i) the tribal energy development orga-
16 nization is organized under the laws of the In-
17 dian tribe;

18 “(ii)(I) the majority of the interest in the
19 tribal energy development organization is owned
20 and controlled by the Indian tribe (or the In-
21 dian tribe and 1 or more other Indian tribes)
22 the tribal land of which is being developed; and

23 “(II) the organizing document of the tribal
24 energy development organization requires that
25 the Indian tribe with jurisdiction over the land

1 maintain at all times the controlling interest in
2 the tribal energy development organization;

3 “(iii) the organizing document of the tribal
4 energy development organization requires that
5 the Indian tribe (or the Indian tribe and 1 or
6 more other Indian tribes) the tribal land of
7 which is being developed own and control at all
8 times a majority of the interest in the tribal en-
9 ergy development organization; and

10 “(iv) the organizing document of the tribal
11 energy development organization includes a
12 statement that the organization shall be subject
13 to the jurisdiction, laws, and authority of the
14 Indian tribe.

15 “(3) ACTION BY SECRETARY.—If the Secretary
16 approves an application for certification pursuant to
17 paragraph (2), the Secretary shall, not more than 10
18 days after making the determination—

19 “(A) issue a certification stating that—

20 “(i) the tribal energy development or-
21 ganization is organized under the laws of
22 the Indian tribe and subject to the juris-
23 diction, laws, and authority of the Indian
24 tribe;

1 “(ii) the majority of the interest in
2 the tribal energy development organization
3 is owned and controlled by the Indian tribe
4 (or the Indian tribe and 1 or more other
5 Indian tribes) the tribal land of which is
6 being developed;

7 “(iii) the organizing document of the
8 tribal energy development organization re-
9 quires that the Indian tribe with jurisdic-
10 tion over the land maintain at all times the
11 controlling interest in the tribal energy de-
12 velopment organization;

13 “(iv) the organizing document of the
14 tribal energy development organization re-
15 quires that the Indian tribe (or the Indian
16 tribe and 1 or more other Indian tribes the
17 tribal land of which is being developed)
18 own and control at all times a majority of
19 the interest in the tribal energy develop-
20 ment organization; and

21 “(v) the certification is issued pursu-
22 ant this subsection;

23 “(B) deliver a copy of the certification to
24 the Indian tribe; and

1 “(C) publish the certification in the Fed-
2 eral Register.

3 “(i) SOVEREIGN IMMUNITY.—Nothing in this section
4 waives the sovereign immunity of an Indian tribe.”.

5 (b) REGULATIONS.—Not later than 1 year after the
6 date of enactment of the Indian Tribal Energy Develop-
7 ment and Self-Determination Act Amendments of 2016,
8 the Secretary shall promulgate or update any regulations
9 that are necessary to implement this section, including
10 provisions to implement—

11 (1) section 2604(e)(8) of the Energy Policy Act
12 of 1992 (25 U.S.C. 3504(e)(8)), including the proc-
13 ess to be followed by an Indian tribe amending an
14 existing tribal energy resource agreement to assume
15 authority for approving leases, business agreements,
16 or rights-of-way for development of an energy re-
17 source that is not included in the tribal energy re-
18 source agreement;

19 (2) section 2604(g) of the Energy Policy Act of
20 1992 (25 U.S.C. 3504(g)) including the manner in
21 which the Secretary, at the request of an Indian
22 tribe, shall—

23 (A) identify the programs, functions, serv-
24 ices, and activities (or any portions of pro-
25 grams, functions, services, or activities) that the

1 Secretary will not have to operate or carry out
2 as a result of the Indian tribe carrying out ac-
3 tivities under a tribal energy resource agree-
4 ment;

5 (B) identify the amounts that the Sec-
6 retary would have otherwise expended to oper-
7 ate or carry out each program, function, serv-
8 ice, and activity (or any portion of a program,
9 function, service, or activity) identified pursu-
10 ant to subparagraph (A); and

11 (C) provide to the Indian tribe a list of the
12 programs, functions, services, and activities (or
13 any portions of programs, functions, services, or
14 activities) identified pursuant subparagraph (A)
15 and the amounts associated with each program,
16 function, service, and activity (or any portion of
17 a program, function, service, or activity) identi-
18 fied pursuant to subparagraph (B); and

19 (3) section 2604(h) of the Energy Policy Act of
20 1992 (25 U.S.C. 3504(h)), including the process to
21 be followed by, and any applicable criteria and docu-
22 mentation required for, an Indian tribe to request
23 and obtain the certification described in that section.

1 **SEC. 6014. TECHNICAL ASSISTANCE FOR INDIAN TRIBAL**
2 **GOVERNMENTS.**

3 Section 2602(b) of the Energy Policy Act of 1992
4 (25 U.S.C. 3502(b)) is amended—

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

7 (2) by inserting after paragraph (2) the fol-
8 lowing:

9 “(3) TECHNICAL AND SCIENTIFIC RE-
10 SOURCES.—In addition to providing grants to Indian
11 tribes under this subsection, the Secretary shall col-
12 laborate with the Directors of the National Labora-
13 tories in making the full array of technical and sci-
14 entific resources of the Department of Energy avail-
15 able for tribal energy activities and projects.”.

16 **SEC. 6015. CONFORMING AMENDMENTS.**

17 (a) DEFINITION OF TRIBAL ENERGY DEVELOPMENT
18 ORGANIZATION.—Section 2601 of the Energy Policy Act
19 of 1992 (25 U.S.C. 3501) is amended—

20 (1) by redesignating paragraphs (9) through
21 (12) as paragraphs (10) through (13), respectively;

22 (2) by inserting after paragraph (8) the fol-
23 lowing:

24 “(9) The term ‘qualified Indian tribe’ means an
25 Indian tribe that has—

1 “(A) carried out a contract or compact
2 under title I or IV of the Indian Self Deter-
3 mination and Education Assistance Act (25
4 U.S.C. 450 et seq.) for a period of not less than
5 3 consecutive years ending on the date on which
6 the Indian tribe submits the application without
7 material audit exception (or without any mate-
8 rial audit exceptions that were not corrected
9 within the 3-year period) relating to the man-
10 agement of tribal land or natural resources; or

11 “(B) substantial experience in the adminis-
12 tration, review, or evaluation of energy resource
13 leases or agreements or has otherwise substan-
14 tially participated in the administration, man-
15 agement, or development of energy resources lo-
16 cated on the tribal land of the Indian tribe.”;
17 and

18 (3) by striking paragraph (12) (as redesignated
19 by paragraph (1)) and inserting the following:

20 “(12) The term ‘tribal energy development or-
21 ganization’ means—

22 “(A) any enterprise, partnership, consor-
23 tium, corporation, or other type of business or-
24 ganization that is engaged in the development
25 of energy resources and is wholly owned by an

1 Indian tribe (including an organization incor-
2 porated pursuant to section 17 of the Indian
3 Reorganization Act of 1934 (25 U.S.C. 477) or
4 section 3 of the Act of June 26, 1936 (25
5 U.S.C. 503) (commonly known as the ‘Okla-
6 homa Indian Welfare Act’)); and

7 “(B) any organization of 2 or more enti-
8 ties, at least 1 of which is an Indian tribe, that
9 has the written consent of the governing bodies
10 of all Indian tribes participating in the organi-
11 zation to apply for a grant, loan, or other as-
12 sistance under section 2602 or to enter into a
13 lease or business agreement with, or acquire a
14 right-of-way from, an Indian tribe pursuant to
15 subsection (a)(2)(A)(ii) or (b)(2)(B) of section
16 2604.”.

17 (b) INDIAN TRIBAL ENERGY RESOURCE DEVELOP-
18 MENT.—Section 2602 of the Energy Policy Act of 1992
19 (25 U.S.C. 3502) is amended—

20 (1) in subsection (a)—

21 (A) in paragraph (1), by striking “tribal
22 energy resource development organizations”
23 and inserting “tribal energy development orga-
24 nizations”; and

1 (B) in paragraph (2), by striking “tribal
2 energy resource development organizations”
3 each place it appears and inserting “tribal en-
4 ergy development organizations”; and

5 (2) in subsection (b)(2), by striking “tribal en-
6 ergy resource development organization” and insert-
7 ing “tribal energy development organization”.

8 (c) WIND AND HYDROPOWER FEASIBILITY STUDY.—
9 Section 2606(c)(3) of the Energy Policy Act of 1992 (25
10 U.S.C. 3506(c)(3)) is amended by striking “energy re-
11 source development” and inserting “energy development”.

12 (d) CONFORMING AMENDMENTS.—Section 2604(e)
13 of the Energy Policy Act of 1992 (25 U.S.C. 3504(e)) is
14 amended—

15 (1) in paragraph (3)—

16 (A) by striking “(3) The Secretary” and
17 inserting the following:

18 “(3) NOTICE AND COMMENT; SECRETARIAL RE-
19 VIEW.—The Secretary”; and

20 (B) by striking “for approval”;

21 (2) in paragraph (4), by striking “(4) If the
22 Secretary” and inserting the following:

23 “(4) ACTION IN CASE OF DISAPPROVAL.—If the
24 Secretary”;

25 (3) in paragraph (5)—

1 (A) by striking “(5) If an Indian tribe”
2 and inserting the following:

3 “(5) PROVISION OF DOCUMENTS TO SEC-
4 RETARY.—If an Indian tribe”; and

5 (B) in the matter preceding subparagraph
6 (A), by striking “approved” and inserting “in
7 effect”;

8 (4) in paragraph (6)—

9 (A) by striking “(6)(A) In carrying out”
10 and inserting the following:

11 “(6) SECRETARIAL OBLIGATIONS AND EFFECT
12 OF SECTION.—

13 “(A) In carrying out”;

14 (B) in subparagraph (A), by indenting
15 clauses (i) and (ii) appropriately;

16 (C) in subparagraph (B), by striking “ap-
17 proved” and inserting “in effect”; and

18 (D) in subparagraph (D)—

19 (i) in clause (i), by striking “an ap-
20 proved tribal energy resource agreement”
21 and inserting “a tribal energy resource
22 agreement in effect under this section”;
23 and

1 (ii) in clause (ii), by striking “ap-
2 proved by the Secretary” and inserting “in
3 effect”; and

4 (5) in paragraph (7)—

5 (A) by striking “(7)(A) In this paragraph”
6 and inserting the following:

7 “(7) PETITIONS BY INTERESTED PARTIES.—

8 “(A) In this paragraph”;

9 (B) in subparagraph (A), by striking “ap-
10 proved by the Secretary” and inserting “in ef-
11 fect”;

12 (C) in subparagraph (B), by striking “ap-
13 proved by the Secretary” and inserting “in ef-
14 fect”; and

15 (D) in subparagraph (D)(iii)—

16 (i) in subclause (I), by striking “ap-
17 proved”; and

18 (ii) in subclause (II)—

19 (I) by striking “approval of” in
20 the first place it appears; and

21 (II) by striking “subsection (a)
22 or (b)” and inserting “subsection
23 (a)(2)(A)(i) or (b)(2)(A)”.

1 **SEC. 6016. REPORT.**

2 (a) IN GENERAL.—Not later than 18 months after
3 the date of enactment of this Act, the Secretary of the
4 Interior shall submit to the Committee on Indian Affairs
5 of the Senate and the Committee on Natural Resources
6 of the House of Representatives a report that details with
7 respect to activities for energy development on Indian
8 land, how the Department of the Interior—

9 (1) processes and completes the reviews of en-
10 ergy-related documents in a timely and transparent
11 manner;

12 (2) monitors the timeliness of agency review for
13 all energy-related documents;

14 (3) maintains databases to track and monitor
15 the review and approval process for energy-related
16 documents associated with conventional and renew-
17 able Indian energy resources that require Secretarial
18 approval prior to development, including—

19 (A) any seismic exploration permits;

20 (B) permission to survey;

21 (C) archeological and cultural surveys;

22 (D) access permits;

23 (E) environmental assessments;

24 (F) oil and gas leases;

25 (G) surface leases;

26 (H) rights-of-way agreements; and

1 (I) communitization agreements;

2 (4) identifies in the databases—

3 (A) the date lease applications and permits
4 are received by the agency;

5 (B) the status of the review;

6 (C) the date the application or permit is
7 considered complete and ready for review;

8 (D) the date of approval; and

9 (E) the start and end dates for any signifi-
10 cant delays in the review process;

11 (5) tracks in the databases, for all energy-re-
12 lated leases, agreements, applications, and permits
13 that involve multiple agency review—

14 (A) the dates documents are transferred
15 between agencies;

16 (B) the status of the review;

17 (C) the date the required reviews are com-
18 pleted; and

19 (D) the date interim or final decisions are
20 issued.

21 (b) INCLUSIONS.—The report under subsection (a)
22 shall include—

23 (1) a description of any intermediate and final
24 deadlines for agency action on any Secretarial review
25 and approval required for Indian conventional and

1 renewable energy exploration and development ac-
2 tivities;

3 (2) a description of the existing geographic
4 database established by the Bureau of Indian Af-
5 fairs, explaining—

6 (A) how the database identifies—

7 (i) the location and ownership of all
8 Indian oil and gas resources held in trust;

9 (ii) resources available for lease; and

10 (iii) the location of—

11 (I) any lease of land held in trust
12 or restricted fee on behalf of any In-
13 dian tribe or individual Indian; and

14 (II) any rights-of-way on that
15 land in effect;

16 (B) how the information from the database
17 is made available to—

18 (i) the officials of the Bureau of In-
19 dian Affairs with responsibility over the
20 management and development of Indian
21 resources; and

22 (ii) resource owners; and

23 (C) any barriers to identifying the informa-
24 tion described in subparagraphs (A) and (B) or
25 any deficiencies in that information; and

1 (3) an evaluation of—

2 (A) the ability of each applicable agency to
3 track and monitor the review and approval
4 process of the agency for Indian energy develop-
5 ment; and

6 (B) the extent to which each applicable
7 agency complies with any intermediate and final
8 deadlines.

9 **Subtitle B—Miscellaneous**
10 **Amendments**

11 **SEC. 6201. ISSUANCE OF PRELIMINARY PERMITS OR LI-**
12 **CENSES.**

13 (a) IN GENERAL.—Section 7(a) of the Federal Power
14 Act (16 U.S.C. 800(a)) is amended by striking “States
15 and municipalities” and inserting “States, Indian tribes,
16 and municipalities”.

17 (b) APPLICABILITY.—The amendment made by sub-
18 section (a) shall not affect—

19 (1) any preliminary permit or original license
20 issued before the date of enactment of the Indian
21 Tribal Energy Development and Self-Determination
22 Act Amendments of 2016; or

23 (2) an application for an original license, if the
24 Commission has issued a notice accepting that appli-
25 cation for filing pursuant to section 4.32(d) of title

1 18, Code of Federal Regulations (or successor regu-
2 lations), before the date of enactment of the Indian
3 Tribal Energy Development and Self-Determination
4 Act Amendments of 2016.

5 (c) DEFINITION OF INDIAN TRIBE.—For purposes of
6 section 7(a) of the Federal Power Act (16 U.S.C. 800(a))
7 (as amended by subsection (a)), the term “Indian tribe”
8 has the meaning given the term in section 4 of the Indian
9 Self-Determination and Education Assistance Act (25
10 U.S.C. 450b).

11 **SEC. 6202. TRIBAL BIOMASS DEMONSTRATION PROJECT.**

12 (a) PURPOSE.—The purpose of this section is to es-
13 tablish a biomass demonstration project for federally rec-
14 ognized Indian tribes and Alaska Native corporations to
15 promote biomass energy production.

16 (b) TRIBAL BIOMASS DEMONSTRATION PROJECT.—
17 The Tribal Forest Protection Act of 2004 (Public Law
18 108–278; 118 Stat. 868) is amended—

19 (1) in section 2(a), by striking “In this section”
20 and inserting “In this Act”; and

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

22 **“SEC. 3. TRIBAL BIOMASS DEMONSTRATION PROJECT.**

23 “(a) STEWARDSHIP CONTRACTS OR SIMILAR AGREE-
24 MENTS.—For each of fiscal years 2017 through 2021, the
25 Secretary shall enter into stewardship contracts or similar

1 agreements (excluding direct service contracts) with In-
2 dian tribes to carry out demonstration projects to promote
3 biomass energy production (including biofuel, heat, and
4 electricity generation) on Indian forest land and in nearby
5 communities by providing reliable supplies of woody bio-
6 mass from Federal land.

7 “(b) DEMONSTRATION PROJECTS.—In each fiscal
8 year for which projects are authorized, at least 4 new dem-
9 onstration projects that meet the eligibility criteria de-
10 scribed in subsection (c) shall be carried out under con-
11 tracts or agreements described in subsection (a).

12 “(c) ELIGIBILITY CRITERIA.—To be eligible to enter
13 into a contract or agreement under this section, an Indian
14 tribe shall submit to the Secretary an application—

15 “(1) containing such information as the Sec-
16 retary may require; and

17 “(2) that includes a description of—

18 “(A) the Indian forest land or rangeland
19 under the jurisdiction of the Indian tribe; and

20 “(B) the demonstration project proposed
21 to be carried out by the Indian tribe.

22 “(d) SELECTION.—In evaluating the applications
23 submitted under subsection (c), the Secretary shall—

24 “(1) take into consideration—

1 “(A) the factors set forth in paragraphs
2 (1) and (2) of section 2(e); and

3 “(B) whether a proposed project would—

4 “(i) increase the availability or reli-
5 ability of local or regional energy;

6 “(ii) enhance the economic develop-
7 ment of the Indian tribe;

8 “(iii) result in or improve the connec-
9 tion of electric power transmission facilities
10 serving the Indian tribe with other electric
11 transmission facilities;

12 “(iv) improve the forest health or wa-
13 tersheds of Federal land or Indian forest
14 land or rangeland;

15 “(v) demonstrate new investments in
16 infrastructure; or

17 “(vi) otherwise promote the use of
18 woody biomass; and

19 “(2) exclude from consideration any merchant-
20 able logs that have been identified by the Secretary
21 for commercial sale.

22 “(e) IMPLEMENTATION.—The Secretary shall—

23 “(1) ensure that the criteria described in sub-
24 section (c) are publicly available by not later than

1 120 days after the date of enactment of this section;
2 and

3 “(2) to the maximum extent practicable, consult
4 with Indian tribes and appropriate intertribal orga-
5 nizations likely to be affected in developing the ap-
6 plication and otherwise carrying out this section.

7 “(f) REPORT.—Not later than September 20, 2019,
8 the Secretary shall submit to Congress a report that de-
9 scribes, with respect to the reporting period—

10 “(1) each individual tribal application received
11 under this section; and

12 “(2) each contract and agreement entered into
13 pursuant to this section.

14 “(g) INCORPORATION OF MANAGEMENT PLANS.—In
15 carrying out a contract or agreement under this section,
16 on receipt of a request from an Indian tribe, the Secretary
17 shall incorporate into the contract or agreement, to the
18 maximum extent practicable, management plans (includ-
19 ing forest management and integrated resource manage-
20 ment plans) in effect on the Indian forest land or range-
21 land of the respective Indian tribe.

22 “(h) TERM.—A contract or agreement entered into
23 under this section—

24 “(1) shall be for a term of not more than 20
25 years; and

1 “(2) may be renewed in accordance with this
2 section for not more than an additional 10 years.”.

3 (c) ALASKA NATIVE BIOMASS DEMONSTRATION
4 PROJECT.—

5 (1) DEFINITIONS.—In this subsection:

6 (A) FEDERAL LAND.—The term “Federal
7 land” means—

8 (i) land of the National Forest System
9 (as defined in section 11(a) of the Forest
10 and Rangeland Renewable Resources Plan-
11 ning Act of 1974 (16 U.S.C. 1609(a)) ad-
12 ministered by the Secretary of Agriculture,
13 acting through the Chief of the Forest
14 Service; and

15 (ii) public lands (as defined in section
16 103 of the Federal Land Policy Manage-
17 ment Act of 1976 (43 U.S.C. 1702)), the
18 surface of which is administered by the
19 Secretary of the Interior, acting through
20 the Director of the Bureau of Land Man-
21 agement.

22 (B) INDIAN TRIBE.—The term “Indian
23 tribe” has the meaning given the term in sec-
24 tion 4 of the Indian Self-Determination and
25 Education Assistance Act (25 U.S.C. 450b).

1 (C) SECRETARY.—The term “Secretary”
2 means—

3 (i) the Secretary of Agriculture, with
4 respect to land under the jurisdiction of
5 the Forest Service; and

6 (ii) the Secretary of the Interior, with
7 respect to land under the jurisdiction of
8 the Bureau of Land Management.

9 (D) TRIBAL ORGANIZATION.—The term
10 “tribal organization” has the meaning given the
11 term in section 4 of the Indian Self-Determina-
12 tion and Education Assistance Act (25 U.S.C.
13 450b).

14 (2) AGREEMENTS.—For each of fiscal years
15 2017 through 2021, the Secretary shall enter into
16 an agreement or contract with an Indian tribe or a
17 tribal organization to carry out a demonstration
18 project to promote biomass energy production (in-
19 cluding biofuel, heat, and electricity generation) by
20 providing reliable supplies of woody biomass from
21 Federal land.

22 (3) DEMONSTRATION PROJECTS.—In each fiscal
23 year for which projects are authorized, at least 1
24 new demonstration project that meets the eligibility
25 criteria described in paragraph (4) shall be carried

1 out under contracts or agreements described in
2 paragraph (2).

3 (4) ELIGIBILITY CRITERIA.—To be eligible to
4 enter into a contract or agreement under this sub-
5 section, an Indian tribe or tribal organization shall
6 submit to the Secretary an application—

7 (A) containing such information as the
8 Secretary may require; and

9 (B) that includes a description of the dem-
10 onstration project proposed to be carried out by
11 the Indian tribe or tribal organization.

12 (5) SELECTION.—In evaluating the applications
13 submitted under paragraph (4), the Secretary
14 shall—

15 (A) take into consideration whether a pro-
16 posed project would—

17 (i) increase the availability or reli-
18 ability of local or regional energy;

19 (ii) enhance the economic development
20 of the Indian tribe;

21 (iii) result in or improve the connec-
22 tion of electric power transmission facilities
23 serving the Indian tribe with other electric
24 transmission facilities;

1 (iv) improve the forest health or wa-
2 tersheds of Federal land or non-Federal
3 land;

4 (v) demonstrate new investments in
5 infrastructure; or

6 (vi) otherwise promote the use of
7 woody biomass; and

8 (B) exclude from consideration any mer-
9 chantable logs that have been identified by the
10 Secretary for commercial sale.

11 (6) IMPLEMENTATION.—The Secretary shall—

12 (A) ensure that the criteria described in
13 paragraph (4) are publicly available by not later
14 than 120 days after the date of enactment of
15 this subsection; and

16 (B) to the maximum extent practicable,
17 consult with Indian tribes and appropriate trib-
18 al organizations likely to be affected in devel-
19 oping the application and otherwise carrying
20 out this subsection.

21 (7) REPORT.—Not later than September 20,
22 2019, the Secretary shall submit to Congress a re-
23 port that describes, with respect to the reporting pe-
24 riod—

1 (A) each individual application received
2 under this subsection; and

3 (B) each contract and agreement entered
4 into pursuant to this subsection.

5 (8) TERM.—A contract or agreement entered
6 into under this subsection—

7 (A) shall be for a term of not more than
8 20 years; and

9 (B) may be renewed in accordance with
10 this subsection for not more than an additional
11 10 years.

12 **SEC. 6203. WEATHERIZATION PROGRAM.**

13 Section 413(d) of the Energy Conservation and Pro-
14 duction Act (42 U.S.C. 6863(d)) is amended—

15 (1) by striking paragraph (1) and inserting the
16 following:

17 “(1) RESERVATION OF AMOUNTS.—

18 “(A) IN GENERAL.—Subject to subpara-
19 graph (B) and notwithstanding any other provi-
20 sion of this part, the Secretary shall reserve
21 from amounts that would otherwise be allocated
22 to a State under this part not less than 100
23 percent, but not more than 150 percent, of an
24 amount which bears the same proportion to the
25 allocation of that State for the applicable fiscal

1 year as the population of all low-income mem-
2 bers of an Indian tribe in that State bears to
3 the population of all low-income individuals in
4 that State.

5 “(B) RESTRICTIONS.—Subparagraph (A)
6 shall apply only if—

7 “(i) the tribal organization serving the
8 low-income members of the applicable In-
9 dian tribe requests that the Secretary
10 make a grant directly; and

11 “(ii) the Secretary determines that
12 the low-income members of the applicable
13 Indian tribe would be equally or better
14 served by making a grant directly than a
15 grant made to the State in which the low-
16 income members reside.

17 “(C) PRESUMPTION.—If the tribal organi-
18 zation requesting the grant is a tribally des-
19 ignated housing entity (as defined in section 4
20 of the Native American Housing Assistance and
21 Self-Determination Act of 1996 (25 U.S.C.
22 4103)) that has operated without material audit
23 exceptions (or without any material audit excep-
24 tions that were not corrected within a 3-year
25 period), the Secretary shall presume that the

1 low-income members of the applicable Indian
2 tribe would be equally or better served by mak-
3 ing a grant directly to the tribal organization
4 than by a grant made to the State in which the
5 low-income members reside.”;

6 (2) in paragraph (2)—

7 (A) by striking “The sums” and inserting
8 “ADMINISTRATION.—The amounts”;

9 (B) by striking “on the basis of his deter-
10 mination”;

11 (C) by striking “individuals for whom such
12 a determination has been made” and inserting
13 “low-income members of the Indian tribe”; and

14 (D) by striking “he” and inserting “the
15 Secretary”; and

16 (3) in paragraph (3), by striking “In order”
17 and inserting “APPLICATION.—In order”.

18 **SEC. 6204. APPRAISALS.**

19 (a) IN GENERAL.—Title XXVI of the Energy Policy
20 Act of 1992 (25 U.S.C. 3501 et seq.) is amended by add-
21 ing at the end the following:

22 **“SEC. 2607. APPRAISALS.**

23 “(a) IN GENERAL.—For any transaction that re-
24 quires approval of the Secretary and involves mineral or
25 energy resources held in trust by the United States for

1 the benefit of an Indian tribe or by an Indian tribe subject
2 to Federal restrictions against alienation, any appraisal
3 relating to fair market value of those resources required
4 to be prepared under applicable law may be prepared by—

5 “(1) the Secretary;

6 “(2) the affected Indian tribe; or

7 “(3) a certified, third-party appraiser pursuant
8 to a contract with the Indian tribe.

9 “(b) SECRETARIAL REVIEW AND APPROVAL.—Not
10 later than 45 days after the date on which the Secretary
11 receives an appraisal prepared by or for an Indian tribe
12 under paragraph (2) or (3) of subsection (a), the Sec-
13 retary shall—

14 “(1) review the appraisal; and

15 “(2) approve the appraisal unless the Secretary
16 determines that the appraisal fails to meet the
17 standards set forth in regulations promulgated
18 under subsection (d).

19 “(c) NOTICE OF DISAPPROVAL.—If the Secretary de-
20 termines that an appraisal submitted for approval under
21 subsection (b) should be disapproved, the Secretary shall
22 give written notice of the disapproval to the Indian tribe
23 and a description of—

24 “(1) each reason for the disapproval; and

1 “(2) how the appraisal should be corrected or
2 otherwise cured to meet the applicable standards set
3 forth in the regulations promulgated under sub-
4 section (d).

5 “(d) REGULATIONS.—The Secretary shall promul-
6 gate regulations to carry out this section, including stand-
7 ards the Secretary shall use for approving or disapproving
8 the appraisal described in subsection (a).”.

9 **SEC. 6205. LEASES OF RESTRICTED LANDS FOR NAVAJO NA-**
10 **TION.**

11 (a) IN GENERAL.—Subsection (e)(1) of the first sec-
12 tion of the Act of August 9, 1955 (commonly known as
13 the “Long-Term Leasing Act”) (25 U.S.C. 415(e)(1)), is
14 amended—

15 (1) by striking “, except a lease for” and insert-
16 ing “, including a lease for”;

17 (2) by striking subparagraph (A) and inserting
18 the following:

19 “(A) in the case of a business or agricul-
20 tural lease, 99 years;”;

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

23 (4) by adding at the end the following:

24 “(C) in the case of a lease for the explo-
25 ration, development, or extraction of any min-

1 eral resource (including geothermal resources),
2 25 years, except that—

3 “(i) any such lease may include an op-
4 tion to renew for 1 additional term of not
5 to exceed 25 years; and

6 “(ii) any such lease for the explo-
7 ration, development, or extraction of an oil
8 or gas resource shall be for a term of not
9 to exceed 10 years, plus such additional
10 period as the Navajo Nation determines to
11 be appropriate in any case in which an oil
12 or gas resource is produced in a paying
13 quantity.”.

14 (b) GAO REPORT.—Not later than 5 years after the
15 date of enactment of this Act, the Comptroller General
16 of the United States shall prepare and submit to Congress
17 a report describing the progress made in carrying out the
18 amendment made by subsection (a).

19 **SEC. 6206. EXTENSION OF TRIBAL LEASE PERIOD FOR THE**
20 **CROW TRIBE OF MONTANA.**

21 Subsection (a) of the first section of the Act of Au-
22 gust 9, 1955 (25 U.S.C. 415(a)), is amended in the second
23 sentence by inserting “, land held in trust for the Crow
24 Tribe of Montana” after “Devils Lake Sioux Reserva-
25 tion”.

1 **SEC. 6207. TRUST STATUS OF LEASE PAYMENTS.**

2 (a) DEFINITION OF SECRETARY.—In this section, the
3 term “Secretary” means the Secretary of the Interior.

4 (b) TREATMENT OF LEASE PAYMENTS.—

5 (1) IN GENERAL.—Except as provided in para-
6 graph (2) and at the request of the Indian tribe or
7 individual Indian, any advance payments, bid depos-
8 its, or other earnest money received by the Secretary
9 in connection with the review and Secretarial ap-
10 proval under any other Federal law (including regu-
11 lations) of a sale, lease, permit, or any other convey-
12 ance of any interest in any trust or restricted land
13 of any Indian tribe or individual Indian shall, upon
14 receipt and prior to Secretarial approval of the con-
15 tract or conveyance instrument, be held in the trust
16 fund system for the benefit of the Indian tribe and
17 individual Indian from whose land the funds were
18 generated.

19 (2) RESTRICTION.—If the advance payment,
20 bid deposit, or other earnest money received by the
21 Secretary results from competitive bidding, upon se-
22 lection of the successful bidder, only the funds paid
23 by the successful bidder shall be held in the trust
24 fund system.

25 (c) USE OF FUNDS.—

1 (1) IN GENERAL.—On the approval of the Sec-
2 retary of a contract or other instrument for a sale,
3 lease, permit, or any other conveyance described in
4 subsection (b)(1), the funds held in the trust fund
5 system and described in subsection (b), along with
6 all income generated from the investment of those
7 funds, shall be disbursed to the Indian tribe or indi-
8 vidual Indian landowners.

9 (2) ADMINISTRATION.—If a contract or other
10 instrument for a sale, lease, permit, or any other
11 conveyance described in subsection (b)(1) is not ap-
12 proved by the Secretary, the funds held in the trust
13 fund system and described in subsection (b), along
14 with all income generated from the investment of
15 those funds, shall be paid to the party identified in,
16 and in such amount and on such terms as set out
17 in, the applicable regulations, advertisement, or
18 other notice governing the proposed conveyance of
19 the interest in the land at issue.

20 (d) APPLICABILITY.—This section shall apply to any
21 advance payment, bid deposit, or other earnest money re-
22 ceived by the Secretary in connection with the review and
23 Secretarial approval under any other Federal law (includ-
24 ing regulations) of a sale, lease, permit, or any other con-
25 veyance of any interest in any trust or restricted land of

1 any Indian tribe or individual Indian on or after the date
2 of enactment of this Act.

3 **TITLE VII—BROWNFIELDS**
4 **REAUTHORIZATION**

5 **SEC. 7001. SHORT TITLE.**

6 This title may be cited as the “Brownfields Utiliza-
7 tion, Investment, and Local Development Act of 2016” or
8 the “BUILD Act”.

9 **SEC. 7002. EXPANDED ELIGIBILITY FOR NONPROFIT ORGA-**
10 **NIZATIONS.**

11 Section 104(k)(1) of the Comprehensive Environ-
12 mental Response, Compensation, and Liability Act of
13 1980 (42 U.S.C. 9604(k)(1)) is amended—

14 (1) in subparagraph (G), by striking “or” after
15 the semicolon;

16 (2) in subparagraph (H), by striking the period
17 at the end and inserting a semicolon; and

18 (3) by adding at the end the following:

19 “(I) an organization described in section
20 501(c)(3) of the Internal Revenue Code of 1986
21 and exempt from taxation under section 501(a)
22 of that Code;

23 “(J) a limited liability corporation in which
24 all managing members are organizations de-
25 scribed in subparagraph (I) or limited liability

1 corporations whose sole members are organiza-
2 tions described in subparagraph (I);

3 “(K) a limited partnership in which all
4 general partners are organizations described in
5 subparagraph (I) or limited liability corpora-
6 tions whose sole members are organizations de-
7 scribed in subparagraph (I); or

8 “(L) a qualified community development
9 entity (as defined in section 45D(c)(1) of the
10 Internal Revenue Code of 1986).”.

11 **SEC. 7003. MULTIPURPOSE BROWNFIELDS GRANTS.**

12 Section 104(k) of the Comprehensive Environmental
13 Response, Compensation, and Liability Act of 1980 (42
14 U.S.C. 9604(k)) is amended—

15 (1) by redesignating paragraphs (4) through
16 (9) and (10) through (12) as paragraphs (5)
17 through (10) and (13) through (15), respectively;

18 (2) in paragraph (3)(A), by striking “subject to
19 paragraphs (4) and (5)” and inserting “subject to
20 paragraphs (5) and (6)”; and

21 (3) by inserting after paragraph (3) the fol-
22 lowing:

23 “(4) MULTIPURPOSE BROWNFIELDS GRANTS.—

24 “(A) IN GENERAL.—Subject to subpara-
25 graph (D) and paragraphs (5) and (6), the Ad-

1 administrator shall establish a program to provide
2 multipurpose grants to an eligible entity based
3 on the considerations under paragraph (3)(C),
4 to carry out inventory, characterization, assess-
5 ment, planning, or remediation activities at 1 or
6 more brownfield sites in a proposed area.

7 “(B) GRANT AMOUNTS.—

8 “(i) INDIVIDUAL GRANT AMOUNTS.—

9 Each grant awarded under this paragraph
10 shall not exceed \$950,000.

11 “(ii) CUMULATIVE GRANT

12 AMOUNTS.—The total amount of grants
13 awarded for each fiscal year under this
14 paragraph shall not exceed 15 percent of
15 the funds made available for the fiscal year
16 to carry out this subsection.

17 “(C) CRITERIA.—In awarding a grant
18 under this paragraph, the Administrator shall
19 consider the extent to which an eligible entity is
20 able—

21 “(i) to provide an overall plan for re-
22 vitalization of the 1 or more brownfield
23 sites in the proposed area in which the
24 multipurpose grant will be used;

1 “(ii) to demonstrate a capacity to con-
2 duct the range of eligible activities that
3 will be funded by the multipurpose grant;
4 and

5 “(iii) to demonstrate that a multipur-
6 pose grant will meet the needs of the 1 or
7 more brownfield sites in the proposed area.

8 “(D) CONDITION.—As a condition of re-
9 ceiving a grant under this paragraph, each eli-
10 gible entity shall expend the full amount of the
11 grant not later than the date that is 3 years
12 after the date on which the grant is awarded to
13 the eligible entity unless the Administrator, in
14 the discretion of the Administrator, provides an
15 extension.”.

16 **SEC. 7004. TREATMENT OF CERTAIN PUBLICLY OWNED**
17 **BROWNFIELD SITES.**

18 Section 104(k)(2) of the Comprehensive Environ-
19 mental Response, Compensation, and Liability Act of
20 1980 (42 U.S.C. 9604(k)(2)) is amended by adding at the
21 end the following:

22 “(C) EXEMPTION FOR CERTAIN PUBLICLY
23 OWNED BROWNFIELD SITES.—Notwithstanding
24 any other provision of law, an eligible entity
25 that is a governmental entity may receive a

1 grant under this paragraph for property ac-
2 quired by that governmental entity prior to
3 January 11, 2002, even if the governmental en-
4 tity does not qualify as a bona fide prospective
5 purchaser (as that term is defined in section
6 101(40)), so long as the eligible entity has not
7 caused or contributed to a release or threatened
8 release of a hazardous substance at the prop-
9 erty.”.

10 **SEC. 7005. INCREASED FUNDING FOR REMEDIATION**
11 **GRANTS.**

12 Section 104(k)(3)(A)(ii) of the Comprehensive Envi-
13 ronmental Response, Compensation, and Liability Act of
14 1980 (42 U.S.C. 9604(k)(3)(A)(ii)) is amended by strik-
15 ing “\$200,000 for each site to be remediated” and insert-
16 ing “\$500,000 for each site to be remediated, which limit
17 may be waived by the Administrator, but not to exceed
18 a total of \$650,000 for each site, based on the anticipated
19 level of contamination, size, or ownership status of the
20 site”.

21 **SEC. 7006. ALLOWING ADMINISTRATIVE COSTS FOR GRANT**
22 **RECIPIENTS.**

23 Paragraph (5) of section 104(k) of the Comprehen-
24 sive Environmental Response, Compensation, and Liabil-

1 ity Act of 1980 (42 U.S.C. 9604(k)) (as redesignated by
2 section 3(1)) is amended—

3 (1) in subparagraph (B)—

4 (A) in clause (i)—

5 (i) by striking subclause (III); and

6 (ii) by redesignating subclauses (IV)

7 and (V) as subclauses (III) and (IV), re-
8 spectively;

9 (B) by striking clause (ii);

10 (C) by redesignating clause (iii) as clause
11 (ii); and

12 (D) in clause (ii) (as redesignated by sub-
13 paragraph (C)), by striking “Notwithstanding
14 clause (i)(IV)” and inserting “Notwithstanding
15 clause (i)(III)”; and

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

17 “(E) ADMINISTRATIVE COSTS.—

18 “(i) IN GENERAL.—An eligible entity
19 may use up to 8 percent of the amounts
20 made available under a grant or loan
21 under this subsection for administrative
22 costs.

23 “(ii) RESTRICTION.—For purposes of
24 clause (i), the term ‘administrative costs’
25 does not include—

- 1 “(I) investigation and identifica-
2 tion of the extent of contamination;
3 “(II) design and performance of
4 a response action; or
5 “(III) monitoring of a natural re-
6 source.”.

7 **SEC. 7007. SMALL COMMUNITY TECHNICAL ASSISTANCE**
8 **GRANTS.**

9 Paragraph (7)(A) of section 104(k) of the Com-
10 prehensive Environmental Response, Compensation, and
11 Liability Act of 1980 (42 U.S.C. 9604(k)) (as redesign-
12 nated by section 7003(1)) is amended—

13 (1) by striking “The Administrator may pro-
14 vide,” and inserting the following:

15 “(i) DEFINITIONS.—In this subpara-
16 graph:

17 “(I) DISADVANTAGED AREA.—
18 The term ‘disadvantaged area’ means
19 an area with an annual median house-
20 hold income that is less than 80 per-
21 cent of the State-wide annual median
22 household income, as determined by
23 the latest available decennial census.

24 “(II) SMALL COMMUNITY.—The
25 term ‘small community’ means a com-

1 munity with a population of not more
2 than 15,000 individuals, as deter-
3 mined by the latest available decennial
4 census.

5 “(ii) ESTABLISHMENT OF PRO-
6 GRAM.—The Administrator shall establish
7 a program to provide grants that pro-
8 vide,”; and

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

10 “(iii) SMALL OR DISADVANTAGED
11 COMMUNITY RECIPIENTS.—

12 “(I) IN GENERAL.—Subject to
13 subclause (II), in carrying out the
14 program under clause (ii), the Admin-
15 istrator shall use not more than
16 \$600,000 of the amounts made avail-
17 able to carry out this paragraph to
18 provide grants to States that receive
19 amounts under section 128(a) to as-
20 sist small communities, Indian tribes,
21 rural areas, or disadvantaged areas in
22 achieving the purposes described in
23 clause (ii).

1 “(II) LIMITATION.—Each grant
2 awarded under subclause (I) shall be
3 not more than \$7,500.”.

4 **SEC. 7008. WATERFRONT BROWNFIELDS GRANTS.**

5 Section 104(k) of the Comprehensive Environmental
6 Response, Compensation, and Liability Act of 1980 (42
7 U.S.C. 9604(k)) is amended by inserting after paragraph
8 (10) (as redesignated by section 7003(1)) the following:

9 “(11) WATERFRONT BROWNFIELD SITES.—

10 “(A) DEFINITION OF WATERFRONT
11 BROWNFIELD SITE.—In this paragraph, the
12 term ‘waterfront brownfield site’ means a
13 brownfield site that is adjacent to a body of
14 water or a federally designated floodplain.

15 “(B) REQUIREMENTS.—In providing
16 grants under this subsection, the Administrator
17 shall—

18 “(i) take into consideration whether
19 the brownfield site to be served by the
20 grant is a waterfront brownfield site; and

21 “(ii) give consideration to waterfront
22 brownfield sites.”.

23 **SEC. 7009. CLEAN ENERGY BROWNFIELDS GRANTS.**

24 Section 104(k) of the Comprehensive Environmental
25 Response, Compensation, and Liability Act of 1980 (42

1 U.S.C. 9604(k) (as amended by section 7008) is amended
2 by inserting after paragraph (11) the following:

3 “(12) CLEAN ENERGY PROJECTS AT
4 BROWNFIELD SITES.—

5 “(A) DEFINITION OF CLEAN ENERGY
6 PROJECT.—In this paragraph, the term ‘clean
7 energy project’ means—

8 “(i) a facility that generates renew-
9 able electricity from wind, solar, or geo-
10 thermal energy; and

11 “(ii) any energy efficiency improve-
12 ment project at a facility, including com-
13 bined heat and power and district energy.

14 “(B) ESTABLISHMENT.—The Adminis-
15 trator shall establish a program to provide
16 grants—

17 “(i) to eligible entities to carry out in-
18 ventory, characterization, assessment,
19 planning, feasibility analysis, design, or re-
20 mediation activities to locate a clean en-
21 ergy project at 1 or more brownfield sites;
22 and

23 “(ii) to capitalize a revolving loan
24 fund for the purposes described in clause
25 (i).

1 “(C) MAXIMUM AMOUNT.—A grant under
2 this paragraph shall not exceed \$500,000.”.

3 **SEC. 7010. TARGETED FUNDING FOR STATES.**

4 Paragraph (15) of section 104(k) of the Comprehen-
5 sive Environmental Response, Compensation, and Liabil-
6 ity Act of 1980 (42 U.S.C. 9604(k)) (as redesignated by
7 section 7003(1)) is amended by adding at the end the fol-
8 lowing:

9 “(C) TARGETED FUNDING.—Of the
10 amounts made available under subparagraph
11 (A) for a fiscal year, the Administrator may use
12 not more than \$2,000,000 to provide grants to
13 States for purposes authorized under section
14 128(a), subject to the condition that each State
15 that receives a grant under this subparagraph
16 shall have used at least 50 percent of the
17 amounts made available to that State in the
18 previous fiscal year to carry out assessment and
19 remediation activities under section 128(a).”.

20 **SEC. 7011. AUTHORIZATION OF APPROPRIATIONS.**

21 (a) BROWNFIELDS REVITALIZATION FUNDING.—
22 Paragraph (15)(A) of section 104(k) of the Comprehen-
23 sive Environmental Response, Compensation, and Liabil-
24 ity Act of 1980 (42 U.S.C. 9604(k)) (as redesignated by

1 section 7003(1)) is amended by striking “2006” and in-
2 serting “2018”.

3 (b) STATE RESPONSE PROGRAMS.—Section
4 128(a)(3) of the Comprehensive Environmental Response,
5 Compensation, and Liability Act of 1980 (42 U.S.C.
6 9628(a)(3)) is amended by striking “2006” and inserting
7 “2018”.

8 **TITLE VIII—MISCELLANEOUS**

9 **SEC. 8001. REMOVAL OF USE RESTRICTION.**

10 Public Law 101–479 (104 Stat. 1158) is amended—

11 (1) by striking section 2(d); and

12 (2) by adding the following new section at the
13 end:

14 **“SEC. 4. REMOVAL OF USE RESTRICTION.**

15 “(a) The approximately 1-acre portion of the land re-
16 ferred to in section 3 that is used for purposes of a child
17 care center, as authorized by this Act, shall not be subject
18 to the use restriction imposed in the deed referred to in
19 section 3.

20 “(b) Upon enactment of this section, the Secretary
21 of the Interior shall execute an instrument to carry out
22 subsection (a).”.

TITLE IX—MISCELLANEOUS**SEC. 9001. INTERAGENCY TRANSFER OF LAND ALONG
GEORGE WASHINGTON MEMORIAL PARKWAY.**

(a) DEFINITIONS.—In this section:

(1) MAP.—The term “Map” means the map entitled “George Washington Memorial Parkway—Claude Moore Farm Proposed Boundary Adjustment”, numbered 850__130815, and dated February 2016.

(2) RESEARCH CENTER.—The term “Research Center” means the Turner-Fairbank Highway Research Center of the Federal Highway Administration.

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

(b) ADMINISTRATIVE JURISDICTION TRANSFER.—

(1) TRANSFER OF JURISDICTION.—

(A) GEORGE WASHINGTON MEMORIAL PARKWAY LAND.—Administrative jurisdiction over the approximately 0.342 acres of Federal land under the jurisdiction of the Secretary within the boundary of the George Washington Memorial Parkway, as generally depicted as “B” on the Map, is transferred from the Secretary to the Secretary of Transportation.

1 (B) RESEARCH CENTER LAND.—Adminis-
2 tration jurisdiction over the approximately
3 0.479 acres of Federal land within the bound-
4 ary of the Research Center land under the ju-
5 risdiction of the Secretary of Transportation
6 adjacent to the boundary of the George Wash-
7 ington Memorial Parkway, as generally depicted
8 as “A” on the Map, is transferred from the
9 Secretary of Transportation to the Secretary.

10 (2) USE RESTRICTION.—The Secretary shall re-
11 strict the use of 0.139 acres of Federal land within
12 the boundary of the George Washington Memorial
13 Parkway immediately adjacent to part of the perim-
14 eter fence of the Research Center, generally depicted
15 as “C” on the Map, by prohibiting the storage, con-
16 struction, or installation of any item that may inter-
17 fere with the access of the Research Center to the
18 restricted land for security and maintenance pur-
19 poses.

20 (3) REIMBURSEMENT OR CONSIDERATION.—
21 The transfers of administrative jurisdiction under
22 this subsection shall not be subject to reimburse-
23 ment or consideration.

24 (4) COMPLIANCE WITH AGREEMENT.—

1 (A) AGREEMENT.—The National Park
2 Service and the Federal Highway Administra-
3 tion shall comply with all terms and conditions
4 of the agreement entered into by the parties on
5 September 11, 2002, regarding the transfer of
6 administrative jurisdiction, management, and
7 maintenance of the land described in the agree-
8 ment.

9 (B) ACCESS TO RESTRICTED LAND.—

10 (i) IN GENERAL.—Subject to the
11 terms of the agreement described in sub-
12 paragraph (A), the Secretary shall allow
13 the Research Center—

14 (I) to access the Federal land de-
15 scribed in paragraph (1)(B) for pur-
16 poses of transportation to and from
17 the Research Center; and

18 (II) to access the Federal land
19 described in paragraphs (1)(B) and
20 (2) for purposes of maintenance in ac-
21 cordance with National Park Service
22 standards, including grass mowing,
23 weed control, tree maintenance, fence
24 maintenance, and maintenance of the
25 visual appearance of the Federal land.

1 (c) MANAGEMENT OF TRANSFERRED LAND.—

2 (1) INTERIOR LAND.—The Federal land trans-
3 ferred to the Secretary under subsection (b)(1)(B)
4 shall be—

5 (A) included in the boundary of the George
6 Washington Memorial Parkway; and

7 (B) administered by the Secretary as part
8 of the George Washington Memorial Parkway,
9 subject to applicable laws (including regula-
10 tions).

11 (2) TRANSPORTATION LAND.—The Federal
12 land transferred to the Secretary of Transportation
13 under subsection (b)(1)(A) shall be—

14 (A) included in the boundary of the Re-
15 search Center land; and

16 (B) removed from the boundary of the
17 George Washington Memorial Parkway.

18 (3) RESTRICTED-USE LAND.—The Federal land
19 that the Secretary has designated for restricted use
20 under subsection (b)(2) shall be maintained by the
21 Research Center.

22 (d) MAP ON FILE.—The Map shall be available for
23 public inspection in the appropriate offices of the National
24 Park Service.

1 **TITLE X—NATURAL RESOURCES**
2 **Subtitle A—Land Conveyances and**
3 **Related Matters**

4 **SEC. 10001. ARAPAHO NATIONAL FOREST BOUNDARY AD-**
5 **JUSTMENT.**

6 (a) IN GENERAL.—The boundary of the Arapaho Na-
7 tional Forest in the State of Colorado is adjusted to incor-
8 porate the approximately 92.95 acres of land generally de-
9 picted as “The Wedge” on the map entitled “Arapaho Na-
10 tional Forest Boundary Adjustment” and dated November
11 6, 2013, and described as lots three, four, eight, and nine
12 of section 13, Township 4 North, Range 76 West, Sixth
13 Principal Meridian, Colorado. A lot described in this sub-
14 section may be included in the boundary adjustment only
15 after the Secretary of Agriculture obtains written permis-
16 sion for such action from the lot owner or owners.

17 (b) BOWEN GULCH PROTECTION AREA.—The Sec-
18 retary of Agriculture shall include all Federal land within
19 the boundary described in subsection (a) in the Bowen
20 Gulch Protection Area established under section 6 of the
21 Colorado Wilderness Act of 1993 (16 U.S.C. 539j).

22 (c) LAND AND WATER CONSERVATION FUND.—For
23 purposes of section 200306(a)(2)(B)(i) of title 54, United
24 States Code, the boundaries of the Arapaho National For-
25 est, as modified under subsection (a), shall be considered

1 to be the boundaries of the Arapaho National Forest as
2 in existence on January 1, 1965.

3 (d) PUBLIC MOTORIZED USE.—Nothing in this sec-
4 tion opens privately owned lands within the boundary de-
5 scribed in subsection (a) to public motorized use.

6 (e) ACCESS TO NON-FEDERAL LANDS.—Notwith-
7 standing the provisions of section 6(f) of the Colorado Wil-
8 derness Act of 1993 (16 U.S.C. 539j(f)) regarding motor-
9 ized travel, the owners of any non-Federal lands within
10 the boundary described in subsection (a) who historically
11 have accessed their lands through lands now or hereafter
12 owned by the United States within the boundary described
13 in subsection (a) shall have the continued right of motor-
14 ized access to their lands across the existing roadway.

15 **SEC. 10002. LAND CONVEYANCE, ELKHORN RANCH AND**
16 **WHITE RIVER NATIONAL FOREST, COLO-**
17 **RADO.**

18 (a) LAND CONVEYANCE REQUIRED.—Consistent with
19 the purpose of the Act of March 3, 1909 (43 U.S.C. 772),
20 all right, title, and interest of the United States (subject
21 to subsection (b)) in and to a parcel of land consisting
22 of approximately 148 acres as generally depicted on the
23 map entitled “Elkhorn Ranch Land Parcel—White River
24 National Forest” and dated March 2015 shall be conveyed
25 by patent to the Gordman-Leverich Partnership, a Colo-

1 rado Limited Liability Partnership (in this section re-
2 ferred to as “GLP”).

3 (b) EXISTING RIGHTS.—The conveyance under sub-
4 section (a)—

5 (1) is subject to the valid existing rights of the
6 lessee of Federal oil and gas lease COC-75070 and
7 any other valid existing rights; and

8 (2) shall reserve to the United States the right
9 to collect rent and royalty payments on the lease re-
10 ferred to in paragraph (1) for the duration of the
11 lease.

12 (c) EXISTING BOUNDARIES.—The conveyance under
13 subsection (a) does not modify the exterior boundary of
14 the White River National Forest or the boundaries of Sec-
15 tions 18 and 19 of Township 7 South, Range 93 West,
16 Sixth Principal Meridian, Colorado, as such boundaries
17 are in effect on the date of the enactment of this Act.

18 (d) TIME FOR CONVEYANCE; PAYMENT OF COSTS.—
19 The conveyance directed under subsection (a) shall be
20 completed not later than 180 days after the date of the
21 enactment of this Act. The conveyance shall be without
22 consideration, except that all costs incurred by the Sec-
23 retary of the Interior relating to any survey, platting, legal
24 description, or other activities carried out to prepare and

1 issue the patent shall be paid by GLP to the Secretary
2 prior to the land conveyance.

3 **SEC. 10003. LAND EXCHANGE IN CRAGS, COLORADO.**

4 (a) PURPOSES.—The purposes of this section are—

5 (1) to authorize, direct, expedite, and facilitate
6 the land exchange set forth herein; and

7 (2) to promote enhanced public outdoor rec-
8 reational and natural resource conservation opportu-
9 nities in the Pike National Forest near Pikes Peak,
10 Colorado, via acquisition of the non-Federal land
11 and trail easement.

12 (b) DEFINITIONS.—In this section:

13 (1) BHI.—The term “BHI” means Broadmoor
14 Hotel, Inc., a Colorado corporation.

15 (2) FEDERAL LAND.—The term “Federal land”
16 means all right, title, and interest of the United
17 States in and to approximately 83 acres of land
18 within the Pike National Forest, El Paso County,
19 Colorado, together with a non-exclusive perpetual ac-
20 cess easement to BHI to and from such land on
21 Forest Service Road 371, as generally depicted on
22 the map entitled “Proposed Craggs Land Exchange—
23 Federal Parcel—Emerald Valley Ranch”, dated
24 March 2015.

1 (3) NON-FEDERAL LAND.—The term “non-Fed-
2 eral land” means the land and trail easement to be
3 conveyed to the Secretary by BHI in the exchange
4 and is—

5 (A) approximately 320 acres of land within
6 the Pike National Forest, Teller County, Colo-
7 rado, as generally depicted on the map entitled
8 “Proposed Craggs Land Exchange–Non-Federal
9 Parcel–Craggs Property”, dated March 2015;
10 and

11 (B) a permanent trail easement for the
12 Barr Trail in El Paso County, Colorado, as
13 generally depicted on the map entitled “Pro-
14 posed Craggs Land Exchange–Barr Trail Ease-
15 ment to United States”, dated March 2015,
16 and which shall be considered as a voluntary
17 donation to the United States by BHI for all
18 purposes of law.

19 (4) SECRETARY.—The term “Secretary” means
20 the Secretary of Agriculture, unless otherwise speci-
21 fied.

22 (c) LAND EXCHANGE.—

23 (1) IN GENERAL.—If BHI offers to convey to
24 the Secretary all right, title, and interest of BHI in
25 and to the non-Federal land, the Secretary shall ac-

1 cept the offer and simultaneously convey to BHI the
2 Federal land.

3 (2) LAND TITLE.—Title to the non-Federal
4 land conveyed and donated to the Secretary under
5 this section shall be acceptable to the Secretary and
6 shall conform to the title approval standards of the
7 Attorney General of the United States applicable to
8 land acquisitions by the Federal Government.

9 (3) PERPETUAL ACCESS EASEMENT TO BHI.—
10 The nonexclusive perpetual access easement to be
11 granted to BHI as shown on the map referred to in
12 subsection (b)(2) shall allow—

13 (A) BHI to fully maintain, at BHI's ex-
14 pense, and use Forest Service Road 371 from
15 its junction with Forest Service Road 368 in
16 accordance with historic use and maintenance
17 patterns by BHI; and

18 (B) full and continued public and adminis-
19 trative access and use of FSR 371 in accord-
20 ance with the existing Forest Service travel
21 management plan, or as such plan may be re-
22 vised by the Secretary.

23 (4) ROUTE AND CONDITION OF ROAD.—BHI
24 and the Secretary may mutually agree to improve,
25 relocate, reconstruct, or otherwise alter the route

1 and condition of all or portions of such road as the
2 Secretary, in close consultation with BHI, may de-
3 termine advisable.

4 (5) EXCHANGE COSTS.—BHI shall pay for all
5 land survey, appraisal, and other costs to the Sec-
6 retary as may be necessary to process and consum-
7 mate the exchange directed by this section, including
8 reimbursement to the Secretary, if the Secretary so
9 requests, for staff time spent in such processing and
10 consummation.

11 (d) EQUAL VALUE EXCHANGE AND APPRAISALS.—

12 (1) APPRAISALS.—The values of the lands to be
13 exchanged under this section shall be determined by
14 the Secretary through appraisals performed in ac-
15 cordance with—

16 (A) the Uniform Appraisal Standards for
17 Federal Land Acquisitions;

18 (B) the Uniform Standards of Professional
19 Appraisal Practice;

20 (C) appraisal instructions issued by the
21 Secretary; and

22 (D) shall be performed by an appraiser
23 mutually agreed to by the Secretary and BHI.

24 (2) EQUAL VALUE EXCHANGE.—The values of
25 the Federal and non-Federal land parcels exchanged

1 shall be equal, or if they are not equal, shall be
2 equalized as follows:

3 (A) SURPLUS OF FEDERAL LAND
4 VALUE.—If the final appraised value of the
5 Federal land exceeds the final appraised value
6 of the non-Federal land parcel identified in sub-
7 section (b)(3)(A), BHI shall make a cash
8 equalization payment to the United States as
9 necessary to achieve equal value, including, if
10 necessary, an amount in excess of that author-
11 ized pursuant to section 206(b) of the Federal
12 Land Policy and Management Act of 1976 (43
13 U.S.C. 1716(b)).

14 (B) USE OF FUNDS.—Any cash equali-
15 zation moneys received by the Secretary under
16 subparagraph (A) shall be—

17 (i) deposited in the fund established
18 under Public Law 90–171 (commonly
19 known as the “Sisk Act”; 16 U.S.C. 484a);
20 and

21 (ii) made available to the Secretary
22 for the acquisition of land or interests in
23 land in Region 2 of the Forest Service.

24 (C) SURPLUS OF NON-FEDERAL LAND
25 VALUE.—If the final appraised value of the

1 non-Federal land parcel identified in subsection
2 (b)(3)(A) exceeds the final appraised value of
3 the Federal land, the United States shall not
4 make a cash equalization payment to BHI, and
5 surplus value of the non-Federal land shall be
6 considered a donation by BHI to the United
7 States for all purposes of law.

8 (3) APPRAISAL EXCLUSIONS.—

9 (A) SPECIAL USE PERMIT.—The appraised
10 value of the Federal land parcel shall not reflect
11 any increase or diminution in value due to the
12 special use permit existing on the date of the
13 enactment of this Act to BHI on the parcel and
14 improvements thereunder.

15 (B) BARR TRAIL EASEMENT.—The Barr
16 Trail easement donation identified in subsection
17 (b)(3)(B) shall not be appraised for purposes of
18 this section.

19 (e) MISCELLANEOUS PROVISIONS.—

20 (1) WITHDRAWAL PROVISIONS.—

21 (A) WITHDRAWAL.—Lands acquired by
22 the Secretary under this section shall, without
23 further action by the Secretary, be permanently
24 withdrawn from all forms of appropriation and
25 disposal under the public land laws (including

1 the mining and mineral leasing laws) and the
2 Geothermal Steam Act of 1930 (30 U.S.C.
3 1001 et seq.).

4 (B) WITHDRAWAL REVOCATION.—Any
5 public land order that withdraws the Federal
6 land from appropriation or disposal under a
7 public land law shall be revoked to the extent
8 necessary to permit disposal of the Federal land
9 parcel to BHI.

10 (C) WITHDRAWAL OF FEDERAL LAND.—
11 All Federal land authorized to be exchanged
12 under this section, if not already withdrawn or
13 segregated from appropriation or disposal under
14 the public lands laws upon enactment of this
15 Act, is hereby so withdrawn, subject to valid ex-
16 isting rights, until the date of conveyance of the
17 Federal land to BHI.

18 (2) POSTEXCHANGE LAND MANAGEMENT.—
19 Land acquired by the Secretary under this section
20 shall become part of the Pike-San Isabel National
21 Forest and be managed in accordance with the laws,
22 rules, and regulations applicable to the National
23 Forest System.

24 (3) EXCHANGE TIMETABLE.—It is the intent of
25 Congress that the land exchange directed by this

1 section be consummated no later than 1 year after
2 the date of the enactment of this Act.

3 (4) MAPS, ESTIMATES, AND DESCRIPTIONS.—

4 (A) MINOR ERRORS.—The Secretary and
5 BHI may by mutual agreement make minor
6 boundary adjustments to the Federal and non-
7 Federal lands involved in the exchange, and
8 may correct any minor errors in any map, acre-
9 age estimate, or description of any land to be
10 exchanged.

11 (B) CONFLICT.—If there is a conflict be-
12 tween a map, an acreage estimate, or a descrip-
13 tion of land under this section, the map shall
14 control unless the Secretary and BHI mutually
15 agree otherwise.

16 (C) AVAILABILITY.—Upon enactment of
17 this Act, the Secretary shall file and make
18 available for public inspection in the head-
19 quarters of the Pike-San Isabel National Forest
20 a copy of all maps referred to in this section.

21 **SEC. 10004. CERRO DEL YUTA AND RÍO SAN ANTONIO WIL-**
22 **DERNESS AREAS.**

23 (a) DEFINITIONS.—In this section:

24 (1) MAP.—The term “map” means the map en-
25 titled “Río Grande del Norte National Monument

1 Proposed Wilderness Areas” and dated July 28,
2 2015.

3 (2) SECRETARY.—The term “Secretary” means
4 the Secretary of the Interior.

5 (3) WILDERNESS AREA.—The term “wilderness
6 area” means a wilderness area designated by sub-
7 section (b)(1).

8 (b) DESIGNATION OF CERRO DEL YUTA AND RÍO
9 SAN ANTONIO WILDERNESS AREAS.—

10 (1) IN GENERAL.—In accordance with the Wil-
11 derness Act (16 U.S.C. 1131 et seq.), the following
12 areas in the Río Grande del Norte National Monu-
13 ment are designated as wilderness and as compo-
14 nents of the National Wilderness Preservation Sys-
15 tem:

16 (A) CERRO DEL YUTA WILDERNESS.—Cer-
17 tain land administered by the Bureau of Land
18 Management in Taos County, New Mexico,
19 comprising approximately 13,420 acres as gen-
20 erally depicted on the map, which shall be
21 known as the “Cerro del Yuta Wilderness”.

22 (B) RÍO SAN ANTONIO WILDERNESS.—Cer-
23 tain land administered by the Bureau of Land
24 Management in Río Arriba County, New Mex-
25 ico, comprising approximately 8,120 acres, as

1 generally depicted on the map, which shall be
2 known as the “Río San Antonio Wilderness”.

3 (2) MANAGEMENT OF WILDERNESS AREAS.—

4 Subject to valid existing rights, the wilderness areas
5 shall be administered in accordance with the Wilder-
6 ness Act (16 U.S.C. 1131 et seq.) and this section,
7 except that with respect to the wilderness areas des-
8 ignated by this subsection—

9 (A) any reference to the effective date of
10 the Wilderness Act shall be considered to be a
11 reference to the date of enactment of this Act;
12 and

13 (B) any reference in the Wilderness Act to
14 the Secretary of Agriculture shall be considered
15 to be a reference to the Secretary.

16 (3) INCORPORATION OF ACQUIRED LAND AND
17 INTERESTS IN LAND.—Any land or interest in land
18 within the boundary of the wilderness areas that is
19 acquired by the United States shall—

20 (A) become part of the wilderness area in
21 which the land is located; and

22 (B) be managed in accordance with—

23 (i) the Wilderness Act (16 U.S.C.
24 1131 et seq.);

25 (ii) this section; and

1 (iii) any other applicable laws.

2 (4) GRAZING.—Grazing of livestock in the wil-
3 derness areas, where established before the date of
4 enactment of this Act, shall be administered in ac-
5 cordance with—

6 (A) section 4(d)(4) of the Wilderness Act
7 (16 U.S.C. 1133(d)(4)); and

8 (B) the guidelines set forth in appendix A
9 of the Report of the Committee on Interior and
10 Insular Affairs to accompany H.R. 2570 of the
11 101st Congress (H. Rept. 101–405).

12 (5) BUFFER ZONES.—

13 (A) IN GENERAL.—Nothing in this section
14 creates a protective perimeter or buffer zone
15 around the wilderness areas.

16 (B) ACTIVITIES OUTSIDE WILDERNESS
17 AREAS.—The fact that an activity or use on
18 land outside a wilderness area can be seen or
19 heard within the wilderness area shall not pre-
20 clude the activity or use outside the boundary
21 of the wilderness area.

22 (6) RELEASE OF WILDERNESS STUDY AREAS.—
23 Congress finds that, for purposes of section 603(c)
24 of the Federal Land Policy and Management Act of
25 1976 (43 U.S.C. 1782(c)), the public land within the

1 San Antonio Wilderness Study Area not designated
2 as wilderness by this subsection—

3 (A) has been adequately studied for wilder-
4 ness designation;

5 (B) is no longer subject to section 603(c)
6 of the Federal Land Policy and Management
7 Act of 1976 (43 U.S.C. 1782(c)); and

8 (C) shall be managed in accordance with
9 this section.

10 (7) MAPS AND LEGAL DESCRIPTIONS.—

11 (A) IN GENERAL.—As soon as practicable
12 after the date of enactment of this Act, the Sec-
13 retary shall file the map and legal descriptions
14 of the wilderness areas with—

15 (i) the Committee on Energy and
16 Natural Resources of the Senate; and

17 (ii) the Committee on Natural Re-
18 sources of the House of Representatives.

19 (B) FORCE OF LAW.—The map and legal
20 descriptions filed under subparagraph (A) shall
21 have the same force and effect as if included in
22 this section, except that the Secretary may cor-
23 rect errors in the legal description and map.

24 (C) PUBLIC AVAILABILITY.—The map and
25 legal descriptions filed under subparagraph (A)

1 shall be on file and available for public inspec-
2 tion in the appropriate offices of the Bureau of
3 Land Management.

4 (8) NATIONAL LANDSCAPE CONSERVATION SYS-
5 TEM.—The wilderness areas shall be administered as
6 components of the National Landscape Conservation
7 System.

8 (9) FISH AND WILDLIFE.—Nothing in this sec-
9 tion affects the jurisdiction of the State of New
10 Mexico with respect to fish and wildlife located on
11 public land in the State.

12 (10) WITHDRAWALS.—Subject to valid existing
13 rights, any Federal land within the wilderness areas
14 designated by paragraph (1), including any land or
15 interest in land that is acquired by the United
16 States after the date of enactment of this Act, is
17 withdrawn from—

18 (A) entry, appropriation, or disposal under
19 the public land laws;

20 (B) location, entry, and patent under the
21 mining laws; and

22 (C) operation of the mineral leasing, min-
23 eral materials, and geothermal leasing laws.

1 (11) TREATY RIGHTS.—Nothing in this section
2 enlarges, diminishes, or otherwise modifies any trea-
3 ty rights.

4 **SEC. 10005. CLARIFICATION RELATING TO A CERTAIN LAND**
5 **DESCRIPTION UNDER THE NORTHERN ARI-**
6 **ZONA LAND EXCHANGE AND VERDE RIVER**
7 **BASIN PARTNERSHIP ACT OF 2005.**

8 Section 104(a)(5) of the Northern Arizona Land Ex-
9 change and Verde River Basin Partnership Act of 2005
10 (Public Law 109–110; 119 Stat. 2356) is amended by in-
11 serting before the period at the end “, which, notwith-
12 standing section 102(a)(4)(B), includes the N¹/₂, NE¹/₄,
13 SW¹/₄, SW¹/₄, the N¹/₂, N¹/₂, SE¹/₄, SW¹/₄, and the N¹/₂,
14 N¹/₂, SW¹/₄, SE¹/₄, sec. 34, T. 22 N., R. 2 E., Gila and
15 Salt River Meridian, Coconino County, comprising ap-
16 proximately 25 acres”.

17 **SEC. 10006. COOPER SPUR LAND EXCHANGE CLARIFICA-**
18 **TION AMENDMENTS.**

19 Section 1206(a) of the Omnibus Public Land Man-
20 agement Act of 2009 (Public Law 111–11; 123 Stat.
21 1018) is amended—

22 (1) in paragraph (1)—

23 (A) in subparagraph (C), by striking “120
24 acres” and inserting “107 acres”; and

1 (B) in subparagraph (E)(ii), by inserting
2 “improvements,” after “buildings,”; and
3 (2) in paragraph (2)—

4 (A) in subparagraph (D)—

5 (i) in clause (i), by striking “As soon
6 as practicable after the date of enactment
7 of this Act, the Secretary and Mt. Hood
8 Meadows shall select” and inserting “Not
9 later than 120 days after the date of the
10 enactment of the Energy Policy Mod-
11 ernization Act of 2016, the Secretary and
12 Mt. Hood Meadows shall jointly select”;

13 (ii) in clause (ii), in the matter pre-
14 ceding subclause (I), by striking “An ap-
15 praisal under clause (i) shall” and insert-
16 ing “Except as provided under clause (iii),
17 an appraisal under clause (i) shall assign a
18 separate value to each tax lot to allow for
19 the equalization of values and”;

20 (iii) by adding at the end the fol-
21 lowing:

22 “(iii) FINAL APPRAISED VALUE.—

23 “(I) IN GENERAL.—Subject to
24 subclause (II), after the final ap-
25 praised value of the Federal land and

1 the non-Federal land are determined
2 and approved by the Secretary, the
3 Secretary shall not be required to re-
4 appraise or update the final appraised
5 value for a period of up to 3 years,
6 beginning on the date of the approval
7 by the Secretary of the final appraised
8 value.

9 “(II) EXCEPTION.—Subclause (I)
10 shall not apply if the condition of ei-
11 ther the Federal land or the non-Fed-
12 eral land referred to in subclause (I)
13 is significantly and substantially al-
14 tered by fire, windstorm, or other
15 events.

16 “(iv) PUBLIC REVIEW.—Before com-
17 pleting the land exchange under this Act,
18 the Secretary shall make available for pub-
19 lic review the complete appraisals of the
20 land to be exchanged.”; and

21 (B) by striking subparagraph (G) and in-
22 serting the following:

23 “(G) REQUIRED CONVEYANCE CONDI-
24 TIONS.—Prior to the exchange of the Federal
25 and non-Federal land—

1 “(i) the Secretary and Mt. Hood
2 Meadows may mutually agree for the Sec-
3 retary to reserve a conservation easement
4 to protect the identified wetland in accord-
5 ance with applicable law, subject to the re-
6 quirements that—

7 “(I) the conservation easement
8 shall be consistent with the terms of
9 the September 30, 2015, mediation
10 between the Secretary and Mt. Hood
11 Meadows; and

12 “(II) in order to take effect, the
13 conservation easement shall be final-
14 ized not later than 120 days after the
15 date of enactment of the Energy Pol-
16 icy Modernization Act of 2016; and

17 “(ii) the Secretary shall reserve a 24-
18 foot-wide nonexclusive trail easement at
19 the existing trail locations on the Federal
20 land that retains for the United States ex-
21 isting rights to construct, reconstruct,
22 maintain, and permit nonmotorized use by
23 the public of existing trails subject to the
24 right of the owner of the Federal land—

1 “(I) to cross the trails with
2 roads, utilities, and infrastructure fa-
3 cilities; and

4 “(II) to improve or relocate the
5 trails to accommodate development of
6 the Federal land.

7 “(H) EQUALIZATION OF VALUES.—

8 “(i) IN GENERAL.—Notwithstanding
9 subparagraph (A), in addition to or in lieu
10 of monetary compensation, a lesser area of
11 Federal land or non-Federal land may be
12 conveyed if necessary to equalize appraised
13 values of the exchange properties, without
14 limitation, consistent with the require-
15 ments of this Act and subject to the ap-
16 proval of the Secretary and Mt. Hood
17 Meadows.

18 “(ii) TREATMENT OF CERTAIN COM-
19 PENSATION OR CONVEYANCES AS DONA-
20 TION.—If, after payment of compensation
21 or adjustment of land area subject to ex-
22 change under this Act, the amount by
23 which the appraised value of the land and
24 other property conveyed by Mt. Hood
25 Meadows under subparagraph (A) exceeds

1 the appraised value of the land conveyed
2 by the Secretary under subparagraph (A)
3 shall be considered a donation by Mt.
4 Hood Meadows to the United States.”.

5 **SEC. 10007. EXPEDITED ACCESS TO CERTAIN FEDERAL**
6 **LAND.**

7 (a) DEFINITIONS.—In this section:

8 (1) ELIGIBLE.—The term “eligible”, with re-
9 spect to an organization or individual, means that
10 the organization or individual, respectively, is—

11 (A) acting in a not-for-profit capacity; and

12 (B) composed entirely of members who, at
13 the time of the good Samaritan search-and-re-
14 covery mission, have attained the age of major-
15 ity under the law of the State where the mis-
16 sion takes place.

17 (2) GOOD SAMARITAN SEARCH-AND-RECOVERY
18 MISSION.—The term “good Samaritan search-and-
19 recovery mission” means a search conducted by an
20 eligible organization or individual for 1 or more
21 missing individuals believed to be deceased at the
22 time that the search is initiated.

23 (3) SECRETARY.—The term “Secretary” means
24 the Secretary of the Interior or the Secretary of Ag-
25 riculture, as applicable.

1 (b) PROCESS.—

2 (1) IN GENERAL.—Each Secretary shall develop
3 and implement a process to expedite access to Fed-
4 eral land under the administrative jurisdiction of the
5 Secretary for eligible organizations and individuals
6 to request access to Federal land to conduct good
7 Samaritan search-and-recovery missions.

8 (2) INCLUSIONS.—The process developed and
9 implemented under this subsection shall include pro-
10 visions to clarify that—

11 (A) an eligible organization or individual
12 granted access under this section—

13 (i) shall be acting for private pur-
14 poses; and

15 (ii) shall not be considered to be a
16 Federal volunteer;

17 (B) an eligible organization or individual
18 conducting a good Samaritan search-and-recov-
19 ery mission under this section shall not be con-
20 sidered to be a volunteer under section
21 102301(c) of title 54, United States Code;

22 (C) chapter 171 of title 28, United States
23 Code (commonly known as the “Federal Tort
24 Claims Act”), shall not apply to an eligible or-
25 ganization or individual carrying out a privately

1 requested good Samaritan search-and-recovery
2 mission under this section; and

3 (D) chapter 81 of title 5, United States
4 Code (commonly known as the “Federal Em-
5 ployees Compensation Act”), shall not apply to
6 an eligible organization or individual conducting
7 a good Samaritan search-and-recovery mission
8 under this section, and the conduct of the good
9 Samaritan search-and-recovery mission shall
10 not constitute civilian employment.

11 (c) RELEASE OF FEDERAL GOVERNMENT FROM LI-
12 ABILITY.—The Secretary shall not require an eligible or-
13 ganization or individual to have liability insurance as a
14 condition of accessing Federal land under this section, if
15 the eligible organization or individual—

16 (1) acknowledges and consents, in writing, to
17 the provisions described in subparagraphs (A)
18 through (D) of subsection (b)(2); and

19 (2) signs a waiver releasing the Federal Gov-
20 ernment from all liability relating to the access
21 granted under this section and agrees to indemnify
22 and hold harmless the United States from any
23 claims or lawsuits arising from any conduct by the
24 eligible organization or individual on Federal land.

25 (d) APPROVAL AND DENIAL OF REQUESTS.—

1 (1) IN GENERAL.—The Secretary shall notify
2 an eligible organization or individual of the approval
3 or denial of a request by the eligible organization or
4 individual to carry out a good Samaritan search-
5 and-recovery mission under this section by not later
6 than 48 hours after the request is made.

7 (2) DENIALS.—If the Secretary denies a re-
8 quest from an eligible organization or individual to
9 carry out a good Samaritan search-and-recovery mis-
10 sion under this section, the Secretary shall notify the
11 eligible organization or individual of—

12 (A) the reason for the denial of the re-
13 quest; and

14 (B) any actions that the eligible organiza-
15 tion or individual can take to meet the require-
16 ments for the request to be approved.

17 (e) PARTNERSHIPS.—Each Secretary shall develop
18 search-and-recovery-focused partnerships with search-and-
19 recovery organizations—

20 (1) to coordinate good Samaritan search-and-
21 recovery missions on Federal land under the admin-
22 istrative jurisdiction of the Secretary; and

23 (2) to expedite and accelerate good Samaritan
24 search-and-recovery mission efforts for missing indi-

1 individuals on Federal land under the administrative ju-
2 risdiction of the Secretary.

3 (f) REPORT.—Not later than 180 days after the date
4 of enactment of this Act, the Secretaries shall submit to
5 Congress a joint report describing—

6 (1) plans to develop partnerships described in
7 subsection (e)(1); and

8 (2) efforts carried out to expedite and accel-
9 erate good Samaritan search-and-recovery mission
10 efforts for missing individuals on Federal land under
11 the administrative jurisdiction of each Secretary
12 pursuant to subsection (e)(2).

13 **SEC. 10008. BLACK HILLS NATIONAL CEMETERY BOUNDARY**
14 **MODIFICATION.**

15 (a) DEFINITIONS.—In this section:

16 (1) CEMETERY.—The term “Cemetery” means
17 the Black Hills National Cemetery in Sturgis, South
18 Dakota.

19 (2) FEDERAL LAND.—The term “Federal land”
20 means the approximately 200 acres of Bureau of
21 Land Management land adjacent to the Cemetery,
22 generally depicted as “Proposed National Cemetery
23 Expansion” on the map entitled “Proposed Expan-
24 sion of Black Hills National Cemetery-South Da-
25 kota” and dated September 28, 2015.

1 (3) SECRETARY.—The term “Secretary” means
2 the Secretary of the Interior.

3 (b) TRANSFER AND WITHDRAWAL OF BUREAU OF
4 LAND MANAGEMENT LAND FOR CEMETERY USE.—

5 (1) TRANSFER OF ADMINISTRATIVE JURISDIC-
6 TION.—

7 (A) IN GENERAL.—Subject to valid exist-
8 ing rights, administrative jurisdiction over the
9 Federal land is transferred from the Secretary
10 to the Secretary of Veterans Affairs for use as
11 a national cemetery in accordance with chapter
12 24 of title 38, United States Code.

13 (B) LEGAL DESCRIPTIONS.—

14 (i) IN GENERAL.—As soon as prac-
15 ticable after the date of enactment of this
16 Act, the Secretary shall publish in the Fed-
17 eral Register a notice containing a legal
18 description of the Federal land.

19 (ii) EFFECT.—A legal description
20 published under clause (i) shall have the
21 same force and effect as if included in this
22 section, except that the Secretary may cor-
23 rect any clerical and typographical errors
24 in the legal description.

1 (iii) AVAILABILITY.—Copies of the
2 legal description published under clause (i)
3 shall be available for public inspection in
4 the appropriate offices of—

5 (I) the Bureau of Land Manage-
6 ment; and

7 (II) the National Cemetery Ad-
8 ministration.

9 (iv) COSTS.—The Secretary of Vet-
10 erans Affairs shall reimburse the Secretary
11 for the costs incurred by the Secretary in
12 carrying out this subparagraph, including
13 the costs of any surveys and other reason-
14 able costs.

15 (2) WITHDRAWAL.—Subject to valid existing
16 rights, for any period during which the Federal land
17 is under the administrative jurisdiction of the Sec-
18 retary of Veterans Affairs, the Federal land—

19 (A) is withdrawn from all forms of appro-
20 priation under the public land laws, including
21 the mining laws, the mineral leasing laws, and
22 the geothermal leasing laws; and

23 (B) shall be treated as property as defined
24 under section 102(9) of title 40, United States
25 Code.

1 (3) BOUNDARY MODIFICATION.—The boundary
2 of the Cemetery is modified to include the Federal
3 land.

4 (4) MODIFICATION OF PUBLIC LAND ORDER.—
5 Public Land Order 2112, dated June 6, 1960 (25
6 Fed. Reg. 5243), is modified to exclude the Federal
7 land.

8 (c) SUBSEQUENT TRANSFER OF ADMINISTRATIVE
9 JURISDICTION.—

10 (1) NOTICE.—On a determination by the Sec-
11 retary of Veterans Affairs that all or a portion of
12 the Federal land is not being used for purposes of
13 the Cemetery, the Secretary of Veterans Affairs
14 shall notify the Secretary of the determination.

15 (2) TRANSFER OF ADMINISTRATIVE JURISDIC-
16 TION.—Subject to paragraphs (3) and (4), the Sec-
17 retary of Veterans Affairs shall transfer to the Sec-
18 retary administrative jurisdiction over the Federal
19 land subject to a notice under paragraph (1).

20 (3) DECONTAMINATION.—The Secretary of Vet-
21 erans Affairs shall be responsible for the costs of
22 any decontamination of the Federal land subject to
23 a notice under paragraph (1) that the Secretary de-
24 termines to be necessary for the Federal land to be
25 restored to public land status.

1 (4) RESTORATION TO PUBLIC LAND STATUS.—

2 The Federal land subject to a notice under para-
3 graph (1) shall only be restored to public land status
4 on—

5 (A) acceptance by the Secretary of the
6 Federal land subject to the notice; and

7 (B) a determination by the Secretary that
8 the Federal land subject to the notice is suit-
9 able for—

10 (i) restoration to public land status;

11 and

12 (ii) the operation of 1 or more of the
13 public land laws with respect to the Fed-
14 eral land.

15 (5) ORDER.—If the Secretary accepts the Fed-
16 eral land under paragraph (4)(A) and makes a de-
17 termination of suitability under paragraph (4)(B),
18 the Secretary may—

19 (A) open the accepted Federal land to op-
20 eration of 1 or more of the public land laws;
21 and

22 (B) issue an order to carry out the opening
23 authorized under subparagraph (A).

1 **Subtitle B—National Park Manage-**
2 **ment, Studies, and Related Mat-**
3 **ters**

4 **SEC. 10101. REFUND OF FUNDS USED BY STATES TO OPER-**
5 **ATE NATIONAL PARKS DURING SHUTDOWN.**

6 (a) IN GENERAL.—The Director of the National
7 Park Service shall refund to each State all funds of the
8 State that were used to reopen and temporarily operate
9 a unit of the National Park System during the period in
10 October 2013 in which there was a lapse in appropriations
11 for the unit.

12 (b) FUNDING.—Funds of the National Park Service
13 that are appropriated after the date of enactment of this
14 Act shall be used to carry out this section.

15 **SEC. 10102. LOWER FARMINGTON AND SALMON BROOK**
16 **RECREATIONAL RIVERS.**

17 (a) DESIGNATION.—Section 3(a) of the Wild and
18 Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by add-
19 ing at the end the following new paragraph:

20 “(213) LOWER FARMINGTON RIVER AND SALM-
21 ON BROOK, CONNECTICUT.—Segments of the main
22 stem and its tributary, Salmon Brook, totaling ap-
23 proximately 62 miles, to be administered by the Sec-
24 retary of the Interior as follows:

1 “(A) The approximately 27.2-mile segment
2 of the Farmington River beginning 0.2 miles
3 below the tailrace of the Lower Collinsville Dam
4 and extending to the site of the Spoonville Dam
5 in Bloomfield and East Granby as a rec-
6 reational river.

7 “(B) The approximately 8.1-mile segment
8 of the Farmington River extending from 0.5
9 miles below the Rainbow Dam to the confluence
10 with the Connecticut River in Windsor as a rec-
11 reational river.

12 “(C) The approximately 2.4-mile segment
13 of the main stem of Salmon Brook extending
14 from the confluence of the East and West
15 Branches to the confluence with the Farm-
16 ington River as a recreational river.

17 “(D) The approximately 12.6-mile segment
18 of the West Branch of Salmon Brook extending
19 from its headwaters in Hartland, Connecticut
20 to its confluence with the East Branch of Salm-
21 on Brook as a recreational river.

22 “(E) The approximately 11.4-mile segment
23 of the East Branch of Salmon Brook extending
24 from the Massachusetts-Connecticut State line

1 to the confluence with the West Branch of
2 Salmon Brook as a recreational river.”.

3 (b) MANAGEMENT.—

4 (1) IN GENERAL.—The river segments des-
5 igned by subsection (a) shall be managed in ac-
6 cordance with the management plan and such
7 amendments to the management plan as the Sec-
8 retary determines are consistent with this section.
9 The management plan shall be deemed to satisfy the
10 requirements for a comprehensive management plan
11 pursuant to section 3(d) of the Wild and Scenic Riv-
12 ers Act (16 U.S.C. 1274(d)).

13 (2) COMMITTEE.—The Secretary shall coordi-
14 nate the management responsibilities of the Sec-
15 retary under this section with the Lower Farm-
16 ington River and Salmon Brook Wild and Scenic
17 Committee, as specified in the management plan.

18 (3) COOPERATIVE AGREEMENTS.—

19 (A) IN GENERAL.—In order to provide for
20 the long-term protection, preservation, and en-
21 hancement of the river segment designated by
22 subsection (a), the Secretary is authorized to
23 enter into cooperative agreements pursuant to
24 sections 10(e) and 11(b)(1) of the Wild and
25 Scenic Rivers Act with—

- 1 (i) the State of Connecticut;
- 2 (ii) the towns of Avon, Bloomfield,
- 3 Burlington, East Granby, Farmington,
- 4 Granby, Hartland, Simsbury, and Windsor
- 5 in Connecticut; and
- 6 (iii) appropriate local planning and
- 7 environmental organizations.

8 (B) CONSISTENCY.—All cooperative agree-

9 ments provided for under this section shall be

10 consistent with the management plan and may

11 include provisions for financial or other assist-

12 ance from the United States.

13 (4) LAND MANAGEMENT.—

14 (A) ZONING ORDINANCES.—For the pur-

15 poses of the segments designated in subsection

16 (a), the zoning ordinances adopted by the towns

17 in Avon, Bloomfield, Burlington, East Granby,

18 Farmington, Granby, Hartland, Simsbury, and

19 Windsor in Connecticut, including provisions for

20 conservation of floodplains, wetlands and water-

21 courses associated with the segments, shall be

22 deemed to satisfy the standards and require-

23 ments of section 6(c) of the Wild and Scenic

24 Rivers Act (16 U.S.C. 1277(c)).

1 (B) ACQUISITION OF LAND.—The provi-
2 sions of section 6(c) of the Wild and Scenic
3 Rivers Act (16 U.S.C. 1277(c)) that prohibit
4 Federal acquisition of lands by condemnation
5 shall apply to the segments designated in sub-
6 section (a). The authority of the Secretary to
7 acquire lands for the purposes of the segments
8 designated in subsection (a) shall be limited to
9 acquisition by donation or acquisition with the
10 consent of the owner of the lands, and shall be
11 subject to the additional criteria set forth in the
12 management plan.

13 (5) RAINBOW DAM.—The designation made by
14 subsection (a) shall not be construed to—

15 (A) prohibit, pre-empt, or abridge the po-
16 tential future licensing of the Rainbow Dam
17 and Reservoir (including any and all aspects of
18 its facilities, operations and transmission lines)
19 by the Federal Energy Regulatory Commission
20 as a federally licensed hydroelectric generation
21 project under the Federal Power Act, provided
22 that the Commission may, in the discretion of
23 the Commission and consistent with this sec-
24 tion, establish such reasonable terms and condi-
25 tions in a hydropower license for Rainbow Dam

1 as are necessary to reduce impacts identified by
 2 the Secretary as invading or unreasonably di-
 3 minishing the scenic, recreational, and fish and
 4 wildlife values of the segments designated by
 5 subsection (a); or

6 (B) affect the operation of, or impose any
 7 flow or release requirements on, the unlicensed
 8 hydroelectric facility at Rainbow Dam and Res-
 9 ervoir.

10 (6) RELATION TO NATIONAL PARK SYSTEM.—

11 Notwithstanding section 10(c) of the Wild and Sce-
 12 nic Rivers Act (16 U.S.C. 1281(c)), the Lower
 13 Farmington River shall not be administered as part
 14 of the National Park System or be subject to regula-
 15 tions which govern the National Park System.

16 (c) FARMINGTON RIVER, CONNECTICUT, DESIGNA-
 17 TION REVISION.—Section 3(a)(156) of the Wild and Sce-
 18 nic Rivers Act (16 U.S.C. 1274(a)) is amended in the first
 19 sentence—

20 (1) by striking “14-mile” and inserting “15.1-
 21 mile”; and

22 (2) by striking “to the downstream end of the
 23 New Hartford-Canton, Connecticut town line” and
 24 inserting “to the confluence with the Nepaug River”.

25 (d) DEFINITIONS.—For the purposes of this section:

1 (1) MANAGEMENT PLAN.—The term “manage-
2 ment plan” means the management plan prepared
3 by the Salmon Brook Wild and Scenic Study Com-
4 mittee entitled the “Lower Farmington River and
5 Salmon Brook Management Plan” and dated June
6 2011.

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

9 **SEC. 10103. SPECIAL RESOURCE STUDY OF PRESIDENT**
10 **STREET STATION.**

11 (a) DEFINITIONS.—In this section:

12 (1) SECRETARY.—The term “Secretary” means
13 the Secretary of the Interior.

14 (2) STUDY AREA.—The term “study area”
15 means the President Street Station, a railroad ter-
16 minal in Baltimore, Maryland, the history of which
17 is tied to the growth of the railroad industry in the
18 19th century, the Civil War, the Underground Rail-
19 road, and the immigrant influx of the early 20th
20 century.

21 (b) SPECIAL RESOURCE STUDY.—

22 (1) STUDY.—The Secretary shall conduct a spe-
23 cial resource study of the study area.

24 (2) CONTENTS.—In conducting the study under
25 paragraph (1), the Secretary shall—

1 (A) evaluate the national significance of
2 the study area;

3 (B) determine the suitability and feasibility
4 of designating the study area as a unit of the
5 National Park System;

6 (C) consider other alternatives for preser-
7 vation, protection, and interpretation of the
8 study area by the Federal Government, State or
9 local government entities, or private and non-
10 profit organizations;

11 (D) consult with interested Federal agen-
12 cies, State or local governmental entities, pri-
13 vate and nonprofit organizations, or any other
14 interested individuals; and

15 (E) identify cost estimates for any Federal
16 acquisition, development, interpretation, oper-
17 ation, and maintenance associated with the al-
18 ternatives.

19 (3) APPLICABLE LAW.—The study required
20 under paragraph (1) shall be conducted in accord-
21 ance with section 100507 of title 54, United States
22 Code.

23 (4) REPORT.—Not later than 3 years after the
24 date on which funds are first made available for the
25 study under paragraph (1), the Secretary shall sub-

1 mit to the Committee on Natural Resources of the
 2 House of Representatives and the Committee on En-
 3 ergy and Natural Resources of the Senate a report
 4 that describes—

5 (A) the results of the study; and

6 (B) any conclusions and recommendations
 7 of the Secretary.

8 **SEC. 10104. SPECIAL RESOURCE STUDY OF THURGOOD**
 9 **MARSHALL'S ELEMENTARY SCHOOL.**

10 (a) DEFINITIONS.—In this section:

11 (1) SECRETARY.—The term “Secretary” means
 12 the Secretary of the Interior.

13 (2) STUDY AREA.—The term “study area”
 14 means—

15 (A) P.S. 103, the public school located in
 16 West Baltimore, Maryland, which Thurgood
 17 Marshall attended as a youth; and

18 (B) any other resources in the neighbor-
 19 hood surrounding P.S. 103 that relate to the
 20 early life of Thurgood Marshall.

21 (b) SPECIAL RESOURCE STUDY.—

22 (1) STUDY.—The Secretary shall conduct a spe-
 23 cial resource study of the study area.

24 (2) CONTENTS.—In conducting the study under
 25 paragraph (1), the Secretary shall—

1 (A) evaluate the national significance of
2 the study area;

3 (B) determine the suitability and feasibility
4 of designating the study area as a unit of the
5 National Park System;

6 (C) consider other alternatives for preser-
7 vation, protection, and interpretation of the
8 study area by the Federal Government, State or
9 local government entities, or private and non-
10 profit organizations;

11 (D) consult with interested Federal agen-
12 cies, State or local governmental entities, pri-
13 vate and nonprofit organizations, or any other
14 interested individuals; and

15 (E) identify cost estimates for any Federal
16 acquisition, development, interpretation, oper-
17 ation, and maintenance associated with the al-
18 ternatives.

19 (3) APPLICABLE LAW.—The study required
20 under paragraph (1) shall be conducted in accord-
21 ance with section 100507 of title 54, United States
22 Code.

23 (4) REPORT.—Not later than 3 years after the
24 date on which funds are first made available to carry
25 out the study under paragraph (1), the Secretary

1 shall submit to the Committee on Natural Resources
2 of the House of Representatives and the Committee
3 on Energy and Natural Resources of the Senate a
4 report that describes—

5 (A) the results of the study; and

6 (B) any conclusions and recommendations
7 of the Secretary.

8 **SEC. 10105. SPECIAL RESOURCE STUDY OF JAMES K. POLK**
9 **PRESIDENTIAL HOME.**

10 (a) IN GENERAL.—The Secretary of the Interior (re-
11 ferred to in this section as the “Secretary”) shall conduct
12 a special resource study of the site of the James K. Polk
13 Home in Columbia, Tennessee, and adjacent property (re-
14 ferred to in this section as the “site”).

15 (b) CRITERIA.—The Secretary shall conduct the
16 study under subsection (a) in accordance with section
17 100507 of title 54, United States Code.

18 (c) CONTENTS.—In conducting the study under sub-
19 section (a), the Secretary shall—

20 (1) evaluate the national significance of the
21 site;

22 (2) determine the suitability and feasibility of
23 designating the site as a unit of the National Park
24 System;

1 (3) include cost estimates for any necessary ac-
2 quisition, development, operation, and maintenance
3 of the site;

4 (4) consult with interested Federal, State, or
5 local governmental entities, private and nonprofit or-
6 ganizations, or other interested individuals; and

7 (5) identify alternatives for the management,
8 administration, and protection of the site.

9 (d) REPORT.—Not later than 3 years after the date
10 on which funds are made available to carry out the study
11 under subsection (a), the Secretary shall submit to the
12 Committee on Natural Resources of the House of Rep-
13 resentatives and the Committee on Energy and Natural
14 Resources of the Senate a report that describes—

15 (1) the findings and conclusions of the study;
16 and

17 (2) any recommendations of the Secretary.

18 **SEC. 10106. NORTH COUNTRY NATIONAL SCENIC TRAIL**

19 **ROUTE ADJUSTMENT.**

20 (a) ROUTE ADJUSTMENT.—Section 5(a)(8) of the
21 National Trails System Act (16 U.S.C. 1244(a)(8)) is
22 amended in the first sentence—

23 (1) by striking “thirty two hundred miles, ex-
24 tending from eastern New York State” and inserting

1 “4,600 miles, extending from the Appalachian Trail
2 in Vermont”; and

3 (2) by striking “Proposed North Country Trail”
4 and all that follows through “June 1975.” and in-
5 serting “‘North Country National Scenic Trail, Au-
6 thorized Route’ dated February 2014, and numbered
7 649/116870.”.

8 (b) NO CONDEMNATION.—Section 5(a)(8) of the Na-
9 tional Trails System Act (16 U.S.C. 1244(a)(8)) is
10 amended by adding at the end the following: “No land
11 or interest in land outside of the exterior boundary of any
12 Federally administered area may be acquired by the Fed-
13 eral Government for the trail by condemnation.”.

14 **SEC. 10107. DESIGNATION OF JAY S. HAMMOND WILDER-**
15 **NESS AREA.**

16 (a) DESIGNATION.—The approximately 2,600,000
17 acres of National Wilderness Preservation System land lo-
18 cated within the Lake Clark National Park and Preserve
19 designated by section 201(e)(7)(a) of the Alaska National
20 Interest Lands Conservation Act (16 U.S.C.
21 410hh(e)(7)(a)) shall be known and designated as the
22 “Jay S. Hammond Wilderness Area”.

23 (b) REFERENCES.—Any reference in a law, map, reg-
24 ulation, document, paper, or other record of the United
25 States to the wilderness area referred to in subsection (a)

1 shall be deemed to be a reference to the “Jay S. Ham-
2 mond Wilderness Area”.

3 **SEC. 10108. ADVISORY COUNCIL ON HISTORIC PRESERVA-**
4 **TION.**

5 Section 304101(a) of title 54, United States Code,
6 is amended—

7 (1) by redesignating paragraphs (8), (9), (10),
8 and (11) as paragraphs (9), (10), (11), and (12), re-
9 spectively; and

10 (2) by inserting after paragraph (7) the fol-
11 lowing:

12 “(8) The General Chairman of the National As-
13 sociation of Tribal Historic Preservation Officers.”.

14 **SEC. 10109. ESTABLISHMENT OF A VISITOR SERVICES FA-**
15 **CILITY ON THE ARLINGTON RIDGE TRACT.**

16 (a) DEFINITION OF ARLINGTON RIDGE TRACT.—In
17 this section, the term “Arlington Ridge tract” means the
18 parcel of Federal land located in Arlington County, Vir-
19 ginia, known as the “Nevius Tract” and transferred to
20 the Department of the Interior in 1953, that is bounded
21 generally by—

22 (1) Arlington Boulevard (United States Route
23 50) to the north;

24 (2) Jefferson Davis Highway (Virginia Route
25 110) to the east;

1 (3) Marshall Drive to the south; and

2 (4) North Meade Street to the west.

3 (b) ESTABLISHMENT OF VISITOR SERVICES FACIL-
4 ITY.—Notwithstanding section 2863(g) of the Military
5 Construction Authorization Act for Fiscal Year 2002
6 (Public Law 107–107; 115 Stat. 1332), the Secretary of
7 the Interior may construct a structure for visitor services
8 to include a public restroom facility on the Arlington
9 Ridge tract in the area of the United States Marine Corps
10 War Memorial.

11 **Subtitle C—Sportsmen’s Access**
12 **and Land Management Issues**

13 **PART I—NATIONAL POLICY**

14 **SEC. 10201. CONGRESSIONAL DECLARATION OF NATIONAL**
15 **POLICY.**

16 (a) IN GENERAL.—Congress declares that it is the
17 policy of the United States that Federal departments and
18 agencies, in accordance with the missions of the depart-
19 ments and agencies, Executive Orders 12962 and 13443
20 (60 Fed. Reg. 30769 (June 7, 1995); 72 Fed. Reg. 46537
21 (August 16, 2007)), and applicable law, shall—

22 (1) facilitate the expansion and enhancement of
23 hunting, fishing, and recreational shooting opportu-
24 nities on Federal land, in consultation with the
25 Wildlife and Hunting Heritage Conservation Coun-

1 cil, the Sport Fishing and Boating Partnership
 2 Council, State and tribal fish and wildlife agencies,
 3 and the public;

4 (2) conserve and enhance aquatic systems and
 5 the management of game species and the habitat of
 6 those species on Federal land, including through
 7 hunting and fishing, in a manner that respects—

8 (A) State management authority over wild-
 9 life resources; and

10 (B) private property rights; and

11 (3) consider hunting, fishing, and recreational
 12 shooting opportunities as part of all Federal plans
 13 for land, resource, and travel management.

14 (b) EXCLUSION.—In this subtitle, the term “fishing”
 15 does not include commercial fishing in which fish are har-
 16 vested, either in whole or in part, that are intended to
 17 enter commerce through sale.

18 **PART II—SPORTSMEN’S ACCESS TO FEDERAL**

19 **LAND**

20 **SEC. 10211. DEFINITIONS.**

21 In this part:

22 (1) FEDERAL LAND.—The term “Federal land”
 23 means—

24 (A) any land in the National Forest Sys-
 25 tem (as defined in section 11(a) of the Forest

1 and Rangeland Renewable Resources Planning
2 Act of 1974 (16 U.S.C. 1609(a)) that is ad-
3 ministered by the Secretary of Agriculture, act-
4 ing through the Chief of the Forest Service;
5 and

6 (B) public lands (as defined in section 103
7 of the Federal Land Policy and Management
8 Act of 1976 (43 U.S.C. 1702)), the surface of
9 which is administered by the Secretary of the
10 Interior, acting through the Director of the Bu-
11 reau of Land Management.

12 (2) SECRETARY CONCERNED.—The term “Sec-
13 retary concerned” means—

14 (A) the Secretary of Agriculture, with re-
15 spect to land described in paragraph (1)(A);
16 and

17 (B) the Secretary of the Interior, with re-
18 spect to land described in paragraph (1)(B).

19 **SEC. 10212. FEDERAL LAND OPEN TO HUNTING, FISHING,**
20 **AND RECREATIONAL SHOOTING.**

21 (a) IN GENERAL.—Subject to subsection (b), Federal
22 land shall be open to hunting, fishing, and recreational
23 shooting, in accordance with applicable law, unless the
24 Secretary concerned closes an area in accordance with sec-
25 tion 6213.

1 (b) EFFECT OF PART.—Nothing in this part opens
2 to hunting, fishing, or recreational shooting any land that
3 is not open to those activities as of the date of enactment
4 of this Act.

5 **SEC. 10213. CLOSURE OF FEDERAL LAND TO HUNTING,**
6 **FISHING, AND RECREATIONAL SHOOTING.**

7 (a) AUTHORIZATION.—

8 (1) IN GENERAL.—Subject to paragraph (2)
9 and in accordance with section 302(b) of the Federal
10 Land Policy and Management Act of 1976 (43
11 U.S.C. 1732(b)), the Secretary concerned may des-
12 ignate any area on Federal land in which, and estab-
13 lish any period during which, for reasons of public
14 safety, administration, or compliance with applicable
15 laws, no hunting, fishing, or recreational shooting
16 shall be permitted.

17 (2) REQUIREMENT.—In making a designation
18 under paragraph (1), the Secretary concerned shall
19 designate the smallest area for the least amount of
20 time that is required for public safety, administra-
21 tion, or compliance with applicable laws.

22 (b) CLOSURE PROCEDURES.—

23 (1) IN GENERAL.—Except in an emergency, be-
24 fore permanently or temporarily closing any Federal

1 land to hunting, fishing, or recreational shooting,
2 the Secretary concerned shall—

3 (A) consult with State fish and wildlife
4 agencies; and

5 (B) provide public notice and opportunity
6 for comment under paragraph (2).

7 (2) PUBLIC NOTICE AND COMMENT.—

8 (A) IN GENERAL.—Public notice and com-
9 ment shall include—

10 (i) a notice of intent—

11 (I) published in advance of the
12 public comment period for the clo-
13 sure—

14 (aa) in the Federal Register;

15 (bb) on the website of the
16 applicable Federal agency;

17 (cc) on the website of the
18 Federal land unit, if available;

19 and

20 (dd) in at least 1 local news-
21 paper;

22 (II) made available in advance of
23 the public comment period to local of-
24 fices, chapters, and affiliate organiza-
25 tions in the vicinity of the closure that

1 are signatories to the memorandum of
2 understanding entitled “Federal
3 Lands Hunting, Fishing, and Shoot-
4 ing Sports Roundtable Memorandum
5 of Understanding”; and

6 (III) that describes—

7 (aa) the proposed closure;

8 and

9 (bb) the justification for the

10 proposed closure, including an

11 explanation of the reasons and

12 necessity for the decision to close

13 the area to hunting, fishing, or

14 recreational shooting; and

15 (ii) an opportunity for public comment

16 for a period of—

17 (I) not less than 60 days for a

18 permanent closure; or

19 (II) not less than 30 days for a

20 temporary closure.

21 (B) FINAL DECISION.—In a final decision
22 to permanently or temporarily close an area to
23 hunting, fishing, or recreation shooting, the
24 Secretary concerned shall—

1 (i) respond in a reasoned manner to
2 the comments received;

3 (ii) explain how the Secretary con-
4 cerned resolved any significant issues
5 raised by the comments; and

6 (iii) show how the resolution led to
7 the closure.

8 (c) TEMPORARY CLOSURES.—

9 (1) IN GENERAL.—A temporary closure under
10 this section may not exceed a period of 180 days.

11 (2) RENEWAL.—Except in an emergency, a
12 temporary closure for the same area of land closed
13 to the same activities—

14 (A) may not be renewed more than 3 times
15 after the first temporary closure; and

16 (B) must be subject to a separate notice
17 and comment procedure in accordance with sub-
18 section (b)(2).

19 (3) EFFECT OF TEMPORARY CLOSURE.—Any
20 Federal land that is temporarily closed to hunting,
21 fishing, or recreational shooting under this section
22 shall not become permanently closed to that activity
23 without a separate public notice and opportunity to
24 comment in accordance with subsection (b)(2).

1 (d) REPORTING.—On an annual basis, the Secre-
2 taries concerned shall—

3 (1) publish on a public website a list of all
4 areas of Federal land temporarily or permanently
5 subject to a closure under this section; and

6 (2) submit to the Committee on Energy and
7 Natural Resources and the Committee on Agri-
8 culture, Nutrition, and Forestry of the Senate and
9 the Committee on Natural Resources and the Com-
10 mittee on Agriculture of the House of Representa-
11 tives a report that identifies—

12 (A) a list of each area of Federal land tem-
13 porarily or permanently subject to a closure;

14 (B) the acreage of each closure; and

15 (C) a survey of—

16 (i) the aggregate areas and acreage
17 closed under this section in each State;
18 and

19 (ii) the percentage of Federal land in
20 each State closed under this section with
21 respect to hunting, fishing, and rec-
22 reational shooting.

23 (e) APPLICATION.—This section shall not apply if the
24 closure is—

25 (1) less than 14 days in duration; and

1 (2) covered by a special use permit.

2 **SEC. 10214. SHOOTING RANGES.**

3 (a) IN GENERAL.—Except as provided in subsection
4 (b), the Secretary concerned may, in accordance with this
5 section and other applicable law, lease or permit the use
6 of Federal land for a shooting range.

7 (b) EXCEPTION.—The Secretary concerned shall not
8 lease or permit the use of Federal land for a shooting
9 range, within—

10 (1) a component of the National Landscape
11 Conservation System;

12 (2) a component of the National Wilderness
13 Preservation System;

14 (3) any area that is—

15 (A) designated as a wilderness study area;

16 (B) administratively classified as—

17 (i) wilderness-eligible; or

18 (ii) wilderness-suitable; or

19 (C) a primitive or semiprimitive area;

20 (4) a national monument, national volcanic
21 monument, or national scenic area; or

22 (5) a component of the National Wild and Sce-
23 nic Rivers System (including areas designated for
24 study for potential addition to the National Wild
25 and Scenic Rivers System).

1 **SEC. 10215. FEDERAL ACTION TRANSPARENCY.**

2 (a) MODIFICATION OF EQUAL ACCESS TO JUSTICE
3 PROVISIONS.—

4 (1) AGENCY PROCEEDINGS.—Section 504 of
5 title 5, United States Code, is amended—

6 (A) in subsection (c)(1), by striking “,
7 United States Code”;

8 (B) by redesignating subsection (f) as sub-
9 section (i); and

10 (C) by striking subsection (e) and inserting
11 the following:

12 “(e)(1) Not later than March 31 of the first fiscal
13 year beginning after the date of enactment of the Energy
14 Policy Modernization Act of 2016, and every fiscal year
15 thereafter, the Chairman of the Administrative Conference
16 of the United States, after consultation with the Chief
17 Counsel for Advocacy of the Small Business Administra-
18 tion, shall submit to Congress and make publicly available
19 online a report on the amount of fees and other expenses
20 awarded during the preceding fiscal year under this sec-
21 tion.

22 “(2) Each report under paragraph (1) shall describe
23 the number, nature, and amount of the awards, the claims
24 involved in the controversy, and any other relevant infor-
25 mation that may aid Congress in evaluating the scope and
26 impact of such awards.

1 “(3)(A) Each report under paragraph (1) shall ac-
2 count for all payments of fees and other expenses awarded
3 under this section that are made pursuant to a settlement
4 agreement, regardless of whether the settlement agree-
5 ment is sealed or otherwise subject to a nondisclosure pro-
6 vision.

7 “(B) The disclosure of fees and other expenses re-
8 quired under subparagraph (A) shall not affect any other
9 information that is subject to a nondisclosure provision in
10 a settlement agreement.

11 “(f) As soon as practicable, and in any event not later
12 than the date on which the first report under subsection
13 (e)(1) is required to be submitted, the Chairman of the
14 Administrative Conference of the United States shall cre-
15 ate and maintain online a searchable database containing,
16 with respect to each award of fees and other expenses
17 under this section made on or after the date of enactment
18 of the Energy Policy Modernization Act of 2016, the fol-
19 lowing information:

20 “(1) The case name and number of the adver-
21 sary adjudication, if available, hyperlinked to the
22 case, if available.

23 “(2) The name of the agency involved in the
24 adversary adjudication.

1 “(3) A description of the claims in the adver-
2 sary adjudication.

3 “(4) The name of each party to whom the
4 award was made as such party is identified in the
5 order or other court document making the award.

6 “(5) The amount of the award.

7 “(6) The basis for the finding that the position
8 of the agency concerned was not substantially justi-
9 fied.

10 “(g) The online searchable database described in sub-
11 section (f) may not reveal any information the disclosure
12 of which is prohibited by law or a court order.

13 “(h) The head of each agency shall provide to the
14 Chairman of the Administrative Conference of the United
15 States in a timely manner all information requested by
16 the Chairman to comply with the requirements of sub-
17 sections (e), (f), and (g).”.

18 (2) COURT CASES.—Section 2412(d) of title 28,
19 United States Code, is amended by adding at the
20 end the following:

21 “(5)(A) Not later than March 31 of the first fiscal
22 year beginning after the date of enactment of the Energy
23 Policy Modernization Act of 2016, and every fiscal year
24 thereafter, the Chairman of the Administrative Conference
25 of the United States shall submit to Congress and make

1 publicly available online a report on the amount of fees
2 and other expenses awarded during the preceding fiscal
3 year pursuant to this subsection.

4 “(B) Each report under subparagraph (A) shall de-
5 scribe the number, nature, and amount of the awards, the
6 claims involved in the controversy, and any other relevant
7 information that may aid Congress in evaluating the scope
8 and impact of such awards.

9 “(C)(i) Each report under subparagraph (A) shall ac-
10 count for all payments of fees and other expenses awarded
11 under this subsection that are made pursuant to a settle-
12 ment agreement, regardless of whether the settlement
13 agreement is sealed or otherwise subject to a nondisclosure
14 provision.

15 “(ii) The disclosure of fees and other expenses re-
16 quired under clause (i) shall not affect any other informa-
17 tion that is subject to a nondisclosure provision in a settle-
18 ment agreement.

19 “(D) The Chairman of the Administrative Conference
20 of the United States shall include and clearly identify in
21 each annual report under subparagraph (A), for each case
22 in which an award of fees and other expenses is included
23 in the report—

24 “(i) any amounts paid under section 1304 of
25 title 31 for a judgment in the case;

1 “(ii) the amount of the award of fees and other
2 expenses; and

3 “(iii) the statute under which the plaintiff filed
4 suit.

5 “(6) As soon as practicable, and in any event not
6 later than the date on which the first report under para-
7 graph (5)(A) is required to be submitted, the Chairman
8 of the Administrative Conference of the United States
9 shall create and maintain online a searchable database
10 containing, with respect to each award of fees and other
11 expenses under this subsection made on or after the date
12 of enactment of the Energy Policy Modernization Act of
13 2016, the following information:

14 “(A) The case name and number, hyperlinked
15 to the case, if available.

16 “(B) The name of the agency involved in the
17 case.

18 “(C) The name of each party to whom the
19 award was made as such party is identified in the
20 order or other court document making the award.

21 “(D) A description of the claims in the case.

22 “(E) The amount of the award.

23 “(F) The basis for the finding that the position
24 of the agency concerned was not substantially justi-
25 fied.

1 “(7) The online searchable database described in
2 paragraph (6) may not reveal any information the disclo-
3 sure of which is prohibited by law or a court order.

4 “(8) The head of each agency (including the Attorney
5 General of the United States) shall provide to the Chair-
6 man of the Administrative Conference of the United
7 States in a timely manner all information requested by
8 the Chairman to comply with the requirements of para-
9 graphs (5), (6), and (7).”.

10 (3) TECHNICAL AND CONFORMING AMEND-
11 MENTS.—Section 2412 of title 28, United States
12 Code, is amended—

13 (A) in subsection (d)(3), by striking
14 “United States Code,”; and

15 (B) in subsection (e)—

16 (i) by striking “of section 2412 of
17 title 28, United States Code,” and insert-
18 ing “of this section”; and

19 (ii) by striking “of such title” and in-
20 serting “of this title”.

21 (b) JUDGMENT FUND TRANSPARENCY.—Section
22 1304 of title 31, United States Code, is amended by add-
23 ing at the end the following:

24 “(d) Beginning not later than the date that is 60
25 days after the date of enactment of the Energy Policy

1 Modernization Act of 2016, and unless the disclosure of
2 such information is otherwise prohibited by law or a court
3 order, the Secretary of the Treasury shall make available
4 to the public on a website, as soon as practicable, but not
5 later than 30 days after the date on which a payment
6 under this section is tendered, the following information
7 with regard to that payment:

8 “(1) The name of the specific agency or entity
9 whose actions gave rise to the claim or judgment.

10 “(2) The name of the plaintiff or claimant.

11 “(3) The name of counsel for the plaintiff or
12 claimant.

13 “(4) The amount paid representing principal li-
14 ability, and any amounts paid representing any an-
15 cillary liability, including attorney fees, costs, and
16 interest.

17 “(5) A brief description of the facts that gave
18 rise to the claim.

19 “(6) The name of the agency that submitted
20 the claim.”.

21 **PART III—FILMING ON FEDERAL LAND**

22 **MANAGEMENT AGENCY LAND**

23 **SEC. 10221. COMMERCIAL FILMING.**

24 (a) IN GENERAL.—Section 1 of Public Law 106–206
25 (16 U.S.C. 4601–6d) is amended—

1 (1) by redesignating subsections (a) through (f)
2 as subsections (b) through (g), respectively;

3 (2) by inserting before subsection (b) (as so re-
4 designated) the following:

5 “(a) DEFINITION OF SECRETARY.—The term ‘Sec-
6 retary’ means the Secretary of the Interior or the Sec-
7 retary of Agriculture, as applicable, with respect to land
8 under the respective jurisdiction of the Secretary.”;

9 (3) in subsection (b) (as so redesignated)—

10 (A) in paragraph (1)—

11 (i) in the first sentence, by striking
12 “of the Interior or the Secretary of Agri-
13 culture (hereafter individually referred to
14 as the ‘Secretary’ with respect to land (ex-
15 cept land in a System unit as defined in
16 section 100102 of title 54, United States
17 Code) under their respective jurisdic-
18 tions)”;

19 (ii) in subparagraph (B), by inserting
20 “, except in the case of film crews of 3 or
21 fewer individuals” before the period at the
22 end; and

23 (B) by adding at the end the following:

24 “(3) FEE SCHEDULE.—Not later than 180 days
25 after the date of enactment of the Energy Policy

1 Modernization Act of 2016, to enhance consistency
2 in the management of Federal land, the Secretaries
3 shall publish a single joint land use fee schedule for
4 commercial filming and still photography.”;

5 (4) in subsection (c) (as so redesignated), in the
6 second sentence, by striking “subsection (a)” and in-
7 serting “subsection (b)”;

8 (5) in subsection (d) (as so redesignated), in
9 the heading, by inserting “Commercial” before
10 “Still”;

11 (6) in paragraph (1) of subsection (f) (as so re-
12 designated), by inserting “in accordance with the
13 Federal Lands Recreation Enhancement Act (16
14 U.S.C. 6801 et seq.),” after “without further appro-
15 priation,”;

16 (7) in subsection (g) (as so redesignated)—

17 (A) by striking “The Secretary shall” and
18 inserting the following:

19 “(1) IN GENERAL.—The Secretary shall”; and

20 (B) by adding at the end the following:

21 “(2) CONSIDERATIONS.—The Secretary shall
22 not consider subject matter or content as a criterion
23 for issuing or denying a permit under this Act.”;
24 and

25 (8) by adding at the end the following:

1 “(h) EXEMPTION FROM COMMERCIAL FILMING OR
2 STILL PHOTOGRAPHY PERMITS AND FEES.—The Sec-
3 retary shall not require persons holding commercial use
4 authorizations or special recreation permits to obtain an
5 additional permit or pay a fee for commercial filming or
6 still photography under this Act if the filming or photog-
7 raphy conducted is—

8 “(1) incidental to the permitted activity that is
9 the subject of the commercial use authorization or
10 special recreation permit; and

11 “(2) the holder of the commercial use author-
12 ization or special recreation permit is an individual
13 or small business concern (within the meaning of
14 section 3 of the Small Business Act (15 U.S.C.
15 632)).

16 “(i) EXCEPTION FROM CERTAIN FEES.—Commercial
17 filming or commercial still photography shall be exempt
18 from fees under this Act, but not from recovery of costs
19 under subsection (c), if the activity—

20 “(1) is conducted by an entity that is a small
21 business concern (within the meaning of section 3 of
22 the Small Business Act (15 U.S.C. 632));

23 “(2) is conducted by a crew of not more than
24 3 individuals; and

25 “(3) uses only a camera and tripod.

1 “(j) APPLICABILITY TO NEWS GATHERING ACTIVI-
2 TIES.—

3 “(1) IN GENERAL.—News gathering shall not
4 be considered a commercial activity.

5 “(2) INCLUDED ACTIVITIES.—In this sub-
6 section, the term ‘news gathering’ includes, at a
7 minimum, the gathering, recording, and filming of
8 news and information related to news in any me-
9 dium.”.

10 (b) CONFORMING AMENDMENTS.—Chapter 1009 of
11 title 54, United States Code, is amended—

12 (1) by striking section 100905; and

13 (2) in the table of sections for chapter 1009 of
14 title 54, United States Code, by striking the item re-
15 lating to section 100905.

16 **PART IV—BOWS, WILDLIFE MANAGEMENT, AND**
17 **ACCESS OPPORTUNITIES FOR RECREATION,**
18 **HUNTING, AND FISHING**

19 **SEC. 10231. BOWS IN PARKS.**

20 (a) IN GENERAL.—Chapter 1049 of title 54, United
21 States Code (as amended by section 5001(a)), is amended
22 by adding at the end the following:

23 **“§ 104909. Bows in parks**

24 “(a) DEFINITION OF NOT READY FOR IMMEDIATE
25 USE.—The term ‘not ready for immediate use’ means—

1 “(1) a bow or crossbow, the arrows of which are
2 secured or stowed in a quiver or other arrow trans-
3 port case; and

4 “(2) with respect to a crossbow, uncocked.

5 “(b) VEHICULAR TRANSPORTATION AUTHORIZED.—
6 The Director shall not promulgate or enforce any regula-
7 tion that prohibits an individual from transporting bows
8 and crossbows that are not ready for immediate use across
9 any System unit in the vehicle of the individual if—

10 “(1) the individual is not otherwise prohibited
11 by law from possessing the bows and crossbows;

12 “(2) the bows or crossbows that are not ready
13 for immediate use remain inside the vehicle of the
14 individual throughout the period during which the
15 bows or crossbows are transported across System
16 land; and

17 “(3) the possession of the bows and crossbows
18 is in compliance with the law of the State in which
19 the System unit is located.”.

20 (b) CLERICAL AMENDMENT.—The table of sections
21 for chapter 1049 of title 54, United States Code (as
22 amended by section 5001(b)), is amended by inserting
23 after the item relating to section 104908 the following:

“104909. Bows in parks.”.

1 **SEC. 10232. WILDLIFE MANAGEMENT IN PARKS.**

2 (a) IN GENERAL.—Chapter 1049 of title 54, United
3 States Code (as amended by section 6231(a)), is amended
4 by adding at the end the following:

5 **“SEC. 104910. WILDLIFE MANAGEMENT IN PARKS.**

6 “(a) USE OF QUALIFIED VOLUNTEERS.—If the Sec-
7 retary determines it is necessary to reduce the size of a
8 wildlife population on System land in accordance with ap-
9 plicable law (including regulations), the Secretary may use
10 qualified volunteers to assist in carrying out wildlife man-
11 agement on System land.

12 “(b) REQUIREMENTS FOR QUALIFIED VOLUN-
13 TEERS.—Qualified volunteers providing assistance under
14 subsection (a) shall be subject to—

15 “(1) any training requirements or qualifications
16 established by the Secretary; and

17 “(2) any other terms and conditions that the
18 Secretary may require.”.

19 (b) CLERICAL AMENDMENT.—The table of sections
20 for chapter 1049 of title 54 (as amended by section
21 6231(b)), United States Code, is amended by inserting
22 after the item relating to section 104909 the following:

“104910. Wildlife management in parks.”.

1 **SEC. 10233. IDENTIFYING OPPORTUNITIES FOR RECRE-**
2 **ATION, HUNTING, AND FISHING ON FEDERAL**
3 **LAND.**

4 (a) DEFINITIONS.—In this section:

5 (1) SECRETARY.—The term “Secretary”
6 means—

7 (A) the Secretary of the Interior, with re-
8 spect to land administered by—

9 (i) the Director of the National Park
10 Service;

11 (ii) the Director of the United States
12 Fish and Wildlife Service; and

13 (iii) the Director of the Bureau of
14 Land Management; and

15 (B) the Secretary of Agriculture, with re-
16 spect to land administered by the Chief of the
17 Forest Service.

18 (2) STATE OR REGIONAL OFFICE.—The term
19 “State or regional office” means—

20 (A) a State office of the Bureau of Land
21 Management; or

22 (B) a regional office of—

23 (i) the National Park Service;

24 (ii) the United States Fish and Wild-
25 life Service; or

26 (iii) the Forest Service.

1 (3) TRAVEL MANAGEMENT PLAN.—The term
2 “travel management plan” means a plan for the
3 management of travel—

4 (A) with respect to land under the jurisdic-
5 tion of the National Park Service, on park
6 roads and designated routes under section 4.10
7 of title 36, Code of Federal Regulations (or suc-
8 cessor regulations);

9 (B) with respect to land under the jurisdic-
10 tion of the United States Fish and Wildlife
11 Service, on the land under a comprehensive con-
12 servation plan prepared under section 4(e) of
13 the National Wildlife Refuge System Adminis-
14 tration Act of 1966 (16 U.S.C. 668dd(e));

15 (C) with respect to land under the jurisdic-
16 tion of the Forest Service, on National Forest
17 System land under part 212 of title 36, Code
18 of Federal Regulations (or successor regula-
19 tions); and

20 (D) with respect to land under the jurisdic-
21 tion of the Bureau of Land Management, under
22 a resource management plan developed under
23 the Federal Land Policy and Management Act
24 of 1976 (43 U.S.C. 1701 et seq.).

25 (b) PRIORITY LISTS REQUIRED.—

1 (1) IN GENERAL.—Not later than 180 days
2 after the date of enactment of this Act, annually
3 during the 10-year period beginning on the date on
4 which the first priority list is completed, and every
5 5 years after the end of the 10-year period, the Sec-
6 retary shall prepare a priority list, to be made pub-
7 licly available on the website of the applicable Fed-
8 eral agency referred to in subsection (a)(1), which
9 shall identify the location and acreage of land within
10 the jurisdiction of each State or regional office on
11 which the public is allowed, under Federal or State
12 law, to hunt, fish, or use the land for other rec-
13 reational purposes but—

14 (A) to which there is no public access or
15 egress; or

16 (B) to which public access or egress to the
17 legal boundaries of the land is significantly re-
18 stricted (as determined by the Secretary).

19 (2) MINIMUM SIZE.—Any land identified under
20 paragraph (1) shall consist of contiguous acreage of
21 at least 640 acres.

22 (3) CONSIDERATIONS.—In preparing the pri-
23 ority list required under paragraph (1), the Sec-
24 retary shall consider with respect to the land—

1 (A) whether access is absent or merely re-
2 stricted, including the extent of the restriction;

3 (B) the likelihood of resolving the absence
4 of or restriction to public access;

5 (C) the potential for recreational use;

6 (D) any information received from the
7 public or other stakeholders during the nomina-
8 tion process described in paragraph (5); and

9 (E) any other factor as determined by the
10 Secretary.

11 (4) ADJACENT LAND STATUS.—For each parcel
12 of land on the priority list, the Secretary shall in-
13 clude in the priority list whether resolving the issue
14 of public access or egress to the land would require
15 acquisition of an easement, right-of-way, or fee title
16 from—

17 (A) another Federal agency;

18 (B) a State, local, or tribal government; or

19 (C) a private landowner.

20 (5) NOMINATION PROCESS.—In preparing a pri-
21 ority list under this section, the Secretary shall pro-
22 vide an opportunity for members of the public to
23 nominate parcels for inclusion on the priority list.

24 (c) ACCESS OPTIONS.—With respect to land included
25 on a priority list described in subsection (b), the Secretary

1 shall develop and submit to the Committees on Appropria-
2 tions and Energy and Natural Resources of the Senate
3 and the Committees on Appropriations and Natural Re-
4 sources of the House of Representatives a report on op-
5 tions for providing access that—

6 (1) identifies how public access and egress
7 could reasonably be provided to the legal boundaries
8 of the land in a manner that minimizes the impact
9 on wildlife habitat and water quality;

10 (2) specifies the steps recommended to secure
11 the access and egress, including acquiring an ease-
12 ment, right-of-way, or fee title from a willing owner
13 of any land that abuts the land or the need to co-
14 ordinate with State land management agencies or
15 other Federal, State, or tribal governments to allow
16 for such access and egress; and

17 (3) is consistent with the travel management
18 plan in effect on the land.

19 (d) PROTECTION OF PERSONALLY IDENTIFYING IN-
20 FORMATION.—In making the priority list and report pre-
21 pared under subsections (b) and (c) available, the Sec-
22 retary shall ensure that no personally identifying informa-
23 tion is included, such as names or addresses of individuals
24 or entities.

1 (e) WILLING OWNERS.—For purposes of providing
2 any permits to, or entering into agreements with, a State,
3 local, or tribal government or private landowner with re-
4 spect to the use of land under the jurisdiction of the gov-
5 ernment or landowner, the Secretary shall not take into
6 account whether the State, local, or tribal government or
7 private landowner has granted or denied public access or
8 egress to the land.

9 (f) MEANS OF PUBLIC ACCESS AND EGRESS IN-
10 CLUDED.—In considering public access and egress under
11 subsections (b) and (c), the Secretary shall consider public
12 access and egress to the legal boundaries of the land de-
13 scribed in those subsections, including access and egress—

14 (1) by motorized or non-motorized vehicles; and

15 (2) on foot or horseback.

16 (g) EFFECT.—

17 (1) IN GENERAL.—This section shall have no
18 effect on whether a particular recreational use shall
19 be allowed on the land included in a priority list
20 under this section.

21 (2) EFFECT OF ALLOWABLE USES ON AGENCY
22 CONSIDERATION.—In preparing the priority list
23 under subsection (b), the Secretary shall only con-
24 sider recreational uses that are allowed on the land
25 at the time that the priority list is prepared.

1 **PART V—FEDERAL LAND TRANSACTION**

2 **FACILITATION ACT**

3 **SEC. 10241. FEDERAL LAND TRANSACTION FACILITATION**

4 **ACT.**

5 (a) IN GENERAL.—The Federal Land Transaction
6 Facilitation Act is amended—

7 (1) in section 203(2) (43 U.S.C. 2302(2)), by
8 striking “on the date of enactment of this Act was”
9 and inserting “is”;

10 (2) in section 205 (43 U.S.C. 2304)—

11 (A) in subsection (a), by striking “(as in
12 effect on the date of enactment of this Act)”;

13 and

14 (B) by striking subsection (d);

15 (3) in section 206 (43 U.S.C. 2305), by striking
16 subsection (f); and

17 (4) in section 207(b) (43 U.S.C. 2306(b))—

18 (A) in paragraph (1)—

19 (i) by striking “96–568” and insert-
20 ing “96–586”; and

21 (ii) by striking “; or” and inserting a
22 semicolon;

23 (B) in paragraph (2)—

24 (i) by inserting “Public Law 105–
25 263;” before “112 Stat.”; and

1 (ii) by striking the period at the end
2 and inserting a semicolon; and

3 (C) by adding at the end the following:

4 “(3) the White Pine County Conservation,
5 Recreation, and Development Act of 2006 (Public
6 Law 109–432; 120 Stat. 3028);

7 “(4) the Lincoln County Conservation, Recre-
8 ation, and Development Act of 2004 (Public Law
9 108–424; 118 Stat. 2403);

10 “(5) subtitle F of title I of the Omnibus Public
11 Land Management Act of 2009 (16 U.S.C. 1132
12 note; Public Law 111–11);

13 “(6) subtitle O of title I of the Omnibus Public
14 Land Management Act of 2009 (16 U.S.C. 460www
15 note, 1132 note; Public Law 111–11);

16 “(7) section 2601 of the Omnibus Public Land
17 Management Act of 2009 (Public Law 111–11; 123
18 Stat. 1108); or

19 “(8) section 2606 of the Omnibus Public Land
20 Management Act of 2009 (Public Law 111–11; 123
21 Stat. 1121).”.

22 (b) FUNDS TO TREASURY.—Of the amounts depos-
23 ited in the Federal Land Disposal Account, there shall be
24 transferred to the general fund of the Treasury
25 \$1,000,000 for each of fiscal years 2016 through 2025.

1 **PART VI—FISH AND WILDLIFE CONSERVATION**
2 **SEC. 10251. AMENDMENTS TO PITTMAN-ROBERTSON WILD-**
3 **LIFE RESTORATION ACT.**

4 (a) **PURPOSE.**—The purpose of this section is to fa-
5 cilitate the construction and expansion of public target
6 ranges, including ranges on Federal land managed by the
7 Forest Service and the Bureau of Land Management.

8 (b) **DEFINITION OF PUBLIC TARGET RANGE.**—In
9 this section, the term “public target range” means a spe-
10 cific location that—

11 (1) is identified by a governmental agency for
12 recreational shooting;

13 (2) is open to the public;

14 (3) may be supervised; and

15 (4) may accommodate archery or rifle, pistol, or
16 shotgun shooting.

17 (c) **AMENDMENTS TO PITTMAN-ROBERTSON WILD-**
18 **LIFE RESTORATION ACT.**—

19 (1) **DEFINITIONS.**—Section 2 of the Pittman-
20 Robertson Wildlife Restoration Act (16 U.S.C.
21 669a) is amended—

22 (A) by redesignating paragraphs (2)
23 through (8) as paragraphs (3) through (9), re-
24 spectively; and

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

1 “(2) the term ‘public target range’ means a
2 specific location that—

3 “(A) is identified by a governmental agen-
4 cy for recreational shooting;

5 “(B) is open to the public;

6 “(C) may be supervised; and

7 “(D) may accommodate archery or rifle,
8 pistol, or shotgun shooting;”.

9 (2) EXPENDITURES FOR MANAGEMENT OF
10 WILDLIFE AREAS AND RESOURCES.—Section 8(b) of
11 the Pittman-Robertson Wildlife Restoration Act (16
12 U.S.C. 669g(b)) is amended—

13 (A) by striking “(b) Each State” and in-
14 serting the following:

15 “(b) EXPENDITURES FOR MANAGEMENT OF WILD-
16 LIFE AREAS AND RESOURCES.—

17 “(1) IN GENERAL.—Except as provided in para-
18 graph (2), each State”;

19 (B) in paragraph (1) (as so designated), by
20 striking “construction, operation,” and insert-
21 ing “operation”;

22 (C) in the second sentence, by striking
23 “The non-Federal share” and inserting the fol-
24 lowing:

1 “(3) NON-FEDERAL SHARE.—The non-Federal
2 share”;

3 (D) in the third sentence, by striking “The
4 Secretary” and inserting the following:

5 “(4) REGULATIONS.—The Secretary”; and

6 (E) by inserting after paragraph (1) (as
7 designated by subparagraph (A)) the following:

8 “(2) EXCEPTION.—Notwithstanding the limita-
9 tion described in paragraph (1), a State may pay up
10 to 90 percent of the cost of acquiring land for, ex-
11 panding, or constructing a public target range.”.

12 (3) FIREARM AND BOW HUNTER EDUCATION
13 AND SAFETY PROGRAM GRANTS.—Section 10 of the
14 Pittman-Robertson Wildlife Restoration Act (16
15 U.S.C. 669h-1) is amended—

16 (A) in subsection (a), by adding at the end
17 the following:

18 “(3) ALLOCATION OF ADDITIONAL AMOUNTS.—
19 Of the amount apportioned to a State for any fiscal
20 year under section 4(b), the State may elect to allo-
21 cate not more than 10 percent, to be combined with
22 the amount apportioned to the State under para-
23 graph (1) for that fiscal year, for acquiring land for,
24 expanding, or constructing a public target range.”;

1 (B) by striking subsection (b) and insert-
2 ing the following:

3 “(b) COST SHARING.—

4 “(1) IN GENERAL.—Except as provided in para-
5 graph (2), the Federal share of the cost of any activ-
6 ity carried out using a grant under this section shall
7 not exceed 75 percent of the total cost of the activ-
8 ity.

9 “(2) PUBLIC TARGET RANGE CONSTRUCTION OR
10 EXPANSION.—The Federal share of the cost of ac-
11 quiring land for, expanding, or constructing a public
12 target range in a State on Federal or non-Federal
13 land pursuant to this section or section 8(b) shall
14 not exceed 90 percent of the cost of the activity.”;
15 and

16 (C) in subsection (c)(1)—

17 (i) by striking “Amounts made” and
18 inserting the following:

19 “(A) IN GENERAL.—Except as provided in
20 subparagraph (B), amounts made”; and

21 (ii) by adding at the end the fol-
22 lowing:

23 “(B) EXCEPTION.—Amounts provided for
24 acquiring land for, constructing, or expanding a
25 public target range shall remain available for

1 expenditure and obligation during the 5-fiscal-
2 year period beginning on October 1 of the first
3 fiscal year for which the amounts are made
4 available.”.

5 (d) SENSE OF CONGRESS REGARDING COOPERA-
6 TION.—It is the sense of Congress that, consistent with
7 applicable laws (including regulations), the Chief of the
8 Forest Service and the Director of the Bureau of Land
9 Management should cooperate with State and local au-
10 thorities and other entities to carry out waste removal and
11 other activities on any Federal land used as a public target
12 range to encourage continued use of that land for target
13 practice or marksmanship training.

14 **SEC. 10252. NORTH AMERICAN WETLANDS CONSERVATION**
15 **ACT.**

16 (a) CONSERVATION INCENTIVES LANDOWNER EDU-
17 CATION PROGRAM.—Any acquisition of land (including
18 any interest in land) under the North American Wetlands
19 Conservation Act (16 U.S.C. 4401 et seq.) shall be subject
20 to the notification requirements under section
21 **[50____(d)]**.

22 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
23 7(c) of the North American Wetlands Conservation Act
24 (16 U.S.C. 4406(c)) is amended—

25 (1) in paragraph (4), by striking “and”;

1 (2) in paragraph (5), by striking the period at
2 the end and inserting “; and”; and

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

4 “(6) \$50,000,000 for each of fiscal years 2015
5 through 2020.”.

6 **SEC. 10253. NATIONAL FISH HABITAT CONSERVATION.**

7 (a) **SHORT TITLE.**—This section may be cited as the
8 “National Fish Habitat Conservation Through Partner-
9 ships Act”.

10 (b) **PURPOSE.**—The purpose of this section is to en-
11 courage partnerships among public agencies and other in-
12 terested parties to promote fish conservation—

13 (1) to achieve measurable habitat conservation
14 results through strategic actions of Fish Habitat
15 Partnerships that lead to better fish habitat condi-
16 tions and increased fishing opportunities by—

17 (A) improving ecological conditions;

18 (B) restoring natural processes; or

19 (C) preventing the decline of intact and
20 healthy systems;

21 (2) to establish a consensus set of national con-
22 servation strategies as a framework to guide future
23 actions and investment by Fish Habitat Partner-
24 ships;

1 (3) to broaden the community of support for
2 fish habitat conservation by—

3 (A) increasing fishing opportunities;

4 (B) fostering the participation of local
5 communities, especially young people in local
6 communities, in conservation activities; and

7 (C) raising public awareness of the role
8 healthy fish habitat play in the quality of life
9 and economic well-being of local communities;

10 (4) to fill gaps in the National Fish Habitat As-
11 sessment and the associated database of the Na-
12 tional Fish Habitat Assessment—

13 (A) to empower strategic conservation ac-
14 tions supported by broadly available scientific
15 information; and

16 (B) to integrate socioeconomic data in the
17 analysis to improve the lives of humans in a
18 manner consistent with fish habitat conserva-
19 tion goals; and

20 (5) to communicate to the public and conserva-
21 tion partners—

22 (A) the conservation outcomes produced
23 collectively by Fish Habitat Partnerships; and

24 (B) new opportunities and voluntary ap-
25 proaches for conserving fish habitat.

1 (c) DEFINITIONS.—In this section:

2 (1) APPROPRIATE CONGRESSIONAL COMMIT-
3 TEES.—The term “appropriate congressional com-
4 mittees” means—

5 (A) the Committee on Commerce, Science,
6 and Transportation and the Committee on En-
7 vironment and Public Works of the Senate; and

8 (B) the Committee on Natural Resources
9 of the House of Representatives.

10 (2) BOARD.—The term “Board” means the Na-
11 tional Fish Habitat Board established by subsection
12 (d)(1)(A).

13 (3) DIRECTOR.—The term “Director” means
14 the Director of the United States Fish and Wildlife
15 Service.

16 (4) EPA ASSISTANT ADMINISTRATOR.—The
17 term “EPA Assistant Administrator” means the As-
18 sistant Administrator for Water of the Environ-
19 mental Protection Agency.

20 (5) INDIAN TRIBE.—The term “Indian tribe”
21 has the meaning given the term in section 4 of the
22 Indian Self-Determination and Education Assistance
23 Act (25 U.S.C. 450b).

24 (6) NOAA ASSISTANT ADMINISTRATOR.—The
25 term “NOAA Assistant Administrator” means the

1 Assistant Administrator for Fisheries of the Na-
2 tional Oceanic and Atmospheric Administration.

3 (7) PARTNERSHIP.—The term “Partnership”
4 means a self-governed entity designated by the
5 Board as a Fish Habitat Conservation Partnership
6 pursuant to subsection (e)(1).

7 (8) REAL PROPERTY INTEREST.—The term
8 “real property interest” means an ownership interest
9 in—

10 (A) land; or

11 (B) water (including water rights).

12 (9) SECRETARY.—The term “Secretary” means
13 the Secretary of the Interior.

14 (10) STATE.—The term “State” means each of
15 the several States.

16 (11) STATE AGENCY.—The term “State agen-
17 cy” means—

18 (A) the fish and wildlife agency of a State;

19 and

20 (B) any department or division of a de-
21 partment or agency of a State that manages in
22 the public trust the inland or marine fishery re-
23 sources or sustains the habitat for those fishery
24 resources of the State pursuant to State law or
25 the constitution of the State.

1 (d) NATIONAL FISH HABITAT BOARD.—

2 (1) ESTABLISHMENT.—

3 (A) FISH HABITAT BOARD.—There is es-
4 tablished a board, to be known as the “National
5 Fish Habitat Board”, whose duties are—

6 (i) to promote, oversee, and coordinate
7 the implementation of this section;

8 (ii) to establish national goals and pri-
9 orities for fish habitat conservation;

10 (iii) to approve Partnerships; and

11 (iv) to review and make recommenda-
12 tions regarding fish habitat conservation
13 projects.

14 (B) MEMBERSHIP.—The Board shall be
15 composed of 25 members, of whom—

16 (i) 1 shall be a representative of the
17 Department of the Interior;

18 (ii) 1 shall be a representative of the
19 United States Geological Survey;

20 (iii) 1 shall be a representative of the
21 Department of Commerce;

22 (iv) 1 shall be a representative of the
23 Department of Agriculture;

24 (v) 1 shall be a representative of the
25 Association of Fish and Wildlife Agencies;

1 (vi) 4 shall be representatives of State
2 agencies, 1 of whom shall be nominated by
3 a regional association of fish and wildlife
4 agencies from each of the Northeast,
5 Southeast, Midwest, and Western regions
6 of the United States;

7 (vii) 1 shall be a representative of ei-
8 ther—

9 (I) Indian tribes in the State of
10 Alaska; or

11 (II) Indian tribes in States other
12 than the State of Alaska;

13 (viii) 1 shall be a representative of ei-
14 ther—

15 (I) the Regional Fishery Manage-
16 ment Councils established under sec-
17 tion 302 of the Magnuson-Stevens
18 Fishery Conservation and Manage-
19 ment Act (16 U.S.C. 1852); or

20 (II) a representative of the Ma-
21 rine Fisheries Commissions, which is
22 composed of—

23 (aa) the Atlantic States Ma-
24 rine Fisheries Commission;

1 (bb) the Gulf States Marine
2 Fisheries Commission; and

3 (cc) the Pacific States Ma-
4 rine Fisheries Commission;

5 (ix) 1 shall be a representative of the
6 Sportfishing and Boating Partnership
7 Council;

8 (x) 7 shall be representatives selected
9 from each of—

10 (I) the recreational sportfishing
11 industry;

12 (II) the commercial fishing in-
13 dustry;

14 (III) marine recreational anglers;

15 (IV) freshwater recreational an-
16 glers;

17 (V) habitat conservation organi-
18 zations; and

19 (VI) science-based fishery organi-
20 zations;

21 (xi) 1 shall be a representative of a
22 national private landowner organization;

23 (xii) 1 shall be a representative of an
24 agricultural production organization;

1 (xiii) 1 shall be a representative of
2 local government interests involved in fish
3 habitat restoration;

4 (xiv) 2 shall be representatives from
5 different sectors of corporate industries,
6 which may include—

7 (I) natural resource commodity
8 interests, such as petroleum or min-
9 eral extraction;

10 (II) natural resource user indus-
11 tries; and

12 (III) industries with an interest
13 in fish and fish habitat conservation;
14 and

15 (xv) 1 shall be a leadership private
16 sector or landowner representative of an
17 active partnership.

18 (C) COMPENSATION.—A member of the
19 Board shall serve without compensation.

20 (D) TRAVEL EXPENSES.—A member of the
21 Board may be allowed travel expenses, includ-
22 ing per diem in lieu of subsistence, at rates au-
23 thorized for an employee of an agency under
24 subchapter I of chapter 57 of title 5, United
25 States Code, while away from the home or reg-

1 ular place of business of the member in the per-
2 formance of the duties of the Board.

3 (2) APPOINTMENT AND TERMS.—

4 (A) IN GENERAL.—Except as otherwise
5 provided in this subsection, a member of the
6 Board described in any of clauses (vi) through
7 (xiv) of paragraph (1)(B) shall serve for a term
8 of 3 years.

9 (B) INITIAL BOARD MEMBERSHIP.—

10 (i) IN GENERAL.—The initial Board
11 will consist of representatives as described
12 in clauses (i) through (vi) of paragraph
13 (1)(B).

14 (ii) REMAINING MEMBERS.—Not later
15 than 60 days after the date of enactment
16 of this Act, the representatives of the ini-
17 tial Board pursuant to clause (i) shall ap-
18 point the remaining members of the Board
19 described in clauses (viii) through (xiv) of
20 paragraph (1)(B).

21 (iii) TRIBAL REPRESENTATIVES.—Not
22 later than 60 days after the enactment of
23 this Act, the Secretary shall provide to the
24 Board a recommendation of not fewer than
25 3 tribal representatives, from which the

1 Board shall appoint 1 representative pur-
2 suant to clause (vii) of paragraph (1)(B).

3 (C) TRANSITIONAL TERMS.—Of the mem-
4 bers described in paragraph (1)(B)(x) initially
5 appointed to the Board—

6 (i) 2 shall be appointed for a term of
7 1 year;

8 (ii) 2 shall be appointed for a term of
9 2 years; and

10 (iii) 3 shall be appointed for a term of
11 3 years.

12 (D) VACANCIES.—

13 (i) IN GENERAL.—A vacancy of a
14 member of the Board described in any of
15 clauses (viii) through (xiv) of paragraph
16 (1)(B) shall be filled by an appointment
17 made by the remaining members of the
18 Board.

19 (ii) TRIBAL REPRESENTATIVES.—Fol-
20 lowing a vacancy of a member of the
21 Board described in clause (vii) of para-
22 graph (1)(B), the Secretary shall rec-
23 ommend to the Board a list of not fewer
24 than 3 tribal representatives, from which

1 the remaining members of the Board shall
2 appoint a representative to fill the vacancy.

3 (E) CONTINUATION OF SERVICE.—An indi-
4 vidual whose term of service as a member of the
5 Board expires may continue to serve on the
6 Board until a successor is appointed.

7 (F) REMOVAL.—If a member of the Board
8 described in any of clauses (viii) through (xiv)
9 of paragraph (1)(B) misses 3 consecutive regu-
10 larly scheduled Board meetings, the members of
11 the Board may—

- 12 (i) vote to remove that member; and
13 (ii) appoint another individual in ac-
14 cordance with subparagraph (D).

15 (3) CHAIRPERSON.—

16 (A) IN GENERAL.—The representative of
17 the Association of Fish and Wildlife Agencies
18 appointed pursuant to paragraph (1)(B)(v)
19 shall serve as Chairperson of the Board.

20 (B) TERM.—The Chairperson of the Board
21 shall serve for a term of 3 years.

22 (4) MEETINGS.—

23 (A) IN GENERAL.—The Board shall
24 meet—

- 25 (i) at the call of the Chairperson; but

1 (ii) not less frequently than twice each
2 calendar year.

3 (B) PUBLIC ACCESS.—All meetings of the
4 Board shall be open to the public.

5 (5) PROCEDURES.—

6 (A) IN GENERAL.—The Board shall estab-
7 lish procedures to carry out the business of the
8 Board, including—

9 (i) a requirement that a quorum of
10 the members of the Board be present to
11 transact business;

12 (ii) a requirement that no rec-
13 ommendations may be adopted by the
14 Board, except by the vote of $\frac{2}{3}$ of all mem-
15 bers;

16 (iii) procedures for establishing na-
17 tional goals and priorities for fish habitat
18 conservation for the purposes of this sec-
19 tion;

20 (iv) procedures for designating Part-
21 nerships under subsection (e); and

22 (v) procedures for reviewing, evalu-
23 ating, and making recommendations re-
24 garding fish habitat conservation projects.

1 (B) QUORUM.—A majority of the members
2 of the Board shall constitute a quorum.

3 (e) FISH HABITAT PARTNERSHIPS.—

4 (1) AUTHORITY TO APPROVE.—The Board may
5 approve and designate Fish Habitat Partnerships in
6 accordance with this subsection.

7 (2) PURPOSES.—The purposes of a Partnership
8 shall be—

9 (A) to work with other regional habitat
10 conservation programs to promote cooperation
11 and coordination to enhance fish and fish habi-
12 tats;

13 (B) to engage local and regional commu-
14 nities to build support for fish habitat conserva-
15 tion;

16 (C) to involve diverse groups of public and
17 private partners;

18 (D) to develop collaboratively a strategic
19 vision and achievable implementation plan that
20 is scientifically sound;

21 (E) to leverage funding from sources that
22 support local and regional partnerships;

23 (F) to use adaptive management prin-
24 ciples, including evaluation of project success
25 and functionality;

1 (G) to develop appropriate local or regional
2 habitat evaluation and assessment measures
3 and criteria that are compatible with national
4 habitat condition measures; and

5 (H) to implement local and regional pri-
6 ority projects that improve conditions for fish
7 and fish habitat.

8 (3) CRITERIA FOR APPROVAL.—An entity seek-
9 ing to be designated as a Partnership shall—

10 (A) submit to the Board an application at
11 such time, in such manner, and containing such
12 information as the Board may reasonably re-
13 quire; and

14 (B) demonstrate to the Board that the en-
15 tity has—

16 (i) a focus on promoting the health of
17 important fish and fish habitats;

18 (ii) an ability to coordinate the imple-
19 mentation of priority projects that support
20 the goals and national priorities set by the
21 Board that are within the Partnership
22 boundary;

23 (iii) a self-governance structure that
24 supports the implementation of strategic
25 priorities for fish habitat;

1 (iv) the ability to develop local and re-
2 gional relationships with a broad range of
3 entities to further strategic priorities for
4 fish and fish habitat;

5 (v) a strategic plan that details re-
6 quired investments for fish habitat con-
7 servation that addresses the strategic fish
8 habitat priorities of the Partnership and
9 supports and meets the strategic priorities
10 of the Board;

11 (vi) the ability to develop and imple-
12 ment fish habitat conservation projects
13 that address strategic priorities of the
14 Partnership and the Board; and

15 (vii) the ability to develop fish habitat
16 conservation priorities based on sound
17 science and data, the ability to measure
18 the effectiveness of fish habitat projects of
19 the Partnership, and a clear plan as to
20 how Partnership science and data compo-
21 nents will be integrated with the overall
22 Board science and data effort.

23 (4) APPROVAL.—The Board may approve an
24 application for a Partnership submitted under para-

1 graph (3) if the Board determines that the appli-
2 cant—

3 (A) identifies representatives to provide
4 support and technical assistance to the Partner-
5 ship from a diverse group of public and private
6 partners, which may include State or local gov-
7 ernments, nonprofit entities, Indian tribes, and
8 private individuals, that are focused on con-
9 servation of fish habitats to achieve results
10 across jurisdictional boundaries on public and
11 private land;

12 (B) is organized to promote the health of
13 important fish species and important fish habi-
14 tats, including reservoirs, natural lakes, coastal
15 and marine environments, and estuaries;

16 (C) identifies strategic fish and fish habi-
17 tat priorities for the Partnership area in the
18 form of geographical focus areas or key
19 stressors or impairments to facilitate strategic
20 planning and decisionmaking;

21 (D) is able to address issues and priorities
22 on a nationally significant scale;

23 (E) includes a governance structure that—

24 (i) reflects the range of all partners;

25 and

1 (ii) promotes joint strategic planning
2 and decisionmaking by the applicant;

3 (F) demonstrates completion of, or signifi-
4 cant progress toward the development of, a
5 strategic plan to address the decline in fish pop-
6 ulations, rather than simply treating symptoms,
7 in accordance with the goals and national prior-
8 ities established by the Board; and

9 (G) promotes collaboration in developing a
10 strategic vision and implementation program
11 that is scientifically sound and achievable.

12 (f) FISH HABITAT CONSERVATION PROJECTS.—

13 (1) SUBMISSION TO BOARD.—Not later than
14 March 31 of each calendar year, each Partnership
15 shall submit to the Board a list of priority fish habi-
16 tat conservation projects recommended by the Part-
17 nership for annual funding under this section.

18 (2) RECOMMENDATIONS BY BOARD.—Not later
19 than July 1 of each calendar year, the Board shall
20 submit to the Secretary a priority list of fish habitat
21 conservation projects that includes the description,
22 including estimated costs, of each project that the
23 Board recommends that the Secretary approve and
24 fund under this section for the following fiscal year.

1 (3) CRITERIA FOR PROJECT SELECTION.—The
2 Board shall select each fish habitat conservation
3 project to be recommended to the Secretary under
4 paragraph (2) after taking into consideration, at a
5 minimum, the following information:

6 (A) A recommendation of the Partnership
7 that is, or will be, participating actively in im-
8 plementing the fish habitat conservation
9 project.

10 (B) The capabilities and experience of
11 project proponents to implement successfully
12 the proposed project.

13 (C) The extent to which the fish habitat
14 conservation project—

15 (i) fulfills a local or regional priority
16 that is directly linked to the strategic plan
17 of the Partnership and is consistent with
18 the purpose of this section;

19 (ii) addresses the national priorities
20 established by the Board;

21 (iii) is supported by the findings of
22 the Habitat Assessment of the Partnership
23 or the Board, and aligns or is compatible
24 with other conservation plans;

1 (iv) identifies appropriate monitoring
2 and evaluation measures and criteria that
3 are compatible with national measures;

4 (v) provides a well-defined budget
5 linked to deliverables and outcomes;

6 (vi) leverages other funds to imple-
7 ment the project;

8 (vii) addresses the causes and proc-
9 esses behind the decline of fish or fish
10 habitats; and

11 (viii) includes an outreach or edu-
12 cation component that includes the local or
13 regional community.

14 (D) The availability of sufficient non-Fed-
15 eral funds to match Federal contributions for
16 the fish habitat conservation project, as re-
17 quired by paragraph (5);

18 (E) The extent to which the local or re-
19 gional fish habitat conservation project—

20 (i) will increase fish populations in a
21 manner that leads to recreational fishing
22 opportunities for the public;

23 (ii) will be carried out through a coop-
24 erative agreement among Federal, State,

1 and local governments, Indian tribes, and
2 private entities;

3 (iii) increases public access to land or
4 water for fish and wildlife-dependent rec-
5 reational opportunities;

6 (iv) advances the conservation of fish
7 and wildlife species that have been identi-
8 fied by the States as species of greatest
9 conservation need;

10 (v) where appropriate, advances the
11 conservation of fish and fish habitats
12 under the Magnuson-Stevens Fishery Con-
13 servation and Management Act (16 U.S.C.
14 1801 et seq.) and other relevant Federal
15 law and State wildlife action plans; and

16 (vi) promotes strong and healthy fish
17 habitats so that desired biological commu-
18 nities are able to persist and adapt.

19 (F) The substantiality of the character and
20 design of the fish habitat conservation project.

21 (4) LIMITATIONS.—

22 (A) REQUIREMENTS FOR EVALUATION.—

23 No fish habitat conservation project may be
24 recommended by the Board under paragraph
25 (2) or provided financial assistance under this

1 section unless the fish habitat conservation
2 project includes an evaluation plan designed
3 using applicable Board guidance—

4 (i) to appropriately assess the biological,
5 ecological, or other results of the habitat
6 protection, restoration, or enhancement
7 activities carried out using the assistance;

8 (ii) to reflect appropriate changes to
9 the fish habitat conservation project if the
10 assessment substantiates that the fish
11 habitat conservation project objectives are
12 not being met;

13 (iii) to identify improvements to exist-
14 ing fish populations, recreational fishing
15 opportunities and the overall economic ben-
16 efits for the local community of the fish
17 habitat conservation project; and

18 (iv) to require the submission to the
19 Board of a report describing the findings
20 of the assessment.

21 (B) ACQUISITION AUTHORITIES.—

22 (i) IN GENERAL.—A State, local gov-
23 ernment, or other non-Federal entity is eli-
24 gible to receive funds for the acquisition of
25 real property from willing sellers under

1 this section if the acquisition ensures 1
2 of—

3 (I) public access for compatible
4 fish and wildlife-dependent recreation;
5 or

6 (II) a scientifically based, direct
7 enhancement to the health of fish and
8 fish populations, as determined by the
9 Board.

10 (ii) STATE AGENCY APPROVAL.—

11 (I) IN GENERAL.—All real prop-
12 erty interest acquisition projects fund-
13 ed under this section are required to
14 be approved by the State agency in
15 the State in which the project is oc-
16 ccurring.

17 (II) PROHIBITION.—The Board
18 may not recommend, and the Sec-
19 retary may not provide any funding
20 for, any real property interest acquisi-
21 tion that has not been approved by
22 the State agency.

23 (iii) ASSESSMENT OF OTHER AU-
24 THORITIES.—The Fish Habitat Partner-
25 ship shall conduct a project assessment,

1 submitted with the funding request and
2 approved by the Board, to demonstrate all
3 other Federal, State, and local authorities
4 for the acquisition of real property have
5 been exhausted.

6 (iv) RESTRICTIONS.—A real property
7 interest may not be acquired pursuant to a
8 fish habitat conservation project by a
9 State, local government, or other non-Fed-
10 eral entity, unless—

11 (I) the owner of the real property
12 authorizes the State, local govern-
13 ment, or other non-Federal entity to
14 acquire the real property; and

15 (II) the Secretary and the Board
16 determine that the State, local govern-
17 ment, or other non-Federal entity
18 would benefit from undertaking the
19 management of the real property
20 being acquired because that is in ac-
21 cordance with the goals of a partner-
22 ship.

23 (5) NON-FEDERAL CONTRIBUTIONS.—

24 (A) IN GENERAL.—Except as provided in
25 subparagraph (B), no fish habitat conservation

1 project may be recommended by the Board
2 under paragraph (2) or provided financial as-
3 sistance under this section unless at least 50
4 percent of the cost of the fish habitat conserva-
5 tion project will be funded with non-Federal
6 funds.

7 (B) NON-FEDERAL SHARE.—The non-Fed-
8 eral share of the cost of a fish habitat conserva-
9 tion project—

10 (i) may not be derived from another
11 Federal grant program; but

12 (ii) may include in-kind contributions
13 and cash.

14 (C) SPECIAL RULE FOR INDIAN TRIBES.—
15 Notwithstanding subparagraph (A) or any other
16 provision of law, any funds made available to
17 an Indian tribe pursuant to this section may be
18 considered to be non-Federal funds for the pur-
19 pose of subparagraph (A).

20 (6) APPROVAL.—

21 (A) IN GENERAL.—Not later than 90 days
22 after the date of receipt of the recommended
23 priority list of fish habitat conservation projects
24 under paragraph (2), subject to the limitations
25 of paragraph (4), and based, to the maximum

1 extent practicable, on the criteria described in
2 paragraph (3), the Secretary, after consulting
3 with the Secretary of Commerce on marine or
4 estuarine projects, shall approve or reject any
5 fish habitat conservation project recommended
6 by the Board.

7 (B) FUNDING.—If the Secretary approves
8 a fish habitat conservation project under sub-
9 paragraph (A), the Secretary shall use amounts
10 made available to carry out this section to pro-
11 vide funds to carry out the fish habitat con-
12 servation project.

13 (C) NOTIFICATION.—If the Secretary re-
14 jects any fish habitat conservation project rec-
15 ommended by the Board under paragraph (2),
16 not later than 180 days after the date of receipt
17 of the recommendation, the Secretary shall pro-
18 vide to the Board, the appropriate Partnership,
19 and the appropriate congressional committees a
20 written statement of the reasons that the Sec-
21 retary rejected the fish habitat conservation
22 project.

23 (g) TECHNICAL AND SCIENTIFIC ASSISTANCE.—

24 (1) IN GENERAL.—The Director, the NOAA
25 Assistant Administrator, the EPA Assistant Admin-

1 istrator, and the Director of the United States Geo-
2 logical Survey, in coordination with the Forest Serv-
3 ice and other appropriate Federal departments and
4 agencies, may provide scientific and technical assist-
5 ance to the Partnerships, participants in fish habitat
6 conservation projects, and the Board.

7 (2) INCLUSIONS.—Scientific and technical as-
8 sistance provided pursuant to paragraph (1) may in-
9 clude—

10 (A) providing technical and scientific as-
11 sistance to States, Indian tribes, regions, local
12 communities, and nongovernmental organiza-
13 tions in the development and implementation of
14 Partnerships;

15 (B) providing technical and scientific as-
16 sistance to Partnerships for habitat assessment,
17 strategic planning, and prioritization;

18 (C) supporting the development and imple-
19 mentation of fish habitat conservation projects
20 that are identified as high priorities by Partner-
21 ships and the Board;

22 (D) supporting and providing recommenda-
23 tions regarding the development of science-
24 based monitoring and assessment approaches
25 for implementation through Partnerships;

1 (E) supporting and providing recommenda-
2 tions for a national fish habitat assessment;

3 (F) ensuring the availability of experts to
4 assist in conducting scientifically based evalua-
5 tion and reporting of the results of fish habitat
6 conservation projects; and

7 (G) providing resources to secure state
8 agency scientific and technical assistance to
9 support Partnerships, participants in fish habi-
10 tat conservation projects, and the Board.

11 (h) COORDINATION WITH STATES AND INDIAN
12 TRIBES.—The Secretary shall provide a notice to, and co-
13 operate with, the appropriate State agency or tribal agen-
14 cy, as applicable, of each State and Indian tribe within
15 the boundaries of which an activity is planned to be car-
16 ried out pursuant to this section, including notification,
17 by not later than 30 days before the date on which the
18 activity is implemented.

19 (i) INTERAGENCY OPERATIONAL PLAN.—Not later
20 than 1 year after the date of enactment of this Act, and
21 every 5 years thereafter, the Director, in cooperation with
22 the NOAA Assistant Administrator, the EPA Assistant
23 Administrator, the Director of the United States Geologi-
24 cal Survey, and the heads of other appropriate Federal
25 departments and agencies (including at a minimum, those

1 agencies represented on the Board) shall develop an inter-
2 agency operational plan that describes—

3 (1) the functional, operational, technical, sci-
4 entific, and general staff, administrative, and mate-
5 rial needs for the implementation of this section; and

6 (2) any interagency agreements between or
7 among Federal departments and agencies to address
8 those needs.

9 (j) ACCOUNTABILITY AND REPORTING.—

10 (1) REPORTING.—

11 (A) IN GENERAL.—Not later than 5 years
12 after the date of enactment of this Act, and
13 every 5 years thereafter, the Board shall submit
14 to the appropriate congressional committees a
15 report describing the progress of this section.

16 (B) CONTENTS.—Each report submitted
17 under subparagraph (A) shall include—

18 (i) an estimate of the number of
19 acres, stream miles, or acre-feet, or other
20 suitable measures of fish habitat, that was
21 maintained or improved by partnerships of
22 Federal, State, or local governments, In-
23 dian tribes, or other entities in the United
24 States during the 5-year period ending on
25 the date of submission of the report;

1 (ii) a description of the public access
2 to fish habitats established or improved
3 during that 5-year period;

4 (iii) a description of the improved op-
5 portunities for public recreational fishing;
6 and

7 (iv) an assessment of the status of
8 fish habitat conservation projects carried
9 out with funds provided under this section
10 during that period, disaggregated by year,
11 including—

12 (I) a description of the fish habi-
13 tat conservation projects rec-
14 ommended by the Board under sub-
15 section (f)(2);

16 (II) a description of each fish
17 habitat conservation project approved
18 by the Secretary under subsection
19 (f)(6), in order of priority for funding;

20 (III) a justification for—

21 (aa) the approval of each
22 fish habitat conservation project;
23 and

1 (bb) the order of priority for
2 funding of each fish habitat con-
3 servation project;

4 (IV) a justification for any rejec-
5 tion of a fish habitat conservation
6 project recommended by the Board
7 under subsection (f)(2) that was
8 based on a factor other than the cri-
9 teria described in subsection (f)(3);
10 and

11 (V) an accounting of expendi-
12 tures by Federal, State, or local gov-
13 ernments, Indian tribes, or other enti-
14 ties to carry out fish habitat conserva-
15 tion projects.

16 (2) STATUS AND TRENDS REPORT.—Not later
17 than December 31, 2016, and every 5 years there-
18 after, the Board shall submit to the appropriate con-
19 gressional committees a report that includes—

20 (A) a status of all Partnerships approved
21 under this section;

22 (B) a description of the status of fish habi-
23 tats in the United States as identified by estab-
24 lished Partnerships; and

1 (C) enhancements or reductions in public
2 access as a result of—

3 (i) the activities of the Partnerships;

4 or

5 (ii) any other activities carried out
6 pursuant to this section.

7 (3) REVISIONS.—Not later than December 31,
8 2016, and every 5 years thereafter, the Board shall
9 consider revising the goals of the Board, after con-
10 sideration of each report required by paragraph (2).

11 (k) EFFECT OF SECTION.—

12 (1) WATER RIGHTS.—Nothing in this section—

13 (A) establishes any express or implied re-
14 served water right in the United States for any
15 purpose;

16 (B) affects any water right in existence on
17 the date of enactment of this Act;

18 (C) preempts or affects any State water
19 law or interstate compact governing water; or

20 (D) affects any Federal or State law in ex-
21 istence on the date of enactment of the Act re-
22 garding water quality or water quantity.

23 (2) AUTHORITY TO ACQUIRE WATER RIGHTS OR
24 RIGHTS TO PROPERTY.—Under this section, only a
25 State, local government, or other non-Federal entity

1 may acquire, under State law, water rights or rights
2 to property.

3 (3) STATE AUTHORITY.—Nothing in this sec-
4 tion—

5 (A) affects the authority, jurisdiction, or
6 responsibility of a State to manage, control, or
7 regulate fish and wildlife under the laws and
8 regulations of the State; or

9 (B) authorizes the Secretary to control or
10 regulate within a State the fishing or hunting
11 of fish and wildlife.

12 (4) EFFECT ON INDIAN TRIBES.—Nothing in
13 this section abrogates, abridges, affects, modifies,
14 supersedes, or alters any right of an Indian tribe
15 recognized by treaty or any other means, includ-
16 ing—

17 (A) an agreement between the Indian tribe
18 and the United States;

19 (B) Federal law (including regulations);

20 (C) an Executive order; or

21 (D) a judicial decree.

22 (5) ADJUDICATION OF WATER RIGHTS.—Noth-
23 ing in this section diminishes or affects the ability
24 of the Secretary to join an adjudication of rights to
25 the use of water pursuant to subsection (a), (b), or

1 (c) of section 208 of the Department of Justice Ap-
2 propriation Act, 1953 (43 U.S.C. 666).

3 (6) DEPARTMENT OF COMMERCE AUTHOR-
4 ITY.—Nothing in this section affects the authority,
5 jurisdiction, or responsibility of the Department of
6 Commerce to manage, control, or regulate fish or
7 fish habitats under the Magnuson-Stevens Fishery
8 Conservation and Management Act (16 U.S.C. 1801
9 et seq.).

10 (7) EFFECT ON OTHER AUTHORITIES.—

11 (A) PRIVATE PROPERTY PROTECTION.—
12 Nothing in this section permits the use of funds
13 made available to carry out this section to ac-
14 quire real property or a real property interest
15 without the written consent of each owner of
16 the real property or real property interest.

17 (B) MITIGATION.—Nothing in this section
18 permits the use of funds made available to
19 carry out this section for fish and wildlife miti-
20 gation purposes under—

21 (i) the Federal Water Pollution Con-
22 trol Act (33 U.S.C. 1251 et seq.);

23 (ii) the Fish and Wildlife Coordina-
24 tion Act (16 U.S.C. 661 et seq.);

1 (iii) the Water Resources Develop-
2 ment Act of 1986 (Public Law 99-662;
3 100 Stat. 4082); or

4 (iv) any other Federal law or court
5 settlement.

6 (C) CLEAN WATER ACT.—Nothing in this
7 section affects any provision of the Federal
8 Water Pollution Control Act (33 U.S.C. 1251 et
9 seq.), including any definition in that Act.

10 (l) NONAPPLICABILITY OF FEDERAL ADVISORY COM-
11 MITTEE ACT.—The Federal Advisory Committee Act (5
12 U.S.C. App.) shall not apply to—

13 (1) the Board; or

14 (2) any Partnership.

15 (m) FUNDING.—

16 (1) AUTHORIZATION OF APPROPRIATIONS.—

17 (A) FISH HABITAT CONSERVATION
18 PROJECTS.—There is authorized to be appro-
19 priated to the Secretary \$7,200,000 for each of
20 fiscal years 2016 through 2021 to provide
21 funds for fish habitat conservation projects ap-
22 proved under subsection (f)(6), of which 5 per-
23 cent shall be made available for each fiscal year
24 for projects carried out by Indian tribes.

1 (B) ADMINISTRATIVE AND PLANNING EX-
2 PENSES.—There is authorized to be appro-
3 priated to the Secretary for each of fiscal years
4 2016 through 2021 an amount equal to 5 per-
5 cent of the amount appropriated for the appli-
6 cable fiscal year pursuant to subparagraph
7 (A)—

8 (i) for administrative and planning ex-
9 penses; and

10 (ii) to carry out subsection (j).

11 (C) TECHNICAL AND SCIENTIFIC ASSIST-
12 ANCE.—There is authorized to be appropriated
13 for each of fiscal years 2016 through 2021 to
14 carry out, and provide technical and scientific
15 assistance under, subsection (g)—

16 (i) \$500,000 to the Secretary for use
17 by the United States Fish and Wildlife
18 Service;

19 (ii) \$500,000 to the NOAA Assistant
20 Administrator for use by the National Oce-
21 anic and Atmospheric Administration;

22 (iii) \$500,000 to the EPA Assistant
23 Administrator for use by the Environ-
24 mental Protection Agency; and

1 (iv) \$500,000 to the Secretary for use
2 by the United States Geological Survey.

3 (2) AGREEMENTS AND GRANTS.—The Secretary
4 may—

5 (A) on the recommendation of the Board,
6 and notwithstanding sections 6304 and 6305 of
7 title 31, United States Code, and the Federal
8 Financial Assistance Management Improvement
9 Act of 1999 (31 U.S.C. 6101 note; Public Law
10 106–107), enter into a grant agreement, coop-
11 erative agreement, or contract with a Partner-
12 ship or other entity for a fish habitat conserva-
13 tion project or restoration or enhancement
14 project;

15 (B) apply for, accept, and use a grant
16 from any individual or entity to carry out the
17 purposes of this section; and

18 (C) make funds available to any Federal
19 department or agency for use by that depart-
20 ment or agency to provide grants for any fish
21 habitat protection project, restoration project,
22 or enhancement project that the Secretary de-
23 termines to be consistent with this section.

24 (3) DONATIONS.—

25 (A) IN GENERAL.—The Secretary may—

1 (i) enter into an agreement with any
2 organization described in section 501(c)(3)
3 of the Internal Revenue Code of 1986 that
4 is exempt from taxation under section
5 501(a) of that Code to solicit private dona-
6 tions to carry out the purposes of this sec-
7 tion; and

8 (ii) accept donations of funds, prop-
9 erty, and services to carry out the purposes
10 of this section.

11 (B) TREATMENT.—A donation accepted
12 under this section—

13 (i) shall be considered to be a gift or
14 bequest to, or otherwise for the use of, the
15 United States; and

16 (ii) may be—

17 (I) used directly by the Sec-
18 retary; or

19 (II) provided to another Federal
20 department or agency through an
21 interagency agreement.

1 **SEC. 10254. GULF STATES MARINE FISHERIES COMMISSION**
2 **REPORT ON GULF OF MEXICO OUTER CONTI-**
3 **NENTAL SHELF STATE BOUNDARY EXTEN-**
4 **SION.**

5 (a) REPORT ON RESOURCE MANAGEMENT OUT-
6 COMES.—Not later than March 1, 2017, the Gulf States
7 Marine Fisheries Commission shall submit to the Com-
8 mittee on Commerce, Science, and Transportation of the
9 Senate and the Committees on Natural Resources and
10 Transportation and Infrastructure of the House of Rep-
11 resentatives a report on the economic, conservation and
12 management, and law enforcement impacts of the imple-
13 mentation of section 110 of division B of the Consolidated
14 Appropriations Act, 2016 (Public Law 114–113).

15 (b) INFORMATION REQUIRED.—The report required
16 under subsection (a) shall include a detailed accounting
17 of how the implementation of section 110 of division B
18 of the Consolidated Appropriations Act, 2016 (Public Law
19 114–113) has affected—

20 (1) the economies of the States of Alabama,
21 Florida, Louisiana, Mississippi, and Texas;

22 (2) the sustained participation of fishing com-
23 munities;

24 (3) conservation and management of living re-
25 sources under all applicable Federal laws;

26 (4) enforcement of Federal maritime laws; and

1 (5) the ability of the governments of the States
2 described in paragraph (1) to effectively manage ac-
3 tivities pursuant to the fishery management plan for
4 reef fish resources of the Gulf of Mexico.

5 (c) FUNDING.—

6 (1) IN GENERAL.—Subject to the availability of
7 appropriations, the Secretary of Commerce shall
8 make available to the Gulf States Marine Fisheries
9 Commission \$500,000 to carry out the report re-
10 quired under subsection (a).

11 (2) SUBSEQUENT APPROPRIATIONS.—Amounts
12 made available under paragraph (1) shall be avail-
13 able only to the extent specifically provided for in
14 advance in subsequent appropriations Acts.

15 **SEC. 10255. GAO REPORT ON GULF OF MEXICO OUTER CON-**
16 **TINENTAL SHELF STATE BOUNDARY EXTEN-**
17 **SION.**

18 (a) REPORT ON RESOURCE MANAGEMENT OUT-
19 COMES.—Not later than March 1, 2017, the Comptroller
20 General of the United States shall submit to the Com-
21 mittee on Commerce, Science, and Transportation of the
22 Senate and the Committee on Natural Resources and the
23 Committee on Transportation and Infrastructure of the
24 House of Representatives a report on the economic, con-
25 servation and management, and law enforcement impacts

1 of section 110 of division B of the Consolidated Appropria-
2 tions Act, 2016 (Public Law 114–113).

3 (b) INFORMATION REQUIRED.—The report required
4 by subsection (a) shall include a detailed accounting of
5 how section 110 of division B of the Consolidated Appro-
6 priations Act, 2016 (Public Law 114–113) has affected—

7 (1) the economies of Alabama, Florida, Lou-
8 isiana, Mississippi, and Texas;

9 (2) the sustained participation of fishing com-
10 munities;

11 (3) conservation and management of living re-
12 sources under all applicable Federal laws;

13 (4) enforcement of Federal maritime laws; and

14 (5) the ability of the governments of Alabama,
15 Florida, Louisiana, Mississippi, and Texas to effec-
16 tively manage activities pursuant to the fishery man-
17 agement plan for reef fish resources of the Gulf of
18 Mexico.

19 **PART VII—MISCELLANEOUS**

20 **SEC. 10261. RESPECT FOR TREATIES AND RIGHTS.**

21 Nothing in this subtitle or the amendments made by
22 this subtitle—

23 (1) affects or modifies any treaty or other right
24 of any federally recognized Indian tribe; or

1 (2) modifies any provision of Federal law relat-
2 ing to migratory birds or to endangered or threat-
3 ened species.

4 **SEC. 10262. NO PRIORITY.**

5 Nothing in this subtitle or the amendments made by
6 this subtitle provides a preference to hunting, fishing, or
7 recreational shooting over any other use of Federal land
8 or water.

9 **Subtitle D—Water Infrastructure**
10 **and Related Matters**

11 **PART I—FONTENELLE RESERVOIR**

12 **SEC. 10301. AUTHORITY TO MAKE ENTIRE ACTIVE CAPAC-**
13 **ITY OF FONTENELLE RESERVOIR AVAILABLE**
14 **FOR USE.**

15 (a) IN GENERAL.—The Secretary of the Interior, in
16 cooperation with the State of Wyoming, may amend the
17 Definite Plan Report for the Seedskaadee Project author-
18 ized under the first section of the Act of April 11, 1956
19 (commonly known as the “Colorado River Storage Project
20 Act”) (43 U.S.C. 620), to provide for the study, design,
21 planning, and construction activities that will enable the
22 use of all active storage capacity (as may be defined or
23 limited by legal, hydrologic, structural, engineering, eco-
24 nomic, and environmental considerations) of Fontenelle
25 Dam and Reservoir, including the placement of sufficient

1 riprap on the upstream face of Fontenelle Dam to allow
2 the active storage capacity of Fontenelle Reservoir to be
3 used for those purposes for which the Seedskafee Project
4 was authorized.

5 (b) COOPERATIVE AGREEMENTS.—

6 (1) IN GENERAL.—The Secretary of the Inte-
7 rior may enter into any contract, grant, cooperative
8 agreement, or other agreement that is necessary to
9 carry out subsection (a).

10 (2) STATE OF WYOMING.—

11 (A) IN GENERAL.—The Secretary of the
12 Interior shall enter into a cooperative agree-
13 ment with the State of Wyoming to work in co-
14 operation and collaboratively with the State of
15 Wyoming for planning, design, related
16 preconstruction activities, and construction of
17 any modification of the Fontenelle Dam under
18 subsection (a).

19 (B) REQUIREMENTS.—The cooperative
20 agreement under subparagraph (A) shall, at a
21 minimum, specify the responsibilities of the
22 Secretary of the Interior and the State of Wyo-
23 ming with respect to—

1 (i) completing the planning and final
2 design of the modification of the
3 Fontenelle Dam under subsection (a);

4 (ii) any environmental and cultural re-
5 source compliance activities required for
6 the modification of the Fontenelle Dam
7 under subsection (a) including compliance
8 with—

9 (I) the National Environmental
10 Policy Act of 1969 (42 U.S.C. 4321
11 et seq.);

12 (II) the Endangered Species Act
13 of 1973 (16 U.S.C. 1531 et seq.); and

14 (III) subdivision 2 of division A
15 of subtitle III of title 54, United
16 States Code; and

17 (iii) the construction of the modifica-
18 tion of the Fontenelle Dam under sub-
19 section (a).

20 (c) FUNDING BY STATE OF WYOMING.—Pursuant to
21 the Act of March 4, 1921 (41 Stat. 1404, chapter 161;
22 43 U.S.C. 395), and as a condition of providing any addi-
23 tional storage under subsection (a), the State of Wyoming
24 shall provide to the Secretary of the Interior funds for any
25 work carried out under subsection (a).

1 (d) OTHER CONTRACTING AUTHORITY.—

2 (1) IN GENERAL.—The Secretary of the Inte-
3 rior may enter into contracts with the State of Wyo-
4 ming, on such terms and conditions as the Secretary
5 of the Interior and the State of Wyoming may agree,
6 for division of any additional active capacity made
7 available under subsection (a).

8 (2) TERMS AND CONDITIONS.—Unless other-
9 wise agreed to by the Secretary of the Interior and
10 the State of Wyoming, a contract entered into under
11 paragraph (1) shall be subject to the terms and con-
12 ditions of Bureau of Reclamation Contract No. 14–
13 06–400–2474 and Bureau of Reclamation Contract
14 No. 14–06–400–6193.

15 **SEC. 10302. SAVINGS PROVISIONS.**

16 Unless expressly provided in this part, nothing in this
17 part modifies, conflicts with, preempts, or otherwise af-
18 fects—

19 (1) the Act of December 31, 1928 (43 U.S.C.
20 617 et seq.) (commonly known as the “Boulder Can-
21 yon Project Act”);

22 (2) the Colorado River Compact of 1922, as ap-
23 proved by the Presidential Proclamation of June 25,
24 1929 (46 Stat. 3000);

1 (3) the Act of July 19, 1940 (43 U.S.C. 618
2 et seq.) (commonly known as the “Boulder Canyon
3 Project Adjustment Act”);

4 (4) the Treaty between the United States of
5 America and Mexico relating to the utilization of
6 waters of the Colorado and Tijuana Rivers and of
7 the Rio Grande, and supplementary protocol signed
8 November 14, 1944, signed at Washington February
9 3, 1944 (59 Stat. 1219);

10 (5) the Upper Colorado River Basin Compact
11 as consented to by the Act of April 6, 1949 (63
12 Stat. 31);

13 (6) the Act of April 11, 1956 (commonly known
14 as the “Colorado River Storage Project Act”) (43
15 U.S.C. 620 et seq.);

16 (7) the Colorado River Basin Project Act (Pub-
17 lic Law 90–537; 82 Stat. 885); or

18 (8) any State of Wyoming or other State water
19 law.

20 **PART II—BUREAU OF RECLAMATION**

21 **TRANSPARENCY**

22 **SEC. 10311. DEFINITIONS.**

23 In this part:

24 (1) ASSET.—

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

8 (i) Capitalized facilities, buildings,
9 structures, project features, power produc-
10 tion equipment, recreation facilities, or
11 quarters.

12 (ii) Capitalized and noncapitalized
13 heavy equipment and other installed equip-
14 ment.

15 (B) INCLUSIONS.—The term “asset” in-
16 cludes assets described in subparagraph (A)
17 that are considered to be mission critical.

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

20 (A) the annual plan prepared by the Bu-
21 reau of Reclamation known as the “Asset Man-
22 agement Plan”; and

23 (B) any publicly available information re-
24 lating to the plan described in subparagraph
25 (A) that summarizes the efforts of the Bureau

1 of Reclamation to evaluate and manage infra-
2 structure assets of the Bureau of Reclamation.

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

11 (4) RECLAMATION FACILITY.—The term “Rec-
12 lamation facility” means each of the infrastructure
13 assets that are owned by the Bureau of Reclamation
14 at a Reclamation project.

15 (5) RECLAMATION PROJECT.—The term “Rec-
16 lamation project” means a project that is owned by
17 the Bureau of Reclamation, including all reserved
18 works and transferred works owned by the Bureau
19 of Reclamation.

20 (6) RESERVED WORKS.—The term “reserved
21 works” means buildings, structures, facilities, or
22 equipment that are owned by the Bureau of Rec-
23 lamation for which operations and maintenance are
24 performed by employees of the Bureau of Reclama-
25 tion or through a contract entered into by the Bu-

1 reau of Reclamation, regardless of the source of
2 funding for the operations and maintenance.

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

5 (8) TRANSFERRED WORKS.—The term “trans-
6 ferred works” means a Reclamation facility at which
7 operations and maintenance of the facility is carried
8 out by a non-Federal entity under the provisions of
9 a formal operations and maintenance transfer con-
10 tract or other legal agreement with the Bureau of
11 Reclamation.

12 **SEC. 10312. ASSET MANAGEMENT REPORT ENHANCEMENTS**
13 **FOR RESERVED WORKS.**

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

17 (1) describes the efforts of the Bureau of Rec-
18 lamation—

19 (A) to maintain in a reliable manner all re-
20 served works at Reclamation facilities; and

21 (B) to standardize and streamline data re-
22 porting and processes across regions and areas
23 for the purpose of maintaining reserved works
24 at Reclamation facilities; and

1 (2) expands on the information otherwise pro-
2 vided in an Asset Management Report, in accord-
3 ance with subsection (b).

4 (b) INFRASTRUCTURE MAINTENANCE NEEDS AS-
5 SESSMENT.—

6 (1) IN GENERAL.—The Asset Management Re-
7 port submitted under subsection (a) shall include—

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

11 (B) to the extent practicable, an itemized
12 list of major repair and rehabilitation needs of
13 individual Reclamation facilities at each Rec-
14 lamation project.

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

18 (A) a budget level cost estimate of the ap-
19 propriations needed to complete each item; and

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

22 (3) RATING REQUIREMENTS.—

23 (A) IN GENERAL.—The system for assign-
24 ing ratings under paragraph (2)(B) shall be—

1 (i) consistent with existing uniform
2 categorization systems to inform the an-
3 nual budget process and agency require-
4 ments; and

5 (ii) subject to the guidance and in-
6 structions issued under subparagraph (B).

7 (B) GUIDANCE.—As soon as practicable
8 after the date of enactment of this Act, the Sec-
9 retary shall issue guidance that describes the
10 applicability of the rating system applicable
11 under paragraph (2)(B) to Reclamation facili-
12 ties.

13 (4) PUBLIC AVAILABILITY.—Except as provided
14 in paragraph (5), the Secretary shall make publicly
15 available, including on the Internet, the Asset Man-
16 agement Report required under subsection (a).

17 (5) CONFIDENTIALITY.—The Secretary may ex-
18 clude from the public version of the Asset Manage-
19 ment Report made available under paragraph (4)
20 any information that the Secretary identifies as sen-
21 sitive or classified, but shall make available to the
22 Committee on Energy and Natural Resources of the
23 Senate and the Committee on Natural Resources of
24 the House of Representatives a version of the report
25 containing the sensitive or classified information.

1 (c) UPDATES.—Not later than 2 years after the date
2 on which the Asset Management Report is submitted
3 under subsection (a) and biennially thereafter, the Sec-
4 retary shall update the Asset Management Report, subject
5 to the requirements of section 6313(b)(2).

6 (d) CONSULTATION.—To the extent that such con-
7 sultation would assist the Secretary in preparing the Asset
8 Management Report under subsection (a) and updates to
9 the Asset Management Report under subsection (c), the
10 Secretary shall consult with—

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

13 (2) water and power contractors.

14 **SEC. 10313. ASSET MANAGEMENT REPORT ENHANCEMENTS**
15 **FOR TRANSFERRED WORKS.**

16 (a) IN GENERAL.—The Secretary shall coordinate
17 with the non-Federal entities responsible for the operation
18 and maintenance of transferred works in developing re-
19 porting requirements for Asset Management Reports with
20 respect to major repair and rehabilitation needs for trans-
21 ferred works that are similar to the reporting require-
22 ments described in section 6312(b).

23 (b) GUIDANCE.—

24 (1) IN GENERAL.—After considering input from
25 water and power contractors of the Bureau of Rec-

1 lamation, the Secretary shall develop and implement
2 a rating system for transferred works that incor-
3 porates, to the maximum extent practicable, the rat-
4 ing system for major repair and rehabilitation needs
5 for reserved works developed under section
6 6312(b)(3).

7 (2) UPDATES.—The ratings system developed
8 under paragraph (1) shall be included in the up-
9 dated Asset Management Reports under section
10 6312(e).

11 **SEC. 10314. OFFSET.**

12 Notwithstanding any other provision of law, in the
13 case of the project authorized by section 1617 of the Rec-
14 lamation Projects Authorization and Adjustment Act of
15 1992 (43 U.S.C. 390h–12c), the maximum amount of the
16 Federal share of the cost of the project under section
17 1631(d)(1) of that Act (43 U.S.C. 390h–13(d)(1)) other-
18 wise available as of the date of enactment of this Act shall
19 be reduced by \$2,000,000.

20 **PART III—BASIN WATER MANAGEMENT**

21 **Subpart A—Yakima River Basin Water Enhancement**

22 **SEC. 10321. SHORT TITLE.**

23 This subpart may be cited as the “Yakima River
24 Basin Water Enhancement Project Phase III Act of
25 2016”.

1 **SEC. 10322. MODIFICATION OF TERMS, PURPOSES, AND**
2 **DEFINITIONS.**

3 (a) MODIFICATION OF TERMS.—Title XII of Public
4 Law 103–434 (108 Stat. 4550) is amended—

5 (1) by striking “Yakama Indian” each place it
6 appears (except section 1204(g)) and inserting
7 “Yakama”; and

8 (2) by striking “Superintendent” each place it
9 appears and inserting “Manager”.

10 (b) MODIFICATION OF PURPOSES.—Section 1201 of
11 Public Law 103–434 (108 Stat. 4550) is amended—

12 (1) by striking paragraph (1) and inserting the
13 following:

14 “(1) to protect, mitigate, and enhance fish and
15 wildlife and the recovery and maintenance of self-
16 sustaining harvestable populations of fish and other
17 aquatic life, both anadromous and resident species,
18 throughout their historic distribution range in the
19 Yakima Basin through—

20 “(A) improved water management and the
21 constructions of fish passage at storage and di-
22 version dams, as authorized under the Hoover
23 Power Plant Act of 1984 (43 U.S.C. 619 et
24 seq.);

25 “(B) improved instream flows and water
26 supplies;

1 “(C) improved water quality, watershed,
2 and ecosystem function;

3 “(D) protection, creation, and enhance-
4 ment of wetlands; and

5 “(E) other appropriate means of habitat
6 improvement;”;

7 (2) in paragraph (2), by inserting “, municipal,
8 industrial, and domestic water supply and use pur-
9 poses, especially during drought years, including re-
10 ducing the frequency and severity of water supply
11 shortages for pro-ratable irrigation entities” before
12 the semicolon at the end;

13 (3) by striking paragraph (4);

14 (4) by redesignating paragraph (3) as para-
15 graph (4);

16 (5) by inserting after paragraph (2) the fol-
17 lowing:

18 “(3) to authorize the Secretary to make water
19 available for purchase or lease for meeting munic-
20 ipal, industrial, and domestic water supply pur-
21 poses;”;

22 (6) by redesignating paragraphs (5) and (6) as
23 paragraphs (6) and (8), respectively;

24 (7) by inserting after paragraph (4) (as so re-
25 designated) the following:

1 “(5) to realize sufficient water savings from im-
2 plementing the Yakima River Basin Integrated
3 Water Resource Management Plan, so that not less
4 than 85,000 acre feet of water savings are achieved
5 by implementing the first phase of the Integrated
6 Plan pursuant to section 1213(a), in addition to the
7 165,000 acre feet of water savings targeted through
8 the Basin Conservation Program, as authorized on
9 October 31, 1994;”;

10 (8) in paragraph (6) (as so redesignated)—

11 (A) by inserting “an increase in” before
12 “voluntary”; and

13 (B) by striking “and” at the end;

14 (9) by inserting after paragraph (6) (as so re-
15 designated) the following:

16 “(7) to encourage an increase in the use of, and
17 reduce the barriers to, water transfers, leasing, mar-
18 kets, and other voluntary transactions among public
19 and private entities to enhance water management
20 in the Yakima River basin;”;

21 (10) in paragraph (8) (as redesignated by para-
22 graph (6)), by striking the period at the end and in-
23 serting a semicolon; and

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

1 “(9) to improve the resilience of the ecosystems,
2 economies, and communities in the Basin as they
3 face drought, hydrologic changes, and other related
4 changes and variability in natural and human sys-
5 tems, for the benefit of both the people and the fish
6 and wildlife of the region; and

7 “(10) to authorize and implement the Yakima
8 River Basin Integrated Water Resource Manage-
9 ment Plan as Phase III of the Yakima River Basin
10 Water Enhancement Project, as a balanced and
11 cost-effective approach to maximize benefits to the
12 communities and environment in the Basin.”.

13 (c) MODIFICATION OF DEFINITIONS.—Section 1202
14 of Public Law 103–434 (108 Stat. 4550) is amended—

15 (1) by redesignating paragraphs (6), (7), (8),
16 (9), (10), (11), (12), (13), and (14) as paragraphs
17 (8), (10), (11), (13), (14), (15), (16), (18), and
18 (19), respectively;

19 (2) by inserting after paragraph (5) the fol-
20 lowing:

21 “(6) DESIGNATED FEDERAL OFFICIAL.—The
22 term ‘designated Federal official’ means the Com-
23 missioner of Reclamation (or a designee), acting
24 pursuant to the charter of the Conservation Advisory
25 Group.

1 “(7) INTEGRATED PLAN.—The terms ‘Inte-
2 grated Plan’ and ‘Yakima River Basin Integrated
3 Water Resource Plan’ mean the plan and activities
4 authorized by the Yakima River Basin Water En-
5 hancement Project Phase III Act of 2016 and the
6 amendments made by that subpart, to be carried out
7 in cooperation with and in addition to activities of
8 the State of Washington and Yakama Nation.”;

9 (3) by inserting after paragraph (8) (as redesign-
10 nated by paragraph (1)) the following:

11 “(9) MUNICIPAL, INDUSTRIAL, AND DOMESTIC
12 WATER SUPPLY AND USE.—The term ‘municipal, in-
13 dustrial, and domestic water supply and use’ means
14 the supply and use of water for—

15 “(A) domestic consumption (whether urban
16 or rural);

17 “(B) maintenance and protection of public
18 health and safety;

19 “(C) manufacture, fabrication, processing,
20 assembly, or other production of a good or com-
21 modity;

22 “(D) production of energy;

23 “(E) fish hatcheries; or

1 “(F) water conservation activities relating
2 to a use described in subparagraphs (A)
3 through (E).”;

4 (4) by inserting after paragraph (11) (as reded-
5 ignated by paragraph (1)) the following:

6 “(12) PRORATABLE IRRIGATION ENTITY.—The
7 term ‘proratable irrigation entity’ means a district,
8 project, or State-recognized authority, board of con-
9 trol, agency, or entity located in the Yakima River
10 basin that—

11 “(A) manages and delivers irrigation water
12 to farms in the basin; and

13 “(B) possesses, or the members of which
14 possess, water rights that are proratable during
15 periods of water shortage.”; and

16 (5) by inserting after paragraph (16) (as reded-
17 ignated by paragraph (1)) the following:

18 “(17) YAKIMA ENHANCEMENT PROJECT; YAK-
19 IMA RIVER BASIN WATER ENHANCEMENT
20 PROJECT.—The terms ‘Yakima Enhancement
21 Project’ and ‘Yakima River Basin Water Enhance-
22 ment Project’ mean the Yakima River basin water
23 enhancement project authorized by Congress pursu-
24 ant to this Act and other Acts (including Public Law
25 96–162 (93 Stat. 1241), section 109 of Public Law

1 98–381 (16 U.S.C. 839b note; 98 Stat. 1340), Pub-
2 lic Law 105–62 (111 Stat. 1320), and Public Law
3 106–372 (114 Stat. 1425)) to promote water con-
4 servation, water supply, habitat, and stream en-
5 hancement improvements in the Yakima River
6 basin.”.

7 **SEC. 10323. YAKIMA RIVER BASIN WATER CONSERVATION**
8 **PROGRAM.**

9 Section 1203 of Public Law 103–434 (108 Stat.
10 4551) is amended—

11 (1) in subsection (a)—

12 (A) in paragraph (1)—

13 (i) in the second sentence, by striking
14 “title” and inserting “section”; and

15 (ii) in the third sentence, by striking
16 “within 5 years of the date of enactment
17 of this Act”; and

18 (B) in paragraph (2), by striking “irriga-
19 tion” and inserting “the number of irrigated
20 acres”;

21 (2) in subsection (c)—

22 (A) in paragraph (2)—

23 (i) in each of subparagraphs (A)
24 through (D), by striking the comma at the
25 end and inserting a semicolon;

1 (ii) in subparagraph (E), by striking
2 the comma at the end and inserting “;
3 and”;

4 (iii) in subparagraph (F), by striking
5 “Department of Wildlife of the State of
6 Washington, and” and inserting “Depart-
7 ment of Fish and Wildlife of the State of
8 Washington.”; and

9 (iv) by striking subparagraph (G);
10 (B) in paragraph (3)—

11 (i) in each of subparagraphs (A)
12 through (C), by striking the comma at the
13 end and inserting a semicolon;

14 (ii) in subparagraph (D), by striking
15 “, and” and inserting a semicolon;

16 (iii) in subparagraph (E), by striking
17 the period at the end and inserting “;
18 and”;

19 (iv) by adding at the end the fol-
20 lowing:

21 “(F) provide recommendations to advance
22 the purposes and programs of the Yakima En-
23 hancement Project, including the Integrated
24 Plan.”; and

1 (C) by striking paragraph (4) and insert-
2 ing the following:

3 “(4) AUTHORITY OF DESIGNATED FEDERAL OF-
4 FICIAL.—The designated Federal official may—

5 “(A) arrange and provide logistical support
6 for meetings of the Conservation Advisory
7 Group;

8 “(B) use a facilitator to serve as a moder-
9 ator for meetings of the Conservation Advisory
10 Group or provide additional logistical support;
11 and

12 “(C) grant any request for a facilitator by
13 any member of the Conservation Advisory
14 Group.”;

15 (3) in subsection (d), by adding at the end the
16 following:

17 “(4) PAYMENT OF LOCAL SHARE BY STATE OR
18 FEDERAL GOVERNMENT.—

19 “(A) IN GENERAL.—The State or the Fed-
20 eral Government may fund not more than the
21 17.5 percent local share of the costs of the
22 Basin Conservation Program in exchange for
23 the long-term use of conserved water, subject to
24 the requirement that the funding by the Fed-
25 eral Government of the local share of the costs

1 shall provide a quantifiable public benefit in
2 meeting Federal responsibilities in the Basin
3 and the purposes of this title.

4 “(B) USE OF CONSERVED WATER.—The
5 Yakima Project Manager may use water result-
6 ing from conservation measures taken under
7 this title, in addition to water that the Bureau
8 of Reclamation may acquire from any willing
9 seller through purchase, donation, or lease, for
10 water management uses pursuant to this title.”;

11 (4) in subsection (e), by striking the first sen-
12 tence and inserting the following: “To participate in
13 the Basin Conservation Program, as described in
14 subsection (b), an entity shall submit to the Sec-
15 retary a proposed water conservation plan.”;

16 (5) in subsection (i)(3)—

17 (A) by striking “purchase or lease” each
18 place it appears and inserting “purchase, lease,
19 or management”; and

20 (B) in the third sentence, by striking
21 “made immediately upon availability” and all
22 that follows through “Committee” and inserting
23 “continued as needed to provide water to be
24 used by the Yakima Project Manager as rec-
25 ommended by the System Operations Advisory

1 Committee and the Conservation Advisory
2 Group”; and

3 (6) in subsection (j)(4), in the first sentence, by
4 striking “initial acquisition” and all that follows
5 through “flushing flows” and inserting “acquisition
6 of water from willing sellers or lessors specifically to
7 provide improved instream flows for anadromous
8 and resident fish and other aquatic life, including
9 pulse flows to facilitate outward migration of anad-
10 romous fish”.

11 **SEC. 10324. YAKIMA BASIN WATER PROJECTS, OPERATIONS,**
12 **AND AUTHORIZATIONS.**

13 (a) YAKAMA NATION PROJECTS.—Section 1204 of
14 Public Law 103–434 (108 Stat. 4555) is amended—

15 (1) in subsection (a)(2), in the first sentence,
16 by striking “not more than \$23,000,000” and in-
17 serting “not more than \$100,000,000”; and

18 (2) in subsection (g)—

19 (A) by striking the subsection heading and
20 inserting “REDESIGNATION OF YAKAMA INDIAN
21 NATION TO YAKAMA NATION.—”;

22 (B) by striking paragraph (1) and insert-
23 ing the following:

24 “(1) REDESIGNATION.—The Confederated
25 Tribes and Bands of the Yakama Indian Nation

1 shall be known and designated as the ‘Confederated
2 Tribes and Bands of the Yakama Nation.’; and

3 (C) in paragraph (2), by striking “deemed
4 to be a reference to the ‘Confederated Tribes
5 and Bands of the Yakama Indian Nation.’” and
6 inserting “deemed to be a reference to the
7 ‘Confederated Tribes and Bands of the Yakama
8 Nation’.”.

9 (b) OPERATION OF YAKIMA BASIN PROJECTS.—Sec-
10 tion 1205 of Public Law 103–434 (108 Stat. 4557) is
11 amended—

12 (1) in subsection (a)—

13 (A) in paragraph (4)—

14 (i) in subparagraph (A)—

15 (I) in clause (i)—

16 (aa) by inserting “addi-
17 tional” after “secure”;

18 (bb) by striking “flushing”
19 and inserting “pulse”; and

20 (cc) by striking “uses” and
21 inserting “uses, in addition to the
22 quantity of water provided under
23 the treaty between the Yakama
24 Nation and the United States”;

25 (II) by striking clause (ii);

1 (III) by redesignating clause (iii)
2 as clause (ii); and

3 (IV) in clause (ii) (as so redesign-
4 nated) by inserting “and water rights
5 mandated” after “goals”; and

6 (ii) in subparagraph (B)(i), in the
7 first sentence, by inserting “in proportion
8 to the funding received” after “Program”;

9 (2) in subsection (b) (as amended by section
10 6322(a)(2)), in the second sentence, by striking
11 “instream flows for use by the Yakima Project Man-
12 ager as flushing flows or as otherwise” and inserting
13 “fishery purposes, as”; and

14 (3) in subsection (e), by striking paragraph (1)
15 and inserting the following:

16 “(1) IN GENERAL.—Additional purposes of the
17 Yakima Project shall be any of the following:

18 “(A) To recover and maintain self-sus-
19 taining harvestable populations of native fish,
20 both anadromous and resident species, through-
21 out their historic distribution range in the Yak-
22 ima Basin.

23 “(B) To protect, mitigate, and enhance
24 aquatic life and wildlife.

25 “(C) Recreation.

1 “(D) Municipal, industrial, and domestic
2 use.”.

3 (c) LAKE CLE ELUM AUTHORIZATION OF APPRO-
4 PRIATIONS.—Section 1206(a)(1) of Public Law 103–434
5 (108 Stat. 4560), is amended, in the matter preceding
6 subparagraph (A), by striking “at September” and all that
7 follows through “to—” and inserting “not more than
8 \$12,000,000 to—”.

9 (d) ENHANCEMENT OF WATER SUPPLIES FOR YAK-
10 IMA BASIN TRIBUTARIES.—Section 1207 of Public Law
11 103–434 (108 Stat. 4560) is amended—

12 (1) in the heading, by striking “**SUPPLIES**”
13 and inserting “**MANAGEMENT**”;

14 (2) in subsection (a)—

15 (A) in the matter preceding paragraph (1),
16 by striking “supplies” and inserting “manage-
17 ment”;

18 (B) in paragraph (1), by inserting “and
19 water supply entities” after “owners”; and

20 (C) in paragraph (2)—

21 (i) in subparagraph (A), by inserting
22 “that choose not to participate or opt out
23 of tributary enhancement projects pursu-
24 ant to this section” after “water right own-
25 ers”; and

1 (ii) in subparagraph (B), by inserting
2 “nonparticipating” before “tributary water
3 users”;

4 (3) in subsection (b)—

5 (A) in paragraph (1)—

6 (i) by striking the paragraph designa-
7 tion and all that follows through “(but not
8 limited to)—” and inserting the following:

9 “(1) IN GENERAL.—The Secretary, following
10 consultation with the State of Washington, tributary
11 water right owners, and the Yakama Nation, and on
12 agreement of appropriate water right owners, is au-
13 thorized to conduct studies to evaluate measures to
14 further Yakima Project purposes on tributaries to
15 the Yakima River. Enhancement programs that use
16 measures authorized by this subsection may be in-
17 vestigated and implemented by the Secretary in trib-
18 utaries to the Yakima River, including Taneum
19 Creek, other areas, or tributary basins that currently
20 or could potentially be provided supplemental or
21 transfer water by entities, such as the Kittitas Rec-
22 lamation District or the Yakima-Tieton Irrigation
23 District, subject to the condition that activities may
24 commence on completion of applicable and required
25 feasibility studies, environmental reviews, and cost-

1 benefit analyses that include favorable recommenda-
2 tions for further project development, as appro-
3 priate. Measures to evaluate include—”;

4 (ii) by indenting subparagraphs (A)
5 through (F) appropriately;

6 (iii) in subparagraph (A), by inserting
7 before the semicolon at the end the fol-
8 lowing: “, including irrigation efficiency
9 improvements (in coordination with pro-
10 grams of the Department of Agriculture),
11 consolidation of diversions or administra-
12 tion, and diversion scheduling or coordina-
13 tion”;

14 (iv) by redesignating subparagraphs
15 (C) through (F) as subparagraphs (E)
16 through (H), respectively;

17 (v) by inserting after subparagraph
18 (B) the following:

19 “(C) improvements in irrigation system
20 management or delivery facilities within the
21 Yakima River basin when those improvements
22 allow for increased irrigation system conveyance
23 and corresponding reduction in diversion from
24 tributaries or flow enhancements to tributaries

1 through direct flow supplementation or ground-
2 water recharge;

3 “(D) improvements of irrigation system
4 management or delivery facilities to reduce or
5 eliminate excessively high flows caused by the
6 use of natural streams for conveyance or irriga-
7 tion water or return water;”;

8 (vi) in subparagraph (E) (as redesign-
9 nated by clause (iv)), by striking “ground
10 water” and inserting “groundwater re-
11 charge and”;

12 (vii) in subparagraph (G) (as redesign-
13 nated by clause (iv)), by inserting “or
14 transfer” after “purchase”; and

15 (viii) in subparagraph (H) (as redesign-
16 nated by clause (iv)), by inserting “stream
17 processes and” before “stream habitats”;

18 (B) in paragraph (2)—

19 (i) in the matter preceding subpara-
20 graph (A), by striking “the Taneum Creek
21 study” and inserting “studies under this
22 subsection”;

23 (ii) in subparagraph (B)—

1 (I) by striking “and economic”
2 and inserting “, infrastructure, eco-
3 nomic, and land use”; and

4 (II) by striking “and” at the end;

5 (iii) in subparagraph (C), by striking
6 the period at the end and inserting “;
7 and”; and

8 (iv) by adding at the end the fol-
9 lowing:

10 “(D) any related studies already underway
11 or undertaken.”; and

12 (C) in paragraph (3), in the first sentence,
13 by inserting “of each tributary or group of trib-
14 utaries” after “study”;

15 (4) in subsection (c)—

16 (A) in the heading, by inserting “**AND**
17 **NONSURFACE STORAGE**” after “**NONSTOR-**
18 **AGE**”; and

19 (B) in the matter preceding paragraph (1),
20 by inserting “and nonsurface storage” after
21 “nonstorage”;

22 (5) by striking subsection (d);

23 (6) by redesignating subsection (e) as sub-
24 section (d); and

1 (7) in paragraph (2) of subsection (d) (as so re-
2 designated)—

3 (A) in the first sentence—

4 (i) by inserting “and implementation”
5 after “investigation”;

6 (ii) by striking “other” before “Yak-
7 ima River”; and

8 (iii) by inserting “and other water
9 supply entities” after “owners”; and

10 (B) by striking the second sentence.

11 (e) CHANDLER PUMPING PLANT AND POWERPLANT-
12 OPERATIONS AT PROSSER DIVERSION DAM.—Section
13 1208(d) of Public Law 103–434 (108 Stat. 4562; 114
14 Stat. 1425) is amended by inserting “negatively” before
15 “affected”.

16 (f) INTERIM COMPREHENSIVE BASIN OPERATING
17 PLAN.—Section 1210(e) of Public Law 103–434 (108
18 Stat. 4564) is amended by striking “\$100,000” and in-
19 serting “\$200,000”.

20 (g) ENVIRONMENTAL COMPLIANCE.—Section 1211
21 of Public Law 103–434 (108 Stat. 4564) is amended by
22 striking “\$2,000,000” and inserting “\$5,000,000”.

1 **SEC. 10325. AUTHORIZATION OF PHASE III OF YAKIMA**
2 **RIVER BASIN WATER ENHANCEMENT**
3 **PROJECT.**

4 Title XII of Public Law 103–434 (108 Stat. 4550)
5 is amended by adding at the end the following:

6 **“SEC. 1213. AUTHORIZATION OF THE INTEGRATED PLAN AS**
7 **PHASE III OF YAKIMA RIVER BASIN WATER**
8 **ENHANCEMENT PROJECT.**

9 “(a) INTEGRATED PLAN.—

10 “(1) IN GENERAL.—The Secretary shall imple-
11 ment the Integrated Plan as Phase III of the Yak-
12 ima River Basin Water Enhancement Project in ac-
13 cordance with this section and applicable laws.

14 “(2) INITIAL DEVELOPMENT PHASE OF THE IN-
15 TEGRATED PLAN.—

16 “(A) IN GENERAL.—The Secretary, in co-
17 ordination with the State of Washington and
18 Yakama Nation and subject to feasibility stud-
19 ies, environmental reviews, and the availability
20 of appropriations, shall implement an initial de-
21 velopment phase of the Integrated Plan, to—

22 “(i) complete the planning, design,
23 and construction or development of up-
24 stream and downstream fish passage facili-
25 ties, as previously authorized by the Hoo-
26 ver Power Plant Act of 1984 (43 U.S.C.

1 619 et seq.) at Cle Elum Reservoir and an-
2 other Yakima Project reservoir identified
3 by the Secretary as consistent with the In-
4 tegrated Plan, subject to the condition
5 that, if the Yakima Project reservoir iden-
6 tified by the Secretary contains a hydro-
7 power project licensed by the Federal En-
8 ergy Regulatory Commission, the Secretary
9 shall cooperate with the Federal Energy
10 Regulatory Commission in a timely manner
11 to ensure that actions taken by the Sec-
12 retary are consistent with the applicable
13 hydropower project license;

14 “(ii) negotiate long-term agreements
15 with participating proratable irrigation en-
16 tities in the Yakima Basin and, acting
17 through the Bureau of Reclamation, co-
18 ordinate between Bureaus of the Depart-
19 ment of the Interior and with the heads of
20 other Federal agencies to negotiate agree-
21 ments concerning leases, easements, and
22 rights-of-way on Federal land, and other
23 terms and conditions determined to be nec-
24 essary to allow for the non-Federal financ-

1 ing, construction, operation, and mainte-
2 nance of—

3 “(I) new facilities needed to ac-
4 cess and deliver inactive storage in
5 Lake Kachess for the purpose of pro-
6 viding drought relief for irrigation
7 (known as the ‘Kachess Drought Re-
8 lief Pumping Plant’); and

9 “(II) a conveyance system to
10 allow transfer of water between
11 Keechelus Reservoir to Kachess Res-
12 ervoir for purposes of improving oper-
13 ational flexibility for the benefit of
14 both fish and irrigation (known as the
15 ‘K to K Pipeline’);

16 “(iii) participate in, provide funding
17 for, and accept non-Federal financing
18 for—

19 “(I) water conservation projects,
20 not subject to the provisions of the
21 Basin Conservation Program de-
22 scribed in section 1203, that are in-
23 tended to partially implement the In-
24 tegrated Plan by providing 85,000
25 acre-feet of conserved water to im-

1 prove tributary and mainstem stream
2 flow; and

3 “(II) aquifer storage and recov-
4 ery projects;

5 “(iv) study, evaluate, and conduct fea-
6 sibility analyses and environmental reviews
7 of fish passage, water supply (including
8 groundwater and surface water storage),
9 conservation, habitat restoration projects,
10 and other alternatives identified as con-
11 sistent with the purposes of this Act, for
12 the initial and future phases of the Inte-
13 grated Plan;

14 “(v) coordinate with and assist the
15 State of Washington in implementing a ro-
16 bust water market to enhance water man-
17 agement in the Yakima River basin, in-
18 cluding—

19 “(I) assisting in identifying ways
20 to encourage and increase the use of,
21 and reduce the barriers to, water
22 transfers, leasing, markets, and other
23 voluntary transactions among public
24 and private entities in the Yakima
25 River basin;

1 “(II) providing technical assist-
2 ance, including scientific data and
3 market information; and

4 “(III) negotiating agreements
5 that would facilitate voluntary water
6 transfers between entities, including
7 as appropriate, the use of federally
8 managed infrastructure; and

9 “(vi) enter into cooperative agree-
10 ments with, or, subject to a minimum non-
11 Federal cost-sharing requirement of 50
12 percent, make grants to, the Yakama Na-
13 tion, the State of Washington, Yakima
14 River basin irrigation districts, water dis-
15 tricts, conservation districts, other local
16 governmental entities, nonprofit organiza-
17 tions, and land owners to carry out this
18 title under such terms and conditions as
19 the Secretary may require, including the
20 following purposes:

21 “(I) Land and water transfers,
22 leases, and acquisitions from willing
23 participants, so long as the acquiring
24 entity shall hold title and be respon-
25 sible for any and all required oper-

1 ations, maintenance, and management
2 of that land and water.

3 “(II) To combine or relocate di-
4 version points, remove fish barriers,
5 or for other activities that increase
6 flows or improve habitat in the Yak-
7 ima River and its tributaries in fur-
8 therance of this title.

9 “(III) To implement, in partner-
10 ship with Federal and non-Federal en-
11 tities, projects to enhance the health
12 and resilience of the watershed.

13 “(B) COMMENCEMENT DATE.—The Sec-
14 retary shall commence implementation of the
15 activities included under the initial development
16 phase pursuant to this paragraph—

17 “(i) on the date of enactment of this
18 section; and

19 “(ii) on completion of applicable feasi-
20 bility studies, environmental reviews, and
21 cost-benefit analyses that include favorable
22 recommendations for further project devel-
23 opment.

24 “(3) INTERMEDIATE AND FINAL PHASES.—

1 “(A) IN GENERAL.—The Secretary, in co-
2 ordination with the State of Washington and in
3 consultation with the Yakama Nation, shall de-
4 velop plans for intermediate and final develop-
5 ment phases of the Integrated Plan to achieve
6 the purposes of this Act, including conducting
7 applicable feasibility studies, environmental re-
8 views, and other relevant studies needed to de-
9 velop the plans.

10 “(B) INTERMEDIATE PHASE.—The Sec-
11 retary shall develop an intermediate develop-
12 ment phase to implement the Integrated Plan
13 that, subject to authorization and appropria-
14 tion, would commence not later than 10 years
15 after the date of enactment of this section.

16 “(C) FINAL PHASE.—The Secretary shall
17 develop a final development phase to implement
18 the Integrated Plan that, subject to authoriza-
19 tion and appropriation, would commence not
20 later than 20 years after the date of enactment
21 of this section.

22 “(4) CONTINGENCIES.—The implementation by
23 the Secretary of projects and activities identified for
24 implementation under the Integrated Plan shall be—

1 “(A) subject to authorization and appro-
2 priation;

3 “(B) contingent on the completion of appli-
4 cable feasibility studies, environmental reviews,
5 and cost-benefit analyses that include favorable
6 recommendations for further project develop-
7 ment;

8 “(C) implemented on public review and a
9 determination by the Secretary that design,
10 construction, and operation of a proposed
11 project or activity is in the best interest of the
12 public; and

13 “(D) in compliance with all applicable
14 laws, including the National Environmental
15 Policy Act of 1969 (42 U.S.C. 4321 et seq.)
16 and the Endangered Species Act of 1973 (16
17 U.S.C. 1531 et seq.).

18 “(5) PROGRESS REPORT.—

19 “(A) IN GENERAL.—Not later than 5 years
20 after the date of enactment of this section, the
21 Secretary, in conjunction with the State of
22 Washington and in consultation with the
23 Yakama Nation, shall submit to the Committee
24 on Energy and Natural Resources of the Senate
25 and the Committee on Natural Resources of the

1 House of Representatives a progress report on
2 the development and implementation of the In-
3 tegrated Plan.

4 “(B) REQUIREMENTS.—The progress re-
5 port under this paragraph shall—

6 “(i) provide a review and reassess-
7 ment, if needed, of the objectives of the In-
8 tegrated Plan, as applied to all elements of
9 the Integrated Plan;

10 “(ii) assess, through performance
11 metrics developed at the initiation of, and
12 measured throughout the implementation
13 of, the Integrated Plan, the degree to
14 which the implementation of the initial de-
15 velopment phase addresses the objectives
16 and all elements of the Integrated Plan;

17 “(iii) identify the amount of Federal
18 funding and non-Federal contributions re-
19 ceived and expended during the period cov-
20 ered by the report;

21 “(iv) describe the pace of project de-
22 velopment during the period covered by the
23 report;

24 “(v) identify additional projects and
25 activities proposed for inclusion in any fu-

1 ture phase of the Integrated Plan to ad-
2 dress the objectives of the Integrated Plan,
3 as applied to all elements of the Integrated
4 Plan; and

5 “(vi) for water supply projects—

6 “(I) provide a preliminary discus-
7 sion of the means by which—

8 “(aa) water and costs asso-
9 ciated with each recommended
10 project would be allocated among
11 authorized uses; and

12 “(bb) those allocations
13 would be consistent with the ob-
14 jectives of the Integrated Plan;
15 and

16 “(II) establish a plan for solie-
17 iting and formalizing subscriptions
18 among individuals and entities for
19 participation in any of the rec-
20 ommended water supply projects that
21 will establish the terms for participa-
22 tion, including fiscal obligations asso-
23 ciated with subscription.

1 “(b) FINANCING, CONSTRUCTION, OPERATION, AND
2 MAINTENANCE OF KACHESS DROUGHT RELIEF PUMPING
3 PLANT AND K TO K PIPELINE.—

4 “(1) AGREEMENTS.—Long-term agreements ne-
5 gotiated between the Secretary and participating
6 proratable irrigation entities in the Yakima Basin
7 for the non-Federal financing, construction, oper-
8 ation, and maintenance of the Drought Relief Pump-
9 ing Plant and K to K Pipeline shall include provi-
10 sions regarding—

11 “(A) responsibilities of the participating
12 proratable irrigation entities for the planning,
13 design, and construction of infrastructure in
14 consultation and coordination with the Sec-
15 retary;

16 “(B) property titles and responsibilities of
17 the participating proratable irrigation entities
18 for the maintenance of and liability for all in-
19 frastructure constructed under this title;

20 “(C) operation and integration of the
21 projects by the Secretary in the operation of the
22 Yakima Project;

23 “(D) costs associated with the design, fi-
24 nancing, construction, operation, maintenance,
25 and mitigation of projects, with the costs of

1 Federal oversight and review to be nonreim-
2 bursable to the participating proratable irriga-
3 tion entities and the Yakima Project; and

4 “(E) responsibilities for the pumping and
5 operational costs necessary to provide the total
6 water supply available made inaccessible due to
7 drought pumping during the preceding 1 or
8 more calendar years, in the event that the
9 Kachess Reservoir fails to refill as a result of
10 pumping drought storage water during the pre-
11 ceding 1 or more calendar years, which shall re-
12 main the responsibility of the participating pro-
13 ratable irrigation entities.

14 “(2) USE OF KACHESS RESERVOIR STORED
15 WATER.—

16 “(A) IN GENERAL.—The additional stored
17 water made available by the construction of fa-
18 cilities to access and deliver inactive storage in
19 Kachess Reservoir under subsection
20 (a)(2)(A)(ii)(I) shall—

21 “(i) be considered to be Yakima
22 Project water;

23 “(ii) not be part of the total water
24 supply available, as that term is defined in
25 various court rulings; and

1 “(iii) be used exclusively by the Sec-
2 retary—

3 “(I) to enhance the water supply
4 in years when the total water supply
5 available is not sufficient to provide
6 70 percent of proratable entitlements
7 in order to make that additional water
8 available up to 70 percent of proratable
9 entitlements to the Kittitas Rec-
10 lamation District, the Roza Irrigation
11 District, or other proratable irrigation
12 entities participating in the construc-
13 tion, operation, and maintenance costs
14 of the facilities under this title under
15 such terms and conditions to which
16 the districts may agree, subject to the
17 conditions that—

18 “(aa) the Bureau of Indian
19 Affairs, the Wapato Irrigation
20 Project, and the Yakama Nation,
21 on an election to participate, may
22 also obtain water from Kachess
23 Reservoir inactive storage to en-
24 hance applicable existing irriga-
25 tion water supply in accordance

1 with such terms and conditions
2 to which the Bureau of Indian
3 Affairs and the Yakama Nation
4 may agree; and

5 “(bb) the additional supply
6 made available under this clause
7 shall be available to participating
8 individuals and entities in pro-
9 portion to the proratable entitle-
10 ments of the participating indi-
11 viduals and entities, or in such
12 other proportion as the partici-
13 pating entities may agree; and

14 “(II) to facilitate reservoir oper-
15 ations in the reach of the Yakima
16 River between Keechelus Dam and
17 Easton Dam for the propagation of
18 anadromous fish.

19 “(B) EFFECT OF PARAGRAPH.—Nothing
20 in this paragraph affects (as in existence on the
21 date of enactment of this section) any contract,
22 law (including regulations) relating to repay-
23 ment costs, water right, or Yakama Nation
24 treaty right.

1 “(3) COMMENCEMENT.—The Secretary shall
2 not commence entering into agreements pursuant to
3 subsection (a)(2)(A)(ii) or subsection (b)(1) or im-
4 plementing any activities pursuant to the agree-
5 ments before the date on which—

6 “(A) all applicable and required feasibility
7 studies, environmental reviews, and cost-benefit
8 analyses have been completed and include favor-
9 able recommendations for further project devel-
10 opment, including an analysis of—

11 “(i) the impacts of the agreements
12 and activities conducted pursuant to sub-
13 section (a)(2)(A)(ii) on adjacent commu-
14 nities, including potential fire hazards,
15 water access for fire districts, community
16 and homeowner wells, future water levels
17 based on projected usage, recreational val-
18 ues, and property values; and

19 “(ii) specific options and measures for
20 mitigating the impacts, as appropriate;

21 “(B) the Secretary has made the agree-
22 ments and any applicable project designs, oper-
23 ations plans, and other documents available for
24 public review and comment in the Federal Reg-
25 ister for a period of not less than 60 days; and

1 “(C) the Secretary has made a determina-
2 tion, consistent with applicable law, that the
3 agreements and activities to which the agree-
4 ments relate—

5 “(i) are in the public interest; and

6 “(ii) could be implemented without
7 significant adverse impacts to the environ-
8 ment.

9 “(4) ELECTRICAL POWER ASSOCIATED WITH
10 KACHESS DROUGHT RELIEF PUMPING PLANT.—

11 “(A) IN GENERAL.—The Administrator of
12 the Bonneville Power Administration, pursuant
13 to the Pacific Northwest Electric Power Plan-
14 ning and Conservation Act (16 U.S.C. 839 et
15 seq.), shall provide to the Secretary project
16 power to operate the Kachess Pumping Plant
17 constructed under this title if inactive storage
18 in Kachess Reservoir is needed to provide
19 drought relief for irrigation, subject to the re-
20 quirements of subparagraphs (B) and (C).

21 “(B) DETERMINATION.—Power may be
22 provided under subparagraph (A) only if—

23 “(i) there is in effect a drought dec-
24 laration issued by the State of Washington;

1 “(ii) there are conditions that have led
2 to 70 percent or less water delivery to pro-
3 ratale irrigation districts, as determined
4 by the Secretary; and

5 “(iii) the Secretary determines that it
6 is appropriate to provide power under that
7 subparagraph.

8 “(C) PERIOD OF AVAILABILITY.—Power
9 under subparagraph (A) shall be provided until
10 the date on which the Secretary determines that
11 power should no longer be provided under that
12 subparagraph, but for not more than a 1-year
13 period or the period during which the Secretary
14 determines that drought mitigation measures
15 are necessary in the Yakima River basin.

16 “(D) RATE.—The Administrator of the
17 Bonneville Power Administration shall provide
18 power under subparagraph (A) at the then-ap-
19 plicable lowest Bonneville Power Administration
20 rate for public body, cooperative, and Federal
21 agency customers firm obligations, which as of
22 the date of enactment of this section is the pri-
23 ority firm Tier 1 rate, and shall not include any
24 irrigation discount.

1 “(E) LOCAL PROVIDER.—During any pe-
2 riod in which power is not being provided under
3 subparagraph (A), the power needed to operate
4 the Kachess Pumping Plant shall be obtained
5 by the Secretary from a local provider.

6 “(F) COSTS.—The cost of power for such
7 pumping, station service power, and all costs of
8 transmitting power from the Federal Columbia
9 River Power System to the Yakima Enhance-
10 ment Project pumping facilities shall be borne
11 by irrigation districts receiving the benefits of
12 that water.

13 “(G) DUTIES OF COMMISSIONER.—The
14 Commissioner of Reclamation shall be respon-
15 sible for arranging transmission for deliveries of
16 Federal power over the Bonneville system
17 through applicable tariff and business practice
18 processes of the Bonneville system and for ar-
19 ranging transmission for deliveries of power ob-
20 tained from a local provider.

21 “(c) DESIGN AND USE OF GROUNDWATER RE-
22 CHARGE PROJECTS.—

23 “(1) IN GENERAL.—Any water supply that re-
24 sults from an aquifer storage and recovery project

1 shall not be considered to be a part of the total
2 water supply available if—

3 “(A) the water for the aquifer storage and
4 recovery project would not be available for use,
5 but instead for the development of the project;

6 “(B) the aquifer storage and recovery
7 project will not otherwise impair any water sup-
8 ply available for any individual or entity entitled
9 to use the total water supply available; and

10 “(C) the development of the aquifer stor-
11 age and recovery project will not impair fish or
12 other aquatic life in any localized stream reach.

13 “(2) PROJECT TYPES.—The Secretary may pro-
14 vide technical assistance for, and participate in, any
15 of the following 3 types of groundwater recharge
16 projects (including the incorporation of groundwater
17 recharge projects into Yakima Project operations, as
18 appropriate):

19 “(A) Aquifer recharge projects designed to
20 redistribute Yakima Project water within a
21 water year for the purposes of supplementing
22 stream flow during the irrigation season, par-
23 ticularly during storage control, subject to the
24 condition that if such a project is designed to
25 supplement a mainstem reach, the water supply

1 that results from the project shall be credited to
2 instream flow targets, in lieu of using the total
3 water supply available to meet those targets.

4 “(B) Aquifer storage and recovery projects
5 that are designed, within a given water year or
6 over multiple water years—

7 “(i) to supplement or mitigate for mu-
8 nicipal uses;

9 “(ii) to supplement municipal supply
10 in a subsurface aquifer; or

11 “(iii) to mitigate the effect of ground-
12 water use on instream flow or senior water
13 rights.

14 “(C) Aquifer storage and recovery projects
15 designed to supplement existing irrigation water
16 supply, or to store water in subsurface aquifers,
17 for use by the Kittitas Reclamation District,
18 the Roza Irrigation District, or any other pro-
19 ratable irrigation entity participating in the re-
20 payment of the construction, operation, and
21 maintenance costs of the facilities under this
22 section during years in which the total water
23 supply available is insufficient to provide to
24 those proratable irrigation entities all water to

1 which the entities are entitled, subject to the
2 conditions that—

3 “(i) the Bureau of Indian Affairs, the
4 Wapato Irrigation Project, and the
5 Yakama Nation, on an election to partici-
6 pate, may also obtain water from aquifer
7 storage to enhance applicable existing irri-
8 gation water supply in accordance with
9 such terms and conditions to which the
10 Bureau of Indian Affairs and the Yakama
11 Nation may agree; and

12 “(ii) nothing in this subparagraph af-
13 fects (as in existence on the date of enact-
14 ment of this section) any contract, law (in-
15 cluding regulations) relating to repayment
16 costs, water right, or Yakama Nation trea-
17 ty right.

18 “(d) FEDERAL COST-SHARE.—

19 “(1) IN GENERAL.—The Federal cost-share of a
20 project carried out under this section shall be deter-
21 mined in accordance with the applicable laws (in-
22 cluding regulations) and policies of the Bureau of
23 Reclamation.

24 “(2) INITIAL PHASE.—The Federal cost-share
25 for the initial development phase of the Integrated

1 Plan shall not exceed 50 percent of the total cost of
2 the initial development phase.

3 “(3) STATE AND OTHER CONTRIBUTIONS.—The
4 Secretary may accept as part of the non-Federal
5 cost-share of a project carried out under this section,
6 and expend as if appropriated, any contribution (in-
7 cluding in-kind services) by the State of Washington
8 or any other individual or entity that the Secretary
9 determines will enhance the conduct and completion
10 of the project.

11 “(4) LIMITATION ON USE OF OTHER FEDERAL
12 FUNDS.—Except as otherwise provided in this title,
13 other Federal funds may not be used to provide the
14 non-Federal cost-share of a project carried out
15 under this section.

16 “(e) SAVINGS AND CONTINGENCIES.—Nothing in this
17 section shall—

18 “(1) be a new or supplemental benefit for pur-
19 poses of the Reclamation Reform Act of 1982 (43
20 U.S.C. 390aa et seq.);

21 “(2) affect any contract in existence on the date
22 of enactment of the Yakima River Basin Water En-
23 hancement Project Phase III Act of 2016 that was
24 executed pursuant to the reclamation laws;

1 “(3) affect any contract or agreement between
2 the Bureau of Indian Affairs and the Bureau of
3 Reclamation;

4 “(4) affect, waive, abrogate, diminish, define, or
5 interpret the treaty between the Yakama Nation and
6 the United States; or

7 “(5) constrain the continued authority of the
8 Secretary to provide fish passage in the Yakima
9 Basin in accordance with the Hoover Power Plant
10 Act of 1984 (43 U.S.C. 619 et seq.).

11 **“SEC. 1214. OPERATIONAL CONTROL OF WATER SUPPLIES.**

12 “The Secretary shall retain authority and discretion
13 over the management of project supplies to optimize oper-
14 ational use and flexibility to ensure compliance with all
15 applicable Federal and State laws, treaty rights of the
16 Yakama Nation, and legal obligations, including those
17 contained in this Act. That authority and discretion in-
18 cludes the ability of the United States to store, deliver,
19 conserve, and reuse water supplies deriving from projects
20 authorized under this title.”.

21 **Subpart B—Klamath Project Water and Power**

22 **SEC. 10329. KLAMATH PROJECT.**

23 (a) ADDRESSING WATER MANAGEMENT AND POWER
24 COSTS FOR IRRIGATION.—The Klamath Basin Water

1 Supply Enhancement Act of 2000 (Public Law 106–498;
2 114 Stat. 2221) is amended—

3 (1) by redesignating sections 4 through 6 as
4 sections 5 through 7, respectively; and

5 (2) by inserting after section 3 the following:

6 **“SEC. 4. POWER AND WATER MANAGEMENT.**

7 “(a) DEFINITIONS.—In this section:

8 “(1) COVERED POWER USE.—The term ‘covered
9 power use’ means a use of power to develop or man-
10 age water for irrigation, wildlife purposes, or drain-
11 age on land that is—

12 “(A) associated with the Klamath Project,
13 including land within a unit of the National
14 Wildlife Refuge System that receives water due
15 to the operation of Klamath Project facilities;
16 or

17 “(B) irrigated by the class of users covered
18 by the agreement dated April 30, 1956, be-
19 tween the California Oregon Power Company
20 and Klamath Basin Water Users Protective As-
21 sociation and within the Off Project Area (as
22 defined in the Upper Basin Comprehensive
23 Agreement entered into on April 18, 2014),
24 only if each applicable owner and holder of a
25 possessory interest of the land is a party to that

1 agreement (or a successor agreement that the
2 Secretary determines provides a comparable
3 benefit to the United States).

4 “(2) KLAMATH PROJECT.—

5 “(A) IN GENERAL.—The term ‘Klamath
6 Project’ means the Bureau of Reclamation
7 project in the States of California and Oregon.

8 “(B) INCLUSIONS.—The term ‘Klamath
9 Project’ includes any dams, canals, and other
10 works and interests for water diversion, storage,
11 delivery, and drainage, flood control, and simi-
12 lar functions that are part of the project de-
13 scribed in subparagraph (A).

14 “(3) POWER COST BENCHMARK.—The term
15 ‘power cost benchmark’ means the average net deliv-
16 ered cost of power for irrigation and drainage at
17 Reclamation projects in the area surrounding the
18 Klamath Project that are similarly situated to the
19 Klamath Project, including Reclamation projects
20 that—

21 “(A) are located in the Pacific Northwest;

22 and

23 “(B) receive project-use power.

24 “(b) WATER, ENVIRONMENTAL, AND POWER ACTIVI-
25 TIES.—

1 “(1) IN GENERAL.—Pursuant to the reclama-
2 tion laws and subject to appropriations and required
3 environmental reviews, the Secretary may carry out
4 activities, including entering into an agreement or
5 contract or otherwise making financial assistance
6 available—

7 “(A) to plan, implement, and administer
8 programs to align water supplies and demand
9 for irrigation water users associated with the
10 Klamath Project, with a primary emphasis on
11 programs developed or endorsed by local enti-
12 ties comprised of representatives of those water
13 users;

14 “(B) to plan and implement activities and
15 projects that—

16 “(i) avoid or mitigate environmental
17 effects of irrigation activities; or

18 “(ii) restore habitats in the Klamath
19 Basin watershed, including restoring tribal
20 fishery resources held in trust; and

21 “(C) to limit the net delivered cost of
22 power for covered power uses.

23 “(2) EFFECT.—Nothing in subparagraph (A)
24 or (B) of paragraph (1) authorizes the Secretary—

1 “(A) to develop or construct new facilities
2 for the Klamath Project without appropriate
3 approval from Congress under section 9 of the
4 Reclamation Projects Act of 1939 (43 U.S.C.
5 485h); or

6 “(B) to carry out activities that have not
7 otherwise been authorized.

8 “(c) REDUCING POWER COSTS.—

9 “(1) IN GENERAL.—Not later than 180 days
10 after the date of enactment of the Energy Policy
11 Modernization Act of 2016, the Secretary, in con-
12 sultation with interested irrigation interests that are
13 eligible for covered power use and representative or-
14 ganizations of those interests, shall submit to the
15 Committee on Energy and Natural Resources of the
16 Senate and the Committee on Natural Resources of
17 the House of Representatives a report that—

18 “(A) identifies the power cost benchmark;
19 and

20 “(B) recommends actions that, in the judg-
21 ment of the Secretary, are necessary and appro-
22 priate to ensure that the net delivered power
23 cost for covered power use is equal to or less
24 than the power cost benchmark, including a de-
25 scription of—

1 “(i) actions to immediately reduce
2 power costs and to have the net delivered
3 power cost for covered power use be equal
4 to or less than the power cost benchmark
5 in the near term, while longer-term actions
6 are being implemented;

7 “(ii) actions that prioritize water and
8 power conservation and efficiency measures
9 and, to the extent actions involving the de-
10 velopment or acquisition of power genera-
11 tion are included, renewable energy tech-
12 nologies (including hydropower);

13 “(iii) the potential costs and timeline
14 for the actions recommended under this
15 subparagraph;

16 “(iv) provisions for modifying the ac-
17 tions and timeline to adapt to new infor-
18 mation or circumstances; and

19 “(v) a description of public input re-
20 garding the proposed actions, including
21 input from water users that have covered
22 power use and the degree to which those
23 water users concur with the recommenda-
24 tions.

1 “(2) IMPLEMENTATION.—Not later than 180
2 days after the date of submission of the report
3 under paragraph (1), the Secretary shall implement
4 those recommendations described in the report that
5 the Secretary determines will ensure that the net de-
6 livered power cost for covered power use is equal to
7 or less than the power cost benchmark, subject to
8 availability of appropriations, on the fastest prac-
9 ticable timeline.

10 “(3) ANNUAL REPORTS.—The Secretary shall
11 submit to each Committee described in paragraph
12 (1) annual reports describing progress achieved in
13 meeting the requirements of this subsection.

14 “(d) TREATMENT OF POWER PURCHASES.—

15 “(1) IN GENERAL.—Any purchase of power by
16 the Secretary under this section shall be considered
17 to be an authorized sale for purposes of section
18 5(b)(3) of the Pacific Northwest Electric Power
19 Planning and Conservation Act (16 U.S.C.
20 839c(b)(3)).

21 “(2) EFFECT.—Nothing in this section author-
22 izes the Bonneville Power Administration to make a
23 sale of power from the Federal Columbia River
24 Power System at rates, terms, or conditions better

1 than those afforded preference customers of the
2 Bonneville Power Administration.

3 “(e) GOALS.—The goals of activities under sub-
4 sections (b) and (c) shall include, as applicable—

5 “(1) the short-term and long-term reduction
6 and resolution of conflicts relating to water in the
7 Klamath Basin watershed; and

8 “(2) compatibility and utility for protecting nat-
9 ural resources throughout the Klamath Basin water-
10 shed, including the protection, preservation, and res-
11 toration of Klamath River tribal fishery resources,
12 particularly through collaboratively developed agree-
13 ments.

14 “(f) PUMPING PLANT D.—The Secretary may enter
15 into 1 or more agreements with the Tulelake Irrigation
16 District to reimburse the Tulelake Irrigation District for
17 not more than 69 percent of the cost incurred by the
18 Tulelake Irrigation District for the operation and mainte-
19 nance of Pumping Plant D, on the condition that the cost
20 benefits the United States.”.

21 (b) CONVEYANCE OF NON-PROJECT WATER; RE-
22 PLACEMENT OF C CANAL.—

23 (1) DEFINITION OF KLAMATH PROJECT.—In
24 this subsection:

1 (A) IN GENERAL.—The term “Klamath
2 Project” means the Bureau of Reclamation
3 project in the States of California and Oregon.

4 (B) INCLUSIONS.—The term “Klamath
5 Project” includes any dams, canals, and other
6 works and interests for water diversion, storage,
7 delivery, and drainage, flood control, and simi-
8 lar functions that are part of the project de-
9 scribed in subparagraph (A).

10 (2) CONVEYANCE OF NON-PROJECT WATER.—

11 (A) IN GENERAL.—An entity operating
12 under a contract entered into with the United
13 States for the operation and maintenance of
14 Klamath Project works or facilities, and an en-
15 tity operating any work or facility not owned by
16 the United States that receives Klamath Project
17 water, may use any of the Klamath Project
18 works or facilities to convey non-Klamath
19 Project water for any authorized purpose of the
20 Klamath Project, subject to subparagraphs (B)
21 and (C).

22 (B) PERMITS; MEASUREMENT.—An addi-
23 tion, conveyance, and use of water pursuant to
24 subparagraph (A) shall be subject to the re-
25 quirements that—

1 (i) the applicable entity shall secure
2 all permits required under State or local
3 laws; and

4 (ii) all water delivered into, or taken
5 out of, a Klamath Project facility pursuant
6 to that subparagraph shall be measured.

7 (C) EFFECT.—A use of non-Klamath
8 Project water under this paragraph shall not—

9 (i) adversely affect the delivery of
10 water to any water user or land served by
11 the Klamath Project; or

12 (ii) result in any additional cost to the
13 United States.

14 (3) REPLACEMENT OF C CANAL FLUME.—The
15 replacement of the C Canal flume within the Klam-
16 ath Project shall be considered to be, and shall re-
17 ceive the treatment authorized for, emergency ex-
18 traordinary operation and maintenance work in ac-
19 cordance with Federal reclamation law (the Act of
20 June 17, 1902 (32 Stat. 388, chapter 1093), and
21 Acts supplemental to and amendatory of that Act
22 (43 U.S.C. 371 et seq.)).

23 (c) ADMINISTRATION.—

1 (1) COMPLIANCE.—In implementing this sec-
 2 tion and the amendments made by this section, the
 3 Secretary of the Interior shall comply with—

4 (A) the National Environmental Policy Act
 5 of 1969 (42 U.S.C. 4321 et seq.);

6 (B) the Endangered Species Act of 1973
 7 (16 U.S.C. 1531 et seq.); and

8 (C) all other applicable laws.

9 (2) EFFECT.—Nothing in this section—

10 (A) modifies the authorities or obligations
 11 of the United States with respect to the tribal
 12 trust and treaty obligations of the United
 13 States; or

14 (B) creates or determines water rights or
 15 affects water rights or water right claims in ex-
 16 istence on the date of enactment of this Act.

17 **PART IV—RESERVOIR OPERATION**

18 **IMPROVEMENT**

19 **SEC. 10331. RESERVOIR OPERATION IMPROVEMENT.**

20 (a) DEFINITIONS.—In this section:

21 (1) RESERVED WORKS.—The term “reserved
 22 works” means any Bureau of Reclamation project
 23 facility at which the Secretary of the Interior carries
 24 out the operation and maintenance of the project fa-
 25 cility.

1 (2) SECRETARY.—The term “Secretary” means
2 the Secretary of the Army.

3 (3) TRANSFERRED WORKS.—The term “trans-
4 ferred works” means a Bureau of Reclamation
5 project facility, the operation and maintenance of
6 which is carried out by a non-Federal entity, under
7 the provisions of a formal operation and mainte-
8 nance transfer contract.

9 (4) TRANSFERRED WORKS OPERATING ENTI-
10 TY.—The term “transferred works operating entity”
11 means the organization that is contractually respon-
12 sible for operation and maintenance of transferred
13 works.

14 (b) REPORT.—Not later than 360 days after the date
15 of enactment of this Act, the Secretary shall submit to
16 the Committees on Appropriations of the Senate and the
17 House of Representatives, the Committee on Environment
18 and Public Works of the Senate, and the Committee on
19 Transportation and Infrastructure of the House of Rep-
20 resentatives a report including, for any State in which a
21 county designated by the Secretary of Agriculture as a
22 drought disaster area during water year 2015 is located,
23 a list of projects, including Corps of Engineers projects,
24 and those non-Federal projects and transferred works that
25 are operated for flood control in accordance with rules pre-

1 scribed by the Secretary pursuant to section 7 of the Act
2 of December 22, 1944 (commonly known as the “Flood
3 Control Act of 1944”) (58 Stat. 890, chapter 665), includ-
4 ing, as applicable—

5 (1) the year the original water control manual
6 was approved;

7 (2) the year for any subsequent revisions to the
8 water control plan and manual of the project;

9 (3) a list of projects for which—

10 (A) operational deviations for drought con-
11 tingency have been requested;

12 (B) the status of the request; and

13 (C) a description of how water conserva-
14 tion and water quality improvements were ad-
15 dressed; and

16 (4) a list of projects for which permanent or
17 seasonal changes to storage allocations have been re-
18 quested, and the status of the request.

19 (c) PROJECT IDENTIFICATION.—Not later than 60
20 days after the date of completion of the report under sub-
21 section (b), the Secretary shall identify any projects de-
22 scribed in the report—

23 (1) for which the modification of the water op-
24 erations manuals, including flood control rule curve,
25 would be likely to enhance existing authorized

1 project purposes, including for water supply benefits
2 and flood control operations;

3 (2) for which the water control manual and
4 hydrometeorological information establishing the
5 flood control rule curves of the project have not been
6 substantially revised during the 15-year period end-
7 ing on the date of review by the Secretary; and

8 (3) for which the non-Federal sponsor or spon-
9 sors of a Corps of Engineers project, the owner of
10 a non-Federal project, or the non-Federal trans-
11 ferred works operating entity, as applicable, has sub-
12 mitted to the Secretary a written request to revise
13 water operations manuals, including flood control
14 rule curves, based on the use of improved weather
15 forecasting or run-off forecasting methods, new wa-
16 tershed data, changes to project operations, or struc-
17 tural improvements.

18 (d) PILOT PROJECTS.—

19 (1) IN GENERAL.—Not later than 1 year after
20 the date of identification of projects under sub-
21 section (c), if any, the Secretary shall carry out not
22 fewer than 15 pilot projects, which shall include not
23 less than 6 non-Federal projects, to implement revi-
24 sions of water operations manuals, including flood

1 control rule curves, based on the best available
2 science, which may include—

3 (A) forecast-informed operations;

4 (B) new watershed data; and

5 (C) if applicable, in the case of non-Fed-
6 eral projects, structural improvements.

7 (2) CONSULTATION.—In implementing a pilot
8 project under this subsection, the Secretary shall
9 consult with all affected interests, including—

10 (A) non-Federal entities responsible for op-
11 erations and maintenance costs of a Federal fa-
12 cility;

13 (B) individuals and entities with storage
14 entitlements; and

15 (C) local agencies with flood control re-
16 sponsibilities downstream of a facility.

17 (e) COORDINATION WITH NON-FEDERAL PROJECT
18 ENTITIES.—If a project identified under subsection (c)
19 is—

20 (1) a non-Federal project, the Secretary, prior
21 to carrying out an activity under this section,
22 shall—

23 (A) consult with the non-Federal project
24 owner; and

1 (B) enter into a cooperative agreement,
2 memorandum of understanding, or other agree-
3 ment with the non-Federal project owner de-
4 scribing the scope and goals of the activity and
5 the coordination among the parties; and

6 (2) a Federal project, the Secretary, prior to
7 carrying out an activity under this section, shall—

8 (A) consult with each Federal and non-
9 Federal entity (including a municipal water dis-
10 trict, irrigation district, joint powers authority,
11 transferred works operating entity, or other
12 local governmental entity) that currently—

13 (i) manages (in whole or in part) a
14 Federal dam or reservoir; or

15 (ii) is responsible for operations and
16 maintenance costs; and

17 (B) enter into a cooperative agreement,
18 memorandum of understanding, or other agree-
19 ment with each such entity describing the scope
20 and goals of the activity and the coordination
21 among the parties.

22 (f) CONSIDERATION.—In designing and imple-
23 menting a forecast-informed reservoir operations plan
24 under subsection (d) or (g), the Secretary may consult
25 with the appropriate agencies within the Department of

1 the Interior and the Department of Commerce with exper-
2 tise in atmospheric, meteorological, and hydrologic science
3 to consider—

4 (1) the relationship between ocean and atmos-
5 pheric conditions, including—

6 (A) the El Niño and La Niña cycles; and

7 (B) the potential for above-normal, normal,
8 and below-normal rainfall for the coming water
9 year, including consideration of atmospheric
10 river forecasts;

11 (2) the precipitation and runoff index specific
12 to the basin and watershed of the relevant dam or
13 reservoir, including incorporating knowledge of
14 hydrological and meteorological conditions that influ-
15 ence the timing and quantity of runoff;

16 (3) improved hydrologic forecasting for precipi-
17 tation, snowpack, and soil moisture conditions;

18 (4) an adjustment of operational flood control
19 rule curves to optimize water supply storage and re-
20 liability, hydropower production, environmental bene-
21 fits for flows and temperature, and other authorized
22 project benefits, without a reduction in flood safety;
23 and

24 (5) proactive management in response to
25 changes in forecasts.

1 (g) FUNDING.—The Secretary may accept and ex-
2 pend amounts from non-Federal entities and other Fed-
3 eral agencies to fund all or a portion of the cost of car-
4 rying out a review or revision of operational documents,
5 including water control plans, water control manuals,
6 water control diagrams, release schedules, rule curves,
7 operational agreements with non-Federal entities, and any
8 associated environmental documentation for—

- 9 (1) a Corps of Engineers project;
10 (2) a non-Federal project regulated for flood
11 control by the Secretary; or
12 (3) a Bureau of Reclamation transferred works
13 regulated for flood control by the Secretary.

14 (h) EFFECT.—

15 (1) MANUAL REVISIONS.—A revision of a man-
16 ual shall not interfere with the authorized purposes
17 of a Federal project or the existing purposes of a
18 non-Federal project regulated for flood control by
19 the Secretary.

20 (2) EFFECT OF SECTION.—

21 (A) Nothing in this section authorizes the
22 Secretary to carry out, at a Federal dam or res-
23 ervoir, any project or activity for a purpose not
24 otherwise authorized as of the date of enact-
25 ment of this Act.

1 (B) Nothing in this section affects or
2 modifies any obligation of the Secretary under
3 State law.

4 (C) Nothing in this section affects or modi-
5 fies any obligation to comply with any applica-
6 ble Federal law.

7 (3) BUREAU OF RECLAMATION RESERVED
8 WORKS EXCLUDED.—This section—

9 (A) shall not apply to any dam or reservoir
10 operated by the Bureau of Reclamation as a re-
11 served work, unless all non-Federal project
12 sponsors of a reserved work jointly provide to
13 the Secretary a written request for application
14 of this section to the project; and

15 (B) shall apply only to Bureau of Reclama-
16 tion transferred works at the written request of
17 the transferred works operating entity.

18 (4) PRIOR STUDIES.—The Secretary shall—

19 (A) to the maximum extent practicable, co-
20 ordinate the efforts of the Secretary in carrying
21 out subsections (b), (c), and (d) with the efforts
22 of the Secretary in completing—

23 (i) the report required under section
24 1046(a)(2)(A) of the Water Resources Re-
25 form and Development Act of 2014 (33

1 U.S.C. 2319 note; Public Law 113–121);

2 and

3 (ii) the updated report required under

4 subsection (a)(2)(B) of that section; and

5 (B) if the reports are available before the

6 date on which the Secretary carries out the ac-

7 tions described in subsections (b), (c), and (d),

8 consider the findings of the reports described in

9 clauses (i) and (ii) of subparagraph (A).

10 (i) MODIFICATIONS TO MANUALS AND CURVES.—Not

11 later than 180 days after the date of completion of a modi-

12 fication to an operations manual or flood control rule

13 curve, the Secretary shall submit to the Committee on En-

14 vironment and Public Works of the Senate and the Com-

15 mittee on Transportation and Infrastructure of the House

16 of Representatives a report regarding the components of

17 the forecast-based reservoir operations plan incorporated

18 into the change.

19 **PART V—HYDROELECTRIC PROJECTS**

20 **SEC. 10341. TERROR LAKE HYDROELECTRIC PROJECT**

21 **UPPER HIDDEN BASIN DIVERSION AUTHOR-**

22 **IZATION.**

23 (a) DEFINITIONS.—In this section:

24 (1) TERROR LAKE HYDROELECTRIC

25 PROJECT.—The term “Terror Lake Hydroelectric

1 Project” means the project identified in section 1325
2 of the Alaska National Interest Lands Conservation
3 Act (16 U.S.C. 3212), and which is Federal Energy
4 Regulatory Commission project number 2743.

5 (2) UPPER HIDDEN BASIN DIVERSION EXPAN-
6 SION.—The term “Upper Hidden Basin Diversion
7 Expansion” means the expansion of the Terror Lake
8 Hydroelectric Project as generally described in Ex-
9 hibit E to the Upper Hidden Basin Grant Applica-
10 tion dated July 2, 2014 and submitted to the Alaska
11 Energy Authority Renewable Energy Fund Round
12 VIII by Kodiak Electric Association, Inc.

13 (b) AUTHORIZATION.—The licensee for the Terror
14 Lake Hydroelectric Project may occupy not more than 20
15 acres of Federal land to construct, operate, and maintain
16 the Upper Hidden Basin Diversion Expansion without fur-
17 ther authorization of the Secretary of the Interior or
18 under the Alaska National Interest Lands Conservation
19 Act (16 U.S.C. 3101 et seq.).

20 (c) SAVINGS CLAUSE.—The Upper Hidden Basin Di-
21 version Expansion shall be subject to appropriate terms
22 and conditions included in an amendment to a license
23 issued by the Federal Energy Regulatory Commission pur-
24 suant to the Federal Power Act (16 U.S.C. 791a et seq.),
25 including section 4(e) of that Act (16 U.S.C. 797(e)), fol-

1 lowing an environmental review by the Commission under
2 the National Environmental Policy Act of 1969 (42 U.S.C.
3 4321 et seq.).

4 **SEC. 10342. STAY AND REINSTATEMENT OF FERC LICENSE**
5 **NO. 11393 FOR THE MAHONEY LAKE HYDRO-**
6 **ELECTRIC PROJECT.**

7 (a) DEFINITIONS.—In this section:

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

10 (2) LICENSE.—The term “license” means the
11 license for Commission project number 11393.

12 (3) LICENSEE.—The term “licensee” means the
13 holder of the license.

14 (b) STAY OF LICENSE.—On the request of the li-
15 censee, the Commission shall issue an order continuing the
16 stay of the license.

17 (c) LIFTING OF STAY.—On the request of the li-
18 censee, but not later than 10 years after the date of enact-
19 ment of this Act, the Commission shall—

20 (1) issue an order lifting the stay of the license
21 under subsection (b); and

22 (2) make the effective date of the license the
23 date on which the stay is lifted under paragraph (1).

24 (d) EXTENSION OF LICENSE.—On the request of the
25 licensee and notwithstanding the time period specified in

1 section 13 of the Federal Power Act (16 U.S.C. 806) for
2 commencement of construction of the project subject to
3 the license, the Commission shall, after reasonable notice
4 and in accordance with the good faith, due diligence, and
5 public interest requirements of that section, extend the
6 time period during which the licensee is required to com-
7 mence the construction of the project for not more than
8 3 consecutive 2-year periods, notwithstanding any other
9 provision of law.

10 (e) EFFECT.—Nothing in this section prioritizes, or
11 creates any advantage or disadvantage to, Commission
12 project number 11393 under Federal law, including the
13 Federal Power Act (16 U.S.C. 791a et seq.) or the Public
14 Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601
15 et seq.), as compared to—

16 (1) any electric generating facility in existence
17 on the date of enactment of this Act; or

18 (2) any electric generating facility that may be
19 examined, proposed, or developed during the period
20 of any stay or extension of the license under this
21 section.

22 **SEC. 10343. EXTENSION OF DEADLINE FOR HYDRO-**
23 **ELECTRIC PROJECT.**

24 (a) IN GENERAL.—Notwithstanding the time period
25 specified in section 13 of the Federal Power Act (16

1 U.S.C. 806) that would otherwise apply to the Federal En-
2 ergy Regulatory Commission (referred to in this section
3 as the “Commission”) project numbered 12642, the Com-
4 mission may, at the request of the licensee for the project,
5 and after reasonable notice, in accordance with the good
6 faith, due diligence, and public interest requirements of
7 that section and the procedures of the Commission under
8 that section, extend the time period during which the li-
9 censee is required to commence the construction of the
10 project for up to 3 consecutive 2-year periods from the
11 date of the expiration of the extension originally issued
12 by the Commission.

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

17 (1) the Commission shall reinstate the license
18 effective as of the date of the expiration of the li-
19 cense; and

20 (2) the first extension authorized under sub-
21 section (a) shall take effect on that expiration date.

22 **SEC. 10344. EXTENSION OF DEADLINE FOR CERTAIN OTHER**
23 **HYDROELECTRIC PROJECTS.**

24 (a) IN GENERAL.—Notwithstanding the time period
25 specified in section 13 of the Federal Power Act (16

1 U.S.C. 806) that would otherwise apply to the Federal En-
2 ergy Regulatory Commission (referred to in this section
3 as the “Commission”) projects numbered 12737 and
4 12740, the Commission may, at the request of the licensee
5 for the applicable project, and after reasonable notice, in
6 accordance with the good faith, due diligence, and public
7 interest requirements of that section and the procedures
8 of the Commission under that section, extend the time pe-
9 riod during which the licensee is required to commence
10 the construction of the applicable project for up to 3 con-
11 secutive 2-year periods from the date of the expiration of
12 the extension originally issued by the Commission.

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

17 (1) the Commission may reinstate the license
18 for the applicable project effective as of the date of
19 the expiration of the license; and

20 (2) the first extension authorized under sub-
21 section (a) shall take effect on that expiration.

22 **SEC. 10345. EQUUS BEDS DIVISION EXTENSION.**

23 Section 10(h) of Public Law 86–787 (74 Stat. 1026;
24 120 Stat. 1474) is amended by striking “10 years” and
25 inserting “20 years”.

1 **SEC. 10346. EXTENSION OF TIME FOR A FEDERAL ENERGY**
2 **REGULATORY COMMISSION PROJECT IN-**
3 **VOLVING CANNONSVILLE DAM.**

4 (a) IN GENERAL.—Notwithstanding the time period
5 specified in section 13 of the Federal Power Act (16
6 U.S.C. 806) that would otherwise apply to the Federal En-
7 ergy Regulatory Commission project numbered 13287, the
8 Federal Energy Regulatory Commission (referred to in
9 this section as the “Commission”) may, at the request of
10 the licensee for the project, and after reasonable notice,
11 in accordance with the good faith, due diligence, and pub-
12 lic interest requirements of that section and the proce-
13 dures of the Commission under that section, extend the
14 time period during which the licensee is required to com-
15 mence construction of the project for up to 4 consecutive
16 2-year periods after the required date of the commence-
17 ment of construction described in Article 301 of the li-
18 cense.

19 (b) REINSTATEMENT OF EXPIRED LICENSE.—

20 (1) IN GENERAL.—If the required date of the
21 commencement of construction described in sub-
22 section (a) has expired prior to the date of enact-
23 ment of this Act, the Commission may reinstate the
24 license effective as of that date of expiration.

25 (2) EXTENSION.—If the Commission reinstates
26 the license under paragraph (1), the first extension

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

3 **PART VI—PUMPED STORAGE HYDROPOWER**

4 **COMPENSATION**

5 **SEC. 10351. PUMPED STORAGE HYDROPOWER COMPENSA-**
6 **TION.**

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

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

14 (2) properly compensate those assets for the
15 full range of services provided to the power grid, in-
16 cluding—

17 (A) balancing electricity supply and de-
18 mand;

19 (B) ensuring grid reliability; and

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

Passed the Senate April 20, 2016.

Attest:

Secretary.

114TH CONGRESS
2^D SESSION

S. 2012

AN ACT

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