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SEC. 1 SHORT TITLE.
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TITLE I—MODERNIZING AND PROTECTING INFRASTRUCTURE
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SEC. 1101. FERC PROCESS COORDINATION.
Section 15 of the Natural Gas Act (15 U.S.C. 717n) is amended—

(1) by amending subsection (b)(2) to read as follows:

(2) OTHER AGENCIES.—(A) IN GENERAL.—Each Federal and State agency considering an aspect of an application for Federal authorization shall cooperate with the Commission and comply with the deadlines established by the Commission.

(B) IDENTIFICATION.—The Commission shall identify, as early as practicable after it is notified by a prospective applicant of a potential project requiring Commission authorization, any Federal or State agency, local government, or Indian tribe that may consider an aspect of an application for Federal authorization.

(C) NOTICE.—(i) IN GENERAL.—The Commission shall notify any agency identified under subparagraph (B) of the opportunity to cooperate or participate in the review process.

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

(2) in subsection (c)—

(A) in paragraph (1)—

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

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

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

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

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

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

(3) CONCURRENT REVIEW.—Each Federal and State agency considering an aspect of an application for a Federal authorization shall—

(A) carry out the obligations of that agency under applicable law concurrently, and in conjunction, with the review required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), unless doing so would impair the ability of the agency to conduct needed analysis or otherwise carry out those obligations;

(B) formulate and implement administrative, policy, and procedural mechanisms to enable the agency to ensure completion of required Federal authorizations no later than 90 days after the Commission issues its final environmental document; and

(C) transmit to the Commission a statement—

(i) acknowledging receipt of the schedule established under paragraph (1); and

(ii) setting forth the schedule mandated under subparagraph (B) of this paragraph.

(4) ISSUE IDENTIFICATION AND RESOLUTION.—

(A) IDENTIFICATION.—Federal and State agencies that may consider an aspect of an application for Federal authorization shall identify, as early as possible, any issues of concern that may delay or prevent an agency from working with the Commission to resolve such issues and granting such authorization.

(B) ISSUE RESOLUTION.—The Commission may forward any issue of concern identified under subparagraph (A) to the heads of the relevant agencies (including, in the case of a failure by the State agency, the Federal agency overseeing the delegated authority) for resolution.

(5) FAILURE TO MEET SCHEDULE.—If a Federal or State agency does not complete a proceeding for an approval that is required for a Federal authorization in accordance with the schedule established by the Commission under paragraph (1)—

(1) the applicant may pursue remedies under section 16(d); and

(2) the head of the relevant Federal agency (including, in the case of a failure by a State agency, the Federal agency overseeing the delegated authority) shall notify Congress and the Commission of such failure and set forth a recommended implementation plan to ensure completion of the proceeding for an approval.”; and

(3) by redesignating subsections (d) through (j) as subsections (g) through (i), respectively; and

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

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

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

“(f) ACCOUNTABILITY, TRANSPARENCY, EFFICIENCY.—For applications requiring multiple Federal authorizations, the Commission, with input from any Federal or State agency considering an aspect of an application, shall track
and make available to the public on the Commission’s website information related to the actions required to complete permitting, reviews, and other actions required. Such information shall include: 

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

“(2) A list of all the actions required by each applicant, complete permitting reviews, and other actions necessary to obtain a final decision on the Federal authorization.

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

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

“(5) The Commission’s website information related to the action.

“SEC. 1102. RESOLVING ENVIRONMENTAL AND NATIONAL SECURITY CONFLICTS.

(a) COMPLIANCE WITH OR VIOLATION OF ENVIRONMENTAL LAWS WHILE UNDER EMERGENCY ORDER.—Section 202(c) of the Federal Power Act (16 U.S.C. 824c(c)) is amended—

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

(2) by adding at the end the following:

“(c) Nothing in this subsection that may result in a conflict with a requirement of any Federal, State, or local environmental law or regulation, the Commission shall not comply with such order requiring construction, delivery, interconnection, or transmission of electric energy only during hours necessary to meet the emergency and serve the public interest, and to the extent practicable, is consistent with any applicable Federal, State, or local environmental law or regulation, and minimizes any adverse environmental impacts.

“SEC. 1104. CRITICAL ELECTRIC INFRASTRUCTURE SECURITY.

(a) CRITICAL ELECTRIC INFRASTRUCTURE SECURITY.—The term ‘critical electric infrastructure’ means information that qualifies as critical security information, that is designated as critical infrastructure information by a Federal agency, other than classified national security information, that is designated as critical infrastructure information by the Commission under subsection (d)(2). Such term includes information that qualifies as critical energy infrastructure information under the Commission’s regulations.

(b) TEMPORARY CONNCTION OR CONSTRUCTION BY MUNICIPALITIES.—Section 202(d) of the Federal Power Act (16 U.S.C. 824d(d)) is amended by inserting “or municipality” before “energy requirement of the transmission or sale of electric energy”.

“SEC. 1103. EMERGENCY PREPAREDNESS FOR ENERGY SUPPLY DISRUPTIONS.

(a) FINDINGS.—There is a national emergency in that recent natural disasters have underscored the importance of having resilient oil and natural gas infrastructure and energy storage and effective ways for the industry and government to communicate to address energy supply disruptions.

(b) AUTHORIZATION FOR ACTIVITIES TO ENHANCE EMERGENCY PREPAREDNESS FOR NATURAL DISASTERS.—The term ‘Energy’ shall develop and adopt procedures to—

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

(2) leverage the Energy Information Administration’s subject matter expertise within the Department’s energy response team to improve supply chain situation assessments;

(3) establish company liaisons and direct communication with the Department’s energy response team to improve situation assessments;

(4) streamline processes for obtaining temporary regulatory relief to speed up emergency response and recovery;

(5) facilitate and increase engagement among States, the oil and natural gas industry, the energy storage industry, and the Department in developing State and local emergency plans;

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

(7) involve States, the energy storage industry, and the oil and natural gas industry in comprehensive drill and exercise programs.

(c) COOPERATION.—The activities carried out under subsection (b) are collaborative efforts with States and local government officials and the private sector.

(d) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Energy shall submit to Congress a report describing the effectiveness of the activities authorized under this section.

“SEC. 215A. CRITICAL ELECTRIC INFRASTRUCTURE INIZATION BY MUNICIPALITIES.—Section 202(d) of the Federal Power Act (16 U.S.C. 824d) is amended by inserting “or municipality” before “energy”.

“(2) CRITICAL ELECTRIC INFRASTRUCTURE.—

(1) BULK-POWER SYSTEM; ELECTRIC RELIABILITY ORGANIZATION; REGIONAL ENTITY.—The terms ‘bulk-power system’, ‘Electric Reliability Organization’, and ‘regional entity’ have the meanings given such terms in paragraphs (1), and (2) of section 1104(a), respectively.

(2) CRITICAL ELECTRIC INFRASTRUCTURE.—The term ‘critical electric infrastructure’ means a system or asset of the bulk-power system, physical or virtual, which provides an essential service or function to the bulk-power system, whether physical or virtual, the incapacity or destruction of which would negatively affect national security, economic security, public health or safety, or any combination of such matters.

(3) CRITICAL ELECTRIC INFRASTRUCTURE INFORMATION.—The term ‘critical electric infrastructure information’ means information related to critical electric infrastructure, or proposed critical electric infrastructure, generated or provided to or provided by the Commission or other Federal agency, other than classified national security information, that is designated as critical infrastructure information by the Commission under subsection (d)(2). Such term includes information that qualifies as critical energy infrastructure information under the Commission’s regulations.

“(4) DEFENSE CRITICAL ELECTRIC INFRASTRUCTURE.—The term ‘defense critical electric infrastructure’ means any electric infrastructure located in the United States (including the territories) that serves a facility designated by the Secretary pursuant to subsection (c), but is not operated by the owner or operator of such facility.

“(5) ELECTROMAGNETIC PULSE.—The term ‘electromagnetic pulse’ means 1 or more pulses of electromagnetic energy produced by a device capable of disabling or disrupting operation of, or destroying, electronic devices or communications networks, including hardware, software, and data, that are essential to the reliability of critical electric infrastructure or of defense critical electric infrastructure, as a result of such act or event;

“(6) GRID SECURITY EMERGENCY.—The term ‘grid security emergency’ means the occurrence or imminent danger of—

“(A) a malicious act using electronic communication or an electromagnetic pulse, or a geomagnetic storm event, that could disrupt the operation of those electronic communications networks, including hardware, software, and data, that are essential to the reliability of critical electric infrastructure or of defense critical electric infrastructure, as a result of such act or event; or

“(B) a direct physical attack on critical electric infrastructure or on defense critical electric infrastructure; and

“(ii) significant adverse effects on the reliability of critical electric infrastructure or of defense critical electric infrastructure as a result of such physical attack.

“(B) GRID SECURITY VULNERABILITY.—The term ‘grid security vulnerability’ means a weakness that, in the event of a malicious act using an electromagnetic pulse, would pose a substantial risk of disruption to the operation of those electrical or electronic devices or communications networks, including hardware, software, and data, that are essential to the reliability of the bulk-power system.

“(9) SECRETARY.—The term ‘Secretary’ means the Secretary of Energy.

“(10) AUTHORITY TO ADDRESS GRID SECURITY EMERGENCY.—The President’s emergency order, or determination identifying a grid security emergency, may be made by the President, or in the President’s absence or unavailability, by the Secretary.

“(5) AUTHORITY TO ADDRESS GRID SECURITY EMERGENCY.—The President’s emergency order, or determination identifying a grid security emergency, may be made by the President, or in the President’s absence or unavailability, by the Secretary.
consult with appropriate governmental authorities in Canada and Mexico, entities described in paragraph (4), the Electric Reliability Organization, the appropriate Federal agencies and owners, operators, and users of critical electric infrastructure information within documents and electronic communications, bases its decision on the basis of information that could not otherwise be used to impair the security or reliability of the bulk-power system or distribution facilities.

(3) Protection of Critical Electric Infrastructure Information.—Critical electric infrastructure information shall be protected from unauthorized disclosure and unauthorized access to such information through the use of appropriate security standards and measures.

(4) Protection of Critical Electric Infrastructure Information.—Critical electric infrastructure information shall be protected from unauthorized disclosure and unauthorized access to such information through the use of appropriate security standards and measures.

(5) Protection and Sharing of Critical Electric Infrastructure Information.—The Secretary, in consultation with appropriate Federal agencies and entities, shall identify and protect critical electric infrastructure information from unauthorized disclosure and unauthorized access to such information through the use of appropriate security standards and measures.

(6) Temporary Access to Classified Information.—The Secretary, in consultation with appropriate Federal agencies, shall, to the extent practicable and consistent with their obligations to protect classified information, provide temporary access to classified information to key personnel of an entity subject to such emergency measures, in a manner that is not authorized disclosure of such information, and consistent with the requirements of section 215, not later than 30 days after the issuance of such order, a reliability standard requiring implementation, by any owner, operator, or user of the bulk-power system in the United States, of measures to protect the bulk-power system against such vulnerabilities. Any such standard shall include a protection plan, including automated hardware-based solutions. The Commission shall approve a reliability standard submitted pursuant to this subparagraph, unless the Commission determines that such reliability standard does not adequately protect against such vulnerability or otherwise does not satisfactorily require implementation, by any owner, operator, or user of the bulk-power system in the United States, of measures to protect the bulk-power system against such vulnerability.

(7) Measures to Address Grid Security Vulnerabilities.—If the Commission, after notice and opportunity for comment and after consultation with the Secretary, other appropriate Federal agencies, and appropriate governmental authorities in Canada and Mexico, determines that the reliability standard submitted by the Electric Reliability Organization regarding the grid security vulnerability identified under subparagraph (A) does not adequately protect against such vulnerability, the Commission shall promulgate a rule or issue an order requiring implementation, by any owner, operator, or user of the bulk-power system in the United States, of measures to protect the bulk-power system against such vulnerability. Any such rule or order shall include a protection plan, including automated hardware-based solutions. Before promulgating a rule or issuing an order under this subparagraph, the Commission shall, to the extent practicable in light of the urgency of the need for action to address the grid security vulnerability, request and consider recommendations from the Electric Reliability Organization.

(8) Measures to Address Grid Security Vulnerabilities.—If the Commission, after notice and opportunity for comment and after consultation with the Secretary, other appropriate Federal agencies, and appropriate governmental authorities in Canada and Mexico, determines that the reliability standard submitted by the Electric Reliability Organization regarding the grid security vulnerability identified under subparagraph (A) does not adequately protect against such vulnerability, the Commission shall promulgate a rule or issue an order requiring implementation, by any owner, operator, or user of the bulk-power system in the United States, of measures to protect the bulk-power system against such vulnerability.

(9) Measures to Address Grid Security Vulnerabilities.—If the Commission, after notice and opportunity for comment and after consultation with the Secretary, other appropriate Federal agencies, and appropriate governmental authorities in Canada and Mexico, determines that the reliability standard submitted by the Electric Reliability Organization regarding the grid security vulnerability identified under subparagraph (A) does not adequately protect against such vulnerability, the Commission shall promulgate a rule or issue an order requiring implementation, by any owner, operator, or user of the bulk-power system in the United States, of measures to protect the bulk-power system against such vulnerability.

(10) Measures to Address Grid Security Vulnerabilities.—If the Commission, after notice and opportunity for comment and after consultation with the Secretary, other appropriate Federal agencies, and appropriate governmental authorities in Canada and Mexico, determines that the reliability standard submitted by the Electric Reliability Organization regarding the grid security vulnerability identified under subparagraph (A) does not adequately protect against such vulnerability, the Commission shall promulgate a rule or issue an order requiring implementation, by any owner, operator, or user of the bulk-power system in the United States, of measures to protect the bulk-power system against such vulnerability.

(11) Measures to Address Grid Security Vulnerabilities.—If the Commission, after notice and opportunity for comment and after consultation with the Secretary, other appropriate Federal agencies, and appropriate governmental authorities in Canada and Mexico, determines that the reliability standard submitted by the Electric Reliability Organization regarding the grid security vulnerability identified under subparagraph (A) does not adequately protect against such vulnerability, the Commission shall promulgate a rule or issue an order requiring implementation, by any owner, operator, or user of the bulk-power system in the United States, of measures to protect the bulk-power system against such vulnerability.

(12) Measures to Address Grid Security Vulnerabilities.—If the Commission, after notice and opportunity for comment and after consultation with the Secretary, other appropriate Federal agencies, and appropriate governmental authorities in Canada and Mexico, determines that the reliability standard submitted by the Electric Reliability Organization regarding the grid security vulnerability identified under subparagraph (A) does not adequately protect against such vulnerability, the Commission shall promulgate a rule or issue an order requiring implementation, by any owner, operator, or user of the bulk-power system in the United States, of measures to protect the bulk-power system against such vulnerability.

(13) Measures to Address Grid Security Vulnerabilities.—If the Commission, after notice and opportunity for comment and after consultation with the Secretary, other appropriate Federal agencies, and appropriate governmental authorities in Canada and Mexico, determines that the reliability standard submitted by the Electric Reliability Organization regarding the grid security vulnerability identified under subparagraph (A) does not adequately protect against such vulnerability, the Commission shall promulgate a rule or issue an order requiring implementation, by any owner, operator, or user of the bulk-power system in the United States, of measures to protect the bulk-power system against such vulnerability.

(14) Measures to Address Grid Security Vulnerabilities.—If the Commission, after notice and opportunity for comment and after consultation with the Secretary, other appropriate Federal agencies, and appropriate governmental authorities in Canada and Mexico, determines that the reliability standard submitted by the Electric Reliability Organization regarding the grid security vulnerability identified under subparagraph (A) does not adequately protect against such vulnerability, the Commission shall promulgate a rule or issue an order requiring implementation, by any owner, operator, or user of the bulk-power system in the United States, of measures to protect the bulk-power system against such vulnerability.

(15) Measures to Address Grid Security Vulnerabilities.—If the Commission, after notice and opportunity for comment and after consultation with the Secretary, other appropriate Federal agencies, and appropriate governmental authorities in Canada and Mexico, determines that the reliability standard submitted by the Electric Reliability Organization regarding the grid security vulnerability identified under subparagraph (A) does not adequately protect against such vulnerability, the Commission shall promulgate a rule or issue an order requiring implementation, by any owner, operator, or user of the bulk-power system in the United States, of measures to protect the bulk-power system against such vulnerability.

(16) Measures to Address Grid Security Vulnerabilities.—If the Commission, after notice and opportunity for comment and after consultation with the Secretary, other appropriate Federal agencies, and appropriate governmental authorities in Canada and Mexico, determines that the reliability standard submitted by the Electric Reliability Organization regarding the grid security vulnerability identified under subparagraph (A) does not adequately protect against such vulnerability, the Commission shall promulgate a rule or issue an order requiring implementation, by any owner, operator, or user of the bulk-power system in the United States, of measures to protect the bulk-power system against such vulnerability.

(17) Measures to Address Grid Security Vulnerabilities.—If the Commission, after notice and opportunity for comment and after consultation with the Secretary, other appropriate Federal agencies, and appropriate governmental authorities in Canada and Mexico, determines that the reliability standard submitted by the Electric Reliability Organization regarding the grid security vulnerability identified under subparagraph (A) does not adequately protect against such vulnerability, the Commission shall promulgate a rule or issue an order requiring implementation, by any owner, operator, or user of the bulk-power system in the United States, of measures to protect the bulk-power system against such vulnerability.

(18) Measures to Address Grid Security Vulnerabilities.—If the Commission, after notice and opportunity for comment and after consultation with the Secretary, other appropriate Federal agencies, and appropriate governmental authorities in Canada and Mexico, determines that the reliability standard submitted by the Electric Reliability Organization regarding the grid security vulnerability identified under subparagraph (A) does not adequately protect against such vulnerability, the Commission shall promulgate a rule or issue an order requiring implementation, by any owner, operator, or user of the bulk-power system in the United States, of measures to protect the bulk-power system against such vulnerability.

(19) Measures to Address Grid Security Vulnerabilities.—If the Commission, after notice and opportunity for comment and after consultation with the Secretary, other appropriate Federal agencies, and appropriate governmental authorities in Canada and Mexico, determines that the reliability standard submitted by the Electric Reliability Organization regarding the grid security vulnerability identified under subparagraph (A) does not adequately protect against such vulnerability, the Commission shall promulgate a rule or issue an order requiring implementation, by any owner, operator, or user of the bulk-power system in the United States, of measures to protect the bulk-power system against such vulnerability.

(20) Measures to Address Grid Security Vulnerabilities.—If the Commission, after notice and opportunity for comment and after consultation with the Secretary, other appropriate Federal agencies, and appropriate governmental authorities in Canada and Mexico, determines that the reliability standard submitted by the Electric Reliability Organization regarding the grid security vulnerability identified under subparagraph (A) does not adequately protect against such vulnerability, the Commission shall promulgate a rule or issue an order requiring implementation, by any owner, operator, or user of the bulk-power system in the United States, of measures to protect the bulk-power system against such vulnerability.
not adequately protect against such vulnerability or otherwise does not satisfy the requirements of section 215. Upon such approval, the Commission shall rescind the rule promulgated or order issued under paragraph (1)(B) after such time as the owner, operator, or user of critical electric infrastructure or of defense critical electric infrastructure to comply with an order for emergency mobile substations is necessary.

(b) DEFINITIONS.—In this section:

(1) BULK-POWER SYSTEM.—The term "bulk-power system" has the meaning given such term in section 215(a) of the Federal Power Act (16 U.S.C. 824(a)).

(2) CRITICALLY DAMAGED LARGE POWER TRANSFORMER.—The term "critically damaged large power transformer" means a large power transformer that is—

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

(B) designed for expedient deployment and capable of being rapidly placed into service.

(3) Electric Reliability Organization.—The term "Electric Reliability Organization" has the meaning given such term in section 215(a) of the Federal Power Act (16 U.S.C. 824(a)).

(4) EMOBILE SUBSTATION.—The term "emergency mobile substation" means a mobile substation or mobile transformer that is—

(A) capable of being rapidly placed into service; and

(B) exempt from any requirement under this section.

(5) Electric Reliability Organization.—The term "Electric Reliability Organization" has the meaning given such term in section 215(a) of the Federal Power Act (16 U.S.C. 824(a)).

(6) LARGE POWER TRANSFORMER.—The term "large power transformer" means a power transformer with a maximum nameplate rating of 100 megavolt-amperes or higher, including related critical equipment, that is, or is intended to be, a part of the bulk-power system.

(7) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(8) SPARE LARGE POWER TRANSFORMER.—The term "spare large power transformer" means a large power transformer that is stored within the Strategic Transformer Reserve to be available to temporarily replace a critically damaged large power transformer.

(9) STRATEGIC TRANSFORMER RESERVE.—The term "Strategic Transformer Reserve" shall include a description of—

(A) the appropriate number and type of spare large power transformers necessary to provide for the bulk-power system, critical electric infrastructure, and defense and military installations; and

(B) the potential locations for, and feasibility and appropriate number of, strategic storage locations for reserve equipment, including consideration of—

(i) the physical security of such locations;

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

(iii) the proximity of such locations to sites of potentially critically damaged large power transformers and substations that are critical electric infrastructure or serve defense and military installations, so as to ensure efficient delivery of equipment to such sites.

(10) The necessity of flexibility of spare large power transformers to be included in the Strategic Transformer Reserve to conform to different substation configurations, including consideration of—

(i) voltage and voltage rating for each winding;

(ii) load requirements; and

(iii) impedance between windings;
defined in section 215(a) of the Federal Power Act.

216A. CYBER SENSE.

216A(b)(2) of the Federal Power Act, as amended, is amended by inserting the following at the end:

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(20) IMPROVING THE RESILIENCE OF ELECTRIC INFRASTRUCTURE.—
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SEC. 1107. STATE COVERAGE AND CONSIDERATION OF PURPA STANDARDS FOR ELECTRIC UTILITIES.

SEC. 1108. CYBER SENSE.

(a) In General.—The Secretary of Energy shall establish a voluntary Cyber Sense program to identify and promote cyber-secure products intended for use in the bulk-power system, including products relating to industrial control systems, such as supervisory control and data acquisition systems.

(b) Program Requirements.—In carrying out the program established under subsection (a), the Secretary shall—

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

2. for products tested and identified under the Cyber Sense program, establish and maintain a cybersecurity vulnerability reporting process and a related database;

3. promulgate regulations regarding vulnerability reporting processes for products tested and identified under the Cyber Sense program; and

4. ensure that product manufacturers, and other electric sector stakeholders to develop solutions to mitigate identified vulnerabilities in products tested and identified under subprogram C.

SEC. 1108. CYBER SENSE.

(a) In General.—The Secretary of Energy shall—

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

2. for products tested and identified under the Cyber Sense program, establish and maintain a cybersecurity vulnerability reporting process and a related database;

3. promulgate regulations regarding vulnerability reporting processes for products tested and identified under the Cyber Sense program; and

4. ensure that product manufacturers, and other electric sector stakeholders to develop solutions to mitigate identified vulnerabilities in products tested and identified under subprogram C.

(b) Program Requirements.—In carrying out the program established under subsection (a), the Secretary shall—

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

2. for products tested and identified under the Cyber Sense program, establish and maintain a cybersecurity vulnerability reporting process and a related database;

3. promulgate regulations regarding vulnerability reporting processes for products tested and identified under the Cyber Sense program; and

4. ensure that product manufacturers, and other electric sector stakeholders to develop solutions to mitigate identified vulnerabilities in products tested and identified under subprogram C.

(b) Program Requirements.—In carrying out the program established under subsection (a), the Secretary shall—

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

2. for products tested and identified under the Cyber Sense program, establish and maintain a cybersecurity vulnerability reporting process and a related database;

3. promulgate regulations regarding vulnerability reporting processes for products tested and identified under the Cyber Sense program; and

4. ensure that product manufacturers, and other electric sector stakeholders to develop solutions to mitigate identified vulnerabilities in products tested and identified under subprogram C.

(c) D isclosure of Information.—Any information obtained by the Secretary of Energy under this section shall be treated as secret military intelligence, and the disclosure of such information shall be subject to the notification and consent requirements of section 215A(d) of the Federal Power Act.

(d) F ederal Government Liability.—Constitutional and other voluntary Federal Government policies, programs, and other measures to reduce or mitigate the impact of cybersecurity threats, including physical and cyber attacks, electromagnetic pulse attacks, geomagnetic disturbances, seismic events, and severe weather and other environmental stressors.

(e) Resiliency-related Technologies.—For purposes of this paragraph, examples of resiliency-related technologies, upgrades, measures, and other approaches designed to improve the resilience of critical electric infrastructure, mitigate power outages, continue delivery of vital services, and maintain the flow of power to facilities critical to public health, safety, and welfare, to the extent practicable using the most current data, metrics, and technologies, to ensure the future reliability of the bulk-power system and its ability to withstand threats, including physical and cyber attacks, electromagnetic pulse attacks, geomagnetic disturbances, seismic events, and severe weather and other environmental stressors.

(f) Assurance of Electric Reliability.—Each electric utility shall adopt or modify policies to ensure that each such electric utility is authorized to recover any capital, operating expenditure, or other costs of the electric utility related to the procurement, deployment, or use of resiliency-related technologies, including a reasonable rate of return on the capital expenditure of the electric utility for the procurement, deployment, or use of resiliency-related technologies.

(g) Assurance of Electric Reliability.—Each electric utility shall adopt or modify policies to ensure that each such electric utility is authorized to recover any capital, operating expenditure, or other costs of the electric utility related to the procurement, deployment, or use of resiliency-related technologies, including a reasonable rate of return on the capital expenditure of the electric utility for the procurement, deployment, or use of resiliency-related technologies.

(h) Assurance of Electric Reliability.—Each electric utility shall adopt or modify policies to ensure that each such electric utility is authorized to recover any capital, operating expenditure, or other costs of the electric utility related to the procurement, deployment, or use of resiliency-related technologies, including a reasonable rate of return on the capital expenditure of the electric utility for the procurement, deployment, or use of resiliency-related technologies.

(i) Assurance of Electric Reliability.—Each electric utility shall adopt or modify policies to ensure that each such electric utility is authorized to recover any capital, operating expenditure, or other costs of the electric utility related to the procurement, deployment, or use of resiliency-related technologies, including a reasonable rate of return on the capital expenditure of the electric utility for the procurement, deployment, or use of resiliency-related technologies.
“(A) Not later than 6 months after the date of enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which it has ratemaking authority and each nonregulated electric utility shall commence the consideration referred to in section 111, or set a hearing date for consideration, with respect to the standard established by paragraph (2)) of section 111(d).”.

(B) Not later than 1 year after the date of enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which it has ratemaking authority and each nonregulated electric utility shall complete the consideration, and shall make the determination referred to in section 111(d) with respect to the standard established by paragraph (2) of section 111(d).”.

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

(C) PRIOR STATE ACTIONS.—Section 112 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622c) is amended by adding the following at the end: “In the case of the standards established by paragraphs (20) through (23) of section 111(d) in the case of any electric utility in a State if—

(1) before the date of enactment of this subsection, the State has implemented for such utility the standard concerned (or a comparable standard); and

(2) the State regulatory authority for such State or relevant nonregulated electric utility has conducted a proceeding to consider implementation of the standard concerned (or a comparable standard) for such utility during the 3-year period ending on the date of enactment of this section; or

(3) the State legislature has voted on the implementation of the standard concerned (or a comparable standard) for such utility during the 3-year period ending on the date of enactment of this subsection.

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

(1) before the date of enactment of this subsection, the State has implemented for such utility the standard concerned (or a comparable standard);

(2) the State regulatory authority for such State or relevant nonregulated electric utility has conducted a proceeding to consider implementation of the standard concerned (or a comparable standard) for such utility during the 3-year period ending on the date of enactment of this section; or

(3) the State legislature has voted on the implementation of the standard concerned (or a comparable standard) for such utility during the 3-year period ending on the date of enactment of this subsection.

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

(F) FINAL RULES.—Not later than 150 days after the date of publication in the Federal Register of a proposed rule described in subsection (a), the Federal Energy Regulatory Commission shall make available to the public an analysis of the proposed rule conducted in accordance with subsection (b), and any relevant special assessment or seasonal or long-term reliability assessment completed by the Electric Reliability Organization.

(G) FINAL RULES.—Not later than 120 days after the date of publication in the Federal Register of a final rule described in subsection (a), the Federal Energy Regulatory Commission shall make available to the public an analysis of the final rule conducted in accordance with subsection (b), and any relevant special assessment or seasonal or long-term reliability assessment completed by the Electric Reliability Organization.

(H) FINAL RULES.—Not later than 120 days after the date of publication in the Federal Register of a final rule described in subsection (a), the Federal Energy Regulatory Commission shall make available to the public an analysis of the final rule conducted in accordance with subsection (b), and any relevant special assessment or seasonal or long-term reliability assessment completed by the Electric Reliability Organization.

(I) DEFINITIONS.—In this section:

(1) ELECTRIC RELIABILITY ORGANIZATION.—The term ‘Electric Reliability Organization’ means the organization given to the Electric Reliability Organization in section 215(a) of the Federal Power Act (16 U.S.C. 824o(a)).

(2) FEDERAL AGENCY.—The term ‘Federal agency’ means an agency, as that term is defined in section 551 of title 5, United States Code.

(3) COVERED RULE.—The term covered rule means a proposed or final rule that is estimated by the Federal agency issuing the rule, or the Director of the Office of Management and Budget, to result in an annual effect on the economy of $100,000,000 or more.

SEC. 1109. INCREASED ACCOUNTABILITY WITH RESPECT TO CARBON CAPTURE, UTILIZATION, AND SEQUESTRATION PROJECTS.

(A) DOE EVALUATION.—The Secretary of Energy (in this section referred to as the Secretary) shall, in accordance with this section, annually conduct an evaluation, and make recommendations, with respect to each project conducted by the Secretary for research, development, demonstration, or deployment of capture, utilization, and sequestration technologies (also referred to as carbon capture, utilization, and sequestration technologies).
(b) REQUIREMENTS FOR EVALUATION.—In conducting an evaluation of a project under this section, the Secretary shall—

(1) examine if the project has made advancements toward achievement of the project with respect to a carbon capture, utilization, and sequestration technology and

(2) evaluate and determine if the project has made advancements in advancing a carbon capture, utilization, and sequestration technology.

(c) RECOMMENDATIONS.—For each evaluation of a project conducted under this section, if the Secretary determines that—

(1) significant progress in advancing a carbon capture, utilization, and sequestration technology has been made, the Secretary shall assess the funding of the project and make a recommendation as to whether increased funding is necessary to advance the project; or

(2) significant progress in advancing a carbon capture, utilization, and sequestration technology has not been made, the Secretary shall—

(A) assess the funding of the project and make a recommendation as to whether increased funding is necessary to advance the project; (B) assess and determine if the project has reached a potential milestone; and

(C) make a recommendation as to whether the project should continue.

(d) REPORTS.—

(1) REPORT ON EVALUATIONS AND RECOMMENDATIONS.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Secretary shall—

(A) make a report on the evaluations conducted and recommendations made during the previous year pursuant to this section; and

(B) make each such report available on the Internet website of the Department of Energy.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, and every 3 years thereafter, the Secretary shall submit to the Committee on Energy and Commerce in the House of Representatives and the Committee on Energy and Natural Resources in the Senate, a report containing—

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

(B) to the extent a market so addressed does not meet such criteria, any recommendations with respect to the procurement of sufficient capacity, as described in paragraph (1)(B).

(2) COMMISSION EVALUATION AND REPORT.—Not later than 1 year after the date of enactment of this section, the Commission shall make publicly available, and submit to the Committee on Energy and Commerce in the House of Representatives and the Committee on Energy and Natural Resources in the Senate, a report containing—

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

(B) to the extent the market does not meet such criteria, any recommendations with respect to the procurement of sufficient capacity, as described in subsection (a)(1).

(3) EVALUATION AND REPORT FOR NEW SCHEDULES.—

(A) INCLUSION OF ANALYSIS IN FILING.—Except as provided in subsection (a)(2), whenever a Regional Transmission Organization or Independent System Operator files a new schedule under section 215, it shall establish a market described in subsection (a)(1), or that substantially modifies the capacity market design of a market described in subsection (a)(1), the Regional Transmission Organization or Independent System Operator shall include in any such filing the analysis required by subsection (a)(1).

(2) EVALUATION AND REPORT.—Not later than 180 days of receipt of a filing under paragraph (1), the Commission shall make publicly available, and submit to the Committee on Energy and Commerce in the House of Representatives and the Committee on Energy and Natural Resources in the Senate, a report containing—

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

(B) to the extent the market does not meet such criteria, any recommendations with respect to the procurement of sufficient capacity, as described in subsection (a)(1).

(2) EFFECT ON EXISTING APPROVALS.—Nothing in this section shall be considered to—

(1) require a modification of the Commission’s approval of the capacity market design approved pursuant to docket numbers ER13–623–000, EL15–29–000, EL14–52–000, and ER14–2149–000; or

(2) provide grounds for the Commission to grant rehearing or otherwise modify orders issued in those proceedings.

SEC. 1111. ETHANE STORAGE STUDY.

(a) IN GENERAL.—The Secretary of Energy and the Secretary of Commerce, in consultation with other relevant agencies and stakeholders, shall conduct a study on the feasibility of establishing an ethane storage and distribution hub in the United States.

(b) CONTENTS.—The study conducted under subsection (a) shall include—

(1) an examination of—

(A) potential locations;

(2) economic feasibility;

(3) economic benefits;

(4) geological storage capacity capabilities;

(5) above ground storage capacity abilities;

(6) infrastructure needs; and

(7) other markets and trading hubs, particularly related to ethanol; and

(2) identification of potential additional benefits to energy security.

(c) PUBLICATION OF RESULTS.—Not later than 2 years after the date of enactment of this Act, the Secretaries of Energy and Commerce shall publish the results of the study conducted under subsection (a) on the websites of the Department of Energy and Commerce, respectively, and shall submit such results to the Committee on Energy and Commerce of the House of Representatives and the Committees on Energy and Natural Resources and Commerce, Science, and Transportation of the Senate.

SEC. 1112. STATEMENT OF POLICY ON GRID MODERNIZATION.

It is the policy of the United States to promote and advance—

(1) the modernization of the energy delivery infrastructure of the United States, and bolster the reliability, affordability, diversity, efficiency, security, and resiliency of domestic energy supplies, through advanced grid technologies;

(2) the modernization of the electric grid to enable a robust multi-directional power flow that leverages centralized energy resources and distributed energy resources, enables real-time retail transactions, and facilitates the alignment of business and regulatory models to achieve a grid that optimizes the entire electric delivery system;

(3) relevant research and development in advanced grid technologies, including—

(A) energy storage technologies;

(B) predictive tools and requisite real-time data to enable the dynamic optimization of grid operations;

(C) power electronics, including smart inverters, that ease the challenge of intermittent renewable resources and distributed generation;

(D) real-time data and situational awareness tools and systems; and

(E) tools to increase data security, physical security, and cybersecurity awareness and protection;

(4) the leadership of the United States in basic and applied sciences to develop a systems approach to innovation and development of cyber-physical and advanced grid architectures, and control paradigms capable of managing diverse supplies and loads; and

(5) the safeguarding of the critical energy delivery infrastructure of the United States and the enhanced resilience of the infrastructure to all hazards, including—

(A) severe weather events;

(B) cyber and physical threats; and

(C) other factors that affect energy delivery;

(6) the coordination of goals, investments to optimize the grid, and other measures for energy efficiency, advanced grid technologies, interoperability, and demand response-side management resources;

(7) partnerships with States and the private sector—

(A) to facilitate advanced grid capabilities and strategies; and

(B) to provide technical assistance, tools, or other related information necessary to enhance grid integration, particularly in connection with the development at the State and local levels of strategic energy, energy surety and assurance, and emergency preparedness, response, and restoration planning;

(8) the deployment of information and communications technologies at all levels of the electric system; and

(9) opportunities to provide consumers with timely information and advanced control options.

National or state sponsored or advanced control options to integrate distributed energy resources and associated ancillary services;
open-source communications, database architectures, and common information model standards, guidelines, and protocols that enable interoperability to maximize efficiency gains and associated benefits among—

(A) the grid;
(B) energy and building management systems; and
(C) residential, commercial, and industrial equipment;

(12) private sector investment in the energy delivery infrastructure of the United States through targeted demonstration and validation of advanced grid technologies; and

(13) establishment of common valuation methods and tools for cost-benefit analysis of grid integration paradigms.

SEC. 1113. GRID RESILIENCE REPORT.

Not later than 120 days after the date of enactment of this Act, the Secretary of Energy shall submit to the Congress a report on methods to increase electric grid resilience with respect to terrorism, and severe weather.

SEC. 1114. GAO REPORT ON IMPROVING NATIONAL RESPONSE CENTER.

The Comptroller General of the United States shall conduct a study of ways in which the capabilities of the National Response Center could be improved.

SEC. 1115. DESIGNATION OF NATIONAL ENERGY SECURITY CORRIDORS ON FEDERAL LANDS.

(a) IN GENERAL.—Section 28 of the Mineral Leasing Act (30 U.S.C. 185) is amended as follows:

(1) in subsection (b)—
(A) by striking ‘‘(b)(1)’’ and inserting the following:

‘‘(b)(1) For the purposes of this section ‘Federal lands’ means’’;

‘‘(B) ensure Corridors can connect effectively across Federal lands; and

(C) utilize input from utility and pipeline industry executives to develop a timeline for consideration of the application, and state the reasons for doing so;’’;

(2) by redesignating subsection (b), as so amended, as subsection (2), and transferring such subsection to appear after subsection (9) of that section;

(3) by inserting after subsection (a) the following:

‘‘(b) NATIONAL ENERGY SECURITY CORRIDORS.—

‘‘(1) DESIGNATION.—In addition to other authorities under this section, the Secretary shall—

(A) identify and designate suitable Federal lands as National Energy Security Corridors (in this subsection referred to as a ‘Corridor’), which shall be used for construction, operation, and maintenance of natural gas transmission facilities; and

(B) incorporate such Corridors upon designation into the relevant agency land use and resource management plans or equivalent plans.

‘‘(2) CONSIDERATIONS.—In evaluating Federal lands for designation as a National Energy Security Corridor, the Secretary shall—

(A) the principle of multiple use to ensure resource decisions balance national energy security needs with existing land use priorities;

(B) seek input from other Federal counterparts, States, and tribal governments to determine the best suitable, most cost-effective, and commercially viable acreage for natural gas transmission activities; and

(C) focus on transmission routes that improve domestic energy security through increasing reliability, relieving congestion, reducing natural gas prices, and meeting growing demand for natural gas; and

(D) take into account technological innovations that reduce the need for surface disturbance.

‘‘(3) PROCEDURES.—The Secretary shall establish procedures to expedite and approve applications for natural gas pipeline route determinations across National Energy Security Corridors, that—

(A) ensure a transparent process for review of applications for rights-of-way on such corridors;

(B) require an approval time of not more than 1 year after the date of receipt of an application for a right-of-way on a National Energy Security Corridor, the Secretary shall—

(i) upon acknowledgment of receipt of the request; and

(ii) within 30 days of receipt, commence the review, and iterate with the applicant until approval is issued;

(C) require, upon receipt of such an application, the notice to the applicant of a predictable timeline for consideration of the application, that clearly delineates important milestones in the process of such consideration.

‘‘(4) STATE INPUT.

(A) REQUESTS AUTHORIZED.—The Governor of a State may submit requests to the Secretary of the Interior to designate Corridors on Federal land in that State.

(B) CONSIDERATION OF REQUESTS.—After receiving such a request, the Secretary shall—

(i) review the request and establish a predictable timeline for consideration of the request and state the reasons for doing so;

(ii) the Secretary shall—

(A) identify and designate suitable Federal lands as ‘Federal lands’ means’’

(b) NATION ENERGY SECURITY CORRIDOR.—Any application for a right-of-way under section 8 of the Interior Department Appropriation Act, 1969 (42 U.S.C. 4332).

‘‘(7) No LIMIT ON NUMBER OR LENGTH OF CORRIDORS.—No limit on the number or length of Corridors designated under this subsection.


‘‘(9) NEPA CLARIFICATION.—All applications for rights-of-way for natural gas transmission facilities across Corridors designated under this subsection shall be processed under the National Environmental Policy Act of 1969 (42 U.S.C. 4321).

‘‘(10) PLANS.—The Secretary shall—

(A) prepare a plan for the implementation of the Corridors into agency plans to improve energy security, and reduce the threat of wildfires to and from electric transmission and distribution rights-of-way and related facilities and adjacent property, the Secretary, with respect to public lands and other lands under the jurisdiction of the Secretary, and the Secretary of Agriculture, with respect to National Forest System lands, shall provide direction to ensure that all existing and future transmission and distribution rights-of-way, however established (including by grant, special use authorization, and easement), for electric transmission and distribution facilities on such lands include provisions for utility vegetation management, inspection, and routine maintenance activities that, while consistent with applicable law—

(1) are developed in consultation with the holder of the right-of-way; and

(2) enable the owner or operator of an electric transmission and distribution facility to operate and maintain the facility in good working order and to comply with Federal, State, and local electric system reliability and fire safety requirements, including reliability standards established by the North American Electric Reliability Corporation and plans to meet such reliability standards;

(2) minimize the need for case-by-case or annual approvals for—

(A) routine vegetation management, facility inspection, and operation and maintenance activities within existing electric transmission and distribution rights-of-way; and

(B) utility vegetation management activities that are necessary to control hazard trees within or adjacent to electric transmission and distribution rights-of-way; and

(3) when a review is required, provide for expedited review and approval of utility vegetation management, facility inspection, and operation and maintenance activities, especially activities required to prevent prompt action to reduce the impact on human safety or electric reliability to avoid fire hazards.

‘‘(b) VEGETATION MANAGEMENT, FACILITY INSPECTION, AND OPERATION AND MAINTENANCE PLANS.—

(1) DEVELOPMENT AND SUBMISSION.—Conform with subsection (a), the Secretary and the Secretary of Agriculture shall provide owners and operators of electric transmission and distribution facilities located on lands described in such subsection with the option to develop and submit a vegetation management, facility inspection, and operation and maintenance plan, that at each owner or operator’s discretion may cover some or all of the owner or operator’s electric transmission and distribution rights-of-way on Federal lands, for approval to the Secretary with jurisdiction over the lands. A plan under this paragraph shall enable the owner or operator of an electric transmission and distribution facility, at a minimum, to comply with applicable Federal, State, and local electric system reliability and fire safety requirements, as provided in subsection (a), without the Secretary of Agriculture shall not have the authority to modify those requirements.

(2) REVIEW AND APPROVAL PROCESS.—The Secretary and the Secretary of Agriculture shall jointly develop a consolidated and coordinated process for review and approval of—
“(A) vegetation management, facility inspection, and operation and maintenance plans submitted under paragraph (1) that—
(1) assure prompt review and approval not to exceed 12 months for transactions, or amended existing regulations, to implement the categorical exclusion process under paragraph (2) shall—
(i) include notification by the agency of any changed conditions that warrant a modification to a plan;
(ii) provide an opportunity for the owner or operator to submit a proposed plan amendment to address directly the changed condition; and
(iii) allow the owner or operator to continue to implement those elements of the approved plan that do not directly and adversely affect the condition precipitating the need for modification.

(4) CATEGORICAL EXCLUSION PROCESS.—The Secretary and the Secretary of Agriculture shall apply the categorical exclusion process established by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) to plans developed under this subsection on existing electric transmission and distribution rights-of-way under this subsection.

(5) IMPLEMENTATION.—A plan approved under this subsection shall become part of the authorizations governing the covered right-of-way and hazard trees adjacent to the right-of-way. If a vegetation management plan is proposed for an existing electric transmission and distribution facility pursuant to the siting of a new electric transmission or distribution facility, necessary reviews shall be completed as part of the siting process or sooner. Once the plan is approved, the owner or operator shall provide the agency with only a notification of activities anticipated to be undertaken in the coming year, a description of those activities, and certification that the activities are in accordance with the plan.

(c) RESPONSE TO EMERGENCY CONDITIONS.—If vegetation on Federal lands within, or hazard trees adjacent to, an electric transmission or distribution right-of-way grant by the Secretary or the Secretary of Agriculture has contacted or is in imminent danger of contacting electric transmission or distribution lines, the owner or operator of the electric transmission or distribution lines—
(1) may prune or remove the vegetation to avoid the disruption of electric service and risk of fire; and
(2) shall notify the appropriate local agent of the relevant Secretary not later than 24 hours after such removal.

(d) COMPLIANCE WITH APPLICABLE RELIABILITY AND SAFETY STANDARDS.—If vegetation on Federal lands, or hazard trees adjacent to an electric transmission or distribution right-of-way under the jurisdiction of each Secretary does not meet clearance requirements under standards established by the North American Electric Reliability Corporation, or by State and local authorities, and the Secretary having jurisdiction over the lands has failed to act to allow an electric transmission or distribution facility owner or operator to conduct vegetation management activities within 3 business days after receiving a request to allow such activities, the owner or operator of the facility may, after notifying the Secretary, conduct such vegetation management activities to meet those clearance requirements.

(e) REPORTING REQUIREMENT.—The Secretary and the Secretary of Agriculture shall—
(1) receive requests and actions made under subsections (c) and (d) annually on each Secretary’s website.

(f) LIABILITY.—An owner or operator of an electric transmission or distribution facility shall not be held liable for wildfire damage, loss, or injury, including the cost of fire suppression, if—
(1) the Secretary or the Secretary of Agriculture fails to allow the owner or operator to operate consistently with an approved vegetation management plan, or an operation and maintenance plan on Federal lands under the Secretary’s jurisdiction within in or adjacent to a right-of-way to comply with fire safety requirements, including fire safety standards, including standards established by the North American Electric Reliability Corporation; or
(2) the Secretary or the Secretary of Agriculture fails to allow the owner or operator of the electric transmission or distribution facility to perform appropriate vegetation management activities in response to an identified hazard tree, or a tree in imminent danger of contacting the owner’s or operator’s electric transmission or distribution facility.

(g) TRAINING AND GUIDANCE.—In consultation with the electric utility industry, the Secretaries and the Secretary of Agriculture are encouraged to develop and to train personnel of the Department of the Interior and the Forest Service involved in vegetation management decisions relating to electric transmission and distribution facilities to ensure that such personnel—
(1) understand electric system reliability and fire safety requirements, including reliability standards established by the North American Electric Reliability Corporation;
(2) assist owners and operators of electric transmission and distribution facilities to comply with applicable electric reliability and fire safety requirements; and
(3) encourage and assist willing owners and operators of electric transmission and distribution facilities with the voluntary basis vegetation management practices to enhance habitats and forage for pollinators and for other wildlife so long as the practices are compatible with the integrated vegetation management practices necessary for reliability and safety.

(h) IMPLEMENTATION.—The Secretary and the Secretary of Agriculture shall—
(1) not later than one year after the date of the enactment of this section, propose regulations, or amend existing regulations, to implement this section; and
(2) not later than two years after the date of the enactment of this section, finalize regulations, or amend existing regulations, to implement this section.

(i) EXISTING VEGETATION MANAGEMENT, FACILITY INSPECTION, AND OPERATION AND MAINTENANCE PLANS.—Nothing in this section requires an owner or operator to develop and submit a vegetation management, facility inspection, and operation and maintenance plan if one has already been approved by the Secretary or Secretary of Agriculture before the date of the enactment of this section.

(j) DIVISORY PROVISIONS.
(1) HAZARD TREE.—The term ‘hazard tree’ means any tree inside the right-of-way or located outside the right-of-way that has been found by qualified personnel to be a hazard with respect to an electric transmission or distribution facility, or the Secretary or the Secretary of Agriculture, to be likely to fail and cause a high risk of injury, electric damage, or disruption within 10 feet of an electric power line or related structure if it fell.
(2) OWNER OR OPERATOR.—The terms ‘owner’ and ‘operator’ include contractors or other agents performing under the supervision of the owner or operator of an electric transmission or distribution facility.

(k) VEGETATION MANAGEMENT, FACILITY INSPECTION, AND OPERATION AND MAINTENANCE PLANS.—Nothing in this section shall become part of the electric transmission and distribution rights-of-way under this subsection.

(l) LIABILITY.—An owner or operator of an electric transmission or distribution facility shall not be held liable for wildfire damage, loss, or injury, including the cost of fire suppression, if—
(1) the Secretary or the Secretary of Agriculture fails to allow the owner or operator to operate consistently with an approved vegetation management plan, or an operation and maintenance plan on Federal lands under the Secretary’s jurisdiction within in or adjacent to a right-of-way to comply with fire safety requirements, including fire safety standards, including standards established by the North American Electric Reliability Corporation; or
(2) the Secretary or the Secretary of Agriculture fails to allow the owner or operator of the electric transmission or distribution facility to perform appropriate vegetation management activities in response to an identified hazard tree, or a tree in imminent danger of contacting the owner’s or operator’s electric transmission or distribution facility.

(m) TRAINING AND GUIDANCE.—In consultation with the electric utility industry, the Secretaries and the Secretary of Agriculture are encouraged to develop and to train personnel of the Department of the Interior and the Forest Service involved in vegetation management decisions relating to electric transmission and distribution facilities to ensure that such personnel—
(1) understand electric system reliability and fire safety requirements, including reliability standards established by the North American Electric Reliability Corporation;
(2) assist owners and operators of electric transmission and distribution facilities to comply with applicable electric reliability and fire safety requirements; and
(3) encourage and assist willing owners and operators of electric transmission and distribution facilities with the voluntary basis vegetation management practices to enhance habitats and forage for pollinators and for other wildlife so long as the practices are compatible with the integrated vegetation management practices necessary for reliability and safety.

(n) IMPLEMENTATION.—The Secretary and the Secretary of Agriculture shall—
(1) not later than one year after the date of the enactment of this section, propose regulations, or amend existing regulations, to implement this section; and
(2) not later than two years after the date of the enactment of this section, finalize regulations, or amend existing regulations, to implement this section.

SEC. 1203. HYDROPOWER LICENSING AND PROCESSES IMPROVEMENTS.

(a) LICENSING.—Section 4(e) of the Federal Power Act (16 U.S.C. 797(e)) is amended—
(1) by striking “and” after “recreational opportunities’’; and
(2) by inserting ‘‘, and minimizing infringement on the useful exercise and enjoyment of property rights held by nonlicensees’’ after ‘‘aspects of environmental concerns’’.

(b) PRIVATE LANDOWNERSHIP.—Section 10 of the Federal Power Act (16 U.S.C. 803) is amended—
(1) in subsection (a)(1), by inserting ‘‘, including minimizing infringement on the useful exercise and enjoyment of property rights held by nonlicensees’’ after ‘‘section 4(e)’’; and
(2) by adding at the end the following:

(3) VEGETATION MANAGEMENT, FACILITY INSPECTION, AND OPERATION AND MAINTENANCE RELATING TO ELECTRIC TRANSMISSION AND DISTRIBUTION FACILITIES RIGHT-OF-WAY.—

SEC. 1204. EXTENSION OF TIME FOR FERC PROJECTS INVESTING IN W. KERR SCOTT DAM.

(a) In general.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission and the licensee for a Project to which this Act applies, the Federal Energy Regulatory Commission may extend the time period for exercising the powers vested in the Commission and for the issuance of an order by granting an extension of time for the construction of the project.

(b) Extension of time for expiration of project licenses.—If the Commission and the licensee for a Project to which this Act applies are unable to commence the construction of the Project or complete the construction of the Project within the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806), the Commission may extend the time period for exercising the powers vested in the Commission and for the issuance of an order by granting an extension of time for the construction of the Project.

(c) Extension of time for expiration of project licenses.—If the Commission and the licensee for a Project to which this Act applies are unable to commence the construction of the Project or complete the construction of the Project within the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806), the Commission may extend the time period for exercising the powers vested in the Commission and for the issuance of an order by granting an extension of time for the construction of the Project.

(d) Extension of time for expiration of project licenses.—If the Commission and the licensee for a Project to which this Act applies are unable to commence the construction of the Project or complete the construction of the Project within the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806), the Commission may extend the time period for exercising the powers vested in the Commission and for the issuance of an order by granting an extension of time for the construction of the Project.
(2) includes any permits, special use authorizations, certifications, opinions, or other approvals as may be required under Federal law to approve or implement the license, amendment, or Ordinance.

(b) Designation as Lead Agency.—

(1) In General.—The Commission shall act as the lead agency for the purposes of coordinating all applicable Federal authorizations and for the purposes of complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) Other Agencies and Indian Tribes.—

(A) In General.—Each Federal, State, and local government agency or Indian tribe that may consider an aspect of an application for a Federal authorization.

(B) Identification.—The Commission shall identify and notify any agency or Indian tribe that anticipates that it will be unable to complete a review of an application for a Federal authorization.

(C) Notification.—

(1) General.—The Commission shall notify any agency and Indian tribe identified under subparagraph (B) of the opportunity to participate in the process of reviewing an aspect of an application for a Federal authorization.

(2) Deadline.—Each agency and Indian tribe receiving a notice under clause (i) shall submit a response acknowledging receipt of the notice to the Commission within 30 days of receipt of such notice and request.

(D) Issue Identification and Resolution.—

(1) General.—For each application for a Federal, State, or local government agency or Indian tribe that may consider an aspect of an application for a Federal authorization, the Commission shall establish a process for setting a schedule for the review and disposition of each Federal authorization.

(2) Adherence to Schedule.—All applicants, other licensing participants, and agencies and Indian tribes considering an aspect of an application for a Federal authorization shall meet the deadlines set forth in the schedule established pursuant to subsection (d)(1).

(E) Application Processing.—The Commission, Federal, State, and local government agencies, and Indian tribes may forward any issue of concern identified during the pendency of the Commission’s action under this part relating to any Federal authorization that may delay or prevent the granting of such authorization, including any issues that may prevent the agency or Indian tribe from meeting the schedule established pursuant to clause (i) of this subsection.

(F) Summation of Issues.—The Commission shall, in consultation with the applicants, Federal, State, and local government agencies and Indian tribes, resolve any issues of concern identified during the pendency of the Commission’s action under this part relating to any Federal authorization that may delay or prevent the granting of such authorization, including any issues that may prevent the agency or Indian tribe from meeting the schedule established pursuant to clause (i) of this subsection.

(G) Commission Recommendation on Scope of Environmental Review.—For the purposes of coordinating Federal authorizations for each project, the Commission shall consult with and make a recommendation to agencies and Indian tribes receiving a schedule under subsection (d) on the scope of the environmental review for all Federal authorizations for such project. Each Federal, State, and local government agency and Indian tribe shall give full consideration and make a decision with respect to which there are more than one agency, State or local government agency or Indian tribe that anticipates that it will be unable to complete its disposition of a Federal authorization by the deadline set forth in the schedule established under subsection (d)(1) may file for an extension as provided in this subsection.

(H) Consolidated Record.—The Commission shall, with the assistance of the State, local government agencies and Indian tribes, maintain a consolidated record of all decisions made or actions taken by the Federal, State, and local government agencies and Indian tribes acting under delegated Federal authority with respect to any Federal authorization.

(I) Submission of Record.—The Commission shall submit the record for judicial review under section 313(b).

SEC. 1204. JUDICIAL REVIEW OF DELAYED FEDERAL AUTHORIZATIONS.

Section 313(b) of the Federal Power Act (16 U.S.C. 825(b)) is amended by—

(1) striking "(b) Any party" and inserting the following:

(b) Judicial Review.—

(1) In General.—Any party; and

(2) by adding at the end the following:

(2) Delay of a Federal Authorization.—

(A) Federal, State, or local government agency or Indian tribe that will complete its disposition of a Federal authorization by the deadline set forth in the schedule by the Commission established under subsection (d) may file in the United States Court of Appeals for any circuit wherein the project or proposed project is located, or in the United States Court of Appeals for the District of Columbia, a petition for review of the record maintained under section 34, that it otherwise complied with the requirements of section 34 and that complying with the schedule set by the Commission would have prevented the agency or tribe from complying with applicable Federal or State law. If the court grants the extension, the court shall set a reasonable schedule and deadline, not to exceed 90 days, for the completion of any agency action under this subsection.

(B) Judicial Review—The Commission and the applicant may move for an extension as provided in this subsection. If the court denies the extension, or if an agency or tribe does not file for an extension as provided in this subsection and does not complete its disposition of a Federal authorization by the deadline, the Commission and the applicant may move forward with the proposed action.

SEC. 1205. LICENSING STUDY IMPROVEMENTS.

Part I of the Federal Power Act (16 U.S.C. 792 et seq.), as amended by section 1201, is further amended by adding at the end the following:

SEC. 35. LICENSING STUDY IMPROVEMENTS.

(A) In General.—To further ensure timely and efficient completion of the license proceedings under this part, the Commission shall, in consultation with applicable Federal and State agencies and interested members of the public—

(1) compile current and accepted best practices in performing studies required in such license proceedings, including methodologies and the design of studies to assess the full range of environmental impacts of a project that reflect the most recent peer-reviewed science; and

(2) encourage license applicants, agencies, and Indian tribes to develop and use, for the purpose of fostering timely and efficient consideration of license applications, a limited number of open-source methodologies and tools applicable across a wide array of projects, including water balance models and streamflow analyses.

(B) Use of Studies.—To the extent practicable, the Commission and other Federal, State, and local government agencies and Indian tribes considering an aspect of an application for a Federal license, license amendment, or exemption under this part, the Commission and the applicant may move for an extension as provided in this subsection.

(C) Basin-Wide or Regional Review.—The Commission shall establish a program to develop comprehensive plans, at the request of project applicants, on a regional or basin-wide scale, in consultation with the applicants, appropriate Federal, State, and local government agencies, and Indian tribes, in basins or regions with respect to which there are more than one project or application for a project. Upon such request, the Commission shall act in consultation with the applicants, such Federal agencies, and affected States, local governments, and Indian tribes acting under delegated Federal authority with respect to any Federal authorization.
tribes, may conduct or commission regional or basin-wide environmental studies, with the participation of at least 2 applicants. Any study conducted under this subsection shall apply only to such proposed project with respect to which the applicant participates.”.

SEC. 1206. CLOSED-LOOP PUMPED STORAGE PROJECTS.

Part I of the Federal Power Act (16 U.S.C. 792 et seq.), as amended by section 1205, is further amended by adding at the end the following:

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

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

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

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

"(b) IN GENERAL.—As provided in this section, the Commission may issue and amend licenses and preliminary permits, as appropriate, for closed-loop pumped storage projects.

"(c) DAM SAFETY.—Before issuing any license for a closed-loop pumped storage project, the Commission shall assess the safety of existing dams and other structures related to the project (including possible consequences associated with failure of such structures).

"(d) LICENSE CONDITIONS.—With respect to a closed-loop pumped storage project, the authority of the Commission to impose conditions on a license under sections 4(e), 10(a), 10(g), and 10(i) shall not apply, and any condition included in or applicable to a closed-loop pumped storage project licensed under this section, including any condition or other requirement of a Federal authorization, shall be limited to those that are—

"(1) necessary to protect public safety; or

"(2) reasonable, economically feasible, and essential to prevent loss of or damage to, or to mitigate adverse effects on, fish and wildlife resources directly caused by the construction and operation of the project, as compared to the environmental baseline existing at the time the Commission completes its environmental review.

"(e) TRANSFERS.—Notwithstanding section 5, and regardless of whether the holder of a preliminary permit for a closed-loop pumped storage project submitted under section 7(a) when obtaining the permit, the Commission may, to facilitate development of a closed-loop pumped storage project—

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

"(2) transfer a license in part to one or more non-Federal entities as co-licensees with a municipality.”.

SEC. 1207. LICENSE AMENDMENT IMPROVEMENTS.

Part I of the Federal Power Act (16 U.S.C. 792 et seq.), as amended by section 1206, is further amended by adding at the end the following:

"SEC. 37. LICENSE AMENDMENT IMPROVEMENTS.

"(a) QUALIFYING PROJECT UPDATES.—

"(1) DEFINITION.—For purposes of this section, the Commission may approve an application for an amendment to a license issued under this part for a qualifying project upgrade.

"(2) APPLICATION.—An application shall include in such application—

"(A) a description of the proposed change to the project described in the application is a qualifying project upgrade.

"(3) INITIAL DETERMINATION.—Not later than 15 days after receipt of an application under paragraph (2), the Commission shall make an initial determination as to whether the proposed change to the project described in the application is a qualifying project upgrade.

"(4) PUBLIC COMMENT ON QUALIFYING CRITERIA.—The Commission shall accept public comment on whether the proposed license amendment is for a qualifying project upgrade during the comment period under paragraph (3), and shall—

"(A) if no entity contests whether the proposed license amendment is for a qualifying project upgrade, immediately publish a notice stating that the initial determination has not been contested; or

"(B) if an entity contests whether the proposed license amendment is for a qualifying project upgrade during the comment period, issue a written determination in accordance with paragraph (5).

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

"(B) QUALIFYING CRITERIA.—The term ‘qualifying criteria’ means, with respect to a project license under this part, a change to a project that—

"(i) if carried out, would be unlikely to adversely affect any species listed as threatened or endangered under the Endangered Species Act of 1973; or

"(ii) if carried out, would be unlikely to adversely affect any species listed as threatened or endangered under the Endangered Species Act of 1973.

"(5) that a proposed license amendment is not for a qualifying project upgrade, procedures under paragraphs (6) through (9) shall not apply to the application.

"(6) PROPOSED LICENSE AMENDMENTS THAT ARE NOT QUALIFYING PROJECT UPDATES.—If the Commission determines under paragraph (3) or (5) that a proposed license amendment is not for a qualifying project upgrade, the procedures under paragraphs (6) through (9) shall not apply to the application.

"(7) PROPOSED LICENSE AMENDMENTS THAT ARE NOT QUALIFYING PROJECT UPDATES.—If the Commission determines under paragraph (3) or (5) that a proposed license amendment is not for a qualifying project upgrade, the procedures under paragraphs (6) through (9) shall not apply to the application.

"(II) that a proposed license amendment is not for a qualifying project upgrade, the procedures under paragraphs (6) through (9) shall not apply to the application.

"(I) that a proposed license amendment is not for a qualifying project upgrade, the procedures under paragraphs (6) through (9) shall not apply to the application.

"(A) if no entity contests whether the proposed license amendment is for a qualifying project upgrade, the Commission shall—

"(1) that a proposed license amendment is not for a qualifying project upgrade, the procedures under paragraphs (6) through (9) shall not apply to the application.

"(2) PUBLIC COMMENT ON QUALIFYING CRITERIA.—The Commission shall accept public comment on whether the proposed license amendment is for a qualifying project upgrade during the comment period under paragraph (4), the Commission shall, not later than 30 days after the date of publication of the public notice of the initial determination under paragraph (4), issue a written determination as to whether the proposed license amendment is for a qualifying project upgrade.

"(B) QUALIFYING CRITERIA.—The term ‘qualifying criteria’ means, with respect to a project license under this part, a change to a project that—

"(i) if carried out, would be unlikely to adversely affect any species listed as threatened or endangered under the Endangered Species Act of 1973; or

"(ii) if carried out, would be unlikely to adversely affect any species listed as threatened or endangered under the Endangered Species Act of 1973.

"(5) that a proposed license amendment is not for a qualifying project upgrade, procedures under paragraphs (6) through (9) shall not apply to the application.

"(6) PROPOSEDLICENSEAMENDMENTS THATARENOTQUALIFYINGPROJECTUPDATES.—If the Commission determines under paragraph (3) or (5) that a proposed license amendment is not for a qualifying project upgrade, the procedures under paragraphs (6) through (9) shall not apply to the application.

"(7) PROPOSEDLICENSEAMENDMENTS THAT ARE NOT QUALIFYING PROJECT UPDATES.—If the Commission determines under paragraph (3) or (5) that a proposed license amendment is not for a qualifying project upgrade, the procedures under paragraphs (6) through (9) shall not apply to the application.

"(A) if no entity contests whether the proposed license amendment is for a qualifying project upgrade, the Commission shall—

"(1) that a proposed license amendment is not for a qualifying project upgrade, the procedures under paragraphs (6) through (9) shall not apply to the application.

"(2) PUBLIC COMMENT ON QUALIFYING CRITERIA.—The Commission shall accept public comment on whether the proposed license amendment is for a qualifying project upgrade during the comment period under paragraph (4), the Commission shall, not later than 30 days after the date of publication of the public notice of the initial determination under paragraph (4), issue a written determination as to whether the proposed license amendment is for a qualifying project upgrade.

"(B) QUALIFYING CRITERIA.—The term ‘qualifying criteria’ means, with respect to a project license under this part, a change to a project that—

"(i) if carried out, would be unlikely to adversely affect any species listed as threatened or endangered under the Endangered Species Act of 1973; or

"(ii) if carried out, would be unlikely to adversely affect any species listed as threatened or endangered under the Endangered Species Act of 1973.

"(5) that a proposed license amendment is not for a qualifying project upgrade, procedures under paragraphs (6) through (9) shall not apply to the application.

"(6) PROPOSEDLICENSEAMENDMENTS THATARENOTQUALIFYINGPROJECTUPDATES.—If the Commission determines under paragraph (3) or (5) that a proposed license amendment is not for a qualifying project upgrade, the procedures under paragraphs (6) through (9) shall not apply to the application.

"(7) PROPOSEDLICENSEAMENDMENTS THAT ARE NOT QUALIFYING PROJECT UPDATES.—If the Commission determines under paragraph (3) or (5) that a proposed license amendment is not for a qualifying project upgrade, the procedures under paragraphs (6) through (9) shall not apply to the application.
miscellaneous receipts. Subject to annual appropriation Acts, such proceeds shall be available to Federal and State fish and wildlife agencies for purposes of carrying out specific environmental enhancement projects in watersheds in which one or more facilities exempted under this subsection are located. Not later than 180 days after the date of enactment of this section, the Commission shall issue a notice and opportunity for public comment, for the collection and administration of annual charges under this paragraph.

(E) EFFECTIVE JURISDICTION.—The jurisdiction of the Commission over any qualifying facility exempted under this subsection shall extend only to the qualifying facility exempted under this paragraph, and shall not extend to any conduit, dam, impoundment, shoreline or other land, or any other project work associated with the qualifying facility exempted under this subsection.

(b) DEFINITIONS.—For purposes of this section—

(1) FEDERAL AUTHORIZATION.—The term 'Federal authorization' has the same meaning as provided in section 34.

(2) QUALIFYING CRITERIA.—The term 'qualifying criteria' means—

(A) as of the date of enactment of this section, the facility is not licensed under, or exempted from the license requirements contained in, this part;

(B) the facility will be associated with a qualifying nonpowered dam;

(C) the facility will be constructed, operated, and maintained for the generation of electric power;

(D) the facility will use for such generation any withdrawals, diversions, releases, or flumes from the associated qualifying nonpowered dam, including its associated impoundment or other infrastructure; and

(E) the operation of the facility will not result in any material change to the storage, control, withdrawal, diversion, release, or flow operations of the associated qualifying nonpowered dam.

(3) QUALIFYING FACILITY.—The term 'qualifying facility' means a facility that is determined under this section to meet the qualifying criteria.

(4) QUALIFYING NONPOWERED DAM.—The term 'qualifying nonpowered dam' means any dam, dike, embankment, or other barrier—

(A) the construction of which was completed on or before the date of enactment of this section;

(B) that is operated for the control, release, or distribution of water for agricultural, municipal, navigational, industrial, commercial, environmental, recreational, aesthetic, or flood control purposes;

(C) that, as of the date of enactment of this section, is not equipped with hydropower generating works that are licensed under, or exempted from the license requirements contained in, this part; and

(D) that, in the case of a non-Federal dam, has been certified by an independent consultant approved by the Commission as complying with the Commission's dam safety requirements.''.

II—ENERGY SECURITY AND DIPLOMACY

SEC. 2001. SENSE OF CONGRESS.

Congress finds the following:

(1) North America's energy revolution has significantly enhanced energy security in the United States and changed the Nation's energy future from one of scarcity to abundance.

(2) North America's energy abundance has increased global energy supplies and reduced the price of energy for consumers in the United States and abroad.

(3) Allies and trading partners of the United States and United Kingdom and others who are seeking reliable and affordable energy supplies from North America to enhance their energy security.

(4) The United States has an opportunity to improve its energy security and promote greater stability and affordability of energy supplies for its allies and trading partners through a more innovative, secure, and competitive North American energy system.

(5) The United States also has an opportunity to promote such objectives by supporting the growth of clean energy projects in more open, transparent, and competitive global energy markets, and through greater Federal agency coordination relating to regulations or agency actions that significantly affect the supply, distribution, or use of energy.

SEC. 2002. ENERGY SECURITY VALUATION.

(a) ESTABLISHMENT OF ENERGY SECURITY VALUE.—The President shall, not later than 1 year after the date of enactment of this Act, submit to the Committees on Energy and Commerce, the Committee on Science, Space, and Technology, and the Committee on Foreign Affairs of the House of Representatives and the Committee on Energy and Natural Resources, the Committee on Commerce, Science, and Transportation, and the Committee on Foreign Relations of the Senate a report that develops recommended energy security valuation methods. In developing the report, the Secretaries may consider the recommendations of the Administration's Quadrennial Energy Review released on April 21, 2015. The report shall—

(1) evaluate and define United States energy security to reflect modern domestic and global energy markets and the underlying infrastructure of the United States and its allies and partners;

(2) identify transparent and uniform or coordinated procedures and criteria to ensure that energy-related actions that significantly affect the supply, distribution, transportation, or use of energy are evaluated with respect to their potential impact on energy security, including their impact on—

(A) consumers and the economy;

(B) energy supply diversity and resiliency;

(C) national security objectives; and

(D) United States trade balance; and

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

(A) evaluated consistently across the Federal Government; and

(B) weighed appropriately and balanced with environmental considerations required by Federal law.

(b) PARTICIPATION.—In developing the report referred to in subsection (a), the Secretaries may consult with relevant Federal, State, private sector, and international participants, as appropriate and consistent with applicable law.
SEC. 2004. COLLECTIVE ENERGY SECURITY.

(a) IN GENERAL.—The Secretary of Energy and the Secretary of State shall collaborate to strengthen energy security and the energy security of the allies and trading partners of the United States, including through actions that support or facilitate—

(1) energy diplomacy; 
(2) the delivery of United States assistance, including energy resources and technologies, to prevent or mitigate an energy security crisis; 
(3) the development of environmentally and commercially sustainable energy resources; 
(4) open, transparent, and competitive energy markets; and 
(5) regulatory capacity building.

(b) ENERGY SECURITY FORUMS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Energy, in collaboration with the Secretary of State, shall convene not less than 2 forums to promote the collective energy security of the United States and its allies and trading partners. The forums shall include participation by the Secretary of Energy and the Secretary of State. In addition, an invitation shall be extended to—

(1) appropriate representatives of foreign governments that are allies or trading partners of the United States; and 
(2) independent experts and industry representatives.

(c) REQUIREMENTS.—The forums shall—

(1) consist of at least 1 Trans-Atlantic and 1 Transpacific security forum; 
(2) be designed to foster dialogue among government officials, independent experts, and industry representatives regarding—

(A) the current state of global energy markets; 
(B) trade and investment issues relevant to energy; and 
(C) barriers to more open, competitive, and transparent energy markets; and 
(3) be recorded and made publicly available on the Department of Energy’s website, including, not later than 60 days after each forum, publication on the website any significant outcomes.

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

(1) the chair and the ranking minority member of the Committee on Energy and Commerce and the Committee on Foreign Affairs of the House of Representatives; and 
(2) the chair and ranking minority member of the Committee on Energy and Natural Resources and the Committee on Foreign Relations of the Senate.

SEC. 2005. AUTHORIZATION TO EXPORT NATURAL GAS.

(a) DECISION DEADLINE.—For proposals that must also obtain authorization from the Federal Energy Regulatory Commission or the United States Maritime Administration to site, construct, expand, or operate LNG export facilities, the Department of Energy shall issue a final decision on LNG export authorizations to export natural gas under section 3 of the Natural Gas Act (15 U.S.C. 717b) not later than 30 days after the later of—

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

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

(1) for a project requiring an Environmental Impact Statement, 30 days after publication of a Final Environmental Impact Statement; 
(2) for a project for which an Environmental Assessment has been prepared, 30 days after publication by the Department of Energy of a Finding of No Significant Impact; and 
(3) upon a determination by the lead agency that an application is eligible for a categorical exclusion pursuant to National Environmental Policy Act of 1969 regulations.

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

“(g) PUBLIC DISCLOSURE OF LNG EXPORT DESTINATIONS.—As a condition for approval of any application for a certificate of crossing, the Secretary of Energy shall require the applicant to publicly disclose the specific destination or destinations of any such authorized LNG exports.”.

SEC. 2006. ENVIRONMENTAL REVIEW FOR ENERGY EXPORT FACILITIES.

Notwithstanding any other provision of this Act and any amendment made by this Act, to the extent that the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) applies to the issuance of a permit for the construction, operation, or maintenance of a facility for the export of bulk commodities, no such permit may be denied until each applicable Federal agency has completed all reviews required for the facility under such Act.

SEC. 2007. AUTHORIZATION OF CROSS-BORDER INFRASTRUCTURE PROJECTS.

(a) FINDING.—Congress finds that the United States should implement uniform, transparent, and modern processes for the construction, connection, operation, and maintenance of pipelines and electric transmission facilities for the import or export of liquid products, including water and petroleum, and natural gas and the transmission of electricity to and from Canada and Mexico.

(b) AUTHORIZATION OF CERTAIN INFRASTRUCTURE PROJECTS AT THE NATIONAL BOUNDARY OF THE UNITED STATES.—

(1) REQUIREMENT.—No person may construct, connect, operate, or maintain a cross-border segment of a pipeline or electric transmission facility for the import or export of liquid products or natural gas, or the transmission of electricity, to and from Canada or Mexico, to secure a certificate of crossing for such construction, connection, operation, or maintenance under this subsection.

(2) CERTIFICATE OF CROSSING.—

(A) ISSUANCE.—

(i) IN GENERAL.—Not later than 30 days after final action is taken under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to a cross-border segment described in subparagraph (i), the relevant official identified by the Secretary in consultation with appropriate Federal agencies, shall issue a certificate of crossing for the cross-border segment unless the relevant official finds that the proposed transmission facility, or maintenance of the cross-border segment is not in the public interest of the United States.

(ii) NATURAL GAS.—For the purposes of natural gas pipelines, a finding with respect to the public interest under section 3(a) of the Natural Gas Act (15 U.S.C. 717b(a)) shall serve as a finding under clause (i) of this subparagraph.

(iii) POLICY.—Nothing in this Act shall be construed to affect the applicability of any Federal law, including any other provision of this Act and any amendment made by this Act, to the extent that such law is applicable to cross-border segments described in this section.

(B) EFFECTIVE DATE; RULEMAKING DEADLINES.—

(ii) CLOSING FEDERAL DEADLINES.—Subsections (a) through (d), and the amendments made by such subsections, shall take effect on January 20, 2017.

Rulemaking Deadlines.—Each relevant official described in subparagraph (A) shall—

(B) not later than 180 days after the date of enactment of this Act, publish in the Federal Register, if feasible, the proposed regulations.
Register notice of a proposed rulemaking to carry out the applicable requirements of subsection (b); and

(b) not later than 1 year after the date of enactment of this Act, the Department of Energy, in consultation with the Secretary, shall establish performance goals for evaluating the efforts of Federal agencies in improving the efficiency of a data center (including equipment usage; and

(c) after enactment of this Act, the Director, in consultation with the Secretary, shall include in the annual report and scorecard of the Director required under section 528 a description of the efforts and results of Federal agencies under this section.''.

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

Sec. 530. Energy efficiency and energy-saving...information technologies.

Sec. 3111. ENERGY-EFFICIENT AND ENERGY-SAVING INFORMATION TECHNOLOGIES.

(a) AMENDMENT.—Subsection (d) of section 530 of the Energy Independence and Security Act of 2007 (42 U.S.C. 8253), by energy practitioners certified pursuant to such program.

(b) DIRECTION.—By energy practitioners certified pursuant to such program.

(c) STAKEHOLDER INVOLVEMENT.—The Secretary and the Administrator shall carry out subsection (b) in collaboration with the information technology industry and other key stakeholders, with the goal of producing results that are reflective of relevant and useful information available. In such collaboration, the Secretary and the Administrator shall pay particular attention to organizations that—

(1) have measures in energy efficiency and in the development, operation, and functionality of data centers, information technology equipment, and software, such as representatives of hardware manufacturers, data center operators, and facility managers;

(2) obtain and address input from Department of Energy National Laboratories or any college, university, research institution, industry association, company, or public interest group with applicable expertise;

(3) follow common procedures for the development of specifications; and

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

(d) MEASUREMENTS AND SPECIFICATIONS.—The Secretary and the Administrator shall consider and assess the adequacy of the specifications, measurements, best practices, benchmarks, and other metrics developed by the Federal Energy Management Program, the Energy Star Program, and other efficiency programs of the Department of Energy or the Environmental Protection Agency.

(e) STUDY.—The Secretary, in collaboration with the Administrator, shall, not later than 18 months after the date of enactment of the North American Energy Security and Infrastructure Act of 2016, make available to the public an update to the report to Congress on energy efficiency and energy productivity contained in the report with new data regarding the period from 2010 through 2015;

(f) an analysis of the impact of the implementation of the cross-border segment, to the extent applicable by law, the use of—

(1) energy savings performance contracting; and

(2) utility energy services contracting.

(g) OPEN DATA INITIATIVE.—The Secretary, in collaboration with key stakeholders and the Director of the Office of Management and Budget, shall establish an open data initiative for Federal energy data centers, with the purpose of making such data available and accessible in a manner that encourages further data center innovation, optimization, and consolidation. In establishing the initiative, the Secretary shall consider the use of the在线 Data Center Maturity Model.

(h) INTERNATIONAL SPECIFICATIONS AND METRICS.—In collaboration with key stakeholders, shall facilitate the development of an efficiency metric that measures the energy efficiency of a data center (including equipment and facilities).

(2) a comparison and gap analysis of the estimates and projections contained in the reports or the programs and initiatives established under this section.

(3) an evaluation of the impact of the implementation of the cross-border segment, to the extent applicable by law, the use of—

(1) energy savings performance contracting; and

(2) utility energy services contracting.

(3) an evaluation of the impact of the implementation of the cross-border segment, to the extent applicable by law, the use of—

(1) energy savings performance contracting; and

(2) utility energy services contracting.

(4) an evaluation of the impact of the implementation of the cross-border segment, to the extent applicable by law, the use of—

(1) energy savings performance contracting; and

(2) utility energy services contracting.

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

(6) DATA CENTER ENERGY EFFICIENCY METRICS.—The Secretary and the Administrator shall, after the date of enactment of this Act, establish, in consultation with key stakeholders and the Director of the Office of Management and Budget, shall establish an open data initiative for Federal data center energy usage, with the purpose of making such data available and accessible in a manner that encourages further data center innovation, optimization, and consolidation. In establishing the initiative, the Secretary shall consider the use of the online Data Center Maturity Model.

(7) PROTECTION OF PROPRIETARY INFORMATION.—The Secretary and the Administrator shall not disclose any proprietary information or trade secrets provided by any individual or company for the purposes of carrying out this section or the programs and initiatives established under this section.

Sec. 3112. REPORT ON ENERGY AND WATER SAVINGS POTENTIAL FROM THERMAL INSULATION.

(a) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Energy, in consultation with appropriate Federal agencies and relevant stakeholders, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the impact of thermal insulation on both energy and water use systems, including hot and chilled water in Federal buildings, and the return on investment of installing such insulation.

(b) CONTENTS.—The report shall include—

(1) an analysis based on the cost of municipal or regional water for delivered water and the avoided cost of new water; and
(2) a summary of energy and water savings, including short-term and long-term (20 years) projections of such savings.

SEC. 3114. BATTERY STORAGE REPORT.
Not later than the date of enactment of this Act, the Comptroller General shall transmit to Congress a report on the potential of battery energy storage that answers the following:

(1) How do existing Federal standards impact the development and deployment of battery storage systems?
(2) What are the benefits of using existing battery storage technology, and what challenges exist to their widespread use? What are some examples of existing battery storage projects providing these benefits?
(3) What potential impact could large-scale battery storage and behind-the-meter battery storage have on renewable energy utilization?
(4) What is the potential of battery technology for grid-scale use nationwide? What is the potential impact of battery technology on the national grid capabilities?
(5) How much economic activity associated with large-scale and behind-the-meter battery storage technology is located in the United States? How many jobs do these industries account for?
(6) What policies other than the Renewable Energy Investment Tax Credit have research and adoption data shown to promote renewable energy use and storage technology deployment by State and local governments or private end-users?

SEC. 3115. FEDERAL PURCHASE REQUIREMENT.
(a) DEFINITIONS.—Section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)) is amended by striking paragraph (2) and inserting the following:

"(2) RENEWABLE ENERGY.—The term ‘renewable energy’ means electric energy, or thermal energy if resulting from a thermal energy project placed in service after December 31, 2014, generated from, or avoided by, solar, wind, biomass, landfill gas, ocean (including tidal, wave, current, and thermal), geothermal, municipal solid waste (in accordance with subsection (e)), qualified waste heat resource, or new hydroelectric generation capacity achieved from increased efficiency or additions of new capacity at an existing hydroelectric project.

(b) QUALIFIED WASTE HEAT RESOURCE.—The term ‘qualified waste heat resource’ means—

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

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

(C) a pressure drop in any gas for an industrial or commercial process; or

(D) such other forms of waste heat as the Secretary determines appropriate.

(b) PAPER RECYCLING.—Section 205 of the Energy Policy Act of 2005 (42 U.S.C. 15852) is amended by adding at the end the following:

"(1) SEPARATE COLLECTION.—For purposes of this section, any Federal agency may consider electric energy generation purchased from a facility to be renewable energy even if the municipal solid waste used by the facility to generate the electricity is—

(A) after it has been collected (within the meaning of section 246.101(c) of title 40, Code of Federal Regulations, as in effect on the date of enactment of the North American Energy Security and Independence Act of 2007) from paper that is commonly recycled; and

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

"(2) INCIDENTAL INCLUSION.—Municipal solid waste used to generate electric energy that meets the conditions described in paragraph (1) shall be considered renewable energy even if the municipal solid waste contains incidental commonly recycled paper.

"(3) No effect on existing processes.—Nothing in paragraph (1) shall be interpreted to require a State or political subdivision of a State, directly or indirectly, to change the systems, processes, or equipment it uses to collect, treat, dispose of, or otherwise use municipal solid waste, within the meaning of the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), nor require a change in regulations that implement subtitle D of such Act (42 U.S.C. 6941 et seq.)."

SEC. 3116. ENERGY PERFORMANCE REQUIREMENT FOR FEDERAL BUILDINGS.
Section 543 of the National Energy Conservation Policy Act of 2005 (42 U.S.C. 8253) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) ENERGY PERFORMANCE REQUIREMENT FOR FEDERAL BUILDINGS.—

"(1) REQUIREMENT.—Subject to paragraph (2), each agency shall apply energy conservation measures to, and shall improve the design for the construction of, the Federal buildings of the agency (including each industrial or laboratory facility) so that the energy consumption per gross square foot of the Federal buildings of the agency in fiscal years 2006 through 2017 is reduced, as compared with the energy consumption per gross square foot of the Federal buildings of the agency in fiscal year 2003, by the percentage specified in the following table:

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<tr>
<th>Fiscal Year</th>
<th>Percentage Reduction</th>
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<td>2006</td>
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<td>2017</td>
<td>24</td>
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"(2) EXCLUSION FOR BUILDINGS WITH ENERGY INTENSIVE ACTIVITIES.—(A) In General.—An agency may exclude from the requirements of paragraph (1) any building (including the associated energy consumption and gross square footage) in which energy intensive activities are carried out.

(B) Reporting.—Each agency shall identify and list in each report made under section 548(a) the buildings designated by the agency for exclusion under subparagraph (A).

"(3) REVIEW.—Not later than December 31, 2017, the Secretary shall—

(A) review the results of the implementation of the energy performance requirements established under paragraph (1), and

(B) based on the review conducted under subparagraph (A), submit to Congress a report that addresses the feasibility of requiring each agency to apply energy conservation measures to, and improve the design for the construction of, the Federal buildings of the agency (including each industrial or laboratory facility) so that the energy consumption per gross square foot of the Federal buildings of the agency in each of fiscal years 2018 through 2030 is reduced, as compared with the energy consumption per gross square foot of the Federal buildings of the agency in the prior fiscal year, by 3 percent.

"(4) NO EFFECT ON EXISTING PROCESSES.—(A) RENEWABLE ENERGY.—The term ‘renewable energy’ means—

(B) EXCLUSION FOR BUILDINGS WITH ENERGY INTENSIVE ACTIVITIES.—(A) In General.—An agency may exclude from the requirements of paragraph (1) any building (including the associated energy consumption and gross square footage) in which energy intensive activities are carried out.

(B) reporting.—Each agency shall identify and list in each report made under section 548(a) the buildings designated by the agency for exclusion under subparagraph (A).

"(5) REVIEW.—Not later than December 31, 2017, the Secretary shall—

(A) review the results of the implementation of the energy performance requirements established under paragraph (1), and

(B) based on the review conducted under subparagraph (A), submit to Congress a report that addresses the feasibility of requiring each agency to apply energy conservation measures to, and improve the design for the construction of, the Federal buildings of the agency (including each industrial or laboratory facility) so that the energy consumption per gross square foot of the Federal buildings of the agency in each of fiscal years 2018 through 2030 is reduced, as compared with the energy consumption per gross square foot of the Federal buildings of the agency in the prior fiscal year, by 3 percent.

"(6) NO EFFECT ON EXISTING PROCESSES.—(A) RENEWABLE ENERGY.—The term ‘renewable energy’ means—

(B) EXCLUSION FOR BUILDINGS WITH ENERGY INTENSIVE ACTIVITIES.—(A) In General.—An agency may exclude from the requirements of paragraph (1) any building (including the associated energy consumption and gross square footage) in which energy intensive activities are carried out.

(B) reporting.—Each agency shall identify and list in each report made under section 548(a) the buildings designated by the agency for exclusion under subparagraph (A).

"(7) UNITED STATES FISHERIES.—The term ‘United States fisheries’ means—

(A) offshore fishing activities operated by the United States.

(B) water column or subareas of the continental shelf, or submerged lands within 3 miles of the coast of the United States.

"(8) TRANSFER OF OFFICE.—Not later than 2 years after the date of completion of each evaluation under paragraph (3), each energy manager may—

(i) implement any new or water-saving measure that the Federal agency identified in the evaluation conducted under paragraph (3) that is life-cycle cost effective; and

(ii) bundle individual measures of varying paybacks together into combined projects.

"(9) IMPLEMENTATION OF IDENTIFIED ENERGY AND WATER EFFICIENCY MEASURES.—(A) In General.—Not later than 2 years after the date of completion of each evaluation under paragraph (3), each energy manager may—

(i) implement any new or water-saving measure that the Federal agency identified in the evaluation conducted under paragraph (3) that is life-cycle cost effective; and

(ii) bundle individual measures of varying paybacks together into combined projects.

(B) OUTLINES.—Each energy manager, as part of the certification system required under paragraph (7) and using guidelines developed by the Secretary, shall provide an explanation regarding cost-effective measures described in subparagraph (A)(i) that have not been implemented.

(C) AMENDMENTS.—In paragraph (7)(C), by adding at the end the following:

"(iii) SUMMARY REPORT.—The Secretary shall make publicly available a report that summarizes the information tracked under subparagraph (B)(i) by each agency and, as applicable, by each type of measure.

"(iv) has had a comprehensive energy and water evaluation covering the 8-year period preceding the date of the evaluation; or

"(v) has been benchmarked with public disclosure under paragraph (6) within the year preceding the evaluation; and

"(vi) based on the benchmarking, has achieved a facility level that is at least the most recent cumulative energy savings target under subsection (a) compared to the earlier of—

(bb) the date—

(1) of the most recent comprehensive, recommissioning, or retrofit commissioning; or

(2) on which one has a long-term impact on the Federal buildings of the agency that meet the criteria under paragraph (2)(B) in a manner that ensures that an evaluation of each facility is completed at least once every 4 years.

"(B) EXCEPTIONS.—An evaluation and reevaluation or compositional evaluation shall not be required under subparagraph (A) with respect to a facility that—

(i) has stayed under subparagraph (A) with respect to the facility for at least 1 year; or

(ii) has not had a major change in function or use since the previous evaluation and commissioning, recommissioning, or retrofit commissioning; or

(iii) has not had a major change in function or use since the previous evaluation and commissioning, recommissioning, or retrofit commissioning; and

(iv) has been benchmarked with public disclosure under paragraph (6) within the year preceding the evaluation; and

(v) based on the benchmarking, has achieved a facility level that is at least the most recent cumulative energy savings target under subsection (a) compared to the earlier of—

(aa) the date—

(1) of the most recent comprehensive, recommissioning, or retrofit commissioning; or

(2) on which one has a long-term impact on the Federal buildings of the agency that meet the criteria under paragraph (2)(B) in a manner that ensures that an evaluation of each facility is completed at least once every 4 years.

"(C) REVIEW.—Not later than 2 years after the date of completion of each evaluation under paragraph (3), each energy manager may—

(i) implement any new or water-saving measure that the Federal agency identified in the evaluation conducted under paragraph (3) that is life-cycle cost effective; and

(ii) bundle individual measures of varying paybacks together into combined projects.
SEC. 3117. FEDERAL BUILDING ENERGY EFFICIENCY PERFORMANCE STANDARDS; CERTIFICATION SYSTEM AND LEVEL OF SUBSTITUTION FOR FEDERAL BUILDINGS.

(a) DEFINITIONS.—Section 303 of the Energy Conservation and Production Act (42 U.S.C. 6294(a)) is amended—

(1) in paragraph (6), by striking "to be constructed" and inserting "constructed or altered"; and

(2) by striking the end of the section—

(A) MOTOR RENOVATION.—The term "motor renovation" means a modification of building energy systems sufficiently extensive that the whole building can meet energy standards for new buildings, based on criteria to be established by the Secretary through notice and comment rulemaking.

(b) FEDERAL BUILDING ENERGY EFFICIENCY STANDARDS.—Section 303 of the Energy Conservation and Production Act (42 U.S.C. 6294(a)) is amended—

(1) in subsection (a)(3)—

(A) by striking "(3A) Not later than" and all that follows through the end of subparagraph (B) and inserting the following—

"(3) REVISED FEDERAL BUILDING ENERGY EFFICIENCY PERFORMANCE STANDARDS; CERTIFICATION FOR GREEN BUILDINGS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Energy Security and Infrastructure Act of 2016, the Secretary shall establish, by rule, revised Federal building energy efficiency performance standards that—

(i) New Federal buildings and alterations and additions to existing Federal buildings—

(aa) meet or exceed the most recent revision of the ICES (in the case of residential buildings) or ASHRAE Standard 90.1 (in the case of commercial buildings) as of the date of enactment of the North American Energy Security and Infrastructure Act of 2016; and

(bb) meet or exceed the energy provisions of State and local building codes applicable to the building, if the codes are more stringent than the ICC or ASHRAE Standard 90.1, as applicable;

(ii) unless demonstrated not to be life-cycle cost effective for new Federal buildings and Federal buildings with major renovations—

(aa) the buildings be designed to achieve energy consumption levels that are at least 30 percent below those established in the version of the ASHRAE Standard or the ICC, as applicable, that is applied under subclause (I)(aa), including updates under subparagraph (B); and

(bb) sustainable design principles are applied to the location, siting, design, and construction of all new Federal buildings and replacement Federal buildings;

(iii) if water is used to achieve energy efficiency, water conservation technologies shall be applied to the extent that the technologies are life-cycle cost-effective and

(iv) if life-cycle cost effective, as compared to other reasonably available technologies, not less than 30 percent of the hot water demand for each new Federal building or Federal building undergoing a major renovation be met through the installation and use of solar hot water heaters;

(B) IMPOSITION OF FEES TO COVER COSTS.—The head of an office may carry out paragraph (1) through a contract with a vendor, under such terms and conditions (including terms relating to the allocation between the office and the vendor of the costs of carrying out the contract) as the head of the office and the vendor may agree to.

(C) DEPOSIT OF FEES TO COVER COSTS.—Any fees collected by the head of an office under this subsection shall be—

(A) deposited monthly in the Treasury to the credit of the appropriations account for salaries and expenses of the office; and

(B) available for obligation without further appropriation for expenses incurred at the end of the fiscal year following the fiscal year collected.

(c) NO EFFECT ON EXISTING PROGRAMS FOR HOUSE AND SENATE.—Nothing in this section may be construed to affect the installation, construction, operation, or maintenance of battery recharging stations by the Architect of the Capitol—

(1) under Public Law 112–170 (2 U.S.C. 2171), relating to employees of the House of Representatives and individuals authorized to park in any parking area under the jurisdiction of the House of Representatives on the Capitol Grounds; or

(2) under Public Law 112–167 (2 U.S.C. 2170), relating to employees of the Senate and individuals authorized to park in any parking area under the jurisdiction of the Senate on the Capitol Grounds.

(d) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2016 and each succeeding fiscal year.

SEC. 3119. REPORT ON ENERGY SAVINGS AND GREENHOUSE GAS EMISSIONS REDUCTION FROM CONVERSION OF CAPTURED METHANE TO ENERGY.

(a) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Energy, in consultation with appropriate Federal agencies and relevant municipalities, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the use of captured methane converted for energy and power generation on Federal lands, Federal buildings, and relevant municipalities that use such generation, and the returns on investment and reduction in greenhouse gas emissions of utilizing such power generation.

(b) CONTENTS.—The report shall include—

(1) a summary of energy performance and savings resulting from the utilization of such power generation, including short-term and long-term (20 years) projections of such savings; and

(2) an analysis of the reduction in greenhouse gas emissions resulting from the utilization of such power generation.

CHAPTER 2—ENERGY EFFICIENT TECHNOLOGY AND MANUFACTURING

SEC. 3121. INCLUSION OF SMART GRID CAPABILITY ON ENERGY GUIDE LABELS.

Section 324(a)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6294(a)(2)) is amended by adding the following at the end:

(2) SMART GRID CAPABILITY ON ENERGY GUIDE LABELS—

(C) RULE.—Not later than 1 year after the date of enactment of this subparagraph, the Commission shall initiate a rulemaking to consider making a special note in a prominent manner on any Energy Guide label for any product that includes Smart Grid capability that—

(1) Smart Grid capability is a feature of that product;

(2) the use and value of that feature depend on the Smart Grid capability of the utility system in which the product is installed and the active utilization of that feature by the customer; and

(3) on a utility system with Smart Grid capability, the use of the product’s Smart Grid capability could reduce the customer’s cost of the product’s annual operation as a result of the increased energy and cost savings that would result from the customer taking full advantage of such Smart Grid capability.

(D) DEADLINE.—Not later than 3 years after the date of enactment of this subparagraph, the Commission shall complete the rulemaking initiated under clause (i)."
SEC. 3122. VOLUNTARY VERIFICATION PROGRAMS FOR AIR CONDITIONING, FURNACE, BOILER, HEAT PUMP, AND WATER HEATER PRODUCTS.

Section 326(b) of the Energy Policy and Conservation Act (42 U.S.C. 6296(b)) is amended by adding at the end the following:

"(b) VOLUNTARY VERIFICATION PROGRAMS.—For the purpose of verifying compliance with energy conservation standards established under sections 325 and 324 for covered products described in paragraphs (1), (2), (3), (4), (5), (6), (7), (8), (9), and (10) of section 322(a) and covered equipment described in paragraphs (B), (C), (D), (E), (F), (G), (H), (I), (J), and (K) of section 3401, the Secretary shall rely on voluntary verification programs that are recognized by the Secretary in accordance with subparagraph (B).

(1) VOLUNTARY VERIFICATION PROGRAMS.—

"(i) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall initiate a negotiated rulemaking in accordance with subchapter III of chapter 5 of title 5, United States Code (commonly known as the "Negotiated Rulemaking Act of 1990") to develop criteria that will meet the statutory criteria for achieving recognition by the Secretary as an approved voluntary verification program. Any subsequent amendment to such criteria shall be pursuant to a subsequent negotiated rulemaking in accordance with subchapter III of chapter 5 of title 5, United States Code.

(ii) MINIMUM REQUIREMENTS.—The criteria developed under clause (i) shall, at a minimum, ensure that a voluntary verification program—

(aa) is nationally recognized;

(bb) is operated by a third party and not directly operated by a program participant;

(cc) satisfies any applicable elements of a voluntary verification program; and

(dd) any other relevant International Organization for Standardization standards identified and agreed to through the negotiated rulemaking under clause (i);

(iv) at least annually tests independently obtained products following the test procedures established under this title to verify the certified rating of a representative sample of products and equipment within the scope of the program;

(V) publishes an annually available list of all ratings of products subject to verification;

(VI) requires the performance rating does not meet the levels established on or before January 1, 2016, a supplemental notice of data availability updating the proposed rule entitled "Energy Conservation Standards for Residential Furnaces' and published in the Federal Register on March 12, 2015 (80 Fed. Reg. 13119), for use in updating test procedures and standards; or

(VII) requires new program participants to provide the stakeholders described in paragraphs (1), (2), (3), (4), (5), (6), and (7) of section 322(a) with notice of the availability of test procedures and standards; or

(VIII) requires new program participants to substantiate ratings through test data generated in accordance with Department of Energy regulations;

(IX) requires new program participants to disclose the test results of all covered products and equipment within the scope of the program to the Secretary;

(X) provides to the Secretary, on an annual report of all test results, the contents of which shall be determined through the negotiated rulemaking process under clause (i), and

(bb) test reports, on the request of the Secretary, that note any instructions specified by the manufacturer or the representative of the manufacturer in the purpose of conducting the verification testing; and

(XI) satisfies any additional requirements or standards that the Secretary shall establish consistent with this subparagraph.

(2) CESSION OF RECOGNITION.—The Secretary may only cease recognition of a voluntary verification program as an approved program described in subparagraph (A) upon a finding that the program is not meeting its obligations for compliance through program review criteria described in the negotiated rulemaking conducted under subparagraph (B).

(3) ADMINISTRATION.—

"(i) IN GENERAL.—The Secretary shall not require—

(aa) manufacturers to participate in a recognized voluntary verification program described in subparagraph (A); or

(bb) participants in the negotiation of a proposed program to provide information that has already been provided to the Secretary.

(ii) LIST OF COVERED PRODUCTS.—The Secretary may maintain a publicly available list of covered products and equipment that distinguishes between products that are and are not covered. Products are verified through a recognized voluntary verification program described in subparagraph (A).

(iii) PERIODIC VERIFICATION TESTING.—The Secretary—

(aa) shall not subject products or equipment that have been verification tested under a recognized voluntary verification program described in subparagraph (A) to periodic verification testing to verify the accuracy of the certified performance rating of the products or equipment; but

(bb) may require testing of products or equipment described in clause (i) if—

(aa) the testing is necessary—

(AA) to assess the overall performance of a voluntary verification program;

(bb) to address specific performance issues;

(cc) for use in updating test procedures and standards; or

(dd) for other purposes consistent with this title; or

(bb) if such testing is agreed to during the negotiated rulemaking conducted under subparagraph (B).

(bb) EFFECT ON OTHER AUTHORITY.—Nothing in this paragraph limits the authority of the Secretary to enforce compliance with any law.

SEC. 3123. FACILITATING CONSENSUS FURNACE STANDARDS.

(a) CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSE.

(1) FINDINGS.—Congress finds that—

(A) acting pursuant to the requirements of section 325 of the Energy Policy and Conservation Act of 1975 (42 U.S.C. 6295(o)) the Secretary is considering amending the energy conservation standards applicable to residential gas furnaces to permit the use of a determination of whether the standards for gas furnaces and mobile home gas furnaces should be amended. Such rule shall contain any such amendments to the standards.

(b) RECOGNITION OF VOLUNTARY VERIFICATION PROGRAMS.—

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall publish, not later than October 31, 2015, a supplemental notice of proposed rulemaking or a notice of data availability updating the proposed rule entitled "Energy Conservation Standards for Residential Furnaces' and published in the Federal Register on March 12, 2015 (80 Fed. Reg. 13119), for use in updating test procedures and standards; or

(2) CESSION OF RECOGNITION.—The Secretary may only cease recognition of a voluntary verification program as an approved program described in subparagraph (A) upon a finding that the program is not meeting its obligations for compliance through program review criteria described in the negotiated rulemaking conducted under subparagraph (B).

(3) ADMINISTRATION.—

"(i) IN GENERAL.—The Secretary shall not require—

(aa) manufacturers to participate in a recognized voluntary verification program described in subparagraph (A); or

(bb) participants in the negotiation of a proposed program to provide information that has already been provided to the Secretary.

(4) LIST OF COVERED PRODUCTS.—The Secretary may maintain a publicly available list of covered products and equipment that distinguishes between products that are and are not covered. Products are verified through a recognized voluntary verification program described in subparagraph (A).

(5) PERIODIC VERIFICATION TESTING.—The Secretary—

(aa) shall not subject products or equipment that have been verification tested under a recognized voluntary verification program described in subparagraph (A) to periodic verification testing to verify the accuracy of the certified performance rating of the products or equipment; but

(bb) may require testing of products or equipment described in clause (i) if—

(aa) the testing is necessary—

(AA) to assess the overall performance of a voluntary verification program;

(bb) to address specific performance issues;

(cc) for use in updating test procedures and standards; or

(dd) for other purposes consistent with this title; or

(bb) if such testing is agreed to during the negotiated rulemaking conducted under subparagraph (B).

(bb) EFFECT ON OTHER AUTHORITY.—Nothing in this paragraph limits the authority of the Secretary to enforce compliance with any law.

SEC. 3124. NO WARRANTY FOR CERTIFIED ENERGY STAR PRODUCTS.

Section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6295(o)(6)(E)) is amended by adding at the end the following new subsection:

"(e) NO WARRANTY.—

"(1) IN GENERAL.—Any disclosure relating to participation of a product in the Energy Star program shall not create an express or implied warranty or give rise to any private claims or rights of action under State or Federal law relating to the disqualification of that product from Energy Star if—

(A) the product has been certified by a cer- tification body recognized by the Energy Star program;

(B) the Administrator has approved corrective measures, including a determination of whether or not consumer compensation is appro- priate; and

(C) the responsible party has fully complied with all approved corrective measures.

"(2) CONCLUSION.—Nothing in this subsection shall be construed to require the Administrator to modify any procedure or take any other action.

SEC. 3125. CLARIFICATION TO EFFECTIVE DATE FOR REGIONAL STANDARDS.

Section 325(o)(6)(E)(ii) of the Energy Policy and Conservation Act (42 U.S.C. 6295(o)(6)(E)(ii)) is amended by striking "installed" and inserting "manufactured or imported into the United States".

SEC. 3126. INTERNET OF THINGS REPORT.

The Secretary of Energy shall, not later than 18 months after the date of enactment of this Act, report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate on the efforts made to take advantage of, and promote, the utilization of advanced technologies such as Internet of Things end-to-end platform solutions to provide real-time actionable analytics and enable predictive maintenance and asset management to improve energy efficiency wherever feasible. In doing so,
the Secretary shall look to encourage and utilize Internet of Things energy management solutions that have security tightly integrated into the hardware and software from the outset. The Secretary may prescribe the use of Internet of Things solutions that enable seamless connectivity and that are interoperable, open standards-based, and built on a repeatable foundational scalability.

**SEC. 3127. ENERGY SAVINGS FROM LUBRICATING OIL.**

Not later than 1 year after the date of enactment of this Act, the Secretary of Energy, in cooperation with the Administrator of the Environmental Protection Agency and the Director of Management and Budget, shall:

(1) require the update the report prepared pursuant to section 1383 of the Energy Policy Act of 2005;

(2) after consultation with relevant Federal, State, and local agencies and affected industries and stakeholder groups, update data that was used in preparing that report; and

(3) prepare and submit to Congress a coordinated Federal strategy to increase the beneficial reuse of used lubricating oil, that—

(A) is consistent with national policy as established pursuant to section 2 of the Used Oil Recycling Act (42 U.S.C. 6291(36)(A)) is amended by adding at the end the following:

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''(6) POWER SUPPLY CIRCUITS CONNECTED TO LEDS OR OLEDS.—Notwithstanding section 391(6), for the purposes of this subsection, the term 'school' means—

(A) an elementary or secondary school (as defined in section 901 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801));

(B) an institution of higher education (as defined in section 102(a) of the Higher Education Act of 1965 (20 U.S.C. 102(a))); and

(C) a school operated by the Bureau of Indian Affairs;

(D) a school operated by the Bureau of Indian Affairs;

(E) a Tribal College or University (as defined in section 316F of the Higher Education Act of 1965 (20 U.S.C. 1059c(b))).
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(2) by adding at the end the following:—

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(2) ESTABLISHMENT OF CLEARINGHOUSE.—The Secretary, acting through the Office of Energy Efficiency and Renewable Energy, shall establish a clearinghouse to disseminate information regarding available Federal programs and financing mechanisms that are used to help initiate, develop, and finance energy efficiency, distributed generation, and energy retrofitting projects for schools.
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(3) REQUIREMENTS.—In carrying out paragraph (2), the Secretary shall—

(A) consult with appropriate Federal agencies to develop a list of Federal programs and financing mechanisms described in subparagraph (B) that may be used for the purposes described in paragraph (2); and

(B) coordinate with appropriate Federal agencies to develop a collaborative education and outreach effort to streamline communications and promote available Federal programs and financing mechanisms described in subparagraph (A), which may include the development and maintenance of a single online resource that includes contact information for relevant technical assistance in the Office of Energy Efficiency and Renewable Energy that States, local education agencies, and schools may use to effectively access and use such Federal programs and financing mechanisms.
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**CHAPTER 4—BUILDING ENERGY CODES**

**SEC. 3141. GOVERNMENT EFFICIENCY IN BUILDING CODES.**

(a) DEFINITIONS.—Section 303 of the Energy Conservation and Production Act (42 U.S.C. 6212), as amended by section 3116, is further amended—

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

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(14) MODEL BUILDING ENERGY CODE.—The term 'model building energy code' means a voluntary building energy code or standard developed and updated through a consensus process among interested persons, such as the IECC or ASHRAE Standard 90.1 or a code used by other appropriate organizations regarding which the Secretary has issued a determination that build-
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(2) by adding at the end the following:

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(b) REQUIREMENTS.—In carrying out the term 'cost-effective' means having a simple payback of 10 years or less.


(21) INDIAN TRIBE.—The term 'Indian tribe' has the following meaning:—

(a) the term 'Indian tribe' means an entity that has been given or held by statute in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103);

(b) the term 'Indian tribe' means an entity that may be used for the purposes of a project that is required for energy savings to exceed the incremental first cost of a new requirement or code.

(c) TECHNICALLY FEASIBLE.—The term 'technically feasible' means capable of being achieved, based on widely available appliances, equipment, technologies, materials, and construction practices.

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

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(c) IN GENERAL.—The Secretary shall provide technical assistance, as described in subsection (e), for the purposes of—

(1) implementation of building energy codes by State or Indian tribes; and

(2) supporting full compliance with the State, tribal, and local codes.
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(d) STATE AND INDIAN TRIBE CERTIFICATION OF BUILDING CODE UPDATES.—

(1) REVIEW AND UPDATING OF CODES BY EACH STATE AND INDIAN TRIBE.

(A) IN GENERAL.—Not later than 3 years after the date on which a model building energy code is published, each State or Indian tribe shall certify whether or not the State or Indian tribe, respectively, has reviewed and updated the energy provisions of the building code of the State or Indian tribe, respectively, to meet or exceed the target in section 307(b)(2).

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

(1) the energy savings of the most recently published model building energy code; or

(2) the targets established under section 307(b)(2).

(C) NO MODEL BUILDING ENERGY CODE UPDATE.—If a model building energy code is not updated by a target date established under section 307(b)(2)(D), each State or Indian tribe shall, not later than 3 years after the specified date, certify whether or not the State or Indian tribe, respectively, has reviewed and updated the energy provisions of the building code of the State or Indian tribe, respectively, to meet or exceed the target in section 307(b)(2).

(D) VALIDATION BY SECRETARY.—Not later than 90 days after a State or Indian tribe certification under paragraph (1), the Secretary shall—

(A) determine whether the code provisions of the State or Indian tribe, respectively, meet the criteria specified in paragraph (1); and

(B) determine whether the certification submitted by the State or Indian tribe, respectively, is complete; and

(C) if the requirements of subparagraph (B) are satisfied, validate the certification.

(2) LIMITATION.—Nothing in this section shall be interpreted to require a State or Indian tribe to adopt any building code or provision within a code.

(c) IMPROVEMENTS IN COMPLIANCE WITH BUILDING ENERGY CODES.

(1) REQUIREMENTS.—

(A) IN GENERAL.—Not later than 3 years after the date of a certification under subsection (b), each State and Indian tribe shall certify whether or not the State or Indian tribe, respectively, has—

(1) achieved full compliance under paragraph (1) with the applicable State or Indian tribe building energy code or with the associated model building energy code; or
“(ii) made significant progress under para-
graph (4) toward achieving compliance with the
applicable certified State or Indian tribe build-
ing energy code or with the associated model
building energy code; and

“(B) REPEAT CERTIFICATIONS.—If the State or
Indian tribe certifies progress toward achieving
compliance, the State or Indian tribe shall re-
peat the certification on a yearly basis until the
Secretary determines that the State or Indian tribe has
achieved full compliance.

“(2) MEASUREMENT OF COMPLIANCE.—A cer-
tification under paragraph (1) shall include doc-
umentation of the rate of compliance based on—
“(A) inspectors of a random sample of the build-
ings covered by the code in the preceding year;
or

“(B) an alternative method that yields an accu-
crate measure of compliance.

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

“(A) at least 90 percent of building space cov-
ered by the code in the preceding year sub-
tially meets all the requirements of the applica-
table code specified in paragraph (1), or achieves
equivalent or greater energy savings level; or

“(B) the energy savings for buildings that did not meet the applicable code speci-
fied in paragraph (1) in the preceding year,
comparing to a baseline of comparable buildings that
met the code, are at least 5 percent of the estimated
energy use of all buildings cov-
ered by this code during the preceding year.

“(4) SIGNIFICANT PROGRESS TOWARD ACHIEVE-
MENT OF COMPLIANCE.—A State or Indian tribe
shall be considered to have made significant
progress toward achieving compliance for pur-
poses of paragraph (1) if the State or Indian tribe—

“(A) has developed and is implementing a plan
for achieving compliance during the 8-year
period beginning on the date of enactment of
this section; and

“(B) has met the most recent target under
paragraph (A).

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

“(A) determine whether the State or Indian tribe
has demonstrated meeting the criteria of this section,
including accurate measurement of compliance;

“(B) determine whether the certification sub-
mitted by the State or Indian tribe is complete;
and

“(C) if the requirements of subparagraph (B)
are satisfied, validate the certification.

“(6) LIMITATION.—Nothing in this section
shall be interpreted to require a State or Indian
tribe to adopt any building code or provision
within a code.

“(d) STATES OR INDIAN TRIBES THAT DO NOT
ACHIEVE COMPLIANCE

“(1) REPORTING.—A State or Indian tribe that
has not made a certification required under sub-
section (b) shall submit to the Secretary a report on the
status of the State or Indian tribe with respect to
meeting the requirements and submitting the certifi-
cation.

“(2) STATE SOVEREIGNTY.—Nothing in this sec-
tion shall be interpreted to require a State or
Indian tribe to adopt any building code or provi-
sion within a code.

“(3) LOCAL GOVERNMENT.—In any State or In-
dian tribe for which the Secretary has not vali-
dated a certification under subsection (b) or (c), a
local government may be eligible for Federal
support by meeting the certification require-
ments of subsections (b) and (c).

“(4) ANNUAL REPORTS BY SECRETARY.—
(A) The Secretary shall annually sub-
mit to Congress, and publish in the Fed-
eral Register, a report on—

“(i) the status of model building energy codes;

“(ii) the status of code adoption and compli-
ance in the States and Indian tribes;

“(iii) implementation of this section; and

“(iv) improving energy savings over time as a
result of the targets established under
section 307(b)(2).

“(B) IMPACT.—The report shall include esti-
mates of impacts of past action under this sec-
tion, and potential impacts of further action,
on—

“(i) upfront financial and construction costs,

“(ii) benefit/cost ratios and returns (using a
return on in-

vestment analysis), and life-time energy use for

buildings;

“(iii) resulting energy costs to individuals and
businesses; and

“(iii) resulting overall annual building owner-
ship and operating costs.

“(e) TECHNICAL ASSISTANCE TO STATES AND
INDIAN TRIBES.—

“(1) IN GENERAL.—The Secretary shall, upon
request, provide technical assistance to States and
Indian tribes to implement the goals and re-
quirements of this section—

“(A) to implement State residential and com-
mercial building energy codes; and

“(B) to document the rate of compliance with
a building energy code.

“(2) TECHNICAL ASSISTANCE.—The assistance
shall include—

“(A) the development of model building energy
codes, including increasing and modifying the
codes to become more adaptable in the future to
become zero-net-energy buildings; and

“(B) any technical assistance needed; for

“(3) EXCLUSION.—For purposes of this section,
‘technical assistance’ shall not include actions
that promote or encourage the adoption of a
particular model building energy code, code provi-
sion, or energy savings target to a State or Indian
tribe.

“(4) INFORMATION QUALITY AND TRANS-
SPARENCY.—For purposes of this section, infor-
mation provided by the Secretary, with respect to any
technical assistance needed by a State or Indian
tribe, is ‘informative information’ and shall satisfy the
guidelines established by the Office of Management and Budget and
published at 57 Federal Register 4,882 (February 22,
2002).

“(f) FEDERAL SUPPORT.—

“(1) IN GENERAL.—The Secretary shall provide
support to States and Indian tribes—

“(A) to implement the reporting requirements of
this section; and

“(B) to implement residential and commercial
building energy codes, including increasing and
verifying compliance with the codes and train-
ing of State, tribal, and local building code offi-
cials to implement the codes.

“(2) EXCLUSION.—Support shall not be given
to support adoption and implementation of
model building energy codes for which the Secre-
tary has made a determination under section
307(g)(1)(C) that the code is not cost-effective.

“(3) TRAINING.—Support shall be offered to
States to train State and local building code offi-
cials to implement and enforce codes described
in paragraph (1)(B).

“(4) LOCAL GOVERNMENTS.—States may work
under the Secretary’s guidance with local govern-
ments that implement and enforce codes described
in paragraph (1)(B).

“(g) VOLUNTARY PROGRAMS TO EXCEED
MODEL BUILDING ENERGY CODES; AND

“(1) IN GENERAL.—The Secretary shall provide
technical assistance, as described in subsection
(e), for the development of voluntary programs
that exceed the model building energy codes for
residential and commercial buildings for use as

“(A) voluntary incentive programs adopted by
local, tribal, or State governments; and

“(B) nonbinding guidelines for energy-effi-
cient building design.

“(2) TO USE.—The voluntary programs
described in paragraph (1) shall be designed—

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

“(B) to meet targets under section 307(b), if
available, up to 3 to 6 years in advance of the
target year.

“(h) STUDIES.—

“(1) GENERAL.—The Comptroller General of the
United States shall conduct a study of the
impacts of updating the national model building
energy codes for residential and commercial
buildings. In conducting the study, the Com-
ptroller General shall consider and report, at a
minimum—

“(i) the actual energy consumption savings
stemming from updated energy codes compared
to the actual energy consumption savings predicted
during code development;

“(ii) the actual consumer cost savings stem-
ing from updated energy codes compared to the
actual consumer cost savings predicted during code
development;

“(iii) an accounting of expenditures of the
Federal funds under each program authorized by
this title;

“(B) REPORT TO CONGRESS.—Not later than 3
years after the date of enactment of the North
American Energy Security and Infrastructure
Act of 2016, the Comptroller General of the
United States shall submit a report to the Com-
mittee on Energy and Natural Resources of
the Senate and the Committee on Energy and Com-
merce of the House of Representatives including
the study findings and conclusions.

“(i) FEASIBILITY STUDY.—The Secretary, in
consultation with building science experts from
the National Laboratories and institutions of
higher education, designers and builders of
energy-efficient residential and commercial build-
ings, code officials, and other stakeholders,
shall undertake a study of the feasibility, im-
pact, economics, and merit of—

“(A) a code improvements that would require
that buildings be designed, sited, and con-
structed in a manner that makes the buildings
more adaptable in the future to become zero-net-
ergy after initial construction, as advances are
achieved in energy-saving technologies;

“(B) code procedures to incorporate a ten-
year payback, not just first-year energy use,
in trade-offs and performance calculations; and

“(C) legislative options for increasing energy
savings from building energy codes, including
additional incentives for effective State and
local verification of compliance with and en-
forcement of a code.

“(2) ENERGY DATA IN MULTITENANT BUILD-
INGS.—The Secretary, in consultation with ap-
propriate representatives of the utility, utility
energy codes for residential and commercial
buildings with multiple tenants and uses;
and

“(B) consider the development of a memo-
randum of understanding between and among
affected stakeholders to reduce barriers to the
delivery of aggregated energy consumption
information to owners and managers of res-
idential and commercial buildings with multiple
tenants and uses; and

“(C) consider the development of a memo-
randum of understanding between and among
affected stakeholders to reduce barriers to the
delivery of aggregated energy consumption
information to owners and managers.

“(i) DEFINITION OF POLICY.—Nothing in this
section or section 307 supersedes or modifies the
application of sections 321 through 346 of the
Energy Policy and Conservation Act (42 U.S.C.
6201 through 6205).

“(i) FUNDING LIMITATIONS.—No Federal funds shall be
“(1) used to support actions by the Secretary, or States, to promote or discourage the adoption of a particular building energy code, code provision, or energy saving target to a State or Indian tribe; and

“(2) provided to private third parties or non-governmental organizations to engage in such activities.

(c) FEDERAL BUILDING ENERGY EFFICIENCY STANDARDS.—Section 305 of the Energy Conservation and Production Act (42 U.S.C. 6834) is amended by striking “voluntary building energy code” in subsections (a)(2)(B) and (b) and inserting “model building energy code”.

(d) MODEL BUILDING ENERGY CODES.—

(1) Section 307 of the Energy Conservation and Production Act (42 U.S.C. 6834) is amended to read as follows:

“SEC. 307. SUPPORT FOR MODEL BUILDING ENERGY CODES.

“(a) IN GENERAL.—The Secretary shall provide technical assistance, as described in subsection (c), for updating of model building energy codes.

“(b) TARGETS.—

“(1) IN GENERAL.—The Secretary shall provide technical assistance, for updating the model building energy codes.

“(2) TARGETS.—

“(A) IN GENERAL.—The Secretary shall provide technical assistance to States, Indian tribes, local governments, nationally recognized code or standards developers, and interested parties for updating of model building energy codes by establishing one or more aggregate energy savings targets through rulemaking in accordance with section 553 of title 5, United States Code, to achieve the purposes of this section.

“(B) SEPARATE TARGETS.—Separate targets may be established for commercial and residential buildings.

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

“(D) SPECIFIC YEARS.—Targets for specific years shall be established and revised by the Secretary through rulemaking in accordance with section 553 of title 5, United States Code, and coordinated with nationally recognized code and standards developers at a level that—

“(1) is at the maximum level of energy efficiency that is technically feasible and cost effective, while accounting for the economic considerations under paragraph (4); and

“(2) advancement of distributed generation and on-site renewable power generation technologies;

“(E) equipment improvements for heating, cooling, and ventilation systems and water heating systems;

“(F) building management systems and smart grid technologies to reduce energy use; and

“(G) other factors, as defined by the Secretary and the model building energy code-setting and standard development organizations, with supporting evidence, sufficient to enable the model building energy codes to meet the targets established under subsection (b)(2).

“(2) PROCESS AND FACTORS.—All amendment proposals submitted by the Secretary shall be published in the Federal Register and made available on the Department of Energy website 90 days prior to any submittal to a code development body and shall be subject to a public comment period of not less than 60 days. Information provided by the Secretary, attendant to submission of any amendment proposals, is in the nature of influential information and shall satisfy the guidelines established by the Office of Management and Budget and published at 67 Federal Register 8,452 (February 22, 2002). When calculating the costs and impacts of an amendment, the Secretary shall use climate zone weighted averages for equipment efficiency for heating, cooling, ventilation, and water heating systems, using equipment that is actually installed.

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

“(4) DETERMINATION.—The Secretary shall establish a methodology for evaluating cost effectiveness of energy code changes in multifamily buildings that incorporates economic parameters representative of typical multifamily buildings.

“(A) improves energy efficiency in buildings compared to the existing IECC or ASHRAE Standard 90.1, as applicable;

“(B) meets the applicable targets under subsection (b)(2); and

“(C) is technically feasible and cost-effective.

“(B) CODES OR STANDARDS NOT MEETING CRITERIA.—

“(A) IN GENERAL.—If the Secretary makes a preliminary determination under paragraph (1)(B) that a revised IECC or ASHRAE Standard 90.1 does not meet the targets established under subsection (b)(2), the Secretary shall make a preliminary determination not later than 90 days after the date of the revision, and a final determination not later than 15 months after the date of the revision, on whether or not the revision—

“(1) improves energy efficiency in buildings as compared to the existing IECC or ASHRAE Standard 90.1, as applicable;

“(2) meets the applicable targets under subsection (b)(2); and

“(3) is technically feasible and cost-effective.

“(C) building energy analysis and design tools;

“(D) energy simulation models;

“(E) building demonstrations;

“(F) developing definitions of energy use intensity and building types for use in model building energy codes that account for the technical and economic impacts of the model building energy codes;

“(G) developing a performance-based pathway for compliance;

“(H) developing model building energy codes by Indian tribes in accordance with tribal law; and

“(1) code development meetings, including through direct Federal employee participation in committee meetings, hearings and online communication, voting, and presenting research and technical or economic analyses during such meetings.

“(2) EXCLUSION.—Except as provided in paragraph (2)(1), for purposes of this section, ‘technical assistance’ shall not include actions that promote or discourage the adoption of a particular building energy code, code provision, or energy savings target.

“(4) INFORMATION QUALITY AND TRANSPARENCY.—For each section, information provided by the Secretary, attendant to development of any energy savings targets, is influential information and shall satisfy the guidelines established by the Office of Management and Budget and published at 67 Federal Register 8,452 (February 22, 2002).

“(d) AMENDMENT PROPOSALS.—

“(1) IN GENERAL.—The Secretary may submit timely model building energy code amendment proposals that are technically feasible, cost-effective, and technology-neutral to the model building energy code-setting and standard development organizations, with supporting evidence, sufficient to enable the model building energy codes to meet the targets established under subsection (b)(2).

“(2) PROCESS AND FACTORS.—All amendment proposals submitted by the Secretary shall be published in the Federal Register and made available on the Department of Energy website 90 days prior to any submittal to a code development body, and shall be subject to a public comment period of not less than 60 days. Information provided by the Secretary, attendant to submission of any amendment proposals, is in the nature of influential information and shall satisfy the guidelines established by the Office of Management and Budget and published at 67 Federal Register 8,452 (February 22, 2002). When calculating the costs and impacts of an amendment, the Secretary shall use climate zone weighted averages for equipment efficiency for heating, cooling, ventilation, and water heating systems, using equipment that is actually installed.

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

“(4) DETERMINATION.—The Secretary shall establish a methodology for evaluating cost effectiveness of energy code changes in multifamily buildings that incorporates economic parameters representative of typical multifamily buildings.

“(A) improves energy efficiency in buildings compared to the existing IECC or ASHRAE Standard 90.1, as applicable;

“(B) meets the applicable targets under subsection (b)(2); and

“(C) is technically feasible and cost-effective.

“(B) CODES OR STANDARDS NOT MEETING CRITERIA.—

“(A) IN GENERAL.—If the Secretary makes a preliminary determination under paragraph (1)(B) that a revised IECC or ASHRAE Standard 90.1 does not meet the targets established under subsection (b)(2), the Secretary shall make a preliminary determination not later than 90 days after the date of the revision, and a final determination not later than 15 months after the date of the revision, on whether or not the revision—

“(1) improves energy efficiency in buildings compared to the existing IECC or ASHRAE Standard 90.1, as applicable;

“(2) meets the applicable targets under subsection (b)(2); and

“(3) is technically feasible and cost-effective.

“(C) building energy analysis and design tools;

“(D) energy simulation models;

“(E) building demonstrations;

“(F) developing definitions of energy use intensity and building types for use in model building energy codes that account for the technical and economic impacts of the model building energy codes;

“(G) developing a performance-based pathway for compliance;

“(H) developing model building energy codes by Indian tribes in accordance with tribal law; and

“(1) code development meetings, including through direct Federal employee participation in committee meetings, hearings and online communication, voting, and presenting research and technical or economic analyses during such meetings.

“(2) EXCLUSION.—Except as provided in paragraph (2)(1), for purposes of this section, ‘technical assistance’ shall not include actions that promote or discourage the adoption of a particular building energy code, code provision, or energy savings target.

“(4) INFORMATION QUALITY AND TRANSPARENCY.—For each section, information provided by the Secretary, attendant to development of any energy savings targets, is influential information and shall satisfy the guidelines established by the Office of Management and Budget and published at 67 Federal Register 8,452 (February 22, 2002).

“(B) INCORPORATION OF CHANGES.—

“(1) IN GENERAL.—On receipt of the technical assistance, the International Code Council or ASHRAE, as applicable, shall, prior to the Secretary making a final determination, have an additional 270 days to accept or reject the proposed changes made by the Secretary to the model building energy code or standard.

“(2) FINAL DETERMINATION UNDER PARAGRAPH (1) SHALL BE ON THE FIFTH REVISED MODEL BUILDING ENERGY CODE OR STANDARD.
(1) publish notice of targets, amendment proposals and supporting analysis and determinations under this section in the Federal Register to provide an explanation of and the basis for such targets in the same chapter of chapter II of the Energy Conservation and Production Act, data, assumptions, protocols, and cost benefit analysis, including return on investment;

(2) provide an opportunity for public comment on targets and supporting analysis and determinations under this section, in accordance with section 533 of title 5, United States Code; and

(3) provide an opportunity for public comment on amendment proposals.

SEC. 3142. VOLUNTARY NATURE OF BUILDING RATING PROGRAM.

(a) IN GENERAL.—Any program of the Secretary of Energy that may enable the owner of a commercial building or a residential building to obtain an assessment, or label regarding the actual or anticipated energy usage or performance of a building shall be made available on a voluntary, optional, and market-driven basis.

(b) DISCLAIMER AS TO REGULATORY INTENT.—Information disseminated by the Secretary of Energy regarding the program described in subsection (a), including any information made available to the public online, shall include language plainly stating that such program is not developed or intended to be the basis for a regulatory program by a Federal, State, local, or municipal government body.

CHAPTER 5—EPCA TECHNICAL CORRECTIONS AND CLARIFICATIONS

SEC. 3151. MODIFYING PRODUCT DEFINITIONS.

(a) AUTHORITY TO MODIFY DEFINITIONS.—

(1) COVERED PRODUCTS.—Section 322 of the Energy Policy and Conservation Act (42 U.S.C. 6292) is amended by adding at the end the following:

"(i) standards previously promulgated under section 325 shall not apply to such type or class of product.

(b) APPLICABILITY.—For any type or class of consumer product which ceases to be a covered product pursuant to this subsection, the provisions of this paragraph apply to the type or class of consumer product.".

(2) COVERED EQUIPMENT.—Section 341 of the Energy Policy and Conservation Act (42 U.S.C. 6291) is amended by adding at the end the following:

"(i) the references to sections 322, 323, 324, and 325 of this Act shall be considered as referring to sections 341, 343, 344, and 342 of this Act, respectively;"

SEC. 3152. CLARIFYING RULEMAKING PROCEDURES.

(a) COVERED PRODUCTS.—Section 325(p) of the Energy Policy and Conservation Act (42 U.S.C. 6295(p)) is amended—

(1) by redesignating paragraphs (1), (2), (3), (4), and (5) as paragraphs (2), (3), (5), and (6), respectively;

(2) by inserting before paragraph (2) (as so redesignated by paragraph (1) of this subsection) the following:

"(1) The Secretary shall provide an opportunity for public input prior to the issuance of a proposed rule, seeking information:

(A) identifying and commenting on design options;

(B) on the existence of and opportunities for voluntary nonregulatory actions; and

(C) identifying significant subgroups of consumers and manufacturers that merit analysis.

(2) in paragraph (3) (as so redesignated by paragraph (1) of this subsection)—

(A) in subparagraph (C), by striking "and" and inserting ";"

(B) in subparagraph (D), by striking "standard," and inserting "standards;"; and

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

"(4) whether the technical and economic analytical assumptions, methods, and models used to justify the standard to be prescribed are—

(i) justified; and

(ii) available and accessible for public review, analysis, and use; and

(F) the cumulative regulatory impacts on the manufacturers of the product, taking into account—

(i) other government standards affecting energy use; and

(ii) other energy conservation standards affecting the same manufacturer;".

(b) COVERED EQUIPMENT.—Section 343 of the Energy Policy and Conservation Act (42 U.S.C. 6295(s)) is amended—

(1) by redesignating paragraphs (1), (2), (3), (4), and (5) as paragraphs (2), (3), (5), and (6), respectively;

(2) by inserting before paragraph (2) (as so redesignated by paragraph (1) of this subsection) the following:

"(1) The Secretary shall provide an opportunity for public input prior to the issuance of a proposed rule, seeking information:

(A) identifying and commenting on design options;

(B) on the existence of and opportunities for voluntary nonregulatory actions; and

(C) identifying significant subgroups of consumers and manufacturers that merit analysis.

(2) in paragraph (3) (as so redesignated by paragraph (1) of this subsection)—

(A) in subparagraph (C), by striking "and" and inserting ";"

(B) in subparagraph (D), by striking "standard," and inserting "standards;"; and

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

"(4) whether the technical and economic analytical assumptions, methods, and models used to justify the standard to be prescribed are—

(i) justified; and

(ii) available and accessible for public review, analysis, and use; and

(F) the cumulative regulatory impacts on the manufacturers of the product, taking into account—

(i) other government standards affecting energy use; and

(ii) other energy conservation standards affecting the same manufacturer;".

(c) NONREGULATORY ACTIONS.—

(1) The Secretary may establish test procedures for such type or class of covered product pursuant to section 322 and energy conservation standards pursuant to section 325(i); and

(2) the Commission may prescribe labeling rules pursuant to section 324 if the Commission determines that labeling in accordance with that section is technologically and economically feasible and likely to assist consumers in making purchasing decisions;

(3) section 327 shall begin to apply to such type or class of covered product in accordance with section 325(ii)(1); and

(4) standards previously promulgated under section 325 shall not apply to such type or class of product.

(d) ANTIBACKSLIDING EXEMPTION.—Section 327 of the Energy Policy and Conservation Act (42 U.S.C. 6295(s)) is amended by adding at the end the following:

"(iv) standards previously promulgated under section 325, 326, and 327 shall not apply to such type or class of covered product.

(e) CONFORMING AMENDMENTS PROVIDING FOR JUDICIAL REVIEW.—

(1) Section 336 of the Energy Policy and Conservation Act (42 U.S.C. 6296) is amended by striking "section 325," each place it appears and inserting "section 322, 323, 324, 325, 326, 327, and 328;"

(2) Section 345(a)(4) of the Energy Policy and Conservation Act (42 U.S.C. 6296(a)(4)) is amended to read as follows:

"(4) The references to sections 322, 323, 324, and 325 of this Act shall be considered as referring to sections 341, 343, 344, and 342 of this Act, respectively;"

SEC. 3153. RESTRICTION ON TEST PROCEDURE AMENDMENTS.

(a) IN GENERAL.—Any proposed energy conservation standards issued pursuant to section 322 for any type or class of covered product after the issuance of a notice of proposed rulemaking to prescribe an amended or new energy conserva- tion standard under section 327 to which the proposed standards apply, shall conclude no sooner than 180 days after the date of publication of a final rule revising the test procedure.

(b) EXCEPTION.—The Secretary may propose or prescribe an amendment to the test procedures issued pursuant to section 322 for any type or class of covered product before the issuance of a notice of proposed rulemaking to prescribe an amended or new energy conservation standard under section 327 to which the proposed standards apply, but before the issuance of a final rule prescribing any such standard, if—

(1) the amendments to the test procedure have been proposed or prescribed through a rulemaking conducted in accordance with the subchapter III of chapter 5 of this Act, United
(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—

(A) a utility;

(B) a municipality;

(C) a water district; and

(D) any other authority that provides water, wastewater, or water reuse services.

(2) SECRETARY.—The term ‘Secretary’ means the Secretary of Energy.

(3) SMART ENERGY AND WATER EFFICIENCY PILOT PROGRAM.—The term ‘smart energy and water efficiency pilot program’ or ‘pilot program’ means the pilot program established under subsection (b).

(b) SMART ENERGY AND WATER EFFICIENCY PILOT PROGRAM.

(1) IN GENERAL.—The Secretary shall establish and carry out a smart energy and water efficiency management pilot program in accordance with this section.

(2) PURPOSE.—The purpose of the smart energy and water efficiency pilot program is to award grants to eligible entities to demonstrate advanced and innovative technology-based solutions that will—

(A) increase and improve the energy efficiency of water, wastewater, and water reuse systems to help communities across the United States make significant progress in conserving water, saving energy, and reducing costs;

(B) highlight implementation of innovative processes and the installation of advanced automated systems that provide real-time data on energy and water; and

(C) improve energy and water conservation, water quality, and predictive maintenance of energy and water systems, through the use of Internet-connected technologies, including sensors, intelligent gateways, and security embedded in hardware.

(3) PROJECT SELECTION.—

(A) IN GENERAL.—The Secretary shall make competitive, merit-reviewed grants under the pilot program to not less than 3, but not more than 5, eligible entities.

(B) SELECTION CRITERIA.—In selecting an eligible entity to receive a grant under the pilot program, the Secretary shall consider—

(i) energy and cost savings anticipated to result from the project;

(ii) the impact on the nature, commercial viability, and reliability of the technology to be used;

(iii) the degree to which the project integrates next-generation sensors, software, hardware, analytics, and management tools;

(iv) the anticipated cost effectiveness of the pilot project in terms of energy efficiency savings, water savings or reuse, and infrastructure costs over 5 years;

(v) whether the technology can be deployed in a variety of geographic regions and the degree to which the technology can be implemented on a smaller or larger scale, including whether the technology can be implemented by each type of eligible entity;

(vi) whether the technology has been successfully deployed elsewhere;

(vii) whether the technology is sourced from a manufacturer based in the United States; and

(viii) whether the project will be completed in 5 years or less.

(C) APPLICATIONS.—

(i) IN GENERAL.—Subject to clause (ii), an eligible entity seeking a grant under the pilot program shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary determines to be necessary.

(ii) CONTENTS.—An application under clause (i) shall, at a minimum, include—

(I) a description of the project;

(II) a description of the technology to be used in the project;

(III) the anticipated results, including energy and water savings, of the project;

(IV) a comprehensive budget for the project;

(V) the names of the project lead organization and any partners;

(VI) the number of users to be served by the project; and

(VII) any other information that the Secretary determines to be necessary for the type or class of covered product, States, and any partners.

(D) ADMINISTRATION.—

(i) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall select grant recipients under this section.

(ii) EVALUATIONS.—The Secretary shall annually carry out an evaluation of each project for which a grant is provided under this section that—

(I) evaluates the progress and impact of the project; and

(II) assesses the degree to which the project is meeting the goals of the pilot program.

(E) TECHNICAL AND POLICY ASSISTANCE.—On the request of a grant recipient, the Secretary shall provide technical and policy assistance to the grant recipient to carry out the project.

(F) BEST PRACTICES.—The Secretary shall make available to the public—

(i) a copy of each evaluation carried out under subparagraph (B); and

(ii) a description of any best practices identified by the Secretary as a result of those evaluations.

(G) REPORT TO CONGRESS.—The Secretary shall submit to Congress a report containing the results of each evaluation carried out under subparagraph (B).

(H) FUNDING.—To carry out this section, the Secretary is authorized to use not more than $15,000,000, to the extent provided in advance in appropriation Acts.

(c) SMARTER.

(1) IN GENERAL.—Energy and Conservation Act (42 U.S.C. 6201 et seq.) is amended by adding after section 324A the following:

"SEC. 324B. WATERSENSE.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the Environmental Protection Agency.

(2) USE OF SCIENCE.—The term ‘feasible’ means feasible with the use of the best technology, treatment techniques, and other means that the Administrator, after examination for efficacy under field conditions and not solely under laboratory conditions, are available (taking cost into consideration).

(3) SECRETARY.—The term ‘Secretary’ means the Secretary of Energy.

(4) WATER-EFFICIENT PRODUCT, BUILDING, LANDSCAPE, PROCESS, OR SERVICE.—The term ‘water-efficient product, building, landscape, process, or service’ means a product, building, landscape, process, or service for a residence or a commercial or institutional building, or its landscape, that is rated for water efficiency and performance, the covered categories of which are—

(A) irrigation technologies and services;"
Chapter 1—Market Manipulation, Enforcement, and Compliance

SEC. 3211. FERC Office of Compliance Assistance and Public Participation.

SECTION 319 of the Federal Power Act (16 U.S.C. 824q–1) is amended to read as follows:

(a) ESTABLISHMENT.—There is established within the Commission an Office of Compliance Assistance and Public Participation (referred to in this section as the ‘Office’). The Office shall be headed by a Director.

(b) DUTIES OF DIRECTOR.—

(1) IN GENERAL.—The Director of the Office shall promote improved compliance with Commission rules and orders by—

(A) making recommendations to the Commission regarding—

(i) the protection of consumers;

(ii) market integrity and support for the development of responsible market behavior;

(iii) the application of Commission rules and orders in a manner that ensures that—

(I) rates and charges for, or in connection with, the sale of electric energy subject to the jurisdiction of the Commission shall be just and reasonable and not unduly discriminatory or preferential; and

(II) markets for such transmission and sale of electric energy are not impaired and consumers are not damaged; and

(ii) the impact of existing and proposed Commission rules and orders on small entities, as defined in section 601 of title 5, United States Code (commonly known as the Regulatory Flexibility Act);

(2) providing entities subject to regulation by the Commission the opportunity to obtain timely guidance for compliance with Commission rules and orders; and

(3) providing information to the Commission and Congress to inform policy with respect to energy issues under the jurisdiction of the Commission.

(2) REPORTS AND GUIDANCE.—The Director shall, as the Director determines appropriate, issue reports and guidance to the Commission and to entities subject to regulation by the Commission on market practices, proposing improvements in Commission monitoring of market practices, and addressing potential improvements to both industry and Commission practices.

(3) OUTREACH.—The Director shall promote improved compliance with Commission rules and orders through outreach, publication, and, where appropriate, direct communication with entities regulated by the Commission.

CHAPTER 2—Market Reforms

SEC. 3221. Gas Study on Wholesale Electricity Markets.

(a) STUDY.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the results of a study of whether and how the current market rules, practices, and structures of each regional transmission entity produce rates that are just and reasonable by—

(1) facilitating fuel diversity, the availability of generation facilities during emergency and severe weather conditions, resource adequacy, and reliability, including the cost-effective retention and development of needed generation;

(2) demonstrating the equitable and nonvoting stakeholder representatives, including meaningful participation by both voting and nonvoting stakeholder representatives, and

(3) facilitating the development of necessary natural gas pipeline and electric transmission infrastructure;

(4) ensuring fairness and transparency in governance structures and stakeholder processes, including meaningful participation by both voting and nonvoting stakeholder representatives, and

(5) providing information regarding dispatch decisions, including the need for out-of-market actions and payments, and the accuracy of day-ahead and commitments;

(6) ensuring fairness and transparency in governance structures and stakeholder processes, including meaningful participation by both voting and nonvoting stakeholder representatives, and

(7) ensuring the proper alignment of the energy and transmission markets by including both energy and financial transmission rights in the day-ahead markets;

(b) CONFORMING AMENDMENT.—The table of contents for the Energy Policy and Conservation Act of 1992 (42 U.S.C. 8262b) is amended to read as follows:

(c) CONFORMING AMENDMENT.—The table of contents for the Energy Policy and Conservation Act of 1992 (42 U.S.C. 8262b) is amended by striking subsection (c).

SEC. 3237. Repeal of Intergovernmental Energy Management and Coordination Workshops.

(a) REPEAL.—Section 156 of the Energy Policy Act of 1992 (42 U.S.C. 8262c) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the Energy Policy Act of 1992 (Public Law 102-486; 106 Stat. 2776) is amended by striking the item relating to section 156.

SEC. 3238. Repeal of Inspector General Audit Survey and President’s Council on Integrity and Efficiency Report to Congress.

(a) REPEAL.—Section 160 of the Energy Policy Act of 1992 (42 U.S.C. 8262d) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the Energy Policy Act of 1992 (Public Law 102-486; 106 Stat. 2776) is amended by striking the item relating to section 160 and inserting the following:


SEC. 3239. Repeal of Procurement and Identification of Energy Efficient Products Program.

(a) REPEAL.—Section 161 of the Energy Policy Act of 1992 (42 U.S.C. 8262d) is repealed.


(a) REPEAL.—Part 5 of title V of the National Energy Conservation Policy Act (42 U.S.C. 8279) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the National Energy Conservation Policy Act (Public Law 95-619; 92 Stat. 3296) is amended by striking the item relating to section 240.


(a) REPEAL.—Section 741 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8451) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the Powerplant and Industrial Fuel Use Act of 1978 (Public Law 95-619; 92 Stat. 3296) is amended by striking the item relating to section 741.
SEC. 3245. REPEAL OF SUBMISSION OF REPORTS.

(a) REPEAL.—Section 807 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 4453) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the Powerplant and Industrial Fuel Use Act of 1978 (Public Law 95–620; 92 Stat. 3289) is amended by striking the item relating to section 807.

SEC. 3246. REPEAL OF ELECTRIC UTILITY CONSERVATION PLAN.

(a) REPEAL.—Section 808 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 4454) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the Powerplant and Industrial Fuel Use Act of 1978 (Public Law 95–620; 92 Stat. 3289) is amended by striking the item relating to section 808.

(2) REPORT ON IMPLEMENTATION.—Section 712 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 4472) is repealed, as amended, and—

(A) by striking “(a) GENERALLY.—”;

(B) by striking the end of subsection (b); and

SEC. 3247. TECHNICAL AMENDMENT TO POWERPLANT AND INDUSTRIAL FUEL USE ACT OF 1978.

The table of contents for the Powerplant and Industrial Fuel Use Act of 1978 (Public Law 95–620; 92 Stat. 3289) is amended by striking the item relating to section 712.

SEC. 3248. EMERGENCY ENERGY CONSERVATION REPEALS.

(a) REPEALS.—(1) Section 201 of the Emergency Energy Conservation Act of 1979 (42 U.S.C. 8301) is amended—

(A) in the section heading, by striking “FINDINGS AND”;

(B) by striking subsection (a); and

(C) by striking “(b) PURPOSE.—”.

(2) Section 221 of the Emergency Energy Conservation Act of 1979 (42 U.S.C. 8321) is repealed.


(b) CONFORMING AMENDMENT.—The table of contents for the Emergency Energy Conservation Act of 1979 (Public Law 96–102; 93 Stat. 749) is amended—

(1) by striking the item relating to section 201 and inserting the following:

“Sec. 201. Purposes;.”; and

(2) by striking the items relating to sections 221, 222, and 241.

SEC. 3249. REPEAL OF STATE UTILITY REGULATORY ASSISTANCE.

(a) REPEAL.—Section 207 of the Energy Conservation and Production Act (42 U.S.C. 6807) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the Energy Conservation and Production Act (Public Law 94–385; 90 Stat. 1125) is amended by striking the item relating to section 207.

SEC. 3250. REPEAL OF SURVEY OF ENERGY SAVING POTENTIAL.

(a) REPEAL.—Section 550 of the National Energy Conservation Policy Act (42 U.S.C. 825b) is repealed.

(b) CONFORMING AMENDMENT.—(1) The table of contents for the National Energy Conservation Policy Act (Public Law 95–319; 92 Stat. 3296) is amended by striking the item relating to section 550.

(2) Section 543(d)(2) of the National Energy Conservation Policy Act (42 U.S.C. 8234(d)(2)) is amended by striking “incorporating any relevant information from the survey conducted pursuant to section 550”.

SEC. 3251. REPEAL OF PHOTOVOLTAIC ENERGY PROGRAM.

(a) REPEAL.—Part 4 of title V of the National Energy Conservation Policy Act (42 U.S.C. 8271 et seq.) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the National Energy Conservation Policy Act (Public Law 95–619; 92 Stat. 3296) is amended—

(1) by striking the item relating to part 4 of title V; and

(2) by striking the items relating to sections 561 through 576.

SEC. 3252. REPEAL OF ENERGY AUDITOR TRAINING AND CERTIFICATION.

(a) REPEAL.—Subtitle F of title V of the Energy Security Act (42 U.S.C. 8283 et seq.) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the Energy Security Act (Public Law 96–294; 94 Stat. 611) is amended by striking the items relating to subtitle F of title V.

CHAPTER 4—AUTHORIZATION

SEC. 3251 AUTHORIZATION.

There are authorized to be appropriated, out of funds authorized under previously enacted laws, amounts required for carrying out this division and the amendments made by this division.

TITLE IV—CHANGING CRUDE OIL MARKET CONDITIONS

SEC. 4001. FINDINGS.

The Congress finds the following:

(1) The United States has enjoyed a renaissance in energy production, establishing the United States as the world’s leading oil producer.

(2) By authorizing crude oil exports, the Congress can spurs domestic energy creation, create and preserve jobs, help maintain and strengthen our independent shipping fleet that is essential to national defense, and generate State and Federal revenues.

(3) An energy-secure United States that is a net exporter of energy has the potential to transform the security environment around the world, notably in Europe and the Middle East.

(4) For our European allies and Israel, the presence of more United States oil in the market will offer more secure supply options, which will strengthen United States strategic alliances and help curtail the use of energy as a political weapon.

(5) The 60-ship Maritime Security Fleet is a vital element of our military’s strategic sealift and global response capability. It allows the United States military and nations that are designated as a state sponsor of terrorism, to prohibit exports.
SEC. 4006. PARTNERSHIPS WITH MINORITY SERVING INSTITUTIONS.

(a) IN GENERAL.—The Department of Energy shall continue to develop and broaden partnerships with colleges and universities, including Historically Black Colleges and Universities (HBCUs) in the areas of oil and gas exploration, production, midstream, and refining. 

(b) PUBLIC-PRIVATE PARTNERSHIPS.—The Department of Energy shall encourage public-private partnerships between the energy sector and minority serving institutions, including Hispanic Serving Institutions and Historically Black Colleges and Universities.

SEC. 4007. REPORT.

Not later than 20 years after the date of enactment of this Act, the Secretary of Energy and the Secretary of Commerce shall jointly transmit to Congress a report that reviews the impact of lifting the oil export ban under this title as it relates to promoting United States energy and national security.

SEC. 4008. REPORT TO CONGRESS.

Not later than 180 days after the date of enactment of this Act, the Secretary of Energy and the Secretary of Commerce shall jointly transmit to Congress a report analyzing how lifting the ban will help create opportunities for veterans and women in the United States, while promoting energy and national security.

SEC. 4009. PROHIBITION ON EXPORTS OF CRUDE OIL, REFINED PETROLEUM PRODUCTS, AND PETROCHEMICAL PRODUCTS TO THE ISLAMIC REPUBLIC OF IRAN.

Nothing in this title shall be construed to authorize the export of crude oil, refined petroleum products, and petrochemical products to the Islamic Republic of Iran.

TITLE V—OTHER MATTERS

SEC. 5001. ASSESSMENT OF REGULATORY REQUIREMENTS.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall assess the requirements described in subsection (b) that are satisfied.

(b) REQUIREMENTS.—The Administrator shall satisfy—

(1) section 4 of Executive Order No. 12866 (5 U.S.C. 601 note) (relating to regulatory planning and review) and Executive Order No. 13563 (5 U.S.C. 601 note) (relating to improving regulatory review) and Executive Order No. 13563 (5 U.S.C. 601 note) (relating to federalism); and

(2) extends no further than necessary to correct the violation.

(b) DURATION.—In the case of an extension, the extension shall—

(1) only be in 20-day increments; and

SEC. 5010. SMART METER PRIVACY RIGHTS.

(a) ELECTRICAL CORPORATION OR GAS CORPORATION.—

(1) For purposes of this section, “electrical or gas consumption data” means data about a customer’s electrical or natural gas usage that is made available as part of an advanced metering information system, and includes customer account number, or residence of the customer.

(2)(A) An electrical corporation or gas corporation shall not sell a customer’s electrical or gas consumption data, except as provided in subsection (a)(5) or upon the consent of the customer.

(B) An electrical corporation or gas corporation shall not sell a customer’s electrical or gas consumption data to any other person except as provided in subsection (a)(5) or upon the consent of the customer.

(C) The electrical corporation or gas corporation or its contractors shall not provide an incentive or discount to the customer for accessing the customer’s electrical or gas consumption data without the prior consent of the customer.

(3) If an electrical corporation or gas corporation contracts with a third party for a service that allows a customer to monitor his or her electricity or gas usage, the third party uses the data for a secondary commercial purpose, the contract between the electrical corporation or gas corporation and the third party shall provide that the third party never discloses that secondary commercial purpose to the customer.

(4) An electrical corporation or gas corporation shall use reasonable security procedures and practices to protect a customer’s unencrypted electrical or gas consumption data from unauthorized access, alteration, destruction, use, modification, or disclosure.

(5)(A) Nothing in this section shall preclude an electrical corporation or gas corporation from disclosing electrical or gas consumption data for analysis, reporting, or program management if all information has been removed regarding the individual identity of a customer.

(B) Nothing in this section shall preclude an electrical corporation or gas corporation from disclosing electrical or gas consumption data to a third party for system, grid, or operational needs, or the implementation of demand response, energy management, or energy efficiency programs, provided that the contract entered into after January 1, 2016, the utility has required by contract that the third party implement and maintain reasonable security procedures and practices appropriate to the nature of the information, to protect the personal information from unauthorized access, destruction, use, modification, or disclosure, and prohibits the use of the data for a secondary commercial purpose not related to the primary purpose of the contract without the customer’s consent.

(C) Nothing in this section shall preclude an electrical corporation or gas corporation from disclosing electrical or gas consumption data to a third party for research if the customer has given informed consent.

(D) If a customer chooses to disclose his or her electrical or gas consumption data to a third party, the customer is unaffiliated with, and has no other business relationship with, the electrical or gas corporation, the electrical or gas corporation shall not be responsible for the security of the data, or its use or misuse.

(E) LOCAL PUBLICLY OWNED ELECTRIC UTILITIES.—

For purposes of this section, “electrical consumption data” means data about a customer’s electrical usage that is made available...
as part of an advanced metering infrastructure, and includes the name, account number, or residence of the customer.

(2) A local publicly owned electric utility shall not close a customer's electrical consumption data, except as provided in subsection (b) (5) or upon the consent of the customer.

(2) A local publicly owned electric utility shall not sell a customer's electrical consumption data, except as provided in subsection (b) (5) or upon the consent of the customer.

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be a reference to the date of enactment of that paragraph (2).”.

**TITLE VII—MARINE HYDROKINETIC**

**SEC. 7001. DEFINITION OF MARINE AND HYDROKINETIC RENEWABLE ENERGY.**

Section 632 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17211) is amended in the matter preceding paragraph (1) by striking “energy” and inserting “energy”.

**SEC. 7002. MARINE AND HYDROKINETIC RENEWABLE ENERGY RESEARCH AND DEVELOPMENT.**

Section 633 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17212) is amended to read as follows:

“(a) In general.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project number 12429, the Commission may, at the request of the licensee for the project, and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission’s procedures under that section, extend the time period during which the licensee is required to commence the construction of the project for up to three consecutive 2-year periods from the date of the expiration of the time period required for commencement of construction prescribed in the license.

(b) Reinstatement of expired license.—If the period required for commencement of construction of the project described in subsection (a) has expired prior to the date of the enactment of this Act, the Commission may, at the request of the licensee for the project, and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission’s procedures under that section, extend the time period during which the licensee is required to commence the construction of the project for up to three consecutive 2-year periods from the date of the expiration of the time period required for commencement of construction prescribed in the license.

(c) Time period described.—The time period described in subsection (a) shall take effect on the date of enactment of this Act, and the first extension authorized under subsection (a) shall take effect upon conclusion of the time period to commence construction of the project, as extended by the Commission under this subsection.

**SEC. 8001. EXTENSION OF TIME FOR FEDERAL ENERGY REGULATORY COMMISSION PROJECT INVOLVING CLARK CANYON DAM.**

Notwithstanding the time period described in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project number 12492, the Commission (referred to in this section as the “Commission”) shall, at the request of the license for the project, and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission’s procedures under that section, reinstate the license and extend the time period during which the licensee is required to commence construction of the project for up to four consecutive 2-year periods from the date of the expiration of the time period required for commencement of construction prescribed in the license.

**SEC. 8002. EXTENSION OF TIME FOR FEDERAL ENERGY REGULATORY COMMISSION PROJECT INVOLVING GIBSON DAM.**

(a) In general.—Notwithstanding the requirements of section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project number 12478-003, the Federal Energy Regulatory Commission (referred to in this section as the “Commission”) may, at the request of the licensee for the project, and after reasonable notice, in accordance with the procedures of the Commission under that section, reinstate the license and extend the time period during which the licensee is required to commence construction of the project for a 6-year period that begins on the date described in subsection (b).

(b) Date described.—The date described in this subsection is the date of expiration of the extension of the period required for commencement of construction for the project described in subsection (a) that was issued by the Commission pursuant to section 13 of the Federal Power Act (16 U.S.C. 806) before the enactment of this Act under section 13 of the Federal Power Act (16 U.S.C. 806).
of its expiration and the first extension authorized under subsection (a) shall take effect on the date of such expiration.

SEC. 8006. EXTENSION OF TIME FOR FEDERAL EN- EGY AND MANUFACTURING PROJECT INVOLVING FLANNAGAN DAM.

(a) In General.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 12740, the Commission may extend the expiration date for the project, and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section, extend the time period during which the licensee is required to commence the construction of the project for up to three consecutive 2-year periods from the date of the expiration of the extension originally issued by the Commission.

(b) REINSTATED LICENSE.—If the period required for commencement of construction of the project described in subsection (a) has expired prior to the date of the enactment of this Act, the Commission may reissue the license in effect as of the date of its expiration and the first extension authorized under subsection (a) shall take effect on the date of such expiration.

TITLE IX—ENERGY AND MANUFACTURING WORKFORCE DEVELOPMENT

SEC. 9001. ENERGY AND MANUFACTURING WORK- FORCE DEVELOPMENT.

(a) IN GENERAL.—The Secretary of Energy (in this title referred to as the “Secretary”) shall prioritize education and training for energy and manufacturing-related jobs in order to increase the number of skilled workers trained to work in energy and manufacturing-related fields when considering awards for existing grant programs, including by—

(1) encouraging State education agencies and local education agencies to establish career pathways with the skills, mentorships, training, and technical expertise necessary to fill the employment opportunities vital to managing and operating the Nation’s energy and manufacturing industries, in collaboration with representatives from the energy and manufacturing industries (including the oil, gas, coal, nuclear, utility, pipeline, water, chemical, manufacturing, and electrical construction sectors) to identify the areas of highest need in each sector and the skills necessary for a high quality workforce in the following sectors of energy and manufacturing—

(A) Energy efficiency industry, including work in energy efficiency, conservation, weatherization, or retrofitting, or as inspectors or auditors.

(B) Pipeline industry, including work in pipeline construction and maintenance or work as engineers or operators.

(C) Utility industry, including work in the generation, transmission, and distribution of electricity and natural gas, such as utility technicians, engineers, economists, energy analysts, research scientists, and information technology specialists.

(D) Nuclear industry, including work as scientists, engineers, technicians, mathematicians, or security personnel.

(E) Oil and gas industry, including work as scientists, engineers, technicians, mathematicians, petrochemical engineers, or geologists.

(F) Renewable industry, including work in the development, manufacturing, and production of renewable energy sources (such as solar, hydro-power, wind, or geothermal energy).

(G) Manufacturing industry, including work as coal miners, engineers, developers and manufacturers of state-of-the-art coal facilities, technology vendors, coal transportation workers and operators, or mining equipment vendors.

(H) Manufacturing industry, including work as operations technicians, operations and design in additive manufacturing, 3-D printing, advanced composites, and advanced aluminum and other metal alloys, industrial energy efficiency management systems, including power electronics, and other electrical technologies.

(i) Chemical manufacturing industry, including work in construction (such as welders, pipe-fitters, and tool and die makers) or as instrument and electronics technicians, machine shops, chemical process operators, chemical engineers, quality and safety professionals, and reliability engineers; and

(ii) Strengthening and more fully engaging Department of Energy programs and labs in carrying out the Department’s workforce development initiatives including the Minorities in Energy Initiative.

(b) PROHIBITION.—Nothing in this section shall be construed to authorize the Secretary or any employee of the Federal Government to incentivize, require, or coerce a State, school district, or school to adopt curricula aligned to the skills described in subsection (a).

(c) PRIORITY.—The Secretary shall prioritize the education and training of underrepresented groups in energy and manufacturing-related jobs.

(d) CLEARINGHOUSE.—In carrying out this section, the Secretary shall establish a clearinghouse to—

(i) maintain and update information and resources on training and workforce development programs for energy and manufacturing-related jobs, including job training and workforce development programs that displaced and unemplonved energy and manufacturing workers transitioning to new employment; and

(ii) provide technical assistance for States, local educational agencies, schools, community colleges, universities (including minority serving institutions), workforce development programs, labor-management organizations, and industry and government representatives that seek to develop and implement energy and manufacturing-related training programs.

(e) COLLABORATION.—In carrying out this section, the Secretary—

(1) shall collaborate with States, local educational agencies, schools, community colleges, universities (including minority serving institutions), workforce-training organizations, national laboratories, State energy offices, workforce investment boards, and the energy and manufacturing-related industries;

(2) shall encourage and foster collaboration, mentorships, and partnerships among organizations (including industry, States, local educational agencies, community colleges, workforce-development organizations, and colleges and universities) that currently provide effective job training programs in the energy and manufacturing fields and entities (including States, local educational agencies, schools, community colleges, workforce development programs, and colleges and universities) that seek to establish training programs in order to share best practices; and

(3) shall collaborate with the Bureau of Labor Statistics, the Department of Commerce, the Bureau of the Census, States, the energy and manufacturing industries to develop a comprehensive and detailed understanding of the energy and manufacturing workforce needs and opportunities by State and by region.

(f) PROHIBITION.—Nothing in this section shall be construed as authorizing the creation of a national workforce development program.

(g) DEFINITIONS.—In this section—

(1) CAREER PATHWAYS; DISLOCATED WORKER; IN- DEMAND SECTORS OR OCCUPATIONS; LOCAL WORKFORCE DEVELOPMENT.—The terms “career pathways”, “dislocated worker”, “in-demand sectors or occupations”, “local workforce development board”, and “school board” have the meanings given the terms “career pathways”, “dislocated worker”, “in-demand sectors or occupations”, “local board”, and “State board”, respectively, in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

(2) MINORITY-SERVING INSTITUTION.—The term “minority-serving institution” means an institution of higher education with a designation of one of the following:

(A) Hispanic-serving institution (as defined in 20 U.S.C.1059a(a)(5)).

(B) Tribal College or University (as defined in 20 U.S.C.1059a(b)).

(C) Alaska Native-serving institution or a Native Hawaiian-serving institution (as defined in 20 U.S.C.1059d(b)).

(D) Predominantly Black Institution (as defined in 20 U.S.C.1059e(b)).

(E) Native American-serving tribally controlled college or university (as defined in 20 U.S.C.1059d(b)).

(F) Asian American and Native American Pa- cific Islander-serving institution (as defined in 20 U.S.C.1059g(b)).

SEC. 9002. REPORT.

Five years after the date of enactment of this Act, the Secretary shall publish a comprehensive
report to the Committee on Energy and Commerce and the Committee on Education and the Workforce of the House of Representatives and the Senate Energy and Natural Resources Committee.

The report shall also include a comprehensive summary of energy and manufacturing job creation as a result of the enactment of this Act. The report shall include performance data regarding the number of program participants served, the percentage of participants in competitive integrated employment two quarters and four quarters after program completion, and the percentage of program participants receiving industry-recognized credentials.

SEC. 9003. USE OF EXISTING FUNDS.

No additional funds are authorized to carry out the requirements of this Act. Such requirements shall be carried out using amounts otherwise authorized.

DIVISION B—RESILIENT FEDERAL FORESTS

SEC. 1. SHORT TITLE.

This division may be cited as the “Resilient Federal Forests Act of 2018.”

SEC. 2. DEFINITIONS.

In titles I through VIII of this division:

(1) IN GENERAL.—The term “catastrophic event” means any natural disaster (such as hurricane, tornado, windstorm, snow or ice storm, rain storm, high wind, water-driven wind, earthquake, volcanic eruption, landslide, mudslide, drought, or insect or disease outbreak) or any fire, flood, or explosion, regardless of cause.

(2) CATEGORICAL EXCLUSION.—The term “categorical exclusion” refers to an exception to the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.) for a forest management activity on National Forest System lands or public lands.

(3) COLLABORATIVE PROCESS.—The term “collaborative process” refers to a process relating to the management of National Forest System lands or public lands by which a project or activity is developed and implemented by the Secretary concerned through collaboration with interested persons, as described in section 603(b)(1)(C) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591(b)(1)(C)).

(4) COMMUNITY WILDFIRE PROTECTION PLAN.—The term “community wildfire protection plan” has the meaning given that term in section 101(c) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591c(c)).

(5) COOS BAY WAGON ROAD GRANT LANDS.—The term “Coos Bay Wagon Road Grant lands” means the lands reconveyed to the United States at any time and made subject to the jurisdiction of the Secretary of the Interior, acting through the Secretary concerned to develop and carry out a forest management activity on National Forest System lands.

(6) FOREST MANAGEMENT ACTIVITY.—The term “forest management activity” means a project or activity carried out by the Secretary concerned on National Forest System lands or public lands in concert with the forest plan covering the lands.

(7) FOREST PLAN.—The term “forest plan” means—

(a) a land use plan prepared by the Bureau of Land Management for public lands pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712); or

(b) a land and resource management plan prepared by the Secretary concerned for a unit of the National Forest System pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

(8) LARGE-SCALE CATASTROPHIC EVENT.—The term “large-scale catastrophic event” means a catastrophic event that adversely impacts at least 5,000 acres of reasonably contiguous National Forest System lands or public lands.

(9) NATIONAL FOREST SYSTEM.—The term “National Forest System” means—

(a) the term “Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

(b) OREGON AND CALIFORNIA RAILROAD GRANT LANDS.—The term “Oregon and California Railroad Grant lands” means the following lands:

(A) All lands in the State of Oregon resected in the United States under the Act of June 9, 1916 (40 Stat. 462), as are catastrophic and by the Secretary of the Interior, acting through the Bureau of Land Management, pursuant to the first section of the Act of August 28, 1937 (43 U.S.C. 1311(c)).

(B) All lands in that State obtained by the Secretary of the Interior pursuant to the Act of August 19, 1940 (43 U.S.C. 1318(b)).

(C) All lands in that State acquired by the United States at any time and made subject to the provisions of title II of the Act of August 28, 1937 (43 U.S.C. 1311(f)).

(D) All lands in that State obtained by the Secretary of the Interior pursuant to the Act of September 1, 1944 (43 U.S.C. 1311). (E) All lands in the State of Oregon resected in the United States under the Act of June 9, 1916 (40 Stat. 462), as are catastrophic and by the Secretary of the Interior, acting through the Bureau of Land Management, pursuant to the first section of the Act of August 28, 1937 (43 U.S.C. 1311(c)).

(F) All lands in that State obtained by the Secretary of the Interior pursuant to the Act of August 19, 1940 (43 U.S.C. 1318(b)).

(G) All lands in that State acquired by the United States at any time and made subject to the provisions of title II of the Act of August 28, 1937 (43 U.S.C. 1311(f)).

(H) All lands in the State of Oregon resected in the United States under the Act of June 9, 1916 (40 Stat. 462), as are catastrophic and by the Secretary of the Interior, acting through the Bureau of Land Management, pursuant to the first section of the Act of August 28, 1937 (43 U.S.C. 1311(c)).

(I) All lands in that State obtained by the Secretary of the Interior pursuant to the Act of August 19, 1940 (43 U.S.C. 1318(b)).

(J) All lands in that State acquired by the United States at any time and made subject to the provisions of title II of the Act of August 28, 1937 (43 U.S.C. 1311(f)).

(K) All lands in the State of Oregon resected in the United States under the Act of June 9, 1916 (40 Stat. 462), as are catastrophic and by the Secretary of the Interior, acting through the Bureau of Land Management, pursuant to the first section of the Act of August 28, 1937 (43 U.S.C. 1311(c)).

(1) All lands in that State obtained by the Secretary of the Interior pursuant to the Act of August 19, 1940 (43 U.S.C. 1318(b)).

(2) All lands in that State acquired by the United States at any time and made subject to the provisions of title II of the Act of August 28, 1937 (43 U.S.C. 1311(f)).

(L) All lands in the State of Oregon resected in the United States under the Act of June 9, 1916 (40 Stat. 462), as are catastrophic and by the Secretary of the Interior, acting through the Bureau of Land Management, pursuant to the first section of the Act of August 28, 1937 (43 U.S.C. 1311(c)).

(M) All lands in that State obtained by the Secretary of the Interior pursuant to the Act of August 19, 1940 (43 U.S.C. 1318(b)).

(N) All lands in that State acquired by the United States at any time and made subject to the provisions of title II of the Act of August 28, 1937 (43 U.S.C. 1311(f)).

(1) IN GENERAL.—A salvage operation covered by the categorical exclusion granted by subsection (a) may not contain harvest units exceeding a total of 5,000 acres.

(2) LARGER AREAS AUTHORIZED.—A forest management activity on National Forest System lands or public lands following a catastrophic event may contain harvest units exceeding a total of 5,000 acres if the forest management activity—

(a) is developed through a collaborative process;

(b) is proposed by a resource advisory committee; or

(c) is covered by a community wildfire protection plan.

TITLE I—EXPEDITED ENVIRONMENTAL ANALYSIS AND AVAILABILITY OF CATEGORICAL EXCLUSIONS TO EXPEDITED MANAGEMENT ACTIVITIES

SEC. 101. ANALYSIS OF ONLY TWO ALTERNATIVES (OR MORE) IN PROPOSED COLLABORATIVE FOREST MANAGEMENT ACTIVITIES.

(a) APPLICATION TO CERTAIN ENVIRONMENTAL ASSESSMENTS AND ENVIRONMENTAL IMPACT STATEMENTS.—This section shall apply whenever the Secretary concerned prepares an environmental assessment or an environmental impact statement pursuant to section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)) for a forest management activity that—

(1) is developed through a collaborative process; or

(2) is proposed by a resource advisory committee; or

(3) is covered by a community wildfire protection plan.

(b) CONSIDERATION OF ALTERNATIVES.—In an environmental assessment or environmental impact statement described in subsection (a), the Secretary concerned shall study, develop, and describe only the following two alternatives:

(1) the forest management activity, as proposed pursuant to paragraph (1), (2), or (3) of subsection (a).

(2) The alternative of no action.

(c) ELEMENTS OF NON-ACTION ALTERNATIVE.—In the case of the alternative of no action, the Secretary concerned shall evaluate—

(1) the effect of no action on—

(A) forest health;

(B) habitat diversity;

(C) wildfire potential; and

(D) insect and disease potential; and

(2) the implications of a resulting decline in forest health, loss of habitat diversity, wildfire, or insect or disease historic cycles, on—

(A) domestic water; and

(B) wildlife habitat; and

(C) other economic and social factors.

SEC. 102. CATEGORICAL EXCLUSION TO EXPEDITE CERTAIN CRITICAL RESPONSE ACTIONS.

(a) AVAILABILITY OF CATEGORICAL EXCLUSION.—A categorical exclusion is available to the Secretary concerned to develop and carry out a forest management activity on National Forest System lands or public lands when the primary purpose of the forest management activity is—

(1) to address an imminent catastrophic event;

(2) to reduce hazardous fuel loads;

(3) to protect a municipal water source;

(4) to maintain, enhance, or modify critical habitat to protect it from catastrophic disturbances; or

(5) to increase water yield; or

(6) any combination of the purposes specified in paragraphs (1) through (5).

(b) ACRÉAGE LIMITATIONS.—

(1) IN GENERAL.—Except in the case of a forest management activity developed under paragraph (2), a forest management activity covered by the categorical exclusion granted by subsection (a) may not contain harvest units exceeding a total of 5,000 acres if the forest management activity—

(A) is developed through a collaborative process;

(B) is proposed by a resource advisory committee; or

(C) is covered by a community wildfire protection plan.

(c) ADDITIONAL REQUIREMENTS.—

(1) ROAD BUILDING.—A salvage operation covered by the categorical exclusion granted by subsection (a) may not contain harvest units exceeding a total of 5,000 acres.

(2) STREAM BUFFERS.—A salvage operation covered by the categorical exclusion granted by subsection (a) may not include any new permanent roads. Temporary roads constructed as part of the salvage operation shall be retired before the end of the fifth fiscal year beginning after the completion of the operation.
subsection (a) shall comply with the standards and guidelines for stream buffers contained in the applicable forest plan unless waived by the Regional Forester, in the case of National Forest System lands, or the State Director of Land Management, in the case of public lands.

(3) REFORESTATION PLAN.—A reforestation plan shall be developed under section 3 of the Act of June 9, 1930 (commonly known as the Knutson-Vandenb erg Act; 16 U.S.C. 576b), as part of a salvage operation covered by the categorical exclusion granted by subsection (a).

SEC. 104. CATEGORICAL EXCLUSION TO MEET FOREST PLAN GOALS FOR EARLY SUCCESSIONAL FORESTS.

(a) AVAILABILITY OF CATEGORICAL EXCLUSION.—A categorical exclusion is available to the Secretary concerned to develop and carry out a forest management activity on National Forest System lands or public lands when the primary purpose of the forest management activity is to modify, improve, enhance, or create early successional forests for wildlife habitat improvement and other purposes, consistent with the applicable forest plan.

(b) PROJECT GOALS.—To the maximum extent practicable, the Secretary concerned shall design a forest management activity under this section to meet early successional forest goals in such a manner so as to maximize production and regeneration of species, as identified in the forest plan and consistent with the capability of the activity site.

(c) ACREAGE LIMITATIONS.—A forest management activity covered by the categorical exclusion granted by subsection (a) may not contain harvest units exceeding a total of 5,000 acres.

SEC. 105. CLARIFICATION OF EXISTING CATEGORY OF EXCLUSION AUTHORITY RELATED TO INSECT AND DISEASE INFECTION.


SEC. 106. CATEGORICAL EXCLUSION TO IMPROVE, RESTORE, AND REDUCE THE RISK OF WILDFIRES.

(a) AVAILABILITY OF CATEGORICAL EXCLUSION.—A categorical exclusion is available to the Secretary concerned to carry out a forest management activity described in subsection (c) on National Forest System lands or public lands when the primary purpose of the activity is to improve, restore, or reduce the risk of wildfire on those lands.

(b) ACREAGE LIMITATIONS.—A forest management activity covered by the categorical exclusion granted by subsection (a) may not exceed 5,000 acres.

(c) AUTHORIZED ACTIVITIES.—The following activities may be carried out using a categorical exclusion granted by subsection (a):

(1) Removal of juniper trees, medusahead rye, conifer trees, pinyon trees, cheatgrass, and other noxious or invasive weeds specified on Federal or State noxious weeds lists through late-season livestock grazing, targeted livestock grazing, prescribed burns, and mechanical treatments.

(2) Performance of hazardous fuels management.

(3) Creation of fuel and fire breaks.

(4) Modification of existing fences in order to distribute livestock and help improve wildlife habitat.

(5) Installation of erosion control devices.

(6) Construction of new and maintenance of permanent infrastructure, including stock ponds, water catchments, and water spring boxes used to benefit livestock and improve wildlife habitat.

(7) Performance of soil treatments, native and non-native seeding, and planting of and transplanting sagebrush, grass, forbs, shrub, and other species.

(8) Use of herbicides, so long as the Secretary concerned determines that the activity is otherwise conducted consistently with agency procedures, including any forest plan applicable to the area.

(d) DEFINITIONS.—In this section:

(1) HAZARDOUS FUELS MANAGEMENT.—The term “hazardous fuels management” means any vegetation management activities that reduce the risk of wildfire.

(2) LATE-SEASON GRAZING.—The term “late-season grazing” means grazing activities that occur after both the invasive species and native perennial species have completed their current-year annual growth cycle until new plant growth begins to appear in the following year.

(3) TAILORED LIVESTOCK GRAZING.—The term “targeted livestock grazing” means grazing used for purposes of hazardous fuel reduction.

SEC. 107. COMPLIANCE WITH FOREST PLAN.

A forest management activity covered by a categorical exclusion granted by this title shall be conducted in a manner consistent with the forest plan applicable to the National Forest System land or public lands covered by the forest management activity.

TITLE II—SALVAGE AND REFORESTATION IN RESPONSE TO CATASTROPHIC EVENTS

SEC. 201. EXPEDITED SALVAGE OPERATIONS AND REOPENING RESTORATION ACTIVITIES FOLLOWING LARGE-SCALE CATASTROPHIC EVENTS.

(a) EXPEDITED IMPLEMENTATION AND COMPLETION.—Notwithstanding any other provision of law, any environmental assessment prepared by the Secretary concerned pursuant to section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)) for a salvage operation or reforestation activity proposed to be conducted on National Forest System lands or public lands adversely impacted by a large-scale catastrophic event shall be completed within 3 months after the conclusion of the catastrophic event.

(b) EXPEDITED IMPLEMENTATION AND COMPLETION.—In the case of a reforestation activity conducted on National Forest System lands or public lands adversely impacted by a large-scale catastrophic event, the Secretary concerned shall achieve reforestation of at least 75 percent of the impacted lands during the 5-year period following the conclusion of the catastrophic event.

(c) AVAILABILITY OF KNOTTSON-VANDENB ERG FUNDS.—Amounts in the special fund established pursuant to section 3 of the Act of June 9, 1930 (42 U.S.C. 576b) for a salvage operation or reforestation activity proposed to be conducted on National Forest System lands or public lands adversely impacted by a large-scale catastrophic event, the Secretary concerned shall allow 30 days for public scoping and comment, 15 days for filing an objection, and 15 days for the agency response to the filing of an objection. Upon completion of this process and expiration of the period specified in subsection (a), the Secretary concerned shall implement the project immediately.

(d) TIMELINE AND EXPEDITED PROCESS.—Notwithstanding any other provision of law, in the case of a salvage operation or reforestation activity proposed to be conducted on National Forest System lands or public lands adversely impacted by a large-scale catastrophic event, the Secretary concerned shall allow 30 days for public scoping and comment, 15 days for filing an objection, and 15 days for the agency response to the filing of an objection. Upon completion of this process and expiration of the period specified in subsection (a), the Secretary concerned shall implement the project immediately.

SEC. 202. COMPLIANCE WITH FOREST PLAN.

A salvage operation or reforestation activity authorized by this title shall be conducted in a manner consistent with the forest plan applicable to the National Forest System lands or public lands covered by the salvage operation or reforestation activity.

SEC. 203. PROHIBITION ON RESTRANING ORDERS, PRELIMINARY INJUNCTIONS, AND INJUNCTIONS PENDING APPEAL.

No restraining order, preliminary injunction, or injunction pending appeal shall be issued by any court of the United States with respect to any decision to prepare or conduct a salvage operation or reforestation activity in response to a large-scale catastrophic event. Section 705 of title 5, United States Code, shall not apply to any challenge to the salvage operation or reforestation activity.

SEC. 204. EXCLUSION OF CERTAIN LANDS.

During this title, the Secretary concerned may not carry out salvage operations or reforestation activities on National Forest System lands or public lands—

(1) that are included in the National Wilderness Preservation System;

(2) that are located within an inventoried roadless area unless the reforestation activity is consistent with the forest plan;

(3) on which timber harvesting for any purpose is prohibited by statute.

TITLE III—COLLABORATIVE PROJECT LITIGATION REQUIREMENT

SEC. 301. DEFINITIONS.

In this title:

(1) COSTS.—The term “costs” includes the costs and expenses described in section 1920 of title 28, United States Code.

(2) EXPENSES.—The term “expenses” includes the expenditures incurred by the staff of the Secretary concerned in responding to a legal challenge to a collaborative forest management activity and in participating in litigation that challenges the forest management activity, including activities that may be used to prepare the administrative record, exhibits, declarations, and affidavits in connection with the litigation.

SEC. 302. BOND REQUIREMENT AS PART OF LEGAL CHALLENGE OF CERTAIN FOREST MANAGEMENT ACTIVITIES.

(a) BOND REQUIRED.—In the case of a forest management activity developed through a collaborative process or proposed by a resource advisory committee, any plaintiff or plaintiffs challenging the forest management activity shall be required to post a bond or other security equal to the anticipated costs, expenses, and attorneys fees incurred by the Secretary concerned as defendant, as reasonably estimated by the Secretary concerned. All proceedings in the action shall be stayed until the required bond or security is provided.

(b) RECOVERY OF LITIGATION COSTS, EXPENSES, AND ATTORNEYS FEES.—

(1) MOTION FOR PAYMENT.—If the Secretary concerned prevails in an action challenging the forest management activity described in subsection (a), the Secretary concerned shall submit to the court a motion for payment, from the plaintiff or plaintiffs, the costs, expenses, and attorneys fees incurred by the Secretary concerned.

(2) MAXIMUM AMOUNT RECOVERED.—The amount of costs, expenses, and attorneys fees recouped by the Secretary concerned under paragraph (1) shall not exceed the amount of the bond or other security posted under subsection (a) in such action.

(3) RETURN OF REMAINING FUND.—Any funds remaining from the bond or other security posted under subsection (a) after the payment of costs, expenses, and attorneys fees under paragraph (1) shall be returned to the plaintiff or plaintiffs that posted the bond or security in the action.

SEC. 303. RETURN OF BOND PRIOR TO PREVAILING PARTY.

(1) IN GENERAL.—If the plaintiff ultimately prevails on the merits in every action brought by the plaintiff challenging a forest management activity described in subsection (a), the plaintiff shall submit to the court a motion for payment, from the defendant, the costs, expenses, and attorneys fees incurred by the plaintiff.

(2) INTERIM RETURN OF BOND.—In the case of a forest management activity described in subsection (a), the plaintiff shall return to the Secretary concerned any bond or other security provided by the plaintiff under subsection (a), plus interest from the date the bond or security was provided.

(3) ULTIMATELY PREVAILS ON THE MERITS.—In this subsection, the phrase “ultimately prevails on the merits” means that the plaintiff ultimately prevails.
(a) REPEAL OF MERCHANDABLE TIMBER CONTRACTING PILOT PROGRAM.—Section 204(e) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7124(a)) is amended by striking paragraph (3).

(b) REQUIREMENTS FOR PROJECT FUNDS.—Section 204 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7124) is amended by striking subsection (f) and inserting the following new subsection:

"(f) REQUIREMENTS FOR PROJECT FUNDS.—

"(1) IN GENERAL.—The project shall—

"(A) include the sale of timber or other forest products, firewood, and other non-timber forest resources that are economically or programmatically viable.

"(B) implement stewardship objectives that enhance forest ecosystems or restore and improve land health and water quality.

"(C) conform to the requirements of paragraphs (2) and (3) of section 205 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7125(d)) is amended—

"(1) by striking paragraph (3), (4), (5), and (6), and inserting the following new paragraph:

"(3) CONFORMING CHANGE TO PROJECT APPROVAL REQUIREMENTS.—Section 205(e)(3) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7125(e)(3)) is amended by striking at the end the following new sentence: "In the case of a resource advisory committee consisting of fewer than 15 members, as authorized by subsection (d)(6), a project may be proposed to the Secretary concerned upon approval by a majority of the members of the committee, including at least one member from each of the three categories described in subsection (c), described in paragraph (3).

"(4) EXPANDING LOCAL PARTICIPATION ON COMMITTEES.—Section 205(d) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7125(d)) is amended—

"(1) in paragraph (3), by inserting before the period at the end the following: "consist of an additional project, the Secretary concerned shall ensure balanced and broad representation of local interests described in subsection (c) of paragraph (2) of this subsection, including at least one member from each of the three categories described in paragraph (3) of section 205 of the Secure Rural Schools and Community Self-Determination Act of 2000.

"(5) AUTHORIZED PROJECTS.—Section 205(a) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7125(a)) is amended by adding the following new subsection:

"(g) AUTHORIZED PROJECTS.—

"(1) IN GENERAL.—The Secretary concerned shall ensure that a participating county's resource advisory committees will propose projects to the Secretary under this section that—

"(A) include the sale of timber or other forest products, firewood, and other non-timber forest resources that are economically or programmatically viable.

"(B) implement stewardship objectives that enhance forest ecosystems or restore and improve land health and water quality.

"(C) conform to the requirements of paragraphs (2) and (3) of section 205 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7125(d)) is amended—

"(1) by redesigning paragraphs (h) and (i) as subsections (i) and (j), respectively; and

"(2) by inserting after paragraph (g) the following new paragraph:

"(h) CANCELLATION CEILINGS.—Section 604 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7124) is amended—

"(1) by redesigning subsections (h) and (i) as subsections (i) and (j), respectively; and

"(2) by inserting after paragraph (g) the following new subsection:

"(i) CANCELLATION CEILINGS.—

"(1) IN GENERAL.—The Chief and the Director may obligate or expend funds from any project under the RAC program to cover the costs of cancelling the agreement or contract under subsection (b) in stages that are economically or programmatically viable.

"(2) ADVANCE NOTICE TO CONGRESS OF CANCELLATION OF RAC AGREEMENT OR CONTRACT.—Not later than 30 days before entering into a multiyear agreement or contract under subsection (b) that includes a cancellation ceiling of $25 million, the Secretary shall provide the Congress with notice of the proposed funding for the costs of cancelling the agreement or contract up to such cancellation
ceiling, the Chief or the Director, as the case may be, shall submit to the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate, the Committee on Natural Resources and the Committee on Agriculture of the House of Representatives a written notice that includes—

(A) the reasons why such cancellation ceiling amounts were selected;

(B) the extent to which the costs of contract cancellation are not included in the budget for the agreement or contract; and

(C) the reasons that the financial risk of not including budgeting for the costs of agreement or contract cancellation.

(2) TRANSMITTAL OF NOTICE TO OMB.—Not later than 14 days after the date on which written notice is provided under paragraph (2) with respect to an agreement or contract under subsection (b), the Chief or the Director, as the case may be, shall transmit a copy of the notice to the Director of the Office of Management and Budget.

(b) RELATION TO OTHER LAWS.—Section 604(d)(5) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 659c(d)(5)) is amended by striking “; the Chief may”; and inserting “and inserting “and section 200 of the Act of July 31, 1947 (commonly known as the Materials Act of 1947; 30 U.S.C. 602(a)(1)), the Chief and the Director may”.

SEC. 502. EXCESS OFFSET VALUE.

Section 604(g)(2) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 659c(g)(2)) is amended by striking subparagraphs (A) and (B) and inserting the following new subparagraphs:

“(A) use the excess to satisfy any outstanding liabilities for cancelled agreements or contracts;

(B) if there are no outstanding liabilities under subparagraph (A), apply the excess to other authorized stewardship projects.”;

SEC. 503. PAYMENT OF PORTION OF STEWARDSHIP PROJECT REVENUES TO COUNTRIES IN WHICH STEWARDSHIP PROJECT OCCURS.

Section 604(e) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 659c(e)) is amended—

(1) in paragraph (2)(B), by inserting “subject to paragraph (3)(A),” before “shall”; and

(2) in paragraph (3)(B), by striking “services received by the Chief or the Director” and all that follows through the period at the end and inserting the following: “services and in-kind resources provided by the Chief or the Director under a stewardship contract project conducted under this section shall not be considered monies received from the National Forest System or the public lands, but any payments made by the contractor to the Chief or Director under the project shall be considered monies received from the National Forest System or the public lands.”.

SEC. 504. SUBMISSION OF ANNUAL REPORT.

Subsection (i) of section 604 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 659c(i)) as redesignated by section 501(a)(1), is amended by striking “report to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives” and inserting “submit to the congressional committees specified in subsection (h)(2) a report”.

SEC. 505. FIRE LIABILITY PROVISION.

Section 604 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 659c(d)) is amended by adding at the end the following new paragraph:

“MODIFICATION.—Upon the request of the contractor, a contract or agreement under this section awarded before February 7, 2014, shall be modified by the Chief or Director to include the fire liability provisions described in paragraph (7).”.

TITLE VI—ADDITIONAL FUNDING SOURCES FOR FOREST MANAGEMENT ACTIVITIES

SEC. 601. DEFINITIONS.

In this title:

(1) ELIGIBLE ENTITY.—The term “eligible entity” means—

(A) a State or political subdivision of a State containing National Forest System lands or public lands;

(B) a publicly chartered utility serving one or more States or a political subdivision thereof;

(C) a rural electric company; and

(D) any other entity determined by the Secretary concerned to be appropriate for participation in the Fund.

(2) FUND.—The term “Fund” means the State-Supported Forestry Fund established by section 602.

SEC. 602. AVAILABILITY OF STEWARDSHIP PROJECT REVENUES AND COLLABORATIVE FOREST LANDSCAPE RESTORATION FUND TO COVER FOREST MANAGEMENT ACTIVITY PLANNING COSTS.

(a) AVAILABILITY OF STEWARDSHIP PROJECT REVENUES.—Section 604(e)(2)(B) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 659c(e)(2)(B)), as amended by section 503, is further amended by striking “appropriation at the project site from which the monies are collected” and inserting “project site”.

(b) AVAILABILITY OF COLLABORATIVE FOREST LANDSCAPE RESTORATION FUND.—Section 403(d)(1)(I) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7393(d)(1)(I)) is amended by striking “carrying out and” and inserting “planning, carrying out and”.

SEC. 603. STATE-SUPPORTED PLANNING OF FOREST MANAGEMENT ACTIVITIES.

(a) STATE-SUPPORTED FOREST MANAGEMENT FUND.—There is established in the Treasury of the United States a fund, to be known as the “State-Supported Forest Management Fund”, to cover the cost of planning additional stewardship contracting projects.

(b) CONTENTS.—The State-Supported Forest Management Fund shall consist of such amounts as may be—

(1) contributed by an eligible entity for deposit in the Fund; or

(2) generated by forest management activities carried out using amounts in the Fund.

(c) GEOFORAL AND USE LIMITATIONS.—In making a contribution under subsection (b)(1), an eligible entity may—

(1) specify the National Forest System lands or public lands for which the contribution may be expended; and

(2) limit the types of forest management activities for which the contribution may be expended.

(d) AUTHORIZED FOREST MANAGEMENT ACTIVITIES.—In such amounts as may be provided in advance in appropriation Acts, the Secretary concerned may use the Fund to plan, carry out, and monitor a forest management activity that—

(1) is developed through a collaborative process;

(2) is proposed by a resource advisory committee; or

(3) is covered by a community wildfire protection plan.

(e) IMPLEMENTATION METHODS.—A forest management activity carried out using amounts in the Fund may be carried out using a contract or agreement under section 604 of the Healthy Forests Restoration Act (16 U.S.C. 659c), the good neighbor authority provided by section 8206 of the Agricultural Act of 2014 (16 U.S.C. 2113a), a contract under section 14 of the National Forest Management Act of 1910 (16 U.S.C. 472a), or other authority available to the Secretary concerned, but revenues generated by the forest management activity shall be used to reimburse the Fund for planning costs covered using amounts in the Fund.

(f) RELATION TO OTHER LAWS.—

(1) REVENUE SHARING.—Subject to subsection (e) of section 604 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 659c(e)), any revenue generated by a forest management activity carried out using amounts from the Fund shall be considered monies received from the National Forest System.

(2) KNOTSON-VANDERBERG ACT.—The Act of June 9, 1930 (commonly known as the Knotton-Vanderberg Act; 16 U.S.C. 576 et seq.), shall apply to any forest management activity carried out using amounts in the Fund.

(g) TERMINATION OF FUND.—

(1) TERMINATION.—The Fund shall terminate 10 years after the date of the enactment of this Act.

(2) EFFECT OF TERMINATION.—Upon the termination of the Fund pursuant to paragraph (1) or pursuant to any other provision of law, unobligated contributions to the Fund shall be returned to the eligible entity that made the contribution.

TITLE VII—TRIBAL FOREST MANAGEMENT PARTICIPATION AND PROTECTION

SEC. 701. PROTECTION OF TRIBAL FOREST ASSETS THROUGH USE OF STEWARDSHIP END RESULT CONTRACTING AND OTHER AUTHORITY.

(a) PROMPT CONSIDERATION OF TRIBAL REQUESTS.—Section 2(b) of the Tribal Forest Protection Act of 2004 (25 U.S.C. 3115a(b)) is amended—

(1) in paragraph (1), by striking “Not later than 120 days after the date on which an Indian tribe submits to the Secretary” and inserting “In response to the submission by an Indian tribe of”; and

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

“(4) TIMING FOR CONSIDERATION.—

(A) INITIAL RESPONSE.—Not later than 120 days after the date on which the Secretary receives a tribal request under paragraph (1), the Secretary shall provide an initial response to the Indian tribe regarding—

(i) whether the request may meet the selection criteria described in subsection (c); and

(ii) the likelihood of obtaining an appropriation into an agreement or contract with the Indian tribe under paragraph (2) for activities described in paragraph (3).

(B) NOTICE OF DENIAL.—Notice under subsection (d) of the denial of a tribal request under paragraph (1) shall be provided not later than 1 year after the date on which the Secretary received the request.

(C) COMPLETION.—Not later than 2 years after the date on which the Secretary receives a tribal request under paragraph (1), other than a tribal request denied under subsection (d), the Secretary shall—

(i) complete all environmental reviews necessary in connection with the agreement or contract and proposed activities under the agreement or contract; and

(ii) enter into the agreement or contract with the Indian tribe under paragraph (2).”.

(b) CONFORMING AND TECHNICAL AMENDMENTS.—Section 2 of the Tribal Forest Protection Act of 2004 (25 U.S.C. 3115a) is amended—

(1) in subsections (b)(1) and (f)(1), by striking “347 of the Department of Interior and Related Agencies Appropriations Act, 1999” (16 U.S.C. 2104 note; Public Law 105-277) (as
amended by section 321 of the Department of the Interior and Related Agencies Appropriations Act, 2003 (117 Stat. 275)) and inserting “section 604 of the Healthy Forests Restoration Act of 2003” in the place referred to in paragraph (2) in subsection (a), by striking “subsections (b)(1), (2) and (3)” and inserting “paragraphs (1) and (2)” in subsection (b), and

SEC. 905. BUREAU OF LAND MANAGEMENT LANDS IN WESTERN OREGON.

(a) GENERAL RULE.—All of the public land managed by the Bureau of Land Management in the Salem District, Eugene District, Roseburg District, Coos Bay District, Medford District, and the Klamath Resource Area of the Lakeview District in the State of Oregon shall hereafter be managed pursuant to title I of the Act of August 28, 1937 (43 U.S.C. 1181 et seq.), the Act of August 28, 1937 (43 U.S.C. 1181a), and the Act of August 28, 1937 (43 U.S.C. 1181b), except as provided in subsection (b), all of the revenue produced from such land shall be deposited in the Treasury of the United States in the Oregon and California land-grant fund established under title II of the Act of August 28, 1937 (43 U.S.C. 1181d).

(b) CERTAIN LANDS EXCLUDED.—Subsection (a) does not apply to any revenue that is required to be deposited in the Coos Bay Wagon Road grant fund pursuant to sections 1 through 4 of the Act of May 24, 1929 (43 U.S.C. 1181f–1 through f–4).

SEC. 906. BUREAU OF LAND MANAGEMENT RESOURCE MANAGEMENT PLANS.

(a) ADDITIONAL ANALYSIS AND ALTERNATIVES.—To develop a full range of reasonable alternatives as required by the National Environmental Policy Act of 1969, the Secretary of the Interior shall develop and consider in detail a reference analysis and two additional alternatives as part of the revisions of the resource management plans for the Bureau of Land Management’s Salem, Eugene, Coos Bay, Roseburg, and Medford Districts and the Klamath Resource Area of the Lakeview District.

(b) REFERENCE ANALYSIS.—The reference analysis required by subsection (a) shall measure and assume the annual growth net of natural mortality for all forested land in the planning area in order to determine the maximum sustained yield capacity of the forested land base and the baseline from which the Secretary of the Interior shall measure incremental effects on the sustained yield...
capacity and environmental impacts from management prescriptions in all other alternatives.

(c) ADDITIONAL ALTERNATIVES.—

(1) PLANNING AREA AS A WHOLE.—The Secretary of the Interior shall develop and consider an additional alternative with the goal of maximizing the total carbon benefits from forest management and product storage. To the extent practicable, the analysis shall consider—

(A) the future risks to forest carbon from wildfires, insects, and disease;

(B) the amount of carbon stored in products or in landslides;

(C) the life cycle benefits of harvested wood products compared to non-renewable products; and

(D) the energy produced from wood residues.

(2) TRANSFER OF FUNDS.—Funds under this section shall be transferred from the wildfire suppression operations account to the wildfire suppression operations account of the Federal land management agencies.

TITLE VIII—MAJOR DISASTER FOR WILDFIRE ON FEDERAL LAND

SEC. 801. WILDFIRE ON FEDERAL LANDS.

Section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) is amended—

(1) by striking “(2)” and all that follows through “means” and inserting the following: “(2) MAJOR DISASTER.—The term ‘major disaster’ means—

(A) any land under the jurisdiction of the Department of the Interior; and

(B) any land under the jurisdiction of the United States Forest Service.

(2) FEDERAL LAND MANAGEMENT AGENCIES.—The term ‘Federal land management agencies’ means—

(A) the Bureau of Land Management;

(B) the National Park Service;

(C) the Fish and Wildlife Service;

(D) the United States Fish and Wildlife Service; and

(E) the United States Forest Service.

(3) WILDFIRE SUPPRESSION OPERATIONS.—The term ‘wildfire suppression operations’ means the emergency and unpredictable aspects of wildland firefighting, including support, recovery, and other emergency management activities of wildland firefighting on Federal lands (or on non-Federal lands pursuant to a fire protection agreement or cooperative agreement) by the Federal land management agencies covered by the wildfire suppression subaccount of the Wildland Fire Management account or the FLAME Wildfire Suppression Reserve Fund account of the Federal land management agencies.

SEC. 802. PROCEDURE FOR DECLARATION OF A MAJOR DISASTER FOR WILDFIRE ON FEDERAL LANDS.

(a) IN GENERAL.—The Secretary of the Interior to manage the timberlands as required by section 801(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) is amended—

(1) to secure reimbursement for the cost of such wildfire suppression operations conducted on Federal lands; and

(2) to transfer the amounts received as reimbursement to the wildfire suppression operations account established pursuant to subsection (b).

(b) WILDFIRE SUPPRESSION OPERATIONS ACCOUNTS.—If amounts transferred under subsection (a) are used to conduct wildfire suppression operations on non-Federal land, the respective Secretaries shall—

(1) secure reimbursement for the cost of such wildfire suppression operations conducted on non-Federal land; and

(2) transfer the amounts received as reimbursement to the wildfire suppression operations account established pursuant to subsection (b).

(c) WILDFIRE ON FEDERAL LANDS.—If amounts transferred under subsection (a) are used to conduct wildfire suppression operations on Federal lands, the respective Secretaries shall—

(1) certify that the amount available for wildfire suppression operations of the Federal land management agencies under the jurisdiction of the respective Secretaries, net of any concurrently enacted rescissions of wildfire suppression funds, increases the total unobligated balance of amounts available for wildfire suppression by an amount equal to or greater than the average total costs incurred by the Federal land management agencies per year for suppression operations, including the suppression costs in excess of appropriated amounts, over the previous ten fiscal years;

(2) certify that the amount available for wildfire suppression operations of the Federal land management agencies under the jurisdiction of the respective Secretaries, net of any concurrently enacted rescissions of wildfire suppression funds, increases the total unobligated balance of amounts available for wildfire suppression by an amount equal to or greater than the average total costs incurred by the Federal land management agencies per year for suppression operations, including the suppression costs in excess of appropriated amounts, over the previous ten fiscal years;

(3) specify the amount required in the current fiscal year for wildfire suppression operations of the Federal land management agencies under the jurisdiction of the respective Secretaries, net of any concurrently enacted rescissions of wildfire suppression funds, to a level that will be sufficient for suppression operations on Federal lands pursuant to this title is based; and

(4) specify the amount required in the current fiscal year for wildfire suppression operations related to the wildfire on which the request for the declaration of a major disaster for wildfire on Federal lands pursuant to this title is based.

(d) DECLARATION.—Based on the request of the respective Secretaries under this title, the President may declare that a major disaster for wildfire on Federal lands exists.

SEC. 803. WILDFIRE ON FEDERAL LANDS ASSISTANCE.

(a) IN GENERAL.—In a major disaster for wildfire on Federal lands, the President may transfer funds, only from the account established pursuant to subsection (b), to the Secretary of Agriculture—

(1) to provide assistance to the Secretary of Agriculture to conduct wildfire suppression operations on Federal lands; and

(2) to provide assistance pursuant to a fire protection agreement or cooperative agreement.

(b) WILDFIRE SUPPRESSION OPERATIONS ACCOUNT.—The President shall establish a specific amount of funds available pursuant to a declaration under section 802. Such amount may only be used to fund assistance pursuant to this title.

(c) LIMITATION.—

(1) LIMITATION OF TRANSFER.—The assistance available pursuant to a declaration under section 802 is limited to the amount transferred to or from the account established pursuant to subsection (b).

(2) TRANSFER OF FUNDS.—Funds under this section shall be transferred from the wildfire suppression operations account to the wildfire suppression operations account of the Wildland Fire Management Account.

(d) PROHIBITION OF OTHER TRANSFERS.—Except as provided in this section, no funds may be transferred to or from the account established pursuant to subsection (b) to or from any other fund or account.

(e) REIMBURSEMENT FOR WILDFIRE SUPPRESSION OPERATIONS ON NON-FEDERAL LAND.—If amounts transferred under subsection (c) are used to conduct wildfire suppression operations on non-Federal land, the respective Secretaries shall—

(1) secure reimbursement for the cost of such wildfire suppression operations conducted on non-Federal land; and

(2) transfer the amount received as reimbursement to the wildfire suppression operations account established pursuant to subsection (b).

(f) ANNUAL ACCOUNTING AND REPORTING REQUIREMENTS.—Not later than the end of each fiscal year for which assistance is received pursuant to this section, the respective Secretaries shall submit to the Committees on Appropriations, the Budget, Energy and Natural Resources, and Transportation and Infrastructure of the House of Representatives and the Committees on Agriculture, Nutrition, and Forestry, Appropriations, the Budget, Energy and Natural Resources, Homeland Security and Governmental Affairs, and Indian Affairs of the Senate and make available to the public, a report that includes the following:

(1) The risk-based factors that influenced management decisions regarding wildfire suppression operations of the Federal land management agencies under the jurisdiction of the Secretary concerned.

(2) Specific discussion of a statistically significant sample of large fires, in which each fire is analyzed for cost, effectiveness of risk management techniques, resulting positive or negative impacts of fire on the landscape, impact of investments in preparedness, suggested corrective actions, and such other factors as the respective Secretary considers appropriate.

(3) Total expenditures for wildfire suppression operations of the Federal land management agencies under the jurisdiction of the respective Secretary, broken out by fire size, cost, regional location, and such other factors as the such Secretary considers appropriate.

(4) Lessons learned.

(5) Such other matters as the respective Secretary considers appropriate.

(g) SAVER PROVISION.—Nothing in this title shall limit the Secretary of the Interior, the Secretary of Agriculture, Indian tribe, or a State from receiving assistance through a declaration under subsection (a) in the assistance under this Act when the criteria for such declaration have been met.”.

SEC. 903. PROHIBITION ON TRANSFERS.

No funds may be transferred to or from the Federal land management agencies’ wildfire suppression operations account established pursuant to section 801(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act to or from
any account or subactivity of the Federal land management agencies, as defined in section 801(2) of such Act, that is not used to cover the cost of wildfire suppression operations.

DIVISION C—NATURAL RESOURCES

TITLE I—WESTERN WATER AND AMERICAN FOOD SECURITY ACT

SEC. 1001. SHORT TITLE.

This title may be cited as the “Western Water and American Food Security Act of 2015”.

SEC. 1002. FINDINGS.

Congress finds as follows:

(1) As established in the Proclamation of a State of Emergency issued by the Governor of the State on January 17, 2014, the State is experiencing record dry conditions.

(2) Extremely dry conditions have persisted in the State since 2013, and the drought conditions are likely to persist into the future.

(3) The water supplies of the State are at record-low levels, as indicated by the fact that all major Central Valley Project reservoir levels were at 20–35 percent of capacity as of September 25, 2014.

(4) The lack of precipitation has been a significant contributing factor to the 6,091 fires experienced in the State as of September 15, 2014, and which covered nearly 400,000 acres.

(5) Data released by the University of California, Davis in July 2014, the drought has led to the following of 428,000 acres of farmland, loss of $810 million in crop revenue, loss of $7 million in dairy and other livestock value, and increased groundwater pumping costs by $454 million. The statewide economic costs are estimated to be $2.2 billion, with over 17,000 seasonal and part-time agricultural jobs lost.

(6) CVPIA Level II water deliveries to refuges have been reduced by 25 percent in the north of Delta region, and by 35 percent in the south of Delta region.

(7) Only one-sixth of the usual acres of rice fields were seeded this fall, which leads to a significant decline in habitat for migratory birds and an increased risk of disease at the remaining wetlands due to overcrowding of such birds.

(8) The drought of 2013 through 2014 constitutes a serious emergency that poses immediate and severe risks to human life and safety and to the environment throughout the State.

(9) The serious emergency described in paragraph (4) requires—

(A) be normal and credible action that respects the complexity of the water system of the State and the importance of the water system to the entire State; and

(B) prompt action that does not pit stakeholders against one another, which history shows only leads to costly litigation that benefits no one and prevents any real solutions.

(10) Data on the difference between water demands from agriculture, municipal, industrial, groundwater, and refuges water needs within the Delta Division, San Luis Unit and Friant-Kern Canal are needed to develop revised management for the Central Valley Project and the State Water Project south of the Sacramento-San Joaquin River Delta and the demands of those areas. This gap varies depending on the methodology of the analysis performed, but can be represented in the following ways:

(a) For Central Valley Project South-of-Delta water deliveries, it is assumed that a water supply deficit is the difference in the amount of water available for allocation versus the maximum contract quantity, then the water supply deficit developed from the Central Valley Project and State Water Project operations as a result of legislative and regulatory changes since the 1993 Drought. This was found to range between 720,000 and 2,700,000 acre-feet.

(b) For Central Valley Project and State Water Project water service contractors south of the Delta and north of the Tehachapi mountain range, if it is assumed that a water supply deficit is the difference between reliable water supplies, including maximum water contract deliveries, safe yield of groundwater, safe yield of local and surface supplies and long-term contracted water transfers, and water demands, including water demands from agriculture, municipal and industrial water users, then the water supply deficit ranges between approximately 2,500,000 to 2,700,000 acre-feet.

(11) Data of pumping activities at the Central Valley Project and State Water Project delta pumps identifies that, on average from Water Year 2009 to Water Year 2014, take of Delta smelt is 80 percent less than allowable take levels under the biological opinion issued December 15, 2008.

(12) Data of field sampling activities of the Interagency Ecological Program located in the Sacramento-San Joaquin Estuary identifies that, on average from 2005 to 2013, the program “takes” 3,500 delta smelt during annual surveys with an authorized “take” level of 33,480 delta smelt annually—according to the biological opinion issued December 9, 1997.

(13) In 2015, better information exists than was known in 2008 concerning conditions and circumstances that led to the operation of high survival events that jeopardize the fish populations, and what alternative management actions can be taken to avoid jeopardy.

(14) Alternatives to management strategies, removing non-native species, enhancing habitat, monitoring fish movement and location in real-time, and improving water quality in the Delta can contribute significantly to protecting and recovering these endangered fish species, and at potentially lower costs to water supplies.

(15) Resolution of fundamental policy questions concerning which application of the Endangered Species Act of 1973 affects the operation of the Central Valley Project and State Water Project is the responsibility of Congress.

SEC. 1003. DEFINITIONS.

In this title:

(1) DELTA.—The term “Delta” means the Sacramento-San Joaquin Delta and the Suisun Marsh, as defined in sections 12220 and 29101 of the California Public Resources Code.

(2) EXPORT PUMPING RATES.—The term “export pumping rates” of pumping at the C.W. “Bill” Jones Pumping Plant and the Harvey O. Banks Pumping Plant, in the southern Delta.

(3) LISTED FISH SPECIES.—The term “listed fish species” means listed salmonid species and the Delta smelt.

(4) LISTED SALMONID SPECIES.—The term “listed salmonid species” means natural origin genetic winter run Chinook, natural origin genetic spring run Chinook, and genetic winter run Chinook salmon including hatchery steelhead or salmon populations within the evolutionary significant unit (ESU) or distinct population segment (DPS).

(5) NEGATIVE IMPACT ON THE LONG-TERM SURVIVAL.—The term “negative impact on the long-term survival” probably will increase the likelihood of the survival of a listed species in the wild by reducing the reproduction, numbers, or distribution of that species.

(6) OMR.—The term “OMR” means the Old and Middle River in the Delta.

(7) OMR FLOW OF—5,000 CUBIC FEET PER SECOND.—The term “OMR flow of” 5,000 cubic feet per second means the flow of negative 5,000 cubic feet per second as described in—

(A) the smelt biological opinion; and

(B) the salmon biological opinion.

(8) SALMONID BIOLOGICAL OPINION.—The term “salmonid biological opinion” means the biological opinion issued by the National Marine Fisheries Service.

(9) SMELT BIOLOGICAL OPINION.—The term “smelt biological opinion” means the biological opinion on the Long-Term Operational Criteria and Plan for coordination of the Central Valley Project and State Water Project issued by the United States Fish and Wildlife Service on December 15, 2008.

(10) STATE.—The term “State” means the State of California.

Subtitle A—ADJUSTING DELTA SMELT MANAGEMENT BASED ON INCREASED REAL-TIME MONITORING AND AN UPDATED SCIENCE

SEC. 1011. DEFINITIONS.

In this subtitle:

(1) DIRECTOR.—The term “Director” means the Director of the United States Fish and Wildlife Service.

(2) DELTA SMELT.—The term “Delta smelt” means the fish species with the scientific name Hypomesus transpacificus.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(4) COMMISSIONER.—The term “Commissioner” means the Commissioner of the Bureau of Reclamation.

SEC. 1012. REVISE INCIDENTAL TAKE LEVEL CALCULATION FOR DELTA SMELT TO REFLECT NEW SCIENCE.

(a) REVIEW AND MODIFICATION.—Not later than October 1, 2016, and at least every five years thereafter, the Secretary, in cooperation with other Federal, State, and local agencies, shall use the best scientific and commercial data available to complete a review and, modify the methodology used to calculate the water levels for adult and larval/juvenile Delta smelt in the smelt biological opinion that takes into account all life stages, among other considerations:

(1) salvage information collected since at least 1993;

(2) updated or more recently developed statistical models;

(3) updated scientific and commercial data; and

(4) the most recent information regarding the environmental factors affecting Delta smelt salvage.

(b) MODIFIED INCIDENTAL TAKE LEVEL.—Unless the Director determines in writing that one or more of the requirements described in paragraphs (1) through (4) are not appropriate, the modified incidental take level described in subsection (a) shall—

(1) be normalized for the abundance of prespawning adult Delta smelt using the Fall Midwater Trawl Index or other index;

(2) be based on a simulation of the salvage that would have occurred through 2012 if OMR flow has been consistent with the smelt biological opinions;

(3) base the simulation on a correlation between annual salvage rates and historic water clarity and OMR flow during the adult salvage period; and

(4) set the incidental take level as the 80 percent upper prediction interval derived from simulated salvage rates since at least 1993.

SEC. 1013. FACTORING INCREASED REAL-TIME MONITORING AND AN UPDATED SCIENCE INTO DELTA SMELT MANAGEMENT

(a) IN GENERAL.—The Director shall use the best scientific and commercial data available to implement, continuously evaluate, and refine or amend, as appropriate, the reasonable and prudent alternative described in the smelt biological opinion, and any successor opinions or court order. The Secretary shall make all significant decisions under the smelt biological opinion, or any successor opinions that affect Central Valley Project and State Water Project operations, in writing, and shall document the significant facts upon which such decisions are made, consistent with section 706 of title 5, United States Code.

(b) INCREASED MONITORING TO INFORM REAL-TIME OPERATIONS.—The Secretary shall conduct...
additional surveys, on an annual basis at the appropriate time of the year based on environmental conditions, in collaboration with other Delta science interests.

(1) Implementing this section, the Secretary shall—

(a) use the most accurate survey methods available for the detection of Delta smelt to determine the extent that adult Delta smelt are distributed in relation to certain levels of turbidity, or other environmental factors that may influence salinity; and

(b) use results from appropriate survey methods for the detection of Delta smelt to determine how the Central Valley Project and State Water Project operations to minimize salinity while maximizing export pumping rates without causing a significant negative impact on the long-term survival of the Delta smelt.

(2) During the period beginning on December 1, 2015, and ending March 31, 2016, and in each successive December through March period, if suspended sediment loads enter the Delta from the Sacramento River and the suspended sediment loads appear likely to raise turbidity levels in the Old River north of the export pumps from values below Electric Turbidity Units (NTU) to values above 12 NTU, the Secretary shall—

(A) conduct daily monitoring using appropriate methods to detect salinity in locations throughout the Delta, but not limited to, the vicinity of Station 902 to determine the extent that adult Delta smelt are moving with turbidity toward the export pumps; and

(B) use results from the monitoring surveys referenced in paragraph (A) to determine how increased salinity can inform daily real-time Central Valley Project and State Water Project operations to minimize salinity while maximizing export pumping rates without causing a significant negative impact on the long-term survival of the Delta smelt; and

(c) determine whether the monitoring efforts should be changed in the short or long term to provide more useful data.

(d) DELTA SMELT DISTRIBUTION STUDY.—

(1) IN GENERAL.—No later than January 1, 2016, and at least every five years thereafter, the Secretary, in collaboration with the California Department of Fish and Wildlife, the California Department of Water Resources, public water agencies, and other affected interests, shall implement new targeted sampling and monitoring specifically designed to understand Delta smelt abundance, distribution, and the types of habitats occupied by Delta smelt during all life stages.

(2) SAMPLING.—The Delta smelt distribution study shall be conducted at a minimum—

(a) include recording water quality and tidal data;

(b) be designed to understand Delta smelt abundance, distribution, habitat use, and movement throughout the Delta, Suisun Marsh, and other areas occupied by the Delta smelt during all seasons;

(c) consider areas not routinely sampled by existing monitoring programs, including wetland channels, near-shore water, depths below 35 feet, and shallow water; and

(d) use methods, including sampling gear, best suited to collect the most accurate data for the type of sampling or monitoring.

(e) SCIENTIFICALLY SUPPORTED IMPLEMENTATION OF OMR FLOW REQUIREMENTS.—In implementing the provisions of the smelt biological opinion, or any successor biological opinion or court order revised in light of reverse flow in the Old and Middle Rivers, the Secretary shall—

(I) consider the relevant provisions of the biological opinion or any successor biological opinion;

(2) to maximize Central Valley Project and State Water Project water supplies, manage export pumping rates to achieve a reverse OMR flow rate of 5,000 cubic feet per second unless information developed by the Secretary under paragraph (B) reasonably concludes that a less negative OMR flow rate is necessary to avoid a negative impact on the long-term survival of the Delta smelt. If information available to the Secretary indicates that a reverse OMR flow rate more negative than 5,000 cubic feet per second can be established without those negative impacts on the long-term survival of the Delta smelt, the Secretary shall manage export pumping rates to achieve that more negative OMR flow rate; (3) in writing any significant facts about real-time conditions relevant to the determinations of OMR reverse flow rates, including—

(A) whether targeted real-time fish monitoring in the Old River pursuant to this section, including monitoring in the vicinity of Station 902, indicates that a significant negative impact on the long-term survival of the Delta smelt is imminent; and

(B) whether near-term forecasts with available salinity models show pre-existing conditions that OMR flow of 5,000 cubic feet per second or higher will cause a significant negative impact on the long-term survival of the Delta smelt;

(d) show in writing that any determination to manage OMR reverse flow rates at less negative than 5,000 cubic feet per second is necessary to avoid a significant negative impact on the long-term survival of the Delta smelt, including an explanation of the data examined and the connection made, after considering—

(I) the distribution of Delta smelt throughout the Delta;

(II) the potential effects of documented, quantified entrainment on subsequent Delta smelt abundance;

(III) the water temperature; and

(IV) other significant factors relevant to the determination; and

(e) whether any alternative measures could have a substantially lesser water supply impact; and

(f) for any subsequent biological opinion, make the showing required in paragraph (4) for any determination to manage OMR reverse flow at rates less negative than the most negative limit in the biological opinion if the most negative limit in the biological opinion is more negative than 5,000 cubic feet per second.

(f) MEMORANDUM OF UNDERSTANDING.—No later than December 1, 2015, the Commissioner and the Assistant Administrator for Fisheries, issued by the National Marine Fisheries Service on June 4, 2009, pertaining to the consultation and assessment of the provisions of the biological opinion and the consultative process used to implement the biological opinion and any succeeding biological opinions, for the purpose of increasing Central Valley Project and State Water Project water supplies. The method of calculating reverse flow in Old and Middle Rivers for implementation of the reasonable and prudent alternatives in the smelt biological opinion and the succeeding biological opinions, and any succeeding biological opinions, and any succeeding biological opinions.

Subtitle B—ENSURING SALMONID MANAGEMENT IS RESPONSIVE TO NEW SCIENCE

SEC. 101. DEFINITIONS.

In this subtitle:

(1) ASSISTANT ADMINISTRATOR.—The term ‘‘Assistant Administrator’’ means the Assistant Administrator of the National Oceanic and Atmospheric Administration for Fisheries.

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

(3) OTHER AFFECTED INTERESTS.—The term ‘‘other affected interests’’ means the State of California, Indian tribes, subdivisions of the State of California, and others who benefit directly and indirectly from the operations of the Central Valley Project and the State Water Project.

(4) COMMISSIONER.—The term ‘‘Commissioner’’ means the Commissioner of the Bureau of Reclamation.

(5) DIRECTOR.—The term ‘‘Director’’ means the Director of the United States Fish and Wildlife Service.

SEC. 102. PROCESS FOR ENSURING SALMONID MANAGEMENT IS RESPONSIVE TO NEW SCIENCE.

(a) GENERAL DIRECTIVE.—The reasonable and prudent alternative described in the salmonid biological opinion allows for and anticipates adjustments in Central Valley Project and State Water Project operation parameters to reflect the best scientific and commercial data currently available, and authorizes efforts to test and evaluate improvements that will meet applicable regulatory requirements and maximize Central Valley Project and State Water Project water supplies and reliability. Implementation of the reasonable and prudent alternative described in the salmonid biological opinion shall be adjusted accordingly as new scientific and commercial data are developed. The Commissioner and the Assistant Administrator shall fully utilize these authorities as described below.

(b) ANNUAL REVIEWS OF CERTAIN CENTRAL VALLEY PROJECT AND STATE WATER PROJECT OPERATIONS.—No later than December 31, 2016, and at least annually thereafter:

(1) The Commissioner, with the assistance of the Assistant Administrator, shall examine and identify adjustments to the initiation of Action IV.2.3 as set forth in the Biological Opinion and Conference Opinion on the Long-Term Operations of the Central Valley Project and State Water Project, Endangered Species Act Section 7 Consultation, issued by the National Marine Fisheries Service.

(2) Pursuant to the consultation and assessments carried out under paragraphs (1) and (2)
of this subsection, the Commissioner and the Assistant Administrator shall review and identify adjustments to the project operations that, in the exercise of the adaptive management process, are in excess of the adverse effects of the underlying operational parameter, if any; and if the scientific information is lacking for some or all management measures, then the scientific information should be collected as soon as possible while maintaining all other relevant management measures constant. If the scientific information indicates that the proposed management measures are not equivalent to the existing measures, the Assistant Administrator shall determine whether any alternative measures identified in paragraph (2) shall be known as the "equivalent alternative measure"; and if the scientific information indicates that the proposed management measures are not equivalent to the existing measures, the Assistant Administrator shall determine whether any alternative measures identified in paragraph (2) shall be known as the "equivalent alternative measure".

(h) TRACKING ADVERSE EFFECTS BEYOND THE ADVERSE EFFECTS ACCOUNTED FOR IN THE LOGICAL OPINION.—The Assistant Administrator and the Commissioner, in collaboration with the Director of the California Department of Fish and Wildlife, and other State officials as appropriate, shall establish management measures or combination of alternative management measures identified in paragraph (2) shall be known as the "equivalent alternative measure". If the Assistant Administrator makes the determination in paragraph (i) that the implementation of an alternative management measure could have a significant negative impact on the long-term survival of a listed species, consistent with the scientific information provided in paragraph (j), the Assistant Administrator shall provide the Secretary with a written report identifying the adverse effects of the alternative management measure on the long-term survival of the listed species.

(i) EVALUATION OF OFFSETTING MEASURES.—The Assistant Administrator and the Commissioner shall review and identify any offsetting measures that could be implemented in conjunction with the adjustments to the project operations that are greater than, or in excess of, the adverse effects of the underlying operational parameter. The offsetting measures shall be considered in conjunction with the adjustments to the project operations that are greater than, or in excess of, the adverse effects of the underlying operational parameter. The offsetting measures shall be considered in conjunction with the adjustments to the project operations that are greater than, or in excess of, the adverse effects of the underlying operational parameter. The offsetting measures shall be considered in conjunction with the adjustments to the project operations that are greater than, or in excess of, the adverse effects of the underlying operational parameter.

(j) EVALUATION OF THE IMPACT OF ADJUSTMENTS TO OPERATIONAL PARAMETERS.—Notwithstanding the calendar based review process under this section, the Assistant Administrator and the Commissioner shall—

(1) Review the impact of the adjustments to the project operations that are greater than, or in excess of, the adverse effects of the underlying operational parameter on the long-term survival of the listed species.

(2) Evaluate the management measures or combination of alternative management measures identified in paragraph (2) that could be implemented in conjunction with the adjustments to the project operations that are greater than, or in excess of, the adverse effects of the underlying operational parameter. The evaluation shall include the potential benefits of the management measures or combination of alternative management measures identified in paragraph (2) that could be implemented in conjunction with the adjustments to the project operations that are greater than, or in excess of, the adverse effects of the underlying operational parameter.

(3) The Assistant Administrator and the Commissioner, in coordination with the appropriate State officials and any affected private water suppliers, shall establish management measures or combination of alternative management measures identified in paragraph (2) that could be implemented in conjunction with the adjustments to the project operations that are greater than, or in excess of, the adverse effects of the underlying operational parameter that could have a significant negative impact on the long-term survival of the listed species.

(k) F RAMEWORK FOR EXAMINING OPPORTUNITIES FOR ADDITIONAL WATER SUPPLY OPERATIONS.—Not later than December 31, 2015, and every five years thereafter, the Assistant Administrator and the Commissioner, in coordination with the appropriate State officials and any affected private water suppliers, shall establish management measures or combination of alternative management measures identified in paragraph (2) that could be implemented in conjunction with the adjustments to the project operations that are greater than, or in excess of, the adverse effects of the underlying operational parameter that could have a significant negative impact on the long-term survival of the listed species.

(l) MINIMUM WATER REQUIREMENTS.—The minimum water requirements for the Delta shall be as follows:

(1) A minimum of 60,000 cubic feet per second shall be provided during the April/May period imposed by the Delta-Mendota Water Project, and the California Department of Water Resources, in the interest of developing water resources for the Delta, shall take all reasonable steps to ensure that the minimum water requirement is met. This minimum water requirement shall be satisfied by the implementation of the following measures:

(a) Through modifications of Action IV.2.1 that would result in a reduction of the amount of water released from the Delta, consistent with the scientific information provided in paragraph (j);

(b) Through restrictions on other export pumping rates specified in paragraph (h).

(2) A minimum of 15,000 cubic feet per second shall be provided during the April/May period imposed by the Delta-Mendota Water Project, and the California Department of Water Resources, in the interest of developing water resources for the Delta, shall take all reasonable steps to ensure that the minimum water requirement is met. This minimum water requirement shall be satisfied by the implementation of the following measures:

(a) Through modifications of Action IV.2.1 that would result in a reduction of the amount of water released from the Delta, consistent with the scientific information provided in paragraph (j);

(b) Through restrictions on other export pumping rates specified in paragraph (h).

(m) biological opinion that prioritizes the maintenance of the Delta's benthic community, the maintenance of the Delta's habitat, and the maintenance of the Delta's ecosystem, and if the scientific information is lacking for some or all management measures, then the scientific information should be collected as soon as possible while maintaining all other relevant management measures constant. If the scientific information indicates that the proposed management measures are not equivalent to the existing measures, the Assistant Administrator shall determine whether any alternative measures identified in paragraph (2) shall be known as the "equivalent alternative measure"; and if the scientific information indicates that the proposed management measures are not equivalent to the existing measures, the Assistant Administrator shall determine whether any alternative measures identified in paragraph (2) shall be known as the "equivalent alternative measure".

(n) EVALUATION OF THE IMPACT OF ADJUSTMENTS TO OPERATIONAL PARAMETERS.—Notwithstanding the calendar based review process under this section, the Assistant Administrator and the Commissioner shall—

(1) Review the impact of the adjustments to the project operations that are greater than, or in excess of, the adverse effects of the underlying operational parameter on the long-term survival of the listed species.

(2) Evaluate the management measures or combination of alternative management measures identified in paragraph (2) that could be implemented in conjunction with the adjustments to the project operations that are greater than, or in excess of, the adverse effects of the underlying operational parameter. The evaluation shall include the potential benefits of the management measures or combination of alternative management measures identified in paragraph (2) that could be implemented in conjunction with the adjustments to the project operations that are greater than, or in excess of, the adverse effects of the underlying operational parameter.

(o) F RAMEWORK FOR EXAMINING OPPORTUNITIES FOR ADDITIONAL WATER SUPPLY OPERATIONS.—Not later than December 31, 2015, and every five years thereafter, the Assistant Administrator and the Commissioner, in coordination with the appropriate State officials and any affected private water suppliers, shall establish management measures or combination of alternative management measures identified in paragraph (2) that could be implemented in conjunction with the adjustments to the project operations that are greater than, or in excess of, the adverse effects of the underlying operational parameter that could have a significant negative impact on the long-term survival of the listed species.

(p) MINIMUM WATER REQUIREMENTS.—The minimum water requirements for the Delta shall be as follows:

(1) A minimum of 60,000 cubic feet per second shall be provided during the April/May period imposed by the Delta-Mendota Water Project, and the California Department of Water Resources, in the interest of developing water resources for the Delta, shall take all reasonable steps to ensure that the minimum water requirement is met. This minimum water requirement shall be satisfied by the implementation of the following measures:

(a) Through modifications of Action IV.2.1 that would result in a reduction of the amount of water released from the Delta, consistent with the scientific information provided in paragraph (j);

(b) Through restrictions on other export pumping rates specified in paragraph (h).

(2) A minimum of 15,000 cubic feet per second shall be provided during the April/May period imposed by the Delta-Mendota Water Project, and the California Department of Water Resources, in the interest of developing water resources for the Delta, shall take all reasonable steps to ensure that the minimum water requirement is met. This minimum water requirement shall be satisfied by the implementation of the following measures:

(a) Through modifications of Action IV.2.1 that would result in a reduction of the amount of water released from the Delta, consistent with the scientific information provided in paragraph (j);

(b) Through restrictions on other export pumping rates specified in paragraph (h).
SECRETARIES.—The term "Secretaries" means—

(A) the Secretary of Agriculture;

(B) the Secretary of Commerce; and

(C) the Secretary of the Interior.

SEC. 1024. PILOT PROJECTS TO IMPLEMENT CALIFIED INVASIVE SPECIES PROGRAM

(a) IN GENERAL.—Not later than January 1, 2017, the Secretary of the Interior, in collaboration with the Secretary of Commerce, the Director of the California Department of Fish and Wildlife, and other relevant agencies and interest- ested parties, shall begin pilot projects to imple- ment the invasive species control program au- thorized pursuant to section 103(d)(5)(A)(iv) of Public Law 108-361 (118 Stat. 160).

(b) REQUIREMENTS.—(1) The pilot projects shall—

(1) seek to reduce invasive aquatic vegetation, predatory fish, and other competitors which con- tribute to the decline of native pelagic and anadromous species that occupy the Sacramento and San Joaquin river systems; (2) remove, reduce, or control the effects of species such as European green crabs, Atlantic rock crabs, blue crabs, shrimp, barnacle, and other invertebrates; (3) remove, reduce, or control the effects of species such as zebra mussels, quagga mussels, round goby, and other invasive aquatic organisms; (4) remove, reduce, or control the effects of species such as sea otters, harbor seals, and other marine mammals; (5) remove, reduce, or control the effects of species such as the Delta smelt, the Sacramento-San Joaquin Delta smelt, and other anadromous species; and (6) remove, reduce, or control the effects of species such as the Delta salmon, the Sacramento-San Joaquin Delta salmon, and other anadromous species.

(b) REQUIREMENTS.—(1) The pilot projects shall—

(1) seek to reduce invasive aquatic vegetation, predatory fish, and other competitors which con- tribute to the decline of native pelagic and anadromous species that occupy the Sacramento and San Joaquin river systems; (2) remove, reduce, or control the effects of species such as European green crabs, Atlantic rock crabs, blue crabs, shrimp, barnacle, and other invertebrates; (3) remove, reduce, or control the effects of species such as zebra mussels, quagga mussels, round goby, and other invasive aquatic organisms; (4) remove, reduce, or control the effects of species such as sea otters, harbor seals, and other marine mammals; (5) remove, reduce, or control the effects of species such as the Delta smelt, the Sacramento-San Joaquin Delta smelt, and other anadromous species; and (6) remove, reduce, or control the effects of species such as the Delta salmon, the Sacramento-San Joaquin Delta salmon, and other anadromous species.

(b) REQUIREMENTS.—(1) The pilot projects shall—

(1) seek to reduce invasive aquatic vegetation, predatory fish, and other competitors which con- tribute to the decline of native pelagic and anadromous species that occupy the Sacramento and San Joaquin river systems; (2) remove, reduce, or control the effects of species such as European green crabs, Atlantic rock crabs, blue crabs, shrimp, barnacle, and other invertebrates; (3) remove, reduce, or control the effects of species such as zebra mussels, quagga mussels, round goby, and other invasive aquatic organisms; (4) remove, reduce, or control the effects of species such as sea otters, harbor seals, and other marine mammals; (5) remove, reduce, or control the effects of species such as the Delta smelt, the Sacramento-San Joaquin Delta smelt, and other anadromous species; and (6) remove, reduce, or control the effects of species such as the Delta salmon, the Sacramento-San Joaquin Delta salmon, and other anadromous species.
(2) require the Director of the United States Fish and Wildlife Service and the Commissioner of Reclamation—
(A) to complete, not later than 10 days after the date on which a meeting request is received under paragraph (2), the head of the relevant Federal agency shall issue a final decision on the project, subject to subsection (e)(2).
(B) By Secretary.—The Secretary of the Interior may convene a final project decision meeting under this subsection at any time, at the discretion of the Secretary, regardless of whether a meeting is requested under paragraph (2).
(C) APPLICATION.—To the extent that a Federal agency, or an agency headed by the Secretaries, has a role in approving projects described in subsections (a) and (b), this section shall apply to those Federal agencies.

SEC. 1033. OPERATION OF CROSS-CHANNEL GATES.
(a) IN GENERAL.—The Secretary of Commerce and the Secretary of the Interior shall jointly—
(1) authorize and implement activities to ensure that the Delta Cross-Channel Gates remain open to the maximum extent practicable using findings from the Delta-long-term Effects on Diurnal Behavior of Juvenile Salmonids study, to maximize the peak flood tide period and provide water supply and water quality benefits for the Delta. The Secretaries shall also make final permit decisions on the request of the Governor of the State of California, and until two succeeding years following either of those events have been completed for specific periods without causing a significant negative impact on the long-term survival of the listed fish species within the Delta or on water quality.

SEC. 1034. FLEXIBILITY FOR EXPORT/INFLOW RATIO.
For the period of time such that in any year that the Sacramento Valley index is 6.5 or lower, or at the request of the State of California, and until two succeeding years following either of those events have been completed where the final Sacramento Valley Index is 7.8 or greater, the Secretaries shall use the experience described in subsection (e)(2), without following procedures required by applicable law.

SEC. 1035. EMERGENCY ENVIRONMENTAL REVIEWS.
(a) NEPA COMPLIANCE.—To minimize the time spent carrying out environmental reviews and to deliver water quickly that is needed to address emergency drought conditions during the duration of an emergency drought declaration, the Secretaries, shall, in carrying out this Act, consult with the Council on Environmental Quality in accordance with section 10031 of title 40, Code of Federal Regulations (including successor regulations), to develop alternative arrangements to comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) during the emergency.

(b) DETERMINATIONS.—For the purposes of this Act, a Secretarial determination may be in compliance with all necessary environmental regulations and reviews if the Secretary determines that the immediate implementation of a project is necessary. This determination may be in compliance with all necessary environmental regulations and reviews if the Secretary determines that the immediate implementation of the project is necessary to—
(1) human health and safety; or
(2) a specific and imminent loss of agriculture production upon which an identifiable region depends for 25 percent or more of its tax revenue used to support public services including schools, fire or police services, cities, or county health facilities, unemployment services or other associated social services.

SEC. 1036. INCREASED FLEXIBILITY FOR REGULAR PROJECT OPERATIONS.
The Secretaries shall, in consultation with applicable laws (including regulations)—
(1) in coordination with the California Department of Water Resources, the Department of Fish and Wildlife, implement offsite upstream projects in the Delta and upstream of the Sacramento River and San Joaquin basins that offset the effects on species listed as threatened or endangered under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) contained in the biological opinion issued by the National Marine Fisheries Service on June 4, 2009, that are likely to produce water supply benefits without causing a significant negative impact on the long-term survival of the listed fish species within the Delta or on water quality.
survival in the short term upon listed fish species beyond the range of those authorized under the Endangered Species Act of 1973 and other environmental protections under subsection (c), the Secretary, in consultation with the State Water Project and the State Water Project, combined, to operate at levels that result in negative OMR flows at –7,500 cubic feet per second (based on average daily flows at Gage 102 on the Sacramento River water river at Freeport gauge is at, or above, 17,000 cubic feet per second as measured at the Sacramento River at Freeport gauge maintained by the United States Geologic Survey.

(c) COMPLIANCE WITH ENDANGERED SPECIES ACT AUTHORIZATIONS.—In carrying out this section, the Secretaries may impose any requirements under the Endangered Species Act of 1973 and other environmental protections during any period of temporary operational flexibility as they determine are reasonably necessary to avoid an additional significant negative impact on the long-term survival of a listed species beyond the range of those authorized under the Endangered Species Act of 1973, provided that the requirements imposed do not reduce water supplies available for the Central Valley Project and the State Water Project.

(d) OTHER ENVIRONMENTAL PROTECTIONS.—

(1) STATE LAW.—The Secretaries’ actions under this section shall be consistent with applicable regulatory requirements under State law.

(2) FIRST SEDIMENT FLUSH.—During the first flush of sediment out of the Delta, in each water year, and provided that such determination is based on a recommendation of the Bi-state Water Resources Board, water shall be managed at rates less than –5,000 cubic feet per second for a minimum duration to avoid movement of adult Delta smelt (Hypomesus transpacificus) to areas in the southern Delta that would be likely to increase entrapment at Central Valley Project and State Water Project pumping stations.

(3) APPLICABILITY OF OPINION.—This section shall not affect the application of the salmonid biological opinion from April 1 to May 31, unless the Secretary of Commerce finds that some or all of such recommendations may not be practical or feasible during this period to provide emergency water supply relief resulting in additional adverse effects beyond those authorized under the Endangered Species Act of 1973. In addition to any other actions to benefit water supply, the Secretary of the Interior and the Secretary of Commerce shall consider allowing footnote 7,500 cubic feet per second during days that the California Department of Water Resources (National Marine Fisheries Service, and California Department of Fish and Wildlife, shall undertake a monitoring program and other data gathering to ensure incidental take levels are not exceeded, and to identify potential negative impacts and actions, if any, necessary to mitigate impacts of the temporary operational flexibility to species listed under the Endangered Species Act of 1973.

(e) TECHNICAL ADJUSTMENTS TO TARGET PHYTOPLANKTON.—If, before temporary operational flexibility has been implemented on 56 cumulative days, any such storage program at New Melones Reservoir must be added to or revised for the proposal to be complete."

SEC. 1039. ADDITIONAL EMERGENCY CONSULTATION.

For adjustments to operational criteria other than section 1038 of this subtitle or to take urgent actions to address water supply shortages for the least amount of time or volume of diversion necessary as determined by the Commissioner, no mitigation measures shall be required during any year that the Sacramento Valley index is 6.5 or lower, or at the request of the State of California, and two succeeding years following each of those events have been completed where the final Sacramento Valley Index is 7.8 or greater, and any mitigation measures imposed must be based on quantitative data and required only to the extent that such data demonstrates actual harm to species.

SEC. 1040. ADDITIONAL STORAGE AT NEW MELONES.

The Commissioner of Reclamation is directed to work with local water and irrigation districts in the Stanislaus River Basin to ascertain the water storage made available by the Draft Plan of Operations in New Melones Reservoir (DRPO) for water conservation programs, conjunctive use projects, transfers, rescheduled project water and other projects to maximize water storage and ensure the beneficial use of the water resources in the Stanislaus River Basin. All such programs and projects shall be implemented according to all applicable laws and regulations. The source of water for any such storage program at New Melones Reservoir shall be made available under a valid water right, consistent with the State of California water transfer guidelines and any other applicable State water law. The Commissioner shall inform the Congress within 18 months setting forth the amount of storage made available by the DrPO that has been put to use under this program, including proposals received by the Congress from interested parties for the purpose of this section.

SEC. 1041. REGARDING THE OPERATION OF FOLSOM RESERVOIR.

The Secretary, in collaboration with the Sacramento Water Forum, shall expedite the completion of the Modified Lower American River Flow Model (MLARM) project, developed by the Water Forum in 2015 to improve water supply reliability for Central Valley Project American River water contractors and resource protection in the Central Valley Project, and for action in dry-years under current and future demand and climate change conditions.
SEC. 1042. APPLICANTS. In the event that the Bureau of Reclamation or another Federal agency initiates or reinitiates consultation with the National Marine Fisheries Service under section 7(a)(2) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)(2)), with respect to construction or operation of the Central Valley State Water Project, the appropriate committees of the House of Representatives and the Senate shall be notified, and shall be provided with an opportunity to participate in any consultation proceedings. The Secretary shall ensure that no Federal funding shall be used to construct any projects that are not consistent with the purposes of this Act.

SEC. 1043. SAN JOAQUIN RIVER SETTLEMENT. (a) CALIFORNIA STATE LAW SATISFIED BY WATER RIGHTS. (1) IN GENERAL.—Sections 5930 through 5948 of the California Fish and Game Code, and all applicable Federal laws, including the San Joaquin River Restoration Settlement Act (Public Law 111–11) and the Stipulation of Settlement (Natural Resources Defense Council, et al. v. Kirk Rodgers, et al., Eastern District of California, No. Civ. S–88–1658–LKK/GGH), shall be satisfied by the existence of a warm water fishery in the San Joaquin River below Friant Dam, but upstream of Greenville Ford.

(2) WRITING WATER FISHERY.—For the purposes of this section, the term “warm water fishery” means a water system that has an existing warm water fishing area for species other than salmon (including all subspecies) and trout (including all subspecies).


SEC. 1044. PROGRAM FOR WATER RESCHEDULING. By January 2015, the Secretary of the Interior shall develop and implement a program, including rescheduling guidelines for Shasta and Folsom Reservoirs, to allow existing Central Valley Project agricultural water service contracts with the Sacramento River Watershed, and refuge service and municipal and industrial water service contracts within the Sacramento River Watershed and the American River Watershed to reschedule water, provided for under their Central Valley Project contracts, from existing contracts, provided that the program is consistent with existing rescheduling guidelines as utilized by the Bureau of Reclamation for rescheduling water for the Central Valley Project water service contractors that are located within the boundaries of the State of California.

Subtitle D—CALFED STORAGE FEASIBILITY STUDIES

SEC. 1051. STUDIES. The Secretary of the Interior, through the Commissioner of Reclamation, shall—

(1) complete the feasibility studies described in section 103(d)(1)(A) of Public Law 108–361 (118 Stat. 1694) and submit such study to the appropriate committees of the House of Representatives and the Senate not later than November 30, 2010;

(2) complete the feasibility study described in subsection (ii) of section 103(d)(1)(A) of Public Law 108–361 and submit such study to the appropriate committees of the House of Representatives and the Senate not later than November 30, 2010;

(3) complete a publicly available draft of the feasibility study described in subsection (ii) of section 103(d)(1)(A) of Public Law 108–361 and submit such study to the appropriate committee of the House of Representatives and the Senate not later than November 30, 2010;

(4) complete the feasibility study described in subsection (ii) of section 103(d)(1)(A) of Public Law 108–361 and submit such study to the appropriate committees of the House of Representatives and the Senate not later than November 30, 2010;

(5) complete the feasibility study described in section 103(d)(1)(A) of Public Law 108–361 and submit such study to the appropriate committees of the House of Representatives and the Senate not later than December 31, 2011;

(6) provide a progress report on the status of the feasibility studies referred to in paragraphs (1) through (5) to the appropriate committees of the House of Representatives and the Senate not later than 90 days after the date of the enactment of this Act, and each 180 days thereafter until December 31, 2017, as applicable. The reports shall include draft environmental impact statements, final environmental impact statements, and Records of Decision;

(7) in conducting any feasibility study under this Act, the reclamation laws, the Central Valley Project Improvement Act (title XXXIV of Public Law 102–575; 106 Stat. 4706), the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and other applicable law, for the purposes of determining feasibility the Secretary shall document all costs directly relating to the engineering and construction of a water storage project separately from the costs resulting from regulatory compliance or the construction of auxiliary facilities necessary to achieve regulatory compliance; and

(c) DUTIES OF SECRETARY UPON DETERMINATION.—(1) PROJECT.—The term “Project” means the Temperance Flats Reservoir Project on the Upper San Joaquin River.


(e) DUTIES OF SECRETARY UPON DETERMINATION OF FEASIBILITY.—(1) If the Secretary finds the Project to be feasible, the Secretary shall manage the land recommended in the RMP for designation under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.) in a manner that does not impair any environmental reviews, recreation, or other opportunities of the Project, regardless of whether or not the Secretary subsequently makes official recommendations to Congress under the Wild and Scenic Rivers Act.

(f) RESERVED WATER RIGHTS.—If the Secretary determines that the Project is provided for under the District’s Action, then that additional yield shall be made available to the State Water Project for delivery to State Water Project contractors to offset losses resulting from the Department’s actions.

Subtitle E—WATER RIGHTS PROTECTIONS

SEC. 1061. OFFSET FOR STATE WATER PROJECT. (a) PUBLIC LAW 108–361.—In making the Secretary of the Interior shall confer with the California Department of Fish and Wildlife in connection with the implementation of this Act on potential improvements in any condition for operations of the State Water Project issued pursuant to California Fish and Game Code section 2080.1.

(b) ADDITIONAL YIELD.—If, as a result of the application of this Act, the California Department of Fish and Wildlife—

Subtitle F—ECONOMIC PROTECTIONS

SEC. 1062. AREA OF ORIGIN PROTECTIONS. (a) IN GENERAL.—The Secretary of the Interior is directed, in the operation of the Central Valley Project, to adhere to California’s water rights laws governing water rights priorities and to honor water rights senior to those held by the United States for operation of the Central Valley Project, to adhere to California’s water rights laws, regardless of the source of priority, including any appropriative water rights initiated prior to December 19, 1914, as well as water
(C) Not less than 100 percent of their contract quantities in a "Above Normal" year that is preceded by an "Above Normal" or a "Wet" year.

(D) Not less than 50 percent of their contract quantities in a "Dry" year that is preceded by a "Below Normal," an "Above Normal," or a "Wet" year.

(E) In all other years not identified herein, the allocation percentage for existing Central Valley Project agricultural water service contractors within the Sacramento River Watershed shall equal the allocation percentage to south-of-Delta Central Valley Project agricultural water service contractors, up to 100 percent, provided, that nothing herein shall preclude an agreement between the Central Valley Project agricultural water service contractors within the Sacramento River Watershed that is greater than twice the allocation percentage to south-of-Delta Central Valley Project agricultural water service contractors.

(2) CONSIDERATIONS.—The Secretary's actions under subsection (a) shall be subject to—

(A) the priority of individuals or entities with Sacramento River water rights, including those with Sacramento River Settlement Contracts, with contracts to receive water from the Friant–Kern Canal; and

(B) the Secretary's obligation to make water available to the San Joaquin River Exchange Contractors; and

(C) the Secretary's obligation to make water available to满足paragraph 3406(d) of the Central Valley Project Improvement Act (Public Law 102–575).

(b) PROTECTION OF MUNICIPAL AND INDUSTRIAL SUPPLIES.—Nothing in subsection (a) shall be deemed to—

(1) modify any provision of a water service contract that addresses municipal and industrial use; or

(2) affect or limit the authority of the Secretary to adopt or modify municipal and industrial water supply contracts.

(c) EFFECT ON ALLOCATIONS.—This section shall not—

(1) affect the allocation of water to Friant Division contractors; or

(2) result in the involuntary reduction in contract water allocations to individuals or entities with contracts to receive water from the Friant Division.

(d) PROGRAM FOR WATER RESCHEDULING.—The Secretary of the Interior shall develop a program for water rescheduling within the Sacramento River Watershed, provided for under the Central Valley Project Improvement Act (Public Law 102–575), and subject to paragraph 105(d) of the Central Valley Project Improvement Act (Public Law 102–575).

(e) ADDITIONAL COSTS.—If any additional costs are incurred solely pursuant to or as a result of this Act and would not otherwise have been incurred by any entity or public or local agency or subdivision of the State of California, such costs shall not be borne by any such entity, agency, or subdivision of the State of California, unless such costs are incurred on a voluntary basis.

(2) REQUIREMENTS NOT FIRM OR AMENDED.—Nothing in this Act shall modify or amend the rights and obligations of the parties to any existing—

(1) water service, retirement, settlement, purchase, or exchange contract with the United States, including the obligation to satisfy exchange contracts and settlement contracts prior to the adoption of any other Central Valley Project water; or

(2) State Water Project water supply or settlement contract with the State.

SEC. 1064. ALLOCATIONS FOR SACRAMENTO VALLEY CONTRACTORS.

(a) ALLOCATIONS.—

(1) IN GENERAL.—Subject to paragraph (2) and subsection (b), the Secretary of the Interior is directed, in the operation of the Central Valley Project, to allocate water provided for irrigation purposes to existing Central Valley Project agricultural water service contractors within the Sacramento River Watershed in compliance with the following:

(A) Not less than 100 percent of their contract quantities in an "Above Normal" year.

(B) Not less than 100 percent of their contract quantities in an "Above Normal" year.

(C) Not less than 100 percent of their contract quantities in a "Above Normal" year that is preceded by an "Above Normal" or a "Wet" year.

(D) Not less than 50 percent of their contract quantities in a "Dry" year that is preceded by a "Below Normal," an "Above Normal," or a "Wet" year.

(E) In all other years not identified herein, the allocation percentage for existing Central Valley Project agricultural water service contractors within the Sacramento River Watershed shall not be less than twice the allocation percentage to south-of-Delta Central Valley Project agricultural water service contractors, up to 100 percent, provided, that nothing herein shall preclude an agreement between the Central Valley Project agricultural water service contractors within the Sacramento River Watershed that is greater than twice the allocation percentage to south-of-Delta Central Valley Project agricultural water service contractors.

(2) CONSIDERATIONS.—The Secretary's actions under paragraph (a) shall be subject to—

(A) the priority of individuals or entities with Sacramento River water rights, including those with Sacramento River Settlement Contracts, with contracts to receive water from the Friant–Kern Canal; and

(B) the Secretary's obligation to make water available to the San Joaquin River Exchange Contractors; and

(C) the Secretary's obligation to make water available to满足paragraph 3406(d) of the Central Valley Project Improvement Act (Public Law 102–575).

(b) PROTECTION OF MUNICIPAL AND INDUSTRIAL SUPPLIES.—Nothing in subsection (a) shall be deemed to—

(1) modify any provision of a water service contract that addresses municipal and industrial use; or

(2) affect or limit the authority of the Secretary to adopt or modify municipal and industrial water supply contracts.

(c) EFFECT ON ALLOCATIONS.—This section shall not—

(1) affect the allocation of water to Friant Division contractors; or

(2) result in the involuntary reduction in contract water allocations to individuals or entities with contracts to receive water from the Friant Division.

(d) PROGRAM FOR WATER RESCHEDULING.—The Secretary of the Interior shall develop a program for water rescheduling within the Sacramento River Watershed, provided for under the Central Valley Project Improvement Act (Public Law 102–575), and subject to paragraph 105(d) of the Central Valley Project Improvement Act (Public Law 102–575).

(e) ADDITIONAL COSTS.—If any additional costs are incurred solely pursuant to or as a result of this Act and would not otherwise have been incurred by any entity or public or local agency or subdivision of the State of California, such costs shall not be borne by any such entity, agency, or subdivision of the State of California, unless such costs are incurred on a voluntary basis.

(2) REQUIREMENTS NOT FIRM OR AMENDED.—Nothing in this Act shall modify or amend the rights and obligations of the parties to any existing—

(1) water service, retirement, settlement, purchase, or exchange contract with the United States, including the obligation to satisfy exchange contracts and settlement contracts prior to the adoption of any other Central Valley Project water; or

(2) State Water Project water supply or settlement contract with the State.
one power contractor from north-of-the-Delta; and from south-of-the-Delta;

“(iv) 1 member shall be a representative of a Federal national wildlife refuge that contracts for and supplies water project and supplies water with the Bureau of Reclamation;

“(v) 1 member shall have expertise in the economic impacts of changes to water operations and infrastructure.

“(vi) 1 member shall be a representative of a wildlife entity that primarily focuses on waterfowl.

“(B) OBSERVER.—The Secretary and the Secretary of Commerce may each designate a representative to act as an observer of the Advisory Board.

“(C) CHAIR.—The Secretary shall appoint 1 of the members described in subparagraph (A) to serve as Chair of the Advisory Board.

“(D) TERM.—The term of each member of the Advisory Board shall be 4 years.

“(4) DATE OF APPOINTMENTS.—The appointment of a member of the Panel shall be made not later than—

“(A) the date that is 120 days after the date of enactment of this Act; or

“(B) in the case of a vacancy on the Panel described in subsection (c)(2), the date that is 120 days after the date on which the vacancy occurs.

“(5) VACANCIES.—

“(A) IN GENERAL.—A vacancy on the Panel shall be filled in the manner in which the original appointment was made and shall be subject to any conditions that applied with respect to the original appointment.

“(B) FILLING UNEXPIRED TERM.—An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

“(C) EXPIRATION OF TERMS.—The term of any member shall not expire before the date on which the successor of the member takes office.

“(6) REMOVAL.—A member of the Panel may be removed from office by the Secretary of the Interior.

“(7) FEDERAL ADVISORY COMMITTEE ACT.—The Panel shall not be subject to the requirements of the Federal Advisory Committee Act.

“(8) DUTIES.—The duties of the Advisory Board are—

“(A) to meet not less than frequently to develop and make recommendations to the Secretary regarding priorities and spending levels on projects and programs carried out under this title;

“(B) to ensure that any advice given or recommendation made by the Advisory Board reflects an independent judgment of the Advisory Board;

“(C) not later than December 31, 2015, and annually thereafter, to submit to the Secretary and Congress the recommendations under subparagraph (A); and

“(D) not later than December 31, 2015, and biennially thereafter, to submit to Congress details of the progress made in achieving the actions required under section 3406.

“(9) ADMINISTRATION.—With the consent of the agency head, the Advisory Board may use the facilities and services of any Federal agency.

“(10) COOPERATION AND ASSISTANCE.—

“(A) PROVISION OF INFORMATION.—Upon request of the Panel Chair for information or as otherwise authorized by law.

“(B) SPACE AND ASSISTANCE.—The Secretary of the Interior shall provide the Panel with appropriate office space, together with such equipment, office supplies, and communications facilities and services as may be necessary for the operation of the Panel, and shall provide Secretarial services for such offices and the equipment and facilities located therein.

SEC. 1075. WATER SUPPLY ACCOUNTING.

(a) IN GENERAL.—All Central Valley Project water, except Central Valley Project water released pursuant to U.S. Department of the Interior’s and Department of Commerce’s Fishery Restoration Final Environmental Impact Statement/Environmental Impact Report dated December 2000 used to implement an approved water management and fishery enhancement plan under sections 3408(j) of title XXXIV of Public Law 102–575.

(b) RECLAMATION POLICIES AND ALLOCATIONS.—Reclamation policies and allocations shall not be based upon any premise or assumption that Central Valley Project contract supplies are supplemental or secondary to any other contractor source of supply.

SEC. 1074. IMPLEMENTATION OF WATER RECLAMATION PLAN.

(a) IN GENERAL.—Not later than October 1, 2016, the Secretary of the Interior shall update and implement the plan required by section 3408(j) of title XXXIV of Public Law 102–575. The Secretary shall notify the Congress annually describing the progress of implementing the plan required by section 3408(j) of title XXXIV of Public Law 102–575.

(b) POTENTIAL AMENDMENT.—If the plan required in subsection (a) has not increased the Central Valley Project yield by 800,000 acre-feet within 5 years of the enactment of this Act, then section 3406 of the Central Valley Project Improvement Act (title XXXIV of Public Law 102–515) is amended as follows:

“(1) In subsection (A),

“(B) if by March 15, 2021, and any year thereafter, the quantity of Central Valley Project water forecasted to be available to all water service or repayment contractors of the Central Valley Project is below 50 percent of the total quantity of water to be made available under applicable State or Federal law existing under applicable State or Federal law existing under applicable State or Federal law,

“(C) of all unresolved issues that are preventing execution of an agreement for the transfer of ownership, control, and operation of the New Melones Unit, Central Valley Project to interested local water and power providers; and

“(D) of all unresolved issues that are preventing or finalization of formal discussions; or

“(E) are, in whole or in part, preventing execution of an agreement for the transfer; and

“(F) of any actions the Secretary recommends that the United States should take to finalize an agreement for that transfer.

SEC. 1077. BASIN STUDIES.

(a) AUTHORIZED STUDIES.—The Secretary of the Interior is authorized and directed to prepare a draft environmental assessment of Basin studies.

(b) FUNDING.—

“(1) IN GENERAL.—The Federal share shall be 50 percent of the cost of the specialized studies.

“(2) CONTRIBUTED FUNDS.—The Secretary may accept and use contributions from Federal agencies in the operation of the Trinity River Division.

SEC. 1076. TRANSFER THE NEW MELONES UNIT, CENTRAL VALLEY PROJECT TO INTERESTED PROVIDERS.

(a) DEFINITIONS.—For the purposes of this section, the following terms apply:

“(1) INTERESTED LOCAL WATER AND POWER PROVIDERS.—The term ‘interested local water and power providers’ includes the Calaveras County Water District, Calaveras Public Power Agency, Central San Joaquin Water Conservation District, Oakdale Irrigation District, Stockton East Water District, North California Irrigation District, Tuolumne Utilities District, Tuolumne Public Power Agency, and Union Public Utilities District.

“(2) NEW MELONES UNIT, CENTRAL VALLEY PROJECT.—The term ‘New Melones Unit, Central Valley Project’ means all Federal reclamation projects located within or diverting water from or to the watershed of the Stanislaus and San Joaquin rivers and their tributaries as authorized by the Act of August 26, 1935 (50 Stat. 1173). The term includes the operations of the San Joaquin Mainstem Fishery Restoration Final Environmental Impact Statement/Environmental Impact Report dated December 31, 1979.

“(a) the date that is 120 days after the date of enactment of this Act, and every 6 months thereafter, the Secretary shall notify the appropriate committees of the House of Representatives and the Senate—

“(1) if an agreement is reached pursuant to negotiations conducted under subsection (b), the terms of that agreement;

“(2) of the status of formal discussions with interested local water and power providers for the transfer of ownership, control, and operation of the New Melones Unit, Central Valley Project to interested local water and power providers within the State of California; and

“(c) TRANSFER.—The Secretary shall transfer the New Melones Unit, Central Valley Project in accordance with an agreement reached pursuant to negotiations conducted under subsection (b).

“(d) NOTIFICATION.—Not later than 360 days after the date of the enactment of this Act, and every 6 months thereafter, the Secretary shall notify the appropriate committees of the House of Representatives and the Senate—

“(1) if an agreement is reached pursuant to negotiations conducted under subsection (b), the terms of that agreement;

“(2) of the status of formal discussions with interested local water and power providers for the transfer of ownership, control, and operation of the New Melones Unit, Central Valley Project to interested local water and power providers;

“(3) of all unresolved issues that are preventing execution of an agreement for the transfer of ownership, control, and operation of the New Melones Unit, Central Valley Project to interested local water and power providers;

“(4) on analysis and review of studies, reports, decisions, hearings, drafts, transcripts, negotiations, and other information about and present formal discussions that—

“(A) have a serious impact on the progress of the formal discussions;

“(B) explain or provide information about the issues that prevent progress or finalization of formal discussions; or

“(4) are, in whole or in part, preventing execution of an agreement for the transfer; and

“(5) of any actions the Secretary recommends that the United States should take to finalize an agreement for that transfer.
(2) A maximum of 453,000 acre-feet in a “Dry” year.
(3) A maximum of 647,000 acre-feet in a “Normal” year.
(4) A maximum of 701,000 acre-feet in a “Wet” year.

SEC. 1080. AMENDMENT TO DEFINITION.
Section 4302 of the Central Valley Project Improvement Act (106 Stat. 4750) is amended—
(1) by amending subsection (a) to read as follows:
‘‘(a) the term ‘anadromous fish’ means those native stocks of salmon (including steelhead) and sturgeon that, as of October 30, 1992, were present in the Sacramento and San Joaquin Rivers and their tributaries and ascend those rivers and their tributaries to reproduce after maturing in San Francisco Bay or the Pacific Ocean;’’
(2) in subsection (l), by striking “and,”; and
(3) in subsection (m), by striking the period and inserting “; and”;

SEC. 1081. REPORT ON RESULTS OF WATER USAGE.
The Secretary of the Interior, in consultation with the Secretary of Commerce and the Secretary of Natural Resources of the State of California, shall publish an annual report detailing instream flow releases from the Central Valley Project and California State Water Project, their explicit purpose and authority, and all measured environmental benefit as a result of the releases.

SEC. 1082. KLAMATH PROJECT CONSULTATION APPLICANTS.
If the Bureau of Reclamation initiates or re-initiates consultation with the U.S. Fish and Wildlife Service or the National Marine Fisheries Service under section 7(a)(2) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)(2)), with respect to construction or operation of the Klamath Project (or any part thereof), Klamath Project contractors shall be accorded all the rights and responsibilities extended to applicants in the consultation process. Upon request of the Klamath Project contractors, they may be represented through an association or organization of the applicants.

Subtitle G—Water Supply Permitting Act
SEC. 1081. SHORT TITLE.
This subtitle may be cited as the “Water Supply Permitting Coordination Act”.

SEC. 1091. DEFINITIONS.
In this subtitle:
(A) SECRETARY.—The term “Secretary” means the Secretary of the Interior.
(B) BUREAU.—The term “Bureau” means the Bureau of Reclamation.

(C) QUALIFYING PROJECTS.—The term “qualifying projects” means new surface water storage projects in the States covered under the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.) constructed on lands administered by the Department of the Interior or the Department of Agriculture, exclusive of any easement, right-of-way, lease, or any private holding.

(D) COOPERATING AGENCIES.—The term “cooperating agencies” means Federal agencies having jurisdiction over a review, analysis, opinion, statement, permit, license, or other approval or decision required for a qualifying project under applicable Federal laws and regulations, or a State agency subject to section 1093(c).

SEC. 1092. ESTABLISHMENT OF LEAD AGENCY AND COOPERATING AGENCIES.
(1) ESTABLISHMENT OF LEAD AGENCY.—The Bureau of Reclamation is established as the lead agency for purposes of coordinating all reviews, analyses, opinions, statements, permits, licenses, or other approvals or decisions required under Federal law to construct qualifying projects.
(2) IDENTIFICATION AND ESTABLISHMENT OF COOPERATING AGENCIES.—The Commissioner of the Bureau shall—
(A) identify, as early as practicable upon receipt of an application for a qualifying project, any Federal agency that may have jurisdiction over a review, analysis, opinion, decision, permit, license, approval, or decision required for a qualifying project under applicable Federal laws and regulations; and
(B) notify any such agency, within a reasonable timeframe, that the agency has been designated as a cooperating agency in regards to the qualifying project that applies to the Bureau, notifying the Bureau that the agency—
(A) has no jurisdiction or authority with respect to the qualifying project;
(B) has no expertise or information relevant to the qualifying project or any review, analysis, opinion, statement, permit, license, approval, or decision associated therewith; or
(C) does not intend to submit comments on the qualifying project or conduct any review of such project or any actions to affect the qualifying project in a manner other than in cooperation with the Bureau.
(3) STATE AUTHORITY.—A State in which a qualifying project is being considered may choose, consistent with State law—
(A) to participate as a cooperating agency; and
(B) to make subject to the processes of this subtitle all State agencies that—
(1) have jurisdiction over the qualifying project; and
(2) are required to conduct or issue a review, analysis, opinion for the qualifying project; or
(3) are required to make a determination on issuing a permit, license, or approval for the qualifying project.

SEC. 1094. BUREAU RESPONSIBILITIES.
(1) IN GENERAL.—The principal responsibilities of the Bureau under this subtitle are to—
(A) serve as the point of contact for applicants, State agencies, Indian tribes, and others regarding proposed qualifying projects;
(B) coordinate preparation of unified environmental documentation that will serve as the basis for all Federal decisions necessary to authorize the use of Federal lands for qualifying projects; and
(C) coordinate all Federal agency reviews necessary for project development and construction of qualifying projects.
(2) COORDINATION PROCESS.—The Bureau shall have the following coordination responsibilities:
(A) PRE-APPLICATION COORDINATION.—Notify cooperating agencies of proposed qualifying projects not later than 30 days after receipt of a properly completed and prequalification meeting for prospective applicants, relevant Federal and State agencies, and Indian tribes to—
(1) explain applicable processes, data requirements, and the required submission necessary to complete the required Federal agency reviews within the timeframe established; and
(B) establish the schedule for the qualifying project.
(2) CONSULTATION WITH CooperATING AGENCIES.—Consult with the cooperating agencies through the Lead Agency Process, identify and obtain relevant data in a timely manner, and set necessary deadlines for cooperating agencies.
(3) PROJECT SCHEDULE.—Work with the qualifying project applicant and cooperating agencies to establish a project schedule. In establishing the schedule, the Bureau shall consider, among other factors—
(A) the responsibilities of cooperating agencies under applicable laws and regulations;
(B) the resources available to the cooperating agencies and the non-Federal qualifying project sponsor, if applicable;
(C) the overall size and complexity of the qualifying project;
(D) the overall schedule for and cost of the qualifying project; and
(E) the sensitivity of the natural and historic resources that may be affected by the qualifying project.
(4) ENVIRONMENTAL COMPLIANCE.—Prepare a unified environmental review document for each qualifying project application, incorporating a single environmental record on which all cooperating agencies with authority to issue approvals for a given qualifying project base project approval decisions. Help ensure that cooperating agencies make necessary decisions, within their respective authorities, regarding Federal approvals in accordance with the following timelines:
(A) Not later than one year after acceptance of a completed project application when an environmental assessment and finding of no significant impact is determined to be the appropriate level of review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);
(B) Not later than one year and 30 days after the close of the public comment period for a draft environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and
(5) CONSOLIDATED ADMINISTRATIVE RECORD.—Maintain a consolidated administrative record of the information assembled and used by the cooperating agencies as the basis for agency decisions.
(6) PROJECT DATA RECORDS.—To the extent practicable and consistent with Federal law, ensure that all project data is submitted and maintained in generally accessible, electronic format, and where authorized under existing law, make available such project data to cooperating agencies, the qualifying project applicant, and the public.
(7) PROJECT MANAGER.—Appoint a project manager for each qualifying project. The project manager shall have authority to oversee the project and to facilitate the issuance of the relevant final administrative documents, and shall be responsible for ensuring fulfillment of all Bureau responsibilities set forth in this section and all cooperating agency responsibilities under section 1095.

SEC. 1095. COOPERATING AGENCY RESPONSIBILITIES.
(A) ADHERENCE TO BUREAU SCHEDULE.—Upon notification of an application for a qualifying project, all cooperating agencies shall submit to the Bureau a timeframe under which the cooperating agencies will be able to complete its authorizing responsibilities. The Bureau shall use the timeframe submitted under this subsection to establish the project schedule under section 1094, and the cooperating agencies shall adhere to the project schedule established by the Bureau.
(B) ENVIRONMENTAL RECORD.—Cooperating agencies shall submit to the Bureau environmental review material produced or compiled in the course of carrying out activities required
under Federal law consistent with the project schedule established by the Bureau.

(c) DATA SUBMISSION.—To the extent practicable and consistent with Federal law, the cooperating agencies shall submit all relevant project data to the Bureau in a generally accessible electronic format subject to the project schedule set forth by the Bureau.

SEC. 1003. PROCESS PERMITS.

(a) IN GENERAL.—The Secretary, after public notice in accordance with the Administrative Procedures Act (5 U.S.C. 553), may accept and expend funds contributed by a non-Federal public entity to expedite the evaluation of a permit of that entity related to a qualifying project.

(b) EFFECT ON PERMITTING.—(1) In carrying out this section, the Secretary shall ensure that the use of funds accepted under subsection (a) will not impact impartial decisionmaking with respect to permits, either substantively or procedurally.

(2) EVALUATION OF PERMITS.—In carrying out this section, the Secretary shall ensure that the evaluation of permits carried out using funds accepted under this section shall—

(A) be reviewed by the Regional Director of the Bureau, or the Regional Director's designee, of the region in which the qualifying project or activity is located;

(B) use the same procedures for decisions that would otherwise be required for the evaluation of permits for similar projects or activities not carried out using funds authorized under this section.

(3) IMPARTIAL DECISIONMAKING.—In carrying out this section, the Secretary and the cooperating agencies receiving funds under this section for qualifying projects shall ensure that the use of the funds accepted under this section for such projects shall not—

(A) impact impartial decisionmaking with respect to the issuance of permits, either substantively or procedurally; or

(B) otherwise affect the statutory or regulatory authorities of such agencies.

(c) LIMITATION ON USE OF FUNDS.—None of the funds accepted under this section shall be used to carry out a review of the evaluation of permits required under subsection (b)(2)(A).

(d) PUBLIC AVAILABILITY.—The Secretary shall ensure that all final permit decisions carried out using funds authorized under this section are made available to the public, including on the Internet.

Subtitle II—Bureau of Reclamation Project Streamlining

SEC. 1101. SHORT TITLE.

This subtitle may be cited as the "Bureau of Reclamation Project Streamlining Act".

SEC. 1102. DEFINITIONS.

In this subtitle—

(1) ENVIRONMENTAL IMPACT STATEMENT.—The term "environmental impact statement" means the detailed statement of environmental impacts of a proposed activity required by law to be prepared pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(2) ENVIRONMENTAL REVIEW PROCESS.—(A) IN GENERAL.—The term "environmental review process" means the process of preparing an environmental impact statement, environmental assessment, or other document under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for a project study.

(B) TERMINOLOGY.—The term "environmental review process" includes the process for completion of any environmental permit, approval, review, or study required for a project study under this subtitle.

(3) FEDERAL JURISDICTIONAL AGENCY.—The term "Federal jurisdictional agency" means a Federal agency with jurisdiction delegated by law, regulation, order, or otherwise over a review, analysis, opinion, statement, permit, license, or other approval or decision required for a project study under applicable Federal laws (including regulations).

(4) FEDERAL LIAISON AGENCY.—The term "Federal lead agency" means the Bureau of Reclamation.

(5) PROJECT.—The term "project" means a surface water project, a project under the purview of title XVI of Public Law 102–575, or a rural water supply project investigated under Public Law 109–411 to be carried out, funded or operated wholly or in part by the Secretary pursuant to the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.).

(6) PROJECT SPONSOR.—The term "project sponsor" means a State, regional, or local authority or instrumentality or other qualifying entity, such as a water conservation district, irrigation district, water conservancy district, joint powers authority, mutual water company, canal company, rural water district or association, or any other entity that has the capacity to contract with the United States under Federal reclamation law.

(7) PROJECT STUDY.—The term "project study" means a feasibility study for a project carried out pursuant to the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.).

(8) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(9) SURFACE WATER STORAGE.—The term "surface water storage" means any surface water storage facilities or reservoir or impoundment that would be owned, funded or operated in whole or in part by the Bureau of Reclamation or that would be integrated into a larger system, owned or administered, in whole or in part by the Bureau of Reclamation.

SEC. 1103. ACCELERATION OF STUDIES.

(a) IN GENERAL.—To the extent practicable, a project study initiated by the Secretary, after the date of enactment of this Act, under the Reclamation Act of 1902 (32 Stat. 388), and all Acts amendatory thereof or supplementary thereto, shall—

(1) result in the completion of a final feasibility report not later than 3 years after the date of initiation;

(2) have a maximum Federal cost of $2,000,000; and

(3) ensure that personnel from the local project area, and headquarters levels of the Bureau or cooperating agencies conduct the review required under this section.

(b) EXTENSION.—If the Secretary determines that a project study initiated under subsection (a) will not be completed in accordance with subsection (a), the Secretary, not later than 30 days after the date of making the determination, shall—

(1) prepare an updated project study schedule and cost estimate;

(2) notify the non-Federal project cost-sharing partner that the project study has been delayed; and

(3) provide written notice to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate as to the reasons the requirements of subsection (a) are not attainable.

(c) EXCEPTIONS.—(1) IN GENERAL.—Notwithstanding the requirements of subsection (a), the Secretary may extend the timeline of a project study by a period not to exceed 3 years, if the Secretary determines that the project study is too complex to comply with the requirements of subsection (a).

(2) FACTORS.—In making a determination that a study is too complex to comply with the requirements of subsection (a), the Secretary shall consider—

(A) the type, size, location, scope, and overall cost of the project study,

(B) whether the project will use any innovative design or construction techniques;

(C) whether the project will require significant action by other Federal, State, or local agencies; and

(D) whether there is significant public dispute as to the nature or effects of the project.

(3) LIMITATION.—Each time the Secretary makes a determination under this subsection, the Secretary shall provide written notice to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate as to the results of that determination, including an identification of the specific one or more factors used in making the determination that the project is complex.

(4) LIMITATION.—The Secretary shall not extend the timeline for a project study for a period of more than 7 years, and shall not extend the timeline of a project study that is not completed before that date shall no longer be authorized.

(d) REVIEWS.—Not later than 90 days after the date of the initiation of a project study described in subsection (a), the Secretary shall—

(1) take all steps necessary to initiate the process for completing federally mandated reviews related to the project as part of the study, including the environmental review process under section 1105;

(2) convene a meeting of all Federal, tribal, and State agencies identified under section 1105(d) that may—

(A) have jurisdiction over the project; or

(B) be required by law to issue a review, analysis, opinion, or statement for the project study; or

(C) be required to make a determination on issuing a permit, license, or other approval or decision for the project study; and

(3) take all steps necessary to provide information that will enable required reviews and analyses related to the project to be conducted by other agencies in a thorough and timely manner.

(e) INTERIM REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate and make publicly available a report that describes—

(1) the status of the implementation of the planning process under this section, including the number of participants involved in the process;

(2) a review of project delivery schedules, including a description of any delays on those schedules initiated prior to the date of the enactment of this Act; and

(3) any recommendations for additional authority necessary to support efforts to expedite the project.

(f) FINAL REPORT.—Not later than 4 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate and make publicly available a report that describes—

(1) the status of the implementation of this section, including a description of each project study subject to the requirements of this section; and

(2) the amount of time taken to complete each project study.

(3) any recommendations for additional authority necessary to support efforts to expedite the project study process, including an analysis of whether the timeline required by subsection (b)(2) needs to be adjusted to address the impacts of inflation.

SEC. 1104. EXPEDITED COMPLETION OF REPORTS.

The Secretary shall—

(1) expedite the completion of any ongoing project study initiated before the date of enactment of this Act; and

(2) ensure that the Secretary determines that the project is justified in a completed report, proceed directly to preconstruction planning, engineering, and construction of the Bureau.
and design of the project in accordance with the Reclamation Act of 1902 (32 Stat. 388), and all Acts amendatory thereof or supplementary thereto.

SEC. 1104. PROJECT ACCELERATION.

(a) APPLICABILITY.—

(1) IN GENERAL.—This section shall apply to—

(A) each project study that is initiated after the date of enactment of this Act, if the Secretary determines that an environmental impact statement is prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) the extent determined appropriate by the Secretary, to other project studies initiated before the date of enactment of this Act and for which an environmental review process document is prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(c) any project study for the development of a non-Federal owned and operated surface water storage project for which the Secretary determines there is a demonstrable Federal interest and the project—

(1) is located in a river basin where other Bureau of Reclamation water projects are located; or

(ii) will create additional water supplies that support Bureau of Reclamation water projects; or

(iii) will become integrated into the operation of Bureau of Reclamation water projects.

(2) FLEXIBILITY.—Any authority granted under this section may be exercised, and any requirement established under this section may be satisfied, for the conduct of an environmental review process for any project study, a program of project studies, or a program of project studies.

(3) LIST OF PROJECT STUDIES.—

(A) IN GENERAL.—The Secretary shall annually publish, and make publicly available, a list of all project studies that the Secretary has identified—

(1) that meets the standards described in paragraph (1); and

(2) that does not have adequate funding to make substantial progress toward the completion of the project study.

(B) INCLUSIONS.—The Secretary shall include for each project study on the list under subparagraph (A) a description of the estimated amount of funding necessary to make substantial progress on the project study.

(2) PROJECT REVIEW PROCESS.—

(A) IN GENERAL.—The Secretary shall develop and implement a coordinated environmental review process for the development of project studies.

(2) COORDINATED REVIEW.—The coordinated environmental review process described in paragraph (1) shall require that any review, analysis, opinion, statement, permit, license, or other approval or decision issued or made by the Federal, State, or local governmental agency or an Indian tribe for a project study described in subsection (b) be conducted, to the maximum extent practicable, concurrently with any other applicable environmental document and Indian tribe.

(3) TIMING.—The coordinated environmental review process under subsection shall be completed not later than the date on which the Secretary and agency in accordance with the agencies identified under section 1105(d), establishes with respect to the project study.

(c) LEAD AGENCIES.—

(A) IN GENERAL.—Subject to the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the requirements of section 1506.8 of title 40, Code of Federal Regulations (or successor regulations), including the concurrence of the proposed joint lead agency, a project sponsor may serve as the joint lead agency.

(B) PROJECT SPONSOR AS JOINT LEAD AGENCY.—A project sponsor that is a State or local governmental agency or an Indian tribe may serve as a joint lead agency.

(i) with the concurrence of the Secretary, serve as a joint lead agency with the Federal lead agency for purposes of preparing any environmental document under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(ii) prepare any environmental review process document under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) required in support of any action or approval by the Secretary.

(I) the Secretary provides guidance in the preparation process and independently evaluates that document; and

(B) any environmental document prepared by the project sponsor is appropriately supplemented to address any changes to the project the Secretary determines are necessary.

(3) ADOPTION AND USE OF DOCUMENTS.—Any environmental document prepared in accordance with this subsection shall be adopted and used by any Federal agency making any determination related to the project study to the same extent that the Federal agency could adopt or use a document prepared by another Federal agency under—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) parts 1500 through 1509 of title 40, Code of Federal Regulations (or successor regulations).

(4) ROLES AND RESPONSIBILITY OF LEAD AGENCY.—With respect to the environmental review process for any project study, the Federal lead agency shall have authority and responsibility:

(A) to take such actions as are necessary and appropriate in cooperation with the Federal lead agency to facilitate the expeditious resolution of the environmental review process for the project study; and

(B) to prevent or ensure that any required environmental impact statement or other environmental review document for a project study required to be completed under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) is completed in accordance with this section and applicable Federal law.

(d) PARTICIPATING AND COOPERATING AGENCIES.—

(1) IDENTIFICATION OF JURISDICTIONAL AGENCIES.—With respect to carrying out the environmental review process for a project study, the lead agency shall identify, as early as practicable in the environmental review process, all Federal, State, and local government agencies and Indian tribes that—

(A) have jurisdiction over the project; or

(B) are required by law to conduct or issue a review, analysis, opinion, or statement for the project study.

(2) STATEMENT AND/downloads/CONGRESSIONAL_RECORD—HOUSE MAY 25, 2016

(A) have jurisdiction over the project; and

(B) are required to conduct or issue a review, analysis, opinion, or statement for the project study.

(c) are required to make a determination on issuing a permit, license, or other approval or decision for the project study.

(3) INVITATION.—

(A) IN GENERAL.—The Federal lead agency shall invite, as early as practicable in the environmental review process, any agency identified under subparagraph (A) to participate or cooperating agency, as applicable, in the environmental review process for the project study.

(B) DEADLINE.—An invitation to participate issued under subparagraph (A) shall set a deadline by which a response to the invitation shall be submitted, which may be extended by the Federal lead agency for good cause.

(4) PROCEDURES.—Section 1506.8 of title 40, Code of Federal Regulations (as in effect on the date of enactment of the Bureau of Reclamation Project Streamlining Act) shall govern the identification and the participation of a cooperating agency.

(e) FEDERAL COOPERATING AGENCIES.—Any Federal agency that is the Federal lead agency to participate in the environmental review process for a project study shall be designated as a cooperating agency by the Federal lead agency unless the Federal lead agency determines that a project can be expedited by a Federal cooperating agency.

(f) NON-FEDERAL PROJECTS INTEGRATED INTO RECLAMATION SYSTEMS.—The Federal lead agency shall serve in that capacity for the entirety of all non-Federal projects that will be integrated into a larger system owned, operated or managed by the Federal lead agency.

(g) PROGRAMMATIC COMPLIANCE.—

(1) IN GENERAL.—The Secretary shall issue guidance to the extent practicable regarding the use of programmatic approaches to carry out the environmental review process that—

(2) support a proposed project or

(iii) does not have adequate funds to participate in the project; and

(B) does not intend to submit comments on the project.

(6) ADMINISTRATION.—A participating or cooperating agency shall comply with this section and any schedule established under this section.

(7) EFFECT OF DESIGNATION.—Designation as a participating or cooperating agency under this subsection shall not imply that the participating or cooperating agency—

(A) supports a proposed project; or

(B) has any jurisdiction over, or special expertise with respect to evaluation of, the project.

(d) NON-FEDERAL PROJECTS INTEGRATED INTO RECLAMATION SYSTEMS.—The Federal lead agency shall serve in that capacity for the entirety of all non-Federal projects that will be integrated into a larger system owned, operated or managed by the Bureau of Reclamation.

(i) NON-FEDERAL PROJECT.—If the Secretary determines that a project be expedited by a non-Federal sponsor and that there is a demonstrable Federal interest in expediting that project, the Secretary shall take such actions as are necessary in cooperation with the Federal lead agency to advance such a project as a non-Federal project, instead of limited to, entering into agreements with the non-Federal sponsor of such project to support the planning, design and permitting of such project as a non-Federal project.

(g) PROGRAMMATIC COMPLIANCE.—

(1) IN GENERAL.—The Secretary shall issue guidance to the extent practicable regarding the use of programmatic approaches to carry out the environmental review process that—

(2) support a proposed project or
(A) eliminates repetitive discussions of the same issues;
(B) focuses on the actual issues ripe for analysis at each level of review;
(C) establishes a formal process for coordinating with participating and cooperating agencies, including the creation of a list of all data that are needed to carry out an environmental review process; and
(D) complies with—
(i) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and
(ii) other applicable Federal laws.
(2) REQUIREMENTS.—In carrying out paragraph (1), the Secretary shall—
(A) IN GENERAL.—Provide in drafting guidance under that paragraph, consult with relevant Federal, State, and local governmental agencies, Indian tribes, and the public on the appropriate use and scope of the programmatic approach; and
(B) emphasize the importance of collaboration among relevant Federal, State, and local governmental agencies, Indian tribes, and the public in undertaking programmatic reviews, especially with respect to including reviews with a broad geographical scope;
(C) ensure that the programmatic reviews—
(i) establish a formal process for coordination among the analyses and data used in the environmental review process, the treatment of any deferred issues raised by Federal, State, and local governmental agencies, Indian tribes, and the public; and
(ii) are available to other relevant Federal, State, and local governmental agencies, Indian tribes, and the public;
(D) allow not fewer than 60 days of public notice and comment on any proposed guidance; and
(E) address any comments received under subparagraph (D).
(3) CONSIDERATION OF INFORMATION.—In carrying out this section, the Secretary shall—
(A) establish a schedule for the completion of the environmental review process, including—
(i) the general duration of the useful life of the environmental review process; and
(ii) the timeline for updating any out-of-date reviews;
(B) establish a process for identifying issues that are needed to carry out an environmental review; and
(C) ensure that the programmatic review—
(i) is prepared in a manner consistent with future-tiered analysis; and
(ii) includes relevant ongoing and future Federal, State, or local governmental agencies, and Indian tribes.
(4) INVOLVEMENT OF THE PUBLIC.—Nothing in this section reduces any time period provided for public comment in the environmental review process under applicable Federal law (including regulations).
(5) TRANSPEERCEY REPORTING.—(A) REQUIREMENTS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish and maintain an electronic database and, in coordination with other Federal, State, and local governmental agencies, provide reports related to the implementation of this section.
(B) PROJECT STUDY TRANSPARENCY.—Consistent with the requirements established under subparagraph (A), the Secretary shall make publicly available the status and progress of any Federal, State, or local decision, action, or approval required under applicable laws for each project study for which this section is applicable.
(i) ISSUE IDENTIFICATION AND RESOLUTION.—
(A) COOPERATION.—The Federal lead agency, the cooperating agencies, and any participating agencies shall work cooperatively in accordance with this section to identify and resolve issues that could delay completion of the environmental review process or result in the denial of any approval required for the project study under applicable laws.
(B) DATA SOURCES.—The information under subparagraph (A) may be based on existing data sources.
(C) COOPERATING AGENCIES.—In any case in which a decision under any Federal law relating to a project study, including the issuance or denial of a permit or license, is required to be made by the date described in subsection (f)(5)(B), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate—
(i) a draft environmental impact statement; and
(ii) a schedule for the completion of the environmental review process for the project study.
(D) ELEVATION OF ISSUE RESOLUTION.—If a resolution cannot be achieved within the 30-day period beginning on the date of a meeting under this paragraph and a determination is made by the Secretary that all information necessary to resolve the issue has been obtained, the Secretary shall forward the dispute to the heads of the relevant agencies for resolution.
(E) NOTIFICATION.—On receipt of a request for a meeting under this paragraph, the Secretary shall—
(i) establish a formal process for coordinating with relevant participating and cooperating agencies, and the project sponsor or joint lead agency, as applicable, to resolve issues that may—
(1) delay completion of the environmental review process; or
(2) result in denial of any approval required for the project study under applicable laws.
(F) ACCELERATED ISSUE RESOLUTION AND ELEVATION.—
(i) GENERAL.—On the request of a participating or cooperating agency or project sponsor, the Secretary shall convene an issue resolution meeting with the relevant participating and cooperating agencies and the project sponsor or joint lead agency, as applicable, to resolve issues that may—
(A) delay completion of the environmental review process; or
(B) result in denial of any approval required for the project study under applicable laws.
(ii) DURATION.—A meeting requested under this paragraph shall be held not later than 21 days after the date on which the Secretary receives the request for the meeting, unless the Secretary determines that it is good cause to extend that deadline.
(iii) NOTIFICATION.—On receipt of a request for a meeting under this paragraph, the Secretary shall notify all relevant participating and cooperating agencies, and the Secretary shall establish a formal process for coordinating with the relevant agencies for resolution.
(iv) INVOLVEMENT OF THE PUBLIC.—Nothing in this subsection reduces any time period provided for public comment in the environmental review process under applicable Federal law (including regulations).
(6) FINANCIAL PENALTY PROVISIONS.—(A) IN GENERAL.—A Federal jurisdictional agency shall complete any required approval or determination under the environmental review process on an expeditious basis using the shortest existing applicable process.
(B) FAILURE TO DECIDE.—
(i) IN GENERAL.—
(ii) TRANSFER OF FUNDS.—If a Federal jurisdictional agency fails to render a decision required under any Federal law under this subsection, any funds in the Treasury of the United States shall be transferred to such jurisdictional agency.
assessment, including the issuance or denial of a permit, license, statement, opinion, or other approval by the date described in clause (ii), the amount of funds made available to support the office of the Federal jurisdictional agency shall be reduced by an amount of funding equal to the amount specified in item (aa) or (bb) of subclause (II), and those funds shall be made available to the lead agency, the cooperating agencies, and the project sponsor, as applicable, that—

(A) the Secretary and other Federal agencies with relevant jurisdiction in the environmental review process, shall cooperate with each other, State and local agencies, and Indian tribes on environmental review and Bureau of Reclamation project delivery activities at the earliest practicable time to avoid delays and duplication of effort later in the process, prevent potential conflicts, and ensure that planning and project development decisions reflect environmental values; and

(B) the cooperation referred to in subparagraph (A) is not required if—

(i) the agency has not received necessary information, including providing technical assistance in identifying potential impacts and mitigation issues in a categorical exclusion under section 337(b) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332 et seq.),

(ii) no determination has been made with respect to the proposal of law that the categorical exclusion meets the criteria for a categorical exclusion under section 337(b) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332 et seq.), and

(iii) the agency provides notice under clause (i)(III), the Inspector General of the agency shall—

(A) conduct a financial audit to review the notice; and

(B) not later than 90 days after the date on which the review described in subparagraph (A) is completed, submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate the results of the audit conducted under subparagraph (A). 

(F) LIMITATION.—The Federal agency from which funds are transferred pursuant to this paragraph shall not be required to reimburse the Federal jurisdictional agency, the Secretary, or any other Federal agency with relevant jurisdiction in the environmental review process, for any costs incurred in carrying out the early coordination activities, including providing technical assistance in identifying potential impacts and mitigation issues in a categorical exclusion under section 337(b) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332 et seq.).

(C) LIMITATIONS—

(1) IN GENERAL.—No transfer of funds under subparagraph (B) relating to an individual decision, the Secretary and other Federal agencies with relevant jurisdiction in the environmental review process, shall cooperate with each other, State and local agencies, and Indian tribes on environmental review and Bureau of Reclamation project delivery activities at the earliest practicable time to avoid delays and duplication of effort later in the process, prevent potential conflicts, and ensure that planning and project development decisions reflect environmental values; and

(ii) any obligation to comply with the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), (B) any other Federal environmental law; (C) the requirements for a supplemental environmental impact statement or other environmental document, if required under this section, shall be considered a separate action for filing a claim for judicial review of the action shall be 3 years after the date of publication of a notice in the Federal Register announcing the action relating to such supplemental environmental impact statement or other environmental document.

(m) CATEGORICAL EXCLUSIONS—

(i) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall—

(A) survey the use by the Bureau of Reclamation of categorical exclusions in projects since 2005;

(B) publish a review of the survey that includes a description of actions that were categorically excluded or could be the basis for developing a new categorical exclusion; and

(ii) any requests previously received by the Secretary for new categorical exclusions; and

(C) solicit requests from other Federal agencies and project sponsors for new categorical exclusions.

(2) NW CATGOGICAL EXCLUSIONS—Not later than 1 year after the date of enactment of this Act, if the Secretary has identified a category of actions that merit environmental exclusion that did not exist on the day before the date of enactment this Act based on the review under paragraph (1), the Secretary shall publish a notice of proposed rulemaking to propose that new categorical exclusion, to the extent that the categorical exclusion meets the criteria for a categorical exclusion under section 337(b) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332 et seq.).

(n) REVIEW OF PROJECT ACCELERATION REFORMS—

(i) IN GENERAL.—The Comptroller General of the United States shall—

(A) assess the reforms carried out under this section; and

(B) any other Federal environmental law; (2) the reviewability of any final Federal agency action in a court of the United States or in any court of any State; (3) any requirement for seeking, considering, or responding to public comment; or

(B) any other Federal environmental law; (2) the reviewability of any final Federal agency action in a court of the United States or in any court of any State; (3) any requirement for seeking, considering, or responding to public comment; or

(C) any power, jurisdiction, responsibility, duty, or authority that a Federal, State, or local governmental agency, Interstate body, or project sponsor has with respect to carrying out a project or any other provision of law applicable to projects.

(I) TIMING OF CLAIMS.—

(A) IN GENERAL.—Notwithstanding any other provision of law, a claim arising under Federal law seeking judicial review of a permit, license, or other approval issued by a Federal agency for a project study shall be barred unless the claim is filed not later than 180 days after the date of publication of a notice in the Federal Register announcing that the permit, license, or other approval is final pursuant to the law under which the action is taken, unless a shorter time is specified in the Federal law that allows judicial review.

(B) APPLICABILITY.—Nothing in this subsection creates a right to judicial review or places any limit on filing a claim that a person has violated the terms of a permit, license, or other approval.

(2) NEW INFORMATION.—

(A) IN GENERAL.—The Secretary shall consider any new information received after the close of a comment period if the information satisfies the requirements for a supplemental environmental impact statement under title 40, Code of Federal Regulations (including successor regulations).

(B) SEPARATE ACTION.—The preparation of a supplemental environmental impact statement or other environmental document, if required under this section, shall be considered a separate action for filing a claim for judicial review of the action shall be 3 years after the date of publication of a notice in the Federal Register announcing the action relating to such supplemental environmental impact statement or other environmental document.

(n) REVIEW OF PROJECT ACCELERATION REFORMS—

(i) IN GENERAL.—The Comptroller General of the United States shall—

(A) assess the reforms carried out under this section; and

(B) any other Federal environmental law; (2) the reviewability of any final Federal agency action in a court of the United States or in any court of any State; (3) any requirement for seeking, considering, or responding to public comment; or

(C) any power, jurisdiction, responsibility, duty, or authority that a Federal, State, or local governmental agency, Interstate body, or project sponsor has with respect to carrying out a project or any other provision of law applicable to projects.

(I) TIMING OF CLAIMS.—

(A) IN GENERAL.—Notwithstanding any other provision of law, a claim arising under Federal law seeking judicial review of a permit, license, or other approval issued by a Federal agency for a project study shall be barred unless the claim is filed not later than 180 days after the date of publication of a notice in the Federal Register announcing that the permit, license, or other approval is final pursuant to the law under which the action is taken, unless a shorter time is specified in the Federal law that allows judicial review.

(B) APPLICABILITY.—Nothing in this subsection creates a right to judicial review or places any limit on filing a claim that a person has violated the terms of a permit, license, or other approval.

(2) NEW INFORMATION.—

(A) IN GENERAL.—The Secretary shall consider any new information received after the close of a comment period if the information satisfies the requirements for a supplemental environmental impact statement under title 40, Code of Federal Regulations (including successor regulations).

(B) SEPARATE ACTION.—The preparation of a supplemental environmental impact statement or other environmental document, if required under this section, shall be considered a separate action for filing a claim for judicial review of the action shall be 3 years after the date of publication of a notice in the Federal Register announcing the action relating to such supplemental environmental impact statement or other environmental document.

(m) CATEGORICAL EXCLUSIONS—

(i) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall—

(A) survey the use by the Bureau of Reclamation of categorical exclusions in projects since 2005;

(B) publish a review of the survey that includes a description of actions that were categorically excluded or could be the basis for developing a new categorical exclusion; and

(ii) any requests previously received by the Secretary for new categorical exclusions; and

(C) solicit requests from other Federal agencies and project sponsors for new categorical exclusions.

(2) NW CATEGORICAL EXCLUSIONS—Not later than 1 year after the date of enactment of this Act, if the Secretary has identified a category of actions that merit environmental exclusion that did not exist on the day before the date of enactment this Act based on the review under paragraph (1), the Secretary shall publish a notice of proposed rulemaking to propose that new categorical exclusion, to the extent that the categorical exclusion meets the criteria for a categorical exclusion under section 337(b) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332 et seq.).

(n) REVIEW OF PROJECT ACCELERATION REFORMS—

(i) IN GENERAL.—The Comptroller General of the United States shall—

(A) assess the reforms carried out under this section; and

(B) any other Federal environmental law; (2) the reviewability of any final Federal agency action in a court of the United States or in any court of any State; (3) any requirement for seeking, considering, or responding to public comment; or

(C) any power, jurisdiction, responsibility, duty, or authority that a Federal, State, or local governmental agency, Interstate body, or project sponsor has with respect to carrying out a project or any other provision of law applicable to projects.
of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes the results of the assessment.

(a) PROJECTS.—The reports under paragraph (1) shall include an evaluation of impacts of the reforms carried out under this section on—

(A) the Federal interest pursuant to subsection (b); or

(B) compliance with environmental laws; and

(C) the environmental impact of projects.

(b) MEASUREMENT.—The Secretary shall establish a program to measure and report on progress made toward improving and expediting the planning and environmental review process.

(c) CATEGORICAL EXCLUSIONS IN EMERGENCIES.—For the repair, reconstruction, or rehabilitation of a Bureau of Reclamation surface water project that is in operation or under construction when damaged by an event or incident that results in a declaration by the President of a major disaster or emergency pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Secretary shall treat such repair, reconstruction, or rehabilitation activity as a class of action categorically excluded from the requirements relating to environmental assessments or environmental impact statements under section 1508.4 of title 40, Code of Federal Regulations (as it may be superseded or amended), if the repair or reconstruction activity is—

(1) in the same location with the same capacity, dimensions, and design as the original Bureau of Reclamation surface water project as before the declaration described in this section; and

(2) commenced within a 2-year period beginning on the date of a declaration described in this subsection.

SEC. 1106. ANNUAL REPORT TO CONGRESS.

(b) PUBLICATION.—Not later than May 1 of each year, the Secretary shall develop and submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate an annual report, to be entitled “Report to Congress on Future Water Project Development”, which identifies the following:

(1) PROJECT REPORTS.—Each project report that meets the criteria established in subsection (c)(1)(A).

(2) PROPOSED PROJECT STUDIES.—Any proposed project study submitted to the Secretary by a non-Federal interest pursuant to subsection (b) that meets the criteria established in subsection (c)(1)(A).

(3) PROPOSED MODIFICATIONS.—Any proposed modification to an authorized water project or project study that meets the criteria established in subsection (c)(1)(A).

(a) Subparagraph (1)(A) is—

(A) submitted to the Secretary by a non-Federal interest pursuant to subsection (b); or

(B) identified by the Secretary for authorization.

(c) EXPEDITED COMPLETION OF REPORT AND DETERMINATIONS.—Any project study that was expedited and any Secretarial determinations under section 1194.

(d) REQUESTS FOR PROPOSALS.—

(1) PUBLICATION.—Not later than May 1 of each year, the Secretary shall publish in the Federal Register a notice requesting proposals from non-Federal interests for proposed project studies and proposed modifications to authorized projects and project studies to be included in the annual report.

(2) DEADLINE FOR REQUESTS.—The Secretary shall adopt a notice required by paragraph (1) as a substantive requirement that non-Federal interests submit to the Secretary any proposals described in paragraph (1) by not later than 120 days after the date of publication of the notice in the Federal Register in order for the proposals to be considered for inclusion in the annual report.

(e) NOTIFICATION.—On the date of publication of each notice required by this subsection, the Secretary shall—

(A) make the notice publicly available, including on the Internet; and

(B) provide written notification of the publication to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(f) CONTENTS.—

(A) REPORTS, PROPOSED PROJECT STUDIES, AND PROPOSED MODIFICATIONS.—

(i) A CRITERIA FOR INCLUSION IN REPORT.—The Secretary shall include in the annual report only those project reports, proposed project studies, and proposed modifications to authorized projects and project studies that—

(I) are related to the missions and authorities of the Bureau of Reclamation;

(ii) require specific congressional authorization, including by an Act of Congress;

(iii) have not been congressionally authorized; or

(iv) have not been included in any previous annual report; and

(v) if authorized, could be carried out by the Bureau of Reclamation.

(B) DESCRIPTION OF BENEFITS.—

(i) DESCRIPTION.—The Secretary shall describe in the annual report, to the extent applicable and practicable, for each proposed project study and proposed modification to an authorized water resources development project or project study included in the annual report, the benefits, as described in each such study or proposed modification.

(ii) BENEFITS.—The benefits (or expected benefits, in the case of a proposed project study) described in the annual report shall include—

(I) the protection of human life and property;

(II) improvement to domestic irrigated water and power supplies;

(III) the national economy; or

(IV) the environment; or

(V) the national security interests of the United States.

(C) IDENTIFICATION OF OTHER FACTORS.—The Secretary shall identify in the annual report, to the extent practicable—

(i) for each submitted project study included in the annual report, the non-Federal interest that submitted the proposed project study pursuant to subsection (b); and

(ii) for each proposed project study and proposed modification to a project or project study included in the annual report, whether the non-Federal interest—

(I) that helped support exists for the proposed project study or proposed modification to an authorized project or project study (including the surface water project report or surface water project study that is the subject of the proposed feasibility study or the proposed modification to an authorized project study); and

(ii) the ability to provide the required non-Federal cost share.

(d) TRANSPARENCY.—The Secretary shall include in the annual report, for each project report, proposed project study, and proposed modification to a project or project study included under paragraph (1)(A)—

(A) the name of the associated non-Federal interest, including the name of any non-Federal interest that has contributed, or is expected to contribute, a non-Federal share of the cost of—

(i) the project report;

(ii) the proposed project study; and

(iii) the authorized project study for which the modification is proposed; or

(B) the estimated total Federal, non-Federal, and Federal-aid costs of—

(i) the project report; or

(ii) the proposed project study; or

(iii) the authorized project study for which the modification is proposed; or

(C) the proposed modification to a project or project study in the annual report, the non-Federal interest that has contributed, or is expected to contribute, a non-Federal share of the cost of—

(i) the project that is the subject of—

(aa) the water report;

(bb) the proposed project study; or

(cc) the authorized project study for which a modification is proposed; or

(ii) the proposed modification to a project or project study in the annual report, the non-Federal interest that has contributed, or is expected to contribute, a non-Federal share of the cost of—

(i) the project that is the subject of—

(aa) the water report;

(bb) the proposed project study; or

(cc) the authorized project study for which a modification is proposed; or

(D) an estimate, to the extent practicable, of the Federal, non-Federal, and total costs of—

(i) the proposed modification to an authorized project study; and

(ii) construction of—

(I) the project that is the subject of—

(aa) the project report; or

(bb) the proposed project study; or

(cc) the authorized project study for which a modification is proposed, with respect to the change in costs resulting from such modification.

(e) CONVERSION.—The Secretary shall include in the annual report a certification stating that each feasibility report, proposed feasibility study, and proposed modification to a project or project study included in the annual report meets the criteria established in paragraph (1)(A).

(f) APPENDIX.—The Secretary shall include in the annual report an appendix listing the proposals submitted under subsection (b) that were not included in the annual report and the reasons for so excluding those proposals, including—

(A) a description of the proposal and the reasons for the exclusion, if applicable.

(a) PREPAYMENT OF CERTAIN REPAYMENT CONTRACTS BETWEEN THE UNITED STATES AND CONTRACTORS OF FEDERALLY DEVELOPED WATER SUPPLIES.

(b) Conversion and Prepayment of Contracts.

(1) Conversion.—Upon request of the contractor, the Secretary of the Interior shall convert any water service contract in effect on the date of enactment of this Act and between the United States and a water users’ association to allow for prepayment of the repayment contract pursuant to paragraph (2) under mutually agreeable terms and conditions. The manner of conversion under this paragraph shall be as follows:

(A) Water service contracts that were entered into under section 9(e) of the Act of August 4, 1939 (53 Stat. 1196), to be converted under this section shall be converted to repayment contracts under section 9(d) of that Act (53 Stat. 1195).

(b) Prepayment of Contracts.

(1) Deadline for Request.—Notwithstanding any other deadlines required by this section, the Secretary shall—

(A) not later than 60 days after the date of enactment of this Act, publish in the Federal Register a notice required by subsection (b)(1); and

(B) include in such notice a requirement that non-Federal interests submit to the Secretary any proposals described in subsection (b)(1) by not later than 120 days after the date of publication of such notice in the Federal Register in order for such proposals to be considered for inclusion in the first annual report developed by the Secretary under this section.

(c) Definitions.—In this section, the term “project report” means a final feasibility report developed under the Reclamation Act of 1902 (32 Stat. 388), and all Acts amendatory thereof or supplementary thereto.
(B) Water service contracts that were entered into pursuant to subsection (c)(2) of section 9 of the Act of August 4, 1939 (53 Stat. 1194), to be converted under this section shall be converted to a contract for repayment of prepayment of remaining construction costs identified in water project specific irrigation rate repayment schedules, as adjusted to reflect payment not reflected in such schedule, and properly assigned for ultimate return by the contractor, or if made in approximately equal installments, no later than 3 years after the effective date of the repayment contract, such amount to be deposited by the Treasury rate. An estimate of the remaining construction costs, as adjusted, shall be provided by the Secretary to the contractor no later than 90 days following receipt of request of the contractor; and

(D) continue so long as the contractor pays applicable charges, consistent with section 9(d) of the Act of August 4, 1939 (53 Stat. 1195), and applicable law.

(3) CONTRACT REQUIREMENTS.—Except for those repayment contracts under which the contractor has previously negotiated for repayment, the following shall apply with regard to all repayment contracts entered into pursuant to subsection (a) of section 9 of that Act (53 Stat. 1195) in effect on the date of enactment of this Act at the request of the contractor, and all contracts converted pursuant to paragraph (1)(A) shall—

(A) provide for the repayment, either in lump sum or by accelerated prepayment, of the remaining construction costs identified in water project specific irrigation rate repayment schedules, as adjusted to reflect payment not reflected in such schedule, and properly assigned for ultimate return by the contractor, or if made in approximately equal installments, no later than 3 years after the effective date of the repayment contract; such amount to be deposited by the Treasury rate; and

(B) require that construction costs or other capitalized costs incurred after the effective date of the repayment contract are not reflected in such schedule, and properly assigned for ultimate return by the contractor, shall not be repaid in not more than 5 years after notification of the allocation if such amount is a result of a collective annual allocation of capital costs to the contractors exercising contract conversation under this subsection of less than $5,000,000. If such amount is $5,000,000 or greater, such cost shall be repaid as provided by applicable reclamation law;

(C) provide that power revenues will not be available for repayment of prepayment of construction costs allocated to irrigation under the contract; and

(D) continue so long as the contractor pays applicable charges, consistent with section 9(d) of the Act of August 4, 1939 (53 Stat. 1195), and applicable law.

(2) PREPAYMENT.—Except for those repayment contracts under which the contractor has previously negotiated for repayment, the following shall apply with regard to all repayment contracts entered into pursuant to subsection (a) of section 9 of that Act (53 Stat. 1195) in effect on the date of enactment of this Act at the request of the contractor, and all contracts converted pursuant to paragraph (1)(B) shall—

(A) provide for the repayment, either in lump sum or by accelerated prepayment, of the remaining construction costs identified in water project specific irrigation rate repayment schedules, as adjusted to reflect payment not reflected in such schedule, and properly assigned for ultimate return by the contractor, or if made in approximately equal installments, no later than 3 years after the effective date of the repayment contract; such amount to be deposited by the Treasury rate; and

(B) require that construction costs or other capitalized costs incurred after the effective date of the repayment contract are not reflected in such schedule, and properly assigned for ultimate return by the contractor, shall not be repaid in not more than 5 years after notification of the allocation if such amount is a result of a collective annual allocation of capital costs to the contractors exercising contract conversation under this subsection of less than $5,000,000. If such amount is $5,000,000 or greater, such cost shall be repaid as provided by applicable reclamation law;

(C) provide that power revenues will not be available for repayment of prepayment of construction costs allocated to irrigation under the contract; and

(D) continue so long as the contractor pays applicable charges, consistent with section 9(d) of the Act of August 4, 1939 (53 Stat. 1195), and applicable law.

(3) CONTRACT REQUIREMENTS.—Except for those repayment contracts under which the contractor has previously negotiated for repayment, the following shall apply with regard to all repayment contracts entered into pursuant to subsection (a) of section 9 of that Act (53 Stat. 1195) in effect on the date of enactment of this Act at the request of the contractor, and all contracts converted pursuant to paragraph (1)(A) shall—

(A) provide for the repayment, either in lump sum or by accelerated prepayment, of the remaining construction costs identified in water project specific irrigation rate repayment schedules, as adjusted to reflect payment not reflected in such schedule, and properly assigned for ultimate return by the contractor, or if made in approximately equal installments, no later than 3 years after the effective date of the repayment contract; such amount to be deposited by the Treasury rate; and

(B) require that construction costs or other capitalized costs incurred after the effective date of the repayment contract are not reflected in such schedule, and properly assigned for ultimate return by the contractor, shall not be repaid in not more than 5 years after notification of the allocation if such amount is a result of a collective annual allocation of capital costs to the contractors exercising contract conversation under this subsection of less than $5,000,000. If such amount is $5,000,000 or greater, such cost shall be repaid as provided by applicable reclamation law;

(C) provide that power revenues will not be available for repayment of prepayment of construction costs allocated to irrigation under the contract; and

(D) continue so long as the contractor pays applicable charges, consistent with section 9(d) of the Act of August 4, 1939 (53 Stat. 1195), and applicable law.

(2) PREPAYMENT.—Except for those repayment contracts under which the contractor has previously negotiated for repayment, the following shall apply with regard to all repayment contracts entered into pursuant to subsection (a) of section 9 of that Act (53 Stat. 1195) in effect on the date of enactment of this Act at the request of the contractor, and all contracts converted pursuant to paragraph (1)(B) shall—

(A) provide for the repayment, either in lump sum or by accelerated prepayment, of the remaining construction costs identified in water project specific irrigation rate repayment schedules, as adjusted to reflect payment not reflected in such schedule, and properly assigned for ultimate return by the contractor, or if made in approximately equal installments, no later than 3 years after the effective date of the repayment contract; such amount to be deposited by the Treasury rate; and

(B) require that construction costs or other capitalized costs incurred after the effective date of the repayment contract are not reflected in such schedule, and properly assigned for ultimate return by the contractor, shall not be repaid in not more than 5 years after notification of the allocation if such amount is a result of a collective annual allocation of capital costs to the contractors exercising contract conversation under this subsection of less than $5,000,000. If such amount is $5,000,000 or greater, such cost shall be repaid as provided by applicable reclamation law;

(C) provide that power revenues will not be available for repayment of prepayment of construction costs allocated to irrigation under the contract; and

(D) continue so long as the contractor pays applicable charges, consistent with section 9(d) of the Act of August 4, 1939 (53 Stat. 1195), and applicable law.
SEC. 1134. RECOGNITION OF STATE AUTHORITY.

(a) IN GENERAL.—In carrying out section 1133, the Secretary of the Interior and the Secretary of Agriculture shall—

(1) recognize the longstanding authority of the States relating to evaluating, protecting, locating, regulating, and adjudicating groundwater by any method, including a ruling, permitting, directive, water court adjudication, resource management planning, regional authority, or other policy; and

(2) coordinate with the States in the adoption and implementation by the Secretary of the Interior or the Secretary of Agriculture of any rulemaking, policy, directive, management plan, or other action that is intended to ensure that such actions are consistent with, and impose no greater restrictions or regulatory requirements than, State groundwater laws and programs.

(b) EFFECT ON STATE WATER RIGHTS.—In carrying out this subtitle, the Secretary of the Interior and the Secretary of Agriculture shall not take any action that adversely affects—

(1) any water rights granted by a State;

(2) the authority of a State in adjudicating water rights;

(3) definitions established by a State with respect to the term “beneficial use”, “priority of water rights”, or “terms of use”; and

(4) terms and conditions of groundwater withdrawal, guidance and reporting procedures, and conservation and source protection measures established by a State;

(5) the use of groundwater in accordance with State law; or

(6) any other rights and obligations of a State established under State law.

(c) EFFECT OF EXISTING AUTHORITY.—Nothing in this subtitle limits or expands any existing or claimed reserved water rights; or

(d) EFFECT ON INDIAN WATER RIGHTS.—Nothing in this subtitle limits or expands any existing water right or treaty right of any federally recognized Indian tribe.

(d) ENSURING ECONOMIC IMPACT.—Not later than 12 months after the date of the enactment of this Act, the Secretary of the Interior shall submit a report to Congress that assesses the expected economic impacts of the Act. Such report shall include—

(1) a review of any expected increases in recreational hunting, fishing, shooting, and conservation activities on Federal land;

(2) an estimate of any jobs created in each industry expected to support such activities described in paragraph (1), including in the supply, manufacturing, distribution, and retail sectors; and

(3) an estimate of wages related to jobs described in paragraph (2).

(e) UNANTICIPATED LOCAL IMPACT.—Nothing in this Act shall prevent the Secretary of the Interior or the Secretary of Agriculture from taking any actions that may be necessary to ensure the economic viability of an area that is expected to be affected by a permit or any other provision of this Act, without regard to the cost of those actions.
SEC. 2023. DEFINITION OF PUBLIC TARGET RANGE.

In this subtitle, the term ‘‘public target range’’ means a location that—

(1) is identified by a governmental agency for recreational shooting;

(2) is open to the public;

(3) may accommodate archery or rifle, pistol, or shotgun shooting; and

(4) may accommodate archery or rifle, pistol, or shotgun shooting.

SEC. 2024. AMENDMENTS TO PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT.

(a) DEFINITIONS.—Section 2 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669a) is amended—

(1) by redesignating paragraphs (2) through (8) as paragraphs (3) through (9), respectively; and

(2) by inserting after paragraph (1) the following:

(2) ‘‘to facilitate the construction and expansion of public target ranges, including ranges on Federal land managed by the Forest Service and the Bureau of Land Management; and

(b) EXPENDITURES FOR MANAGEMENT OF WILDLIFE AREAS AND RESOURCES.—Section 8(b) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669a) is amended—

(1) funded in whole or in part by the Federal Government pursuant to the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669a); or

(2) on Federal land.

SEC. 2025. SENSE OF CONGRESS REGARDING CO-OPERATION.

It is the sense of Congress that, consistent with applicable laws and regulations, the Chief of the Forest Service and the Director of the Bureau of Land Management should cooperate with State and local authorities and other entities to carry out waste removal and other activities on any Federal land used as a public target range to encourage continued use of that land for target practice and training.

Subtitle C—Polar Bear Conservation and Fairness Act

SEC. 2031. SHORT TITLE.

This subtitle may be cited as the ‘‘Polar Bear Conservation and Fairness Act.’’

SEC. 2032. PERMITS FOR IMPORTATION OF POLAR BEAR TROPHIES TAKEN IN SPORT HUNTS IN CANADA.

Section 1044(c)(5)(D) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1374(c)(5)(D)) is amended to read as follows:

‘‘(D)(i) The Secretary of the Interior shall, expeditiously after the expiration of the applicable 30-day period under subsection (d)(2), issue a permit for the importation of any polar bear part (other than an internal organ) from a polar bear taken in a sport hunt in Canada to any person—

(1) who submits, with the permit application, proof that the polar bear was legally harvested by the permit applicant or a person in the chain of transfer, or

(2) who has submitted, in support of a permit application submitted before May 15, 2008, proof that the polar bear was legally harvested by the permit applicant or a person in the chain of transfer, and

(b) PROTECTING THE RIGHT OF INDIVIDUALS TO BEAR ARMS AT WATER RESOURCES DEVELOPMENT PROJECTS.—The Secretary of the Army, in exercising discretion under paragraph (b) prevent individuals complying with Federal and State laws from exercising the second amendment rights of the individuals at such water resources development projects.

The Federal laws should make it clear that the second amendment rights of an individual at a water resources development project should not be infringed.

Subtitle D—Recreational Lands Self-Defense Act

SEC. 2041. SHORT TITLE.

This subtitle may be cited as the ‘‘Recreational Lands Self-Defense Act’’. 

SEC. 2042. PROTECTING AMERICANS FROM VIOLENT CRIME.

(a) FINDINGS.—Congress finds the following:

(1) The First Amendment to the Constitution provides that ‘‘the right of people to keep and bear arms, shall not be infringed’’;

(2) The Federal Regulations, some of which were promulgated before the Second Amendment was adopted, and by the Second Amendment, to the Federal Regulations, provides that, except in special circumstances, ‘‘possession of loaded firearms, ammunition, loaded projectile firing devices, bows and arrows, and crossbows is prohibited’’ at water resources development projects administered by the Secretary of the Army, in exercising discretion under paragraph (b) prevent individuals complying with Federal and State laws from exercising the second amendment rights of the individuals at such water resources development projects.

(4) The Federal laws should make it clear that the second amendment rights of an individual at a water resources development project should not be infringed.

(b) PROTECTING THE RIGHT OF INDIVIDUALS TO BEAR ARMS AT WATER RESOURCES DEVELOPMENT PROJECTS.—The Secretary of the Army, in exercising discretion under paragraph (b) prevent individuals complying with Federal and State laws from exercising the second amendment rights of the individuals at such water resources development projects.

Subtitle E—Wildlife and Hunting Heritage Conservation Council Advisory Committee

SEC. 2051. WILDLIFE AND HUNTING HERITAGE CONSERVATION COUNCIL ADVISORY COMMITTEE.

The Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.) is amended by adding at the end the following:

SEC. 10. WILDLIFE AND HUNTING HERITAGE CONSERVATION COUNCIL ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—There is hereby established the Wildlife and Hunting Heritage Conservation Council Advisory Committee (in this section referred to as the ‘‘Advisory Committee’’) to advise the Secretary of the Department of the Interior on matters relating to wildlife and hunting heritage conservation.

(b) CONTINUANCE AND ABOLISHMENT OF EXISTING WILDLIFE AND HUNTING HERITAGE CONSERVATION COUNCIL.—The Wildlife and Hunting Heritage Conservation Council established pursuant to section 411 of the Pittman-Robertson Act (16 U.S.C. 1457), section 2 of the Fish and Wildlife Act of 1956 (16 U.S.C. 742a), and other Acts applicable to specific bureaus of the Department of the Interior shall continue until the date of the first meeting of the Wildlife and Hunting Heritage Council.
Conservation Council established by the amendment made by subsection (a); and
"(2) is hereby abolished effective on that date.
"(c) DUTIES OF THE ADVISORY COMMITTEE.—
The Advisory Committee shall advise the Secretary with regard to—
"(1) implementation of Executive Order No. 13443, relating to facilitation of Hunting Heritage and Wildlife Conservation, which directs Federal agencies ‘to facilitate the expansion and enhancement of hunting opportunities and the management of game species and their habitat’;
"(2) policies or programs to conserve and re-store wetlands, agricultural lands, grasslands, forest, and rangeland habitats;
"(3) grants or programs to promote opportunities and access to hunting and shooting sports on Federal lands;
"(4) policies or programs to recruit and retain new hunters and shooters;
"(5) policies or programs that increase public awareness of the importance of wildlife conservation and the social and economic benefits of recreational hunting and shooting; and
"(6) policies or programs that encourage coordination among the public, the hunting and shooting sports community, wildlife conservation groups, States, tribes, and the Federal Government.
"(d) MEMBERSHIP.—
"(1) IN GENERAL.—The Advisory Committee shall consist of no more than 16 discretionary members and 8 ex officio members.
"(A) OFFICIO MEMBERS.—The ex officio members are:

(i) the Director of the United States Fish and Wildlife Service or a designated representative of the Director;

(ii) the Director of the Bureau of Land Management or a designated representative of the Director;

(iii) the Director of the National Park Service or a designated representative of the Director;

(iv) the Chief of the Forest Service or a designated representative of the Chief;

(v) the Chief of the Natural Resources Conservation Service or a designated representative of the Chief;

(vi) the Administrator of the Farm Service Agency or a designated representative of the Administrator;

(vii) the Executive Director of the Association of Fish and Wildlife Agencies; and

(viii) the Administrator of the Small Business Administration or a designated representative.
"(B) DISCRETIONARY MEMBERS.—The discretionary members shall be appointed jointly by the Secretaries from at least one of each of the following:

(i) State fish and wildlife agencies.

(ii) Game bird hunting organizations.

(iii) Wildlife conservation organizations.

(iv) Big game hunting organizations.

(v) Waterfowl hunting organizations.

(vi) The tourism, outfitter, or guiding industry.

(vii) The firearms or ammunition manufacturing industry.

(viii) The hunting or shooting equipment retail industry.

(ix) Tribal resource management organizations.

(x) The agriculture industry.

(xi) The ranching industry.

(xii) Women’s hunting and fishing advocacy, outreach, or education organization.

(xiii) Minority hunting and fishing advocacy, outreach, or education organization.

(xiv) Veterans service organization.

(D) ELIGIBILITY.—Prior to the appointment of the discretionary members, the Secretaries shall determine that all individuals nominated for appointment to the Advisory Committee, and the organization each individual represents, actively support and promote sustainable-use hunting, wildlife conservation, and recreational shooting.
"(2) TERMS.—
"(A) IN GENERAL.—Except as provided in subparagraph (B), members of the Advisory Committee shall be appointed for a term of 4 years. The members shall be appointed in such a manner as to ensure that no more than 3 consecutive or nonconsecutive terms.

(B) TERMS OF INITIAL APPOINTEE.—As designated by the Secretary at the time of appointment, of the members shall:

(i) 6 members shall be appointed for a term of 4 years;

(ii) 5 members shall be appointed for a term of 3 years;

(iii) 5 members shall be appointed for a term of 2 years.

(C) PRESERVATION OF PUBLIC ADVISORY STATUS.—No individual may be appointed as a discretionary member of the Advisory Committee while serving as an officer or employee of the Federal Government.
"(4) VACANCY AND REMOVAL.—
"(A) IN GENERAL.—Any vacancy on the Advisory Committee shall be filled in the manner in which the original appointment was made.

(B) REMOVAL.—Advisory Committee members shall serve at the discretion of the Secretaries and may be removed at any time for good cause.

"(5) PAY AND EXPENSES.—Members of the Advisory Committee shall serve without pay for such service, but each member of the Advisory Committee may be reimbursed for travel and lodging incurred through attending meetings of the Advisory Committee approved subgroup meetings in the same amounts and under the same conditions as Federal employees (in accordance with section 5703 of title 5, United States Code).
"(6) MEETINGS.—
"(A) IN GENERAL.—The Advisory Committee shall meet at the call of the Secretaries, the chairperson, or a majority of the members, but not less frequently than twice annually.

(B) OPEN MEETINGS.—Each meeting of the Advisory Committee shall be open to the public.
"(C) PRIOR NOTICE OF MEETINGS.—Timely notice of each meeting of the Advisory Committee shall be published in the Federal Register and be submitted to trade publications and publications of general circulation.

(D) SUBGROUPS.—The Advisory Committee may establish such workgroups or subgroups as it deems necessary for the purpose of compiling information or conducting research. However, no workgroup or subgroup shall conduct business without the direction of the Advisory Committee and must report in full to the Advisory Committee.
"(7) QUORUM.—Nine members of the Advisory Committee shall constitute a quorum.
"(8) EXPENSES.—The expenses of the Advisory Committee that are necessary to be reasonable and appropriate shall be paid by the Secretaries.

(F) ADMINISTRATIVE SUPPORT, TECHNICAL SERVICES, AND ADVICE.—A designated Federal Officer shall be jointly appointed by the Secretaries to provide to the Advisory Committee the administrative support, technical services, and advice that the Secretaries determine to be reasonable and appropriate.
"(9) ANNUAL REPORT.—
"(1) REQUIRED.—Not later than March 30 of each year, the Advisory Committee shall submit an annual report to the Committee on Natural Resources and the Committee on Agriculture of the House of Representatives, and the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate. If circumstances arise in which the Advisory Committee cannot submit a report for any reason, the Secretaries shall advise the Chairpersons of each such Committee of the reasons for such delay and the date on which the submission of the report is anticipated.

"(2) CONTENTS.—The report required by paragraph (1) shall describe—

(A) the activities of the Advisory Committee during the preceding year;

(B) the reports and recommendations made by the Advisory Committee to the Secretaries during the preceding year;

(C) an accounting of actions taken by the Secretaries as a result of the recommendations.

"(6) FEDERAL ADVISORY COMMITTEE ACT.—
The Advisory Committee shall be exempt from the Federal Advisory Committee Act (5 U.S.C. App.).

Subtitle F—Recreational Fishing and Hunting Heritage Opportunities Act

SEC. 2061. SHORT TITLE.
This subtitle may be cited as the “Recreational Fishing and Hunting Heritage and Opportunities Act”.

SEC. 2062. FINDINGS.
Congress finds that—
(1) recreational fishing and hunting are important and traditional activities in which millions of Americans participate;

(2) recreational anglers and hunters have been and continue to be among the foremost supporters of sound fish and wildlife management and conservation in the United States;

(3) recreational fishing and hunting are environmentally acceptable and beneficial activities that occur and can be provided on Federal lands and waters without adverse effects on others or users;

(4) recreational anglers, hunters, and sporting organizations provide direct assistance to fish and wildlife managers and enforcement officers of the Federal Government as well as State and local governments by investing volunteer time and effort to fish and wildlife conservation;

(5) recreational fishing and hunting and the associated industries have generated billions of dollars of critical funding for fish and wildlife conservation, research, and management by providing revenues from purchases of fishing and hunting licenses, permits, and stamps, as well as excise taxes on fishing, hunting, and recreational shooting equipment that have generated billions of dollars of critical funding for fish and wildlife conservation, research, and management;

(6) recreational shooting is also an important and traditional activity in which millions of Americans participate;

(7) safe recreational shooting is a valid use of Federal lands, including the establishment of seasonal and convenient recreational shooting ranges on such lands, and participation in recreational shooting helps recruit and retain hunters and contributes to wildlife conservation;

(8) opportunities to recreationally fish, hunt, and shoot are declining, which depresses participation in these traditional activities, and depressed participation adversely impacts fish and wildlife conservation and funding for important conservation efforts; and

(9) the public interest would be served, and our citizens’ fish and wildlife resources benefited, by action to ensure that opportunities are facilitated to engage in fishing and hunting on Federal land as recognized by Executive Order No. 12966, relating to recreation, and Executive Order No. 13443, relating to facilitation of hunting heritage and wildlife conservation.

SEC. 2063. FISHING, HUNTING, AND RECREATIONAL SHOOTING.
(a) DEFINITIONS.—In this section:
I. Federal Land.—The term "Federal land" means any land or water that is owned by the United States and under the administrative jurisdiction of the Bureau of Land Management or the Fish and Wildlife Service.

II. Federal Land Management Officials.—The term "Federal land management officials" means—

(a) the Secretary of the Interior and Director of the Bureau of Land Management regarding Bureau of Land Management lands and interests in lands under the administrative jurisdiction of the Bureau of Land Management;

(b) the Secretary of Agriculture and Chief of the Forest Service regarding National Forest System lands and interests in lands under the administrative jurisdiction of the Forest Service;

(c) the Director of the Fish and Wildlife Service regarding National Wildlife Refuge System lands and interests in lands under the administrative jurisdiction of the Bureau of Land Management and the Fish and Wildlife Service;

(d) the Director of the National Park Service regarding National Park System lands and interests in lands under the administrative jurisdiction of the National Park Service.

III. Hunting.—(A) In general.—Except as provided in subparagraph (B), the term "hunting" means use of a firearm, bow, or other authorized means in the lawful—

(i) pursuit, shooting, capture, collection, trapping, or the taking of fish, wildlife, or wildlife eggs; or

(ii) the training of hunting dogs, including field trials.

(B) Exclusion.—The term "hunting" does not include the use of skilled volunteers to cull excess animals (as defined by other Federal law).

IV. Recreational Fishing.—The term "recreational fishing" means the lawful—

(a) pursuit, capture, collection, or killing of fish; or

(b) attempt to capture, collect, or kill fish.

V. Recreational Shooting.—The term "recreational shooting" means any form of sport, training, competition, or pastime, whether formal or informal, that involves the discharge of a rifle, handgun, or shotgun, or the use of a bow and arrow.

VI. Land Open.—Lands under the jurisdiction of the Bureau of Land Management and the Forest Service, including Wilderness Areas, Wilderness Study Areas, and lands administratively classified as wilderness eligible or suitable and primitive or semi-primitive areas, for fishing, hunting, and recreational shooting, except as limited by—

(a) statutory authority that authorizes action or action taken by reason of national security, public safety, or resource conservation;

(b) any other Federal statute that specifically precludes fishing, hunting, or recreational shooting on specific Federal lands, waters, or units thereof; and

(c) discretionary limitations on fishing, hunting, and recreational shooting determined to be necessary and reasonable as supported by the best scientific evidence and advanced through a transparent public process.

VII. Management.—Consistent with subsection (a), Federal land management officials shall exercise their land management discretion—

(1) in a manner that supports and facilitates fishing, hunting, and recreational shooting opportunities;

(2) to the extent authorized under applicable State law; and

(3) in accordance with applicable Federal law.

VIII. Planning.—(1) Evaluation of Effects on Opportunities to Fish, Hunt, or Recreational Shoot.—Planning documents that apply to Federal lands, including land resource management plans, resource management plans, and general management plans shall include a specific evaluation of the effects of such plans on opportunities to engage in fishing, hunting, or recreational shooting.


(A) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively, and

(B) by inserting after subparagraph (B), the following:

(C) The Secretary shall integrate wildlife-dependent recreational uses in accordance with their status as priority general public uses into proposed or existing, policies, plans, or other activities to alter or amend the manner in which individual refuges or the National Wildlife Refuge System (System) are managed, including any activities which target or prioritize criteria for long and short term System acquisitions;.

(D) NO MAJOR FEDERAL ACTION.—No action shall be seeking to carry out fishing and wildlife conservation programs and projects or provide fish and wildlife dependent recreation opportunities on designated wilderness areas, unless each Federal land management official shall implement these supplemental purposes so as to facilitate, enhance, or both, but not to impede the underlying Federal land purposes when seeking to carry out fishing and wildlife conservation programs and projects or provide fish and wildlife dependent recreation opportunities in designated wilderness areas, provided that such implementation shall not authorize or facilitate commodity development, use or extraction, or permanent road construction or maintenance within designated wilderness areas.

X. Consultation with Councils.—In fulfillment of the duties under applicable Federal land management officials shall consult with respective advisory councils as established in Executive Order Nos. 13862 and 13443.

XI. Authority of the States.—Nothing in this section shall be construed as interfering with, diminishing, or conflicting with the authority, jurisdiction, or responsibility of any State to exercise primary management, control, or regulation of fish and wildlife under State law (including regulations) on land or water within the State, including on Federal land.

XII. Federal Licenses.—Nothing in this section shall be construed to authorize a Federal land management official to issue a Federal permit to fish or hunt on land or water in a State, including on Federal land in the States, except that this subsection shall not affect the migratory bird stamp requirement set forth in the Migratory Bird Conservation Act (16 U.S.C. 716 et seq.);

XIII. Volunteer Hunters; Reports; Closures and Restrictions.

(a) Definitions.—For the purpose of this section:

(1) Public land.—The term "public land" means—

(A) units of the National Park System;

(B) National Forest System lands; and

(C) land and interests in land owned by the United States and under the administrative jurisdiction of—

(i) the Fish and Wildlife Service; or

(ii) the Bureau of Land Management.

(2) Secretary.—The term "Secretary" means—

(A) the Secretary of the Interior; and includes the Director of the National Park Service, with regard to units of the National Park System;

(B) the Secretary of the Interior and includes the Director of the Fish and Wildlife Service, with regard to Fish and Wildlife Service lands and waters;

(C) the Secretary of the Interior and includes the Director of the Bureau of Land Management, with regard to Bureau of Land Management lands and waters; and
(D) the Secretary of Agriculture and includes the
Chief of the Forest Service, with regard to National Forest System lands.

(3) VOLUNTEER FROM THE HUNTING COMMUNITY.—The term "volunteer from the hunting community" means a volunteer who holds a valid hunting license issued by a State.

(b) VOLUNTEER HUNTERS.—When planning wildlife management reducing the size of a wildlife population on public land, the Secretary shall consider the use of and may use volunteers from the hunting community as agents to assist in wildlife management on public land. The Secretary shall not reject the use of volunteers from the hunting community as agents to assist in wildlife management on public land if the volunteer is a reasonable period of time unless converted to any public land administered by the Secretary that was closed to fishing, hunting, and recreational shooting at any time during the preceding year; and

(2) the reason for the closure.

(d) CLOSURES OR SIGNIFICANT RESTRICTIONS.—(1) Any public land established or prescribed by land planning actions referred to in section 266(c) or emergency closures described in paragraph (2), a permanent or temporary change, respectively, of the management status of public land that effectively closes or significantly restricts any access of public land to access or use for fishing, hunting, recreational shooting, or activities related to fishing, hunting, or recreational shooting, or a combination of those activities, shall take effect only if, before the date of withdrawal or change, respectively, the Secretary publishes a notice of the withdrawal or change, respectively;

(b) demonstrates that coordination has occurred with a State fish and wildlife agency; and

(c) submits to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate written notice of the withdrawal or change, respectively;

(2) DETERMINATION BY DIRECTOR.—The determination referred to in paragraph (1) is made by the Director under paragraph (2), the Director may determine, by notice, the possession of a bow or crossbow that is not in compliance with the law of the State in which the bows or crossbows are transported across the System unit.

(3) REGULATIONS.—The term ‘normal agricultural practice’ includes

(i) the individual is traversing the System unit en route to a hunting access corridor established or prescribed by land planning actions referred to in section 266(c); or

(ii) the individual possesses a valid hunting license;

(II) the individual is traversing the System unit across the System unit.

(3) ESTABLISHMENT OF HUNTER ACCESS CORRIDORS.—(1) In general.—On a determination by the Director under paragraph (2), the Director may establish and publish (in accordance with section 1.5 of title 36, Code of Federal Regulations (or a successor regulation), on a publicly available map, hunter access corridors across System units that are used to access public land that is

(A) contiguous to a State unit; and

(B) open to hunting.

(2) DETERMINATION BY DIRECTOR.—The determination referred to in paragraph (1) is made by the Director after consultation with the applicable State department of fish and wildlife; the applicable State department of agricultural resources; or other purposes authorized by law.

(3) EXCEPTION.—The Director may establish and publish (in accordance with section 1.5 of title 36, Code of Federal Regulations (or a successor regulation)) a map that describes any changes to the System unit in which the hunting access corridor is located.

(4) WATERFOWL.—The term ‘waterfowl’ means

(A) any area on which salt, grain, or other food has been placed, exposed, deposited, distributed, or scattered, if the salt, grain, or food could lure or attract migratory game birds; and

(B) in the case of waterfowl, cranes (family Gruidae), and coots (family Rallidae), a standing, unharvested crop that has been manipulated through activities such as mowing, discing, or rolling, unless the activities are normal agricultural practices.

(5) REGULATIONS.—The Secretary of the Interior may promulgate regulations to implement this subsection.

(6) REPORTS.—Annually, the Secretary of Agriculture shall submit to the Committee on the Interior a report that describes any changes to normal agricultural practices across the range of crops grown by agricultural producers in each given crop by the applicable State of-

(7) LIMITATIONS.—The term ‘normal agricultural practice’ only includes a crop described in subparagraph (A) that has been destroyed or manipulated and that is in the process of being harvested (but are not limited to) mowing, discing, or rolling if the Federal Crop Insurance Corporation certifies that flooding was not an acceptable method of destruction, or any other catastrophe that is declared a major disaster by the President in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).

(8) WILDLIFE STEWARDSHIP.

Subtitle H—Transporting Bows Across National Park Service Lands SEC. 2081. SHORT TITLE. This subtitle may be cited as the ‘‘Hunter Access Corridors Act.’’

SEC. 2082. BOWHUNTING OPPORTUNITY AND WILDLIFE STEWARDSHIP. (a) In general.—Subchapter II of chapter 1015 of title 54, United States Code, is amended by adding at the end the following:

"§101513. Hunter access corridors

(a) DEFINITIONS.—In this section:

(1) NOT READY FOR IMMEDIATE USE.—The term ‘not ready for immediate use’ means

(i) any public land to access or use for fishing, hunting, recreational shooting, or a combination of those activities that is in compliance with the law of the State in which the bows or crossbows are transported across the System unit; and

(ii) the possession of the bows and crossbows is in compliance with the law of the State in which the System unit is located; and

(b) in the case of waterfowl, the actions of which are secured or stowed in a quiver or other arrow transport case; and

(c) with respect to a crossbow, uncocked.

(2) VALID HUNTING LICENSE.—The term ‘valid hunting license’ means a State-issued hunting license that authorizes an individual to hunt on public or public land adjacent to the System unit in which the individual is located while in possession of a bow or crossbow that is not ready for immediate use.

(b) THE BOW AND CROSSBOW.—

(1) IN GENERAL.—The Director shall not require a permit for, or promulgate any regulation that prohibits an individual from possessing bows and crossbows that are not ready for immediate use across any System unit if:

(A) the individual traversing the System unit on foot—

(i) the individual is not otherwise prohibited by law from possessing the bows and crossbows; and

(ii) the bows or crossbows are not ready for immediate use throughout the period during which the bows or crossbows are transported across the System unit;

(B) the possession of the bows and crossbows is in compliance with the law of the State in which the System unit is located; and

(c) ESTABLISHMENT OF HUNTER ACCESS CORRIDORS.—(1) In general.—On a determination by the Director under paragraph (2), the Director may establish and publish (in accordance with section 1.5 of title 36, Code of Federal Regulations (or a successor regulation)) a map that describes any changes to the System unit in which the hunting access corridor is located.

(2) DETERMINATION BY DIRECTOR.—The determination referred to in paragraph (1) is made by the Director in consultation with the applicable State department of fish and wildlife; the applicable State department of agricultural resources; or other purposes authorized by law.

(3) EXCEPTION.—The Director may establish and publish (in accordance with section 1.5 of title 36, Code of Federal Regulations (or a successor regulation)) a map that describes any changes to the System unit in which the hunting access corridor is located.

(4) WATERFOWL.—The term ‘waterfowl’ means

(A) any area on which salt, grain, or other food has been placed, exposed, deposited, distributed, or scattered, if the salt, grain, or food could lure or attract migratory game birds; and

(B) in the case of waterfowl, cranes (family Gruidae), and coots (family Rallidae), a standing, unharvested crop that has been manipulated through activities such as mowing, discing, or rolling, unless the activities are normal agricultural practices.

(5) REGULATIONS.—The Secretary of the Interior may promulgate regulations to implement this subsection.

(6) REPORTS.—Annually, the Secretary of Agriculture shall submit to the Committee on the Interior a report that describes any changes to normal agricultural practices across the range of crops grown by agricultural producers in each given crop by the applicable State of-
“(5) *IDENTIFICATION OF CORRIDORS.—*The Director shall—

“(A) make information regarding hunter access corridors available on the individual website of the applicable System unit; and

“(B) provide information regarding any processes established by the Director for transporting legally taken game through individual hunter access corridors.

“(6) *REGISTRATION; TRANSPORTATION OF GAME.—*The Director may—

“(A) provide registration boxes to be located at the trailhead of each hunter access corridor for self-registration;

“(B) provide a process for online self-registration; and

“(C) allow nonmotorized conveyances to transport legally taken game through a hunter access corridor established under this subsection for carts and sleds.

“(7) *CONSULTATION WITH STATES.—*The Director shall consult with each applicable State wildlife agency to identify appropriate hunter access corridors.

“(d) *EFFECT.—*Nothing in this section—

“(1) diminishes, enlarges, or modifies any Federal or State authority with respect to recreational fishing, recreational shooting, or any other recreational activities within the boundaries of a System unit; or

“(2) authorizes—

“(A) the establishment of new trails in System units; or

“(B) authorizes individuals to access areas in System units, on foot or otherwise, that are not open to such access.

“(e) *NO MAJOR FEDERAL ACTION.—*

“(1) *IN GENERAL.—*Any action taken under this section shall not be considered a major Federal action significantly affecting the quality of the human environment under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(2) *NO ADDITIONAL ACTION REQUIRED.—*No additional identification, analyses, or consideration of environmental effects (including cumulative environmental effects) is necessary or required with respect to an action taken under this section.

(b) *CLERICAL AMENDMENT.—*The table of sections for title 54, United States Code, is amended by inserting after the item relating to section 101512 the following:

"101513. Hunter access corridors."

Subtitle I—Federal Land Transaction Facilitation Act Reauthorization (FLTFA)

SEC. 2091. SHORT TITLE.

This subtitle may be cited as the ‘‘African Elephant Conservation and Legal Ivory Possession Act’’.

SEC. 2092. REFERENCES.

Except as otherwise specifically provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a provision, the reference shall be considered to be made to a provision of the African Elephant Conservation Act (16 U.S.C. 4201 et seq.).

SEC. 2101. PLACEMENT OF UNITED STATES FISH AND WILDLIFE SERVICE LAW ENFORCEMENT OFFICERS IN EACH AFRICAN ELEPHANT RANGE COUNTRY.

The Secretary, in coordination with the Secretary of State, may station United States Fish and Wildlife Service law enforcement officers in the primary United States diplomatic or consular post in each African country that has a significant population of African elephants, who shall assist local wildlife rangers in the protection of African elephants and facilitate the apprehension of individuals who illegally kill, or assist the illegal killing of, African elephants.

SEC. 2104. TREATMENT OF ELEPHANT IVORY.

This section is amended by adding at the end the following:

“(c) *TREATMENT OF ELEPHANT IVORY.—*Nothing in this Act or the Endangered Species Act of 1973 (16 U.S.C. 1533) shall be construed to prohibit, or to authorize prohibiting, the possession, sale, delivery, receipt, shipment, or transport of any product containing African elephant ivory, or any product containing African elephant ivory that is present in the United States, except that such means of transport, commerce, or possession is prohibited if it is determined that any product containing African elephant ivory is likely to aid in the performance of deferred maintenance or the reduction of operation and maintenance costs or other deferred costs.

“(d) *TO AUTHORIZE USING ANY MEANS OF DETERMINING FOR PURPOSES OF THIS ACT OR THE ENDANGERED SPECIES ACT OF 1973 WHETHER AFRICAN ELEPHANT IVORY THAT IS PRESENT IN THE UNITED STATES HAS BEEN LAWFULLY IMPORTED OR CRAFTED IN THE UNITED STATES; OR

“(e) *TO AUTHORIZE USING ANY MEANS OF DETERMINING FOR PURPOSES OF THIS ACT OR THE ENDANGERED SPECIES ACT OF 1973 WHETHER AFRICAN ELEPHANT IVORY THAT IS PRESENT IN THE UNITED STATES HAS BEEN LAWFULLY IMPORTED OR CRAFTED IN THE UNITED STATES; OR

“(f) *PRIORITY.—*In providing financial assistance under this section, the Secretary shall give priority to projects designed to facilitate the acquisition of equipment and training of wildlife officials in ivory producing countries to be used in anti-poaching efforts.

“(g) *AUTHORIZATION.—*Section 206(a) (16 U.S.C. 4245(a)) is amended by striking ‘‘2007 through 2012’’ and inserting ‘‘2016 through 2020’’.

SEC. 2105. PLACEMENT OF UNITED STATES FISH AND WILDLIFE SERVICE LAW ENFORCEMENT OFFICERS IN EACH AFRICAN ELEPHANT RANGE COUNTRY.

The Secretary, in coordination with the Secretary of State, may station United States Fish and Wildlife Service law enforcement officers in the primary United States diplomatic or consular post in each African country that has a significant population of African elephants, who shall assist local wildlife rangers in the protection of African elephants and facilitate the apprehension of individuals who illegally kill, or assist the illegal killing of, African elephants.

Subtitle J—African Elephant Conservation and Legal Ivory Possession Act
SEC. 2106. GOVERNMENT ACCOUNTABILITY OFFICE STUDY.

Not later than 90 days after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study examining the effects of a ban on ivory from mammoths and mastodons on the illegal importation and trade of African and Asian elephants within the United States, with the exception of importation or trade thereof related to museum exhibitions or scientific research, and report to Congress the findings of such study.

Subtitle K—Respect for Treaties and Rights

SEC. 2111. RESPECT FOR TREATIES AND RIGHTS.

Nothing in this Act or the amendments made by this Act shall be construed to affect or modify any treaty or act of right of any federally recognized Indian tribe.

Subtitle L—State Approval of Fishing

SEC. 2131. STATE OR TERRITORIAL APPROVAL OF RECREATIONAL FISHING IN STATE OR TERRITORIAL WATERS.

(a) APPROVAL REQUIRED.—The Secretary of the Interior and the Secretary of Commerce shall not restrict recreational or commercial fishing access to any State or territorial waters. Nothing in this Act shall affect or modify the authority of any State or territory that has fisheries management authority over those waters.

(b) DEFINITION.—In this section, the term "marine waters" includes coastal waters and estuaries.

Subtitle M—Hunting and Recreational Fishing Within Certain National Forests

SEC. 2141. DEFINITIONS.

In this subtitle:

(a) HUNTING.—The term "hunting" means use of a firearm, bow, or other authorized means in the lawful pursuit, shooting, capture, collection, trapping, or killing of wildlife; attempt to pursue, shoot, capture, collect, trap, or kill wildlife; or the training and use of hunting dogs, including federal trials.

(b) RECREATIONAL FISHING.—The term "recreational fishing" means the lawful pursuit, capture, collection, or killing of fish; or attempt to capture or kill fish.

(c) FOREST PLAN.—The term "forest plan" means the management plan prepared by the Forest Service for a unit of the National Forest System pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

(d) NATIONAL FOREST SYSTEM.—The term "National Forest System" has the meaning given to that term in section 1(a)(1) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1606(a)).

SEC. 2142. HUNTING AND RECREATIONAL FISHING WITHIN THE NATIONAL FOREST SYSTEM.

(a) PROHIBITION OF RESTRICTIONS.—The Secretary of Agriculture or Chief of the Forest Service may not establish policies, directives, or regulations that restrict the type, season, or method of hunting or recreational fishing on lands within the National Forest System that are otherwise open to those activities and are consistent with the applicable forest plan.

(b) PRIOR RESTRICTIONS VOID.—Any restrictions or regulations of the Secretary of Agriculture or Chief of the Forest Service regarding the type, season, or method of hunting or recreational fishing on lands within the National Forest System that are otherwise open to those activities, in effect on the date of the enactment of this Act shall be void and have no force or effect.

(c) APPLICABILITY.—This section shall apply only to the Kisatchie National Forest in the State of Louisiana, the De Soto National Forest in the State of Mississippi, the Mark Twain National Forest in the State of Missouri, and the Ozark National Forest, the St. Francis National Forest and the Ouachita National Forest in the States of Arkansas and Oklahoma.

(d) STATE AUTHORITY.—Nothing in this section, section 1 of the Act of June 4, 1897 (16 U.S.C. 551), or section 32 of the Act of July 22, 1937 (7 U.S.C. 1011) shall affect the authority of any State or territory that has management authority over those waters.

Subtitle N—Grand Canyon Bison Management Plan

SEC. 2151. SHORT TITLE.

This subtitle may be cited as the "Grand Canyon Bison Management Act".

SEC. 2152. DEFINITIONS.

In this subtitle:

(a) MANAGEMENT PLAN.—The term "management plan" means the management plan published under paragraph (1) of section 3 of the Act of June 5, 1937 (7 U.S.C. 1011).

(b) PARK.—The term "park" means the Grand Canyon National Park.

(c) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(d) SKILLED PUBLIC VOLUNTEER.—The term "skilled public volunteer" means an individual who possesses—

(1) a valid hunting license issued by the State of Arizona; and

(2) such other qualifications as the Secretary may require, after consultation with the Arizona Game and Fish Commission.

SEC. 2153. BISON MANAGEMENT PLAN FOR GRAND CANYON NATIONAL PARK.

(a) PUBLIC COMMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall publish a management plan to reduce, through humane lethal culling by skilled public volunteers and by other nonlethal means, the population of bison in the Park that the Secretary determines are detrimental to the use of the Park.

(b) REMOVAL OF ANIMAL.—Notwithstanding any other provision of law, a skilled public volunteer may remove a full bison harvested from the Park.

(c) COORDINATION.—The Secretary shall coordinate with the Arizona Game and Fish Commission regarding the development and implementation of the management plan.

(d) NEPA COMPLIANCE.—In developing the management plan, the Secretary shall comply with all applicable Federal environmental laws (including regulations), including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(e) LIMITATION.—Nothing in this subtitle applies to the taking of wildlife in the Park for any purpose other than the implementation of the management plan.

Subtitle O—Open Book on Equal Access to Justice

SEC. 2161. SHORT TITLE.

This subtitle may be cited as the "Open Book on Equal Access to Justice Act".

SEC. 2162. MODIFICATION OF EQUAL ACCESS TO JUSTICE PROVISIONS.

(a) AGENCY PROCEEDINGS.—Section 504 of title 5, United States Code, is amended—

(1) in subsection (c)(1), by striking "United States Code" and inserting the following:

"(c)(1) The Chairman of the Administrative Conference of the United States, after consultation with the Chief Counsel for Advocacy of the Small Business Administration, shall report to the Congress, not later than March 31 of each year through the 6th calendar year beginning after the initial report under this subsection is submitted, on the amount of fees and other expenses awarded during the preceding fiscal year pursuant to this section. The report shall describe the number, nature, and amount of the awards, the claims involved in each controversy, and any other relevant information that may aid the Congress in evaluating the scope and impact of such awards. The report shall be made available to the public online.

(2) The disclosure of fees and other expenses required under paragraph (1) does not affect any other information that is subject to nondisclosure provisions in the settlement agreement.

(b) COURT CASES.—Section 2412(d) of title 28, United States Code, is amended by adding at the end the following:

"(5)(A) The Chairman of the Administrative Conference of the United States shall submit to the Congress, not later than March 31 of each year through the 6th calendar year beginning after the initial report under this paragraph is submitted, a report on the amount of fees and other expenses awarded during the preceding fiscal year pursuant to this subsection. The report shall describe the number, nature, and amount of the awards, the claims involved in each controversy, and any other relevant information that may aid the Congress in evaluating the scope and impact of such awards. The report shall be made available to the public online.

(5) The disclosure of fees and other expenses required under clause (i) does not affect any other information that is subject to nondisclosure provisions in the settlement agreement."

(C) The Chairman of the Administrative Conference shall include and clearly identify in
SEC. 2182. EXPEDITED ACCESS TO CERTAIN FEDERAL LAND.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE.—The term “eligible”, with respect to an organization or individual, means that the organization or individual, respectively,

(A) acting in a not-for-profit capacity; and

(B) composed entirely of members who, at the time of the request, had conducted a search-and-recovery mission, have attained the age of majority under the law of the State where the mission takes place.

(2) GOOD SAMARITAN SEARCH-AND-RECOVERY MISSION.—The term “good Samaritan search-and-recovery mission” means a search conducted by an eligible organization or individual for a deceased person where 1 or more individuals believed to be deceased at the time that the search is initiated.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior or the Secretary of Agriculture, as applicable.

(b) PROCESS.—

(1) IN GENERAL.—Each Secretary shall develop and implement a process to expedite access to Federal land under the administrative jurisdiction of the Secretary for eligible organizations and individuals to request access to Federal land to conduct good Samaritan search-and-recovery missions.

(2) INCLUSIONS.—The process developed and implemented under this subsection shall include provisions to clearly state—

(A) an eligible organization or individual granted access under this section—

(i) shall be acting for private purposes; and

(ii) shall not be considered to be a Federal volunteer;

(B) an eligible organization or individual conducting a good Samaritan search-and-recovery mission under this section shall not be considered to be a volunteer under section 102301(c) of title 31, United States Code; and

(C) chapter 117 of title 28, United States Code (commonly known as the “Federal Tort Claims Act”), shall not apply to an eligible organization or individual carrying out a privately requested good Samaritan search-and-recovery mission under this section; or

(D) an eligible organization or entity who conducts a good Samaritan search-and-recovery mission under this section shall serve without pay from the Federal Government for such service.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretaries shall submit to Congress a joint report describing—

(1) plans to develop partnerships described in subsection (o)(1); and

(2) efforts carried out to expedite and accelerate good Samaritan search-and-recovery mission efforts for missing individuals on Federal land under the administrative jurisdiction of each Secretary pursuant to subsection (o)(2).

SEC. 2191. INTERSTATE TRANSPORTATION OF FIREARMS OR AMMUNITION.

(a) IN GENERAL.—Section 926A of title 18, United States Code, is amended to read as follows:

“926A. Interstate transportation of firearms or ammunition

(a) Notwithstanding any provision of any law relating to the manufacture, transfer, or receipt of a firearm or ammunition as a condition of accessing Federal land under this section and agrees to indemnify and hold harmless the United States from any liability, personal injury, or death, and any lawsuit or actions conducted by the eligible organization or individual on Federal land.

(d) APPROVAL AND DENIAL OF REQUESTS.

(1) IN GENERAL.—The Secretary shall notify an eligible organization or individual of the approval or denial of a request by the eligible organization or individual to carry out a good Samaritan search-and-recovery mission under this section by not later than 48 hours after the request is made.

(2) DENIALS.—If the Secretary denies a request for an eligible organization or individual to carry out a good Samaritan search-and-recovery mission under this section, the Secretary shall notify the eligible organization or individual of:

(A) the reason for the denial of the request; and

(B) any actions that the eligible organization or individual can take to meet the requirements for the request to be approved.

(e) PARTNERSHIPS.—Each Secretary shall develop search-and-recovery-focused partnerships with search-and-recovery organizations—

(1) to coordinate good Samaritan search-and-recovery missions on Federal land under the administrative jurisdiction of the Secretary; and

(2) to expedite and accelerate good Samaritan search-and-recovery mission efforts for missing individuals on Federal land under the administrative jurisdiction of the Secretary.

(f) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretaries shall submit to Congress a joint report describing—

(1) plans to develop partnerships described in subsection (o)(1); and

(2) efforts carried out to expedite and accelerate good Samaritan search-and-recovery mission efforts for missing individuals on Federal land under the administrative jurisdiction of each Secretary pursuant to subsection (o)(2).

Subtitle P—Utility Terrain Vehicles

SEC. 2171. UTILITY TERRAIN VEHICLES IN THE NATIONAL FOREST SYSTEM.

(a) IN GENERAL.—The Forest Administrator shall amend the applicable travel plan to allow utility terrain vehicles access on all roads nominated by the Director of the National Park Service for inclusion in the National Park System, except when such designation would pose an unacceptable safety risk, in which case the Forest Administrator shall publish a notice in the Federal Register with a justification for the closure.
(A) If the transportation is by motor vehicle, the ammunition is not directly accessible from the passenger compartment of the vehicle, and, if the vehicle is without a compartment separate from the passenger compartment, the ammunition is in a locked container other than the glove compartment or console; or

(B) If the transportation is by other means, the ammunition is in a locked container.

In subsection (a), the term ‘transport’ includes staying in temporary lodging overnight, stopping for food, fuel, vehicle maintenance, an emergency, medical treatment, and any other activity incidental to the transport, but does not include transportation—

(1) that person commit a crime punishable by imprisonment for a term exceeding one year that involves the use or threatened use of force against another; or

(2) with knowledge or reasonable cause to believe, that such a crime is to be committed in the course of, or arising from, the transportation—

(c)(1) A person who is transporting a firearm or ammunition may not be arrested or otherwise detained for violation of any law or any rule or regulation of a State or any political subdivision thereof related to the possession, transportation, or carrying of firearms, unless there is probable cause to believe that the person is doing so in a manner in violation of a law or regulation of a State or political subdivision thereof.

(2) When a person asserts this section as a defense in a criminal proceeding, the prosecution shall bear the burden of proving, beyond a reasonable doubt, that the conduct of the person did not satisfy the conditions set forth in subsection (a).

(3) When a person successfully asserts this section as a defense in a criminal proceeding, the court shall award the prevailing defendant a reasonable attorney’s fees.

(4) A person who is deprived of any right, privilege, or immunity secured by this section, section 926B or 926C, under color of any statute, ordinance, regulation, custom, or usage of any State or political subdivision thereof, may bring an action in any appropriate court against any other person, including a State or political subdivision thereof, who causes the person to be subject to the deprivation, for damages and other appropriate relief.

(2) The court shall award a plaintiff prevailing in an action brought under paragraph (1) damages, other relief and attorneys’ fees as the court deems appropriate, including a reasonable attorney’s fee.

(c) CLERICAL AMENDMENT.—The table of sections for such chapter is amended in the item relating to section 926A by striking ‘‘firearms’’ and inserting ‘‘firearms or ammunition’’.

Subtitle S—Gray Wolves

SEC. 2201. REPEAL OF FINAL RULE REGARDING GRAY WOLVES IN THE WESTERN GREAT LAKES.

Before the end of the 60-day period beginning on the date of enactment of this Act, the Secretary of the Interior shall reissue the final rule published on December 28, 2011 (76 Fed. Reg. 61066), without regard to any other provision of statute, law, or regulation that applies to the issuance of such rule. Such reissuance shall not be subject to judicial review.

SEC. 2202. REPEAL OF FINAL RULE REGARDING GRAY WOLVES IN WYOMING.

Before the end of the 60-day period beginning on the date of enactment of this Act, the Secretary of the Interior shall reissue the final rule published on September 10, 2012 (77 Fed. Reg. 55530), without regard to any other provision of statute, law, or regulation that applies to the issuance of such rule. Such reissuance shall not be subject to judicial review.

Subtitle T—Miscellaneous Provisions

SEC. 2211. PROHIBITION ON ISSUANCE OF FINAL RULE.

The Director of the United States Fish and Wildlife Service shall not issue a final rule that—

(1) succeeds the proposed rule entitled ‘‘Non-Subsistence Take of Wildlife, and Public Participation and Closure Procedures, on National Wildlife Refuges in Alaska’’ (81 Fed. Reg. 887 (January 6, 2016)); or

(2) is substantially similar to that proposed rule.

SEC. 2212. WITHDRAWAL OF EXISTING RULE REGARDING HUNTING AND TRAPPING IN ALASKA.

The Director of the National Park Service shall withdraw the final rule entitled ‘‘Alaska, Hunting and Trapping in National Preserves’’ (80 Fed. Reg. 64325 (October 23, 2015)) by not later than 30 days after the date of the enactment of this Act and shall issue a rule that is substantially similar to that rule.

TITLED III—NATIONAL STRATEGIC AND CRITICAL MINERALS PRODUCTION ACT

SEC. 3001. SHORT TITLE.

This title may be cited as the ‘‘National Strategic and Critical Minerals Production Act of 2013’’.

SEC. 3002. FINDINGS.

Congress finds the following:

(1) The industrialization of developing nations has driven demand for nonfuel minerals necessary for manufacturing energy technologies, healthcare technologies, and conventional and renewable energy technologies.

(2) The availability of minerals and mineral materials is critical for economic growth, national security, technological innovation, and the manufacturing and agricultural supply chain.

(3) The exploration, production, processing, use, and recycling of minerals contribute significantly to the economic well-being, security, and general welfare of the Nation.

(4) The United States has vast mineral resources, but is becoming increasingly dependent upon foreign sources of the mineral materials, as demonstrated by the following:

(A) Twenty-five years ago the United States was dependent on foreign sources for 45 nonfuel mineral materials of which the United States imported 100 percent of the Nation’s requirements, and for another 19 commodities the United States imported more than 50 percent of the Nation’s needs.

(B) By 2014 the United States import dependence for nonfuel mineral materials increased from 45 to 63 commodities, 19 of which the United States imported more than 50 percent of the Nation’s requirements, and an additional 24 of which the United States imported more than 50 percent of the Nation’s needs.

(C) The United States is planning worldwide mineral exploration dollars was 7 percent in 2014, down from 19 percent in the early 1990s.

(D) In the 2014 Ranking of Countries for Mining Investment (out of 25 major mining countries), found that 7- to 10-year permitting delays are the most significant risk to mining projects in the United States.

(E) The industrialization of developing nations is dependent on foreign sources for 45 nonfuel mineral materials of which the United States imported 100 percent of the Nation’s requirements, and for another 19 commodities the United States imported more than 50 percent of the Nation’s needs.

(F) By 2014 the United States import dependence for nonfuel mineral materials increased from 45 to 63 commodities, 19 of which the United States imported more than 50 percent of the Nation’s requirements, and an additional 24 of which the United States imported more than 50 percent of the Nation’s needs.

(G) The United States is planning worldwide mineral exploration dollars was 7 percent in 2014, down from 19 percent in the early 1990s.

(H) In the 2014 Ranking of Countries for Mining Investment (out of 25 major mining countries), found that 7- to 10-year permitting delays are the most significant risk to mining projects in the United States.

(I) STRATEGIC AND CRITICAL MINERALS.—The term ‘‘strategic and critical minerals’’ means minerals that are necessary—

(A) for national defense and national security requirements;

(B) for the Nation’s energy infrastructure, including pipelines, refining, capacity, electrical power generation and transmission, and renewable energy production;

(C) to support domestic manufacturing, agriculture, housing, telecommunications, healthcare, and transportation infrastructure; or

(D) for the Nation’s economic security and balance of trade.

(2) AGENCY.—The term ‘‘agency’’ means any agency, department, or other unit of Federal, State, local, or tribal government, or Alaska Native Corporation.

(3) MINERAL EXPLORATION OR MINE PERMIT.—The term ‘‘mineral exploration or mine permit’’ includes—

(A) Bureau of Land Management and Forest Service authorizations for pre-mining activities that require environmental analyses pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) plans of operation issued by the Bureau of Land Management and the Forest Service pursuant to 45 CFR 3809 and 36 CFR 228A or the authorities listed in 43 CFR 133.11, respectively, as amended from time to time.

Subtitle A—Development of Domestic Sources of Strategic and Critical Minerals

SEC. 3011. IMPROVING DEVELOPMENT OF STRATEGIC AND CRITICAL MINERALS.

Domestic mines that will provide strategic and critical minerals shall be considered an ‘‘infrastructure project’’ as described in Presidential order ‘‘Improving Performance of Federal Permitting and Review of Infrastructure Projects’’ dated March 22, 2012.

SEC. 3012. RESPONSIBILITIES OF THE LEAD AGENCY.

(a) IN GENERAL.—The lead agency with responsibility for issuing a mineral exploration or mine permit shall appoint a project lead within the lead agency who shall coordinate and conduct consultations with any other agency involved in the permitting process, project proponents and contractors to ensure that agencies minimize delays, set and adhere to timelines for completion of the permitting process, set clear permitting goals and track progress against those goals.

(b) DETERMINATION UNDER NEPA.—

(1) IN GENERAL.—To the extent that the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) applies to the issuance of any mineral exploration or mine permit, the requirements of such Act shall be after having been procedurally and substantively satisfied if the lead agency determines that any State and/or Federal agency acting pursuant to State or Federal statutory or regulatory authorities, has addressed or will address the following factors:

(1) The environmental impact of the action to be conducted under the permit.

(2) Possible adverse environmental effects of actions under the permit.

(3) Possible alternatives to issuance of the permit.

(4) The relationship between local long- and short-term uses of man’s environment and the maintenance and enhancement of long-term productivity.

(5) The irreversible and irretrievable commitment of resources that would be involved in the proposed action.

(6) That public participation will occur during the decisionmaking process for authorizing actions under the permit.

(2) WRITTEN REQUIREMENT.—In reaching a determination under paragraph (1), the lead agency shall, by no later than 90 days after receipt of an application for the permit, in a written record of decision—

(A) explain the rationale used in reaching its determination;

(B) state the facts in the record that are the basis for the determination; and

(C) show that the facts in the record could allow a reasonable person to reach the same determination as the lead agency did.

(c) COORDINATION ON PERMITTING PROCESS.—

The lead agency with responsibility for issuing a mineral exploration or mine permit shall enhance government coordination for the permitting process by avoiding duplicative reviews, minimizing paperwork, and engaging other agencies and stakeholders. For purposes of this subsection, the lead agency shall consider the following practices:

(1) Deferring to and relying upon baseline data, analyses and reports performed by State agencies with jurisdiction over the proposed project.
(2) Conducting any consultations or reviews concurrently rather than sequentially to the extent practicable and when such concurrent review will expedite rather than delay a decision.

(3) A Memorandum of Agency Agreement.—If requested at any time by a State or local planning agency, the lead agency with responsibility for issuing a mineral exploration or mine permit, in coordination with the Federal agencies with relevant jurisdiction in the environmental review process, may establish a memorandum of agreement with the project sponsor, State and local agencies, and other appropriate entities to accomplish the early coordination activities described in subsection (c).

(e) Schedule for Permitting Process.—For any permit, the lead agency cannot make the determination described in 102(b), at the request of a project proponent the lead agency, cooperating agencies, and any other agencies involved with the mineral exploration or mine permitting process shall enter into an agreement with the project proponent that sets time limits for each part of the permitting process, as well as the time for the full review process described in subsection (d) exceed 30 months unless the signatories of the agreement.

(f) Preparation of Federal Notices for Mineral Exploration and Mine Development Projects.—The preparation of Federal Register notices required by law associated with the issuance of a mineral exploration or mine permit shall be delegated to the organization level within the Federal government having jurisdictional impact, so that more of the mineral resource can be brought to the marketplace.


(a) Preparation of Federal Notices for Mineral Exploration and Mine Development Projects.—The preparation of Federal Register notices required by law associated with the issuance of a mineral exploration or mine permit shall be delegated to the organization level within the Federal government having jurisdictional impact, so that more of the mineral resource can be brought to the marketplace.

(b) Departmental Review of Federal Register Notices.—The Federal Register notice described in subsection (a) shall undergo any required reviews within the Department of the Interior or the Department of the Interior and be published in the Federal Register no later than 30 days after its initial preparation.

SEC. 3021. Definitions for Title.

As soon as practicable after the date of the enactment of this Act, the term 'appraisal' includes appraisals that are made by any agency, including Federal agencies.

SEC. 3022. Timely Filings.

(a) Time Limit for Permitting Process.—In no case shall the lead agency for the full review process described in subsection (d) exceed 30 months unless extended by the signatories of the agreement.

(b) Limitation on Addressing Public Comments.—For any permit, the lead agency cannot make the determination described in 102(b), at the request of a project proponent the lead agency, cooperating agencies, and any other agencies involved with the mineral exploration or mine permitting process shall enter into an agreement with the project proponent that sets time limits for each part of the permitting process, as well as the time for the full review process described in subsection (d) exceed 30 months unless the signatories of the agreement.

(c) Financial Assurance.—The lead agency shall determine the amount of financial assurance for reclamation of a mineral exploration or mining site, which must cover the estimated cost of the proposed reclamation and maintenance, and restoration of the areas of land affected by the mining activity.

(d) Expeditions in Hearing and determining the Action.—The court shall endeavor to hear and determine any covered civil action as expeditiously as possible.

(e) Limitation on Prospective Relief.—In a covered civil action, the court shall not grant or approve any prospective relief unless the court finds that such relief is narrow, temporary, and limited in scope to correct the violation of a legal requirement, and is the least intrusive means necessary to correct such violation.

(f) Limitation on Attorneys' Fees.—For purposes of this subsection, the term 'attorney' includes attorneys and other estimates of value.

(g) Regulations.—The Secretary shall develop regulations for implementing this section, including standards the Secretary shall use for approving or disapproving any appraisal under paragraph (2) must include an express waiver by the Indian tribe of any claims for damages it might have against the United States as a result of the lack of an appraisal undertaken.

(h) Definitions.—For purposes of this subsection, the term 'appraiser' includes appraisers and other estimates of value.

(i) Standardization.—As soon as practicable after the date of the enactment of this Act, the Secretary of the Interior shall implement procedures to ensure that each agency within the Department of the Interior that is involved in the review, approval, and oversight of oil and gas activities on Indian land complies with a uniform system of reference numbers and tracking systems for oil and gas wells.
SEC. 4004. ENVIRONMENTAL REVIEWS OF MAJOR FEDERAL ACTIONS ON INDIAN LANDS.

(a) Plans. Section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) is amended by inserting “(a) IN GENERAL.—” before the first sentence, and by adding at the end the following:

“(b) REVIEW OF MAJOR FEDERAL ACTIONS ON INDIAN LANDS.—

(1) REVIEW AND COMMENT.—

(A) IN GENERAL.—Except as provided in sub-paragraph (B), the statement required under subsection (a)(2)(C) for a major Federal action regarding an activity on Indian lands of an Indian tribe shall only be available for review and comment by the members of the Indian tribe, other Indian individuals residing within the affected area, and State, federally recognized tribal, and local governments within the affected area.

(B) EXCEPTION.—Subparagraph (A) shall not apply to a statement for a major Federal action related to gaming under the Indian Gaming Regulatory Act.

(2) TIME FOR FILING COMPLAINT.—Any energy related action must be filed not later than the end of the 60-day period beginning on the date of the final appeal judgment on Indian forest land or rangeland of the respective Indian tribe.

(b) DEFINITIONS.—For the purposes of this section, the following definitions apply:

(1) AGENCY ACTION.—The term “agency action” has the same meaning given that term in section 502 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

(2) ENERGY RELATED ACTION.—The term “energy related action” means a cause of action that—

(A) is filed on or after the effective date of this Act; and

(B) seeks judicial review of a final agency action to issue a permit, license, or other form of agency permission allowing—

(i) any person or entity to conduct activities on Indian Land, which activities involve the exploration, development, production or transportation of oil, gas, coal, shale gas, oil shale, geothermal resources, wind or solar resources, underground coal gasification, biomass, or the generation of electricity; or

(ii) any Individual, or any organization of two or more entities, at least one of which is an Indian tribe, to conduct activities involving the exploration, development, production or transportation of oil, gas, coal, shale gas, oil shale, geothermal resources, wind or solar resources, underground coal gasification, biomass, or the generation of electricity, regardless of where such activities are proposed to be undertaken.

(3) ULTIMATELY PREVAIL.—The phrase “ultimately prevail” means, in a final enforceable judgment, the court rules in the party’s favor on at least one cause of action which is an underlying rationale for the preliminary injunction, administrative stay, or other relief requested by the party, and does not include circumstances where the party withdraws or amends the underlying action.

(c) APPEAL. Review.—An interlocutory order granting or denying an administrative stay, or other relief requested by the party, and does not include circumstances where the party withdraws or amends the underlying action.

(d) TIME FOR FILING COMPLAINT.—Any energy related action must be filed not later than the end of the 60-day period beginning on the date of the final appeal judgment on Indian forest land or rangeland of the respective Indian tribe.

(e) DEFINITIONS.—For the purposes of this section, the following definitions apply:

(1) AGENCY ACTION.—The term “agency action” has the same meaning given that term in section 502 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

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(ii) any Individual, or any organization of two or more entities, at least one of which is an Indian tribe, to conduct activities involving the exploration, development, production or transportation of oil, gas, coal, shale gas, oil shale, geothermal resources, wind or solar resources, underground coal gasification, biomass, or the generation of electricity, regardless of where such activities are proposed to be undertaken.

(e) APPEAL. Review.—An interlocutory order granting or denying an administrative stay, or other relief requested by the party, and does not include circumstances where the party withdraws or amends the underlying action.

(f) TIME FOR FILING COMPLAINT.—Any energy related action must be filed not later than the end of the 60-day period beginning on the date of the final appeal judgment on Indian forest land or rangeland of the respective Indian tribe.

(g) DEFINITIONS.—For the purposes of this section, the following definitions apply:

(1) AGENCY ACTION.—The term “agency action” has the same meaning given that term in section 502 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

(2) ENERGY RELATED ACTION.—The term “energy related action” means a cause of action that—

(A) is filed on or after the effective date of this Act; and

(B) seeks judicial review of a final agency action to issue a permit, license, or other form of agency permission allowing—

(i) any person or entity to conduct activities on Indian Land, which activities involve the exploration, development, production or transportation of oil, gas, coal, shale gas, oil shale, geothermal resources, wind or solar resources, underground coal gasification, biomass, or the generation of electricity; or

(ii) any Individual, or any organization of two or more entities, at least one of which is an Indian tribe, to conduct activities involving the exploration, development, production or transportation of oil, gas, coal, shale gas, oil shale, geothermal resources, wind or solar resources, underground coal gasification, biomass, or the generation of electricity, regardless of where such activities are proposed to be undertaken.

(h) APPEAL. Review.—An interlocutory order granting or denying an administrative stay, or other relief requested by the party, and does not include circumstances where the party withdraws or amends the underlying action.

(i) TIME FOR FILING COMPLAINT.—Any energy related action must be filed not later than the end of the 60-day period beginning on the date of the final appeal judgment on Indian forest land or rangeland of the respective Indian tribe.

(j) DEFINITIONS.—For the purposes of this section, the following definitions apply:

(1) AGENCY ACTION.—The term “agency action” has the same meaning given that term in section 502 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

(2) ENERGY RELATED ACTION.—The term “energy related action” means a cause of action that—

(A) is filed on or after the effective date of this Act; and

(B) seeks judicial review of a final agency action to issue a permit, license, or other form of agency permission allowing—

(i) any person or entity to conduct activities on Indian Land, which activities involve the exploration, development, production or transportation of oil, gas, coal, shale gas, oil shale, geothermal resources, wind or solar resources, underground coal gasification, biomass, or the generation of electricity; or

(ii) any Individual, or any organization of two or more entities, at least one of which is an Indian tribe, to conduct activities involving the exploration, development, production or transportation of oil, gas, coal, shale gas, oil shale, geothermal resources, wind or solar resources, underground coal gasification, biomass, or the generation of electricity, regardless of where such activities are proposed to be undertaken.

(k) APPEAL. Review.—An interlocutory order granting or denying an administrative stay, or other relief requested by the party, and does not include circumstances where the party withdraws or amends the underlying action.

(l) TIME FOR FILING COMPLAINT.—Any energy related action must be filed not later than the end of the 60-day period beginning on the date of the final appeal judgment on Indian forest land or rangeland of the respective Indian tribe.
referred to as the “Long-Term Leasing Act”), is amended—

(1) by striking “, except a lease for” and inserting “, including leases for”;

(2) in clause (A), by striking “25” the first place it appears and all that follows and inserting “99 years”;

(3) in (B), by striking the period and inserting “;” and “;”;

and

(4) by adding at the end the following:

“(C) in the case a lease for the exploration, development, or extraction of mineral resources, including geothermal resources, 25 years, except that any such lease may include an option to renew for one additional term not to exceed 25 years.”.

SEC. 4009. NONAPPLICABILITY OF CERTAIN RULES.

No rule promulgated by the Department of the Interior regarding hydraulic fracturing used in the development or production of oil or gas resources shall have any effect on any land held in trust or restricted status for the benefit of Indians except with the express consent of the beneficiary on whose behalf such land is held in trust or restricted status.

TITLE VI—OCMULGEE MOUNDS NATIONAL HISTORICAL PARK

SEC. 6003. BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—The boundary of the Ocmulgee Mounds National Historical Park, as redesignated in section 6003, shall be deemed to be a reference to “Ocmulgee Mounds National Historical Park”.

(b) REFERENCES.—Any reference in a law, map, regulation, announcement, paper, or other record of the United States to “Ocmulgee National Monument”, other than in this Act, shall be deemed to be a reference to “Ocmulgee Mounds National Historical Park”.

SEC. 6004. LAND ACQUISITION; NO BUFFER ZONES.

(a) LAND ACQUISITION.—The Secretary is authorized to acquire land and interests in land within the boundaries of the Historical Park by donation or exchange only (and in the case of an exchange, no payment may be made by the Secretary to the donor). The Secretary may not acquire by condemnation any land or interest in land within the boundaries of the Historical Park. No private property or non-Federal public property shall be acquired within the boundaries of the Historical Park without the written consent of the owner of such property.

(b) NO BUFFER ZONES.—Nothing in this Act, the establishment of the Historical Park, or the management of the Historical Park shall be construed to create buffer zones outside of the Historical Park. That an activity or use can be seen or heard from within the Historical Park shall not preclude the conduct of that activity or use outside the Historical Park.

SEC. 6005. ADMINISTRATION.

The Secretary shall administer any land acquired under section 6005 as part of the Historical Park in accordance with applicable laws and regulations.

SEC. 6006. OCUMULGEE RIVER CORRIDOR SPECIAL RESOURCE STUDY.

(a) IN GENERAL.—The Secretary shall conduct a special resource study of the Ocmulgee River corridor.

(b) CONTENTS.—In conducting the study under subsection (a), the Secretary shall—

(1) evaluate the national significance of the study area;

(2) the suitability and feasibility of adding lands in the study area to the National Park System; and

(3) consider other alternatives for preserving the site as a unit of the National Park System.

(c) APPLICABLE LAW.—The study required under subsection (a) shall be conducted in accordance with section 100507 of title 54, United States Code.

(d) RESULTS.—Not later than 3 years after the date on which funds are first made available for the study under subsection (a), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate the results of the study and any conclusions and recommendations of the Secretary.

TITLE VIII—SKY POINT MOUNTAIN DESIGNATION

SEC. 8001. FINDINGS.

Congress finds the following:

(1) Staff Sergeant Sky Mote, USMC, grew up in El Dorado, California.

(2) Staff Sergeant Mote graduated from Union Mine High School.

(3) Upon graduation, Staff Sergeant Mote promptly enlisted in the Marine Corps.

(4) Staff Sergeant Mote spent 9 years serving his country in the United States Marine Corps, including a deployment to Iraq and two deployments to Afghanistan.

(5) By his decisive actions, heroic initiative, and resolute dedication to duty, Staff Sergeant Mote gave his life to protect fellow Marines on August 10, 2012, by gallantly rushing into action during an attack by a rogue Afghan policeman inside the base perimeter in Helmand province.

(6) Staff Sergeant Mote was awarded the Navy Cross, a Purple Heart, the Navy-Marine Corps Commendation Medal, a Navy-Marine Corps Achievement Medal, two Combat Action Ribbons, and three Good Conduct Medals.

(7) The Congress of the United States, in acknowledgment of this brave and noble sacrifice, cannot be repaid, honors Staff Sergeant Mote for his ultimate sacrifice and recognizes his service to his country, faithfully executed to his last, full measure of devotion.

(8) A presently unnamed peak in the center of Humphrey Basin holds special meaning to the friends and family of Sky Mote, as their annual hiking trips set up camp to honor this peak. Under the stars, the memories made beneath this rounded peak will be cherished forever.

SEC. 8002. SKY POINT.

Designation.—The mountain in the John Muir Wilderness of the Sierra National Forest in California, located at 37°15'16.1009" N 118°43'54.0102" W, shall be known and designated as “Sky Point”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, record, or other...
paper of the United States to the mountain described in subsection (a) shall be considered to be a reference to “Sky Point”.

**TITLE IX—CHIEF STANDING BEAR TRAIL BOUNDARY ADJUSTMENT ACT**

SEC. 9001. CHIEF STANDING BEAR NATIONAL HISTORIC TRAIL FEASIBILITY STUDY.

Section 5(c) of the National Trails System Act (16 U.S.C. 1244(c)) is amended by adding at the end the following:

“(46) CHIEF STANDING BEAR NATIONAL HISTORIC TRAIL.—

“(A) IN GENERAL.—The Chief Standing Bear Trail is approximately 530 miles from Niobrara, Nebraska, to Ponca City, Oklahoma, which follows the route taken by Chief Standing Bear and the Ponca people during Federal Indian removal westward from the Missouri River Valley into Oklahoma. The Chief Standing Bear Trail is generally described as the boundary of the Arapaho National Forest described in subsection (a) who historically have access to non-Federal lands within the boundary described in subsection (a).”

“(d) CONSIDERATIONS.—In conducting the feasibility study under subparagraph (A), the Secretary of the Interior shall consider input from owners of private land within or adjacent to the study area.”

**TITLE X—JOHN MUIR NATIONAL HISTORIC SITE EXPANSION ACT**

SEC. 10001. SHORT TITLE.

This title may be cited as the “John Muir National Historic Site Expansion Act”.

SEC. 10002. JOHN MUIR NATIONAL HISTORIC SITE ACQUISITION.

(a) ACQUISITION.—The Secretary of the Interior may acquire by donation the approximately 44 acres of land, and interests in such land, that are identified on the Chief Standing Bear National Historic Site Proposed Boundary Expansion”, numbered 426/127150, and dated November 2014.

(b) BOUNDARY.—Upon the acquisition of the land authorized by subsection (a), the Secretary of the Interior shall adjust the boundaries of the John Muir Historic Site in Martinez, California, to include the land acquired on the map referred to in subsection (a).

(c) ADMINISTRATION.—The land and interests in land acquired under subsection (a) shall be administered as part of the John Muir National Historic Site established by the Act of August 31, 1964 (Public Law 88–547; 78 Stat. 733; 16 U.S.C. 461 note).

**TITLE XI—ARAPAHO NATIONAL FOREST BOUNDARY ADJUSTMENT ACT**

SEC. 11001. SHORT TITLE.

This title may be cited as the “Arapaho National Forest Boundary Adjustment Act of 2015”.

SEC. 11002. ARAPAHO NATIONAL FOREST BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—The boundary of the Arapaho National Forest in the State of Colorado is adjusted to incorporate the approximately 92.95 acres of land generally described as “The Wedge” on the map entitled “Arapaho National Forest Boundary Adjustment” and dated November 6, 2013, and described as lots three, four, eight, and nine of section 13, Township 4 North, Range 76 West, Sixth Principal Meridian, Colorado. This subsection is effective on the Secretary of Agriculture obtains written permission for such action from the lot owner or owners.

(b) BOWEN GULCH PROTECTION AREA.—The Secretary of Agriculture shall include all Federal lands within the boundary described in subsection (a) in the Bowen Gulch Protection Area established under section 6 of the Colorado Wilderness Act of 1993 (16 U.S.C. 569).

(c) LAND AND WATER CONSERVATION FUND.—For purposes of section 200306(a)(2)(B)(i) of title 54, United States Code, the boundaries of the Arapaho National Forest, as modified under subsection (a), shall be considered to be the boundaries of the Arapaho National Forest as in existence on January 1, 1963.

(d) PUBLIC MOTIVATION.—Nothing in this Act applies to privately owned lands within the boundary described in subsection (a) to public motorized use.

(e) ACCESS TO NON-FEDERAL LANDS.—Notwithstanding the provisions of section 6(f) of the Colorado Wilderness Act of 1993 (16 U.S.C. 569(f)) regarding motorized travel, the owners of any non-Federal lands within the boundary described in subsection (a) who historically have access to their lands through non-Federal land and trail easement shall have continued right of motorized access to their lands across the existing roadway.

**TITLE XII—PRESEVERATION RESEARCH AT INSTITUTIONS SERVING MINORITY GROUPS ACT**

SEC. 12001. SHORT TITLE.

This title may be cited as the “Preservation Research at Institutions Serving Minority Groups Act” or the “PRISM Act”.

SEC. 12002. ELIGIBILITY OF HUMAN-SERVING INSTITUTIONS AND ASIAN AMERICAN AND PACIFIC ISLANDER-SERVING INSTITUTIONS FOR PRESERVATION EDUCATION AND TRAINING PROGRAMS.

Section 305903(3) of title 54, United States Code, is amended by inserting “to Hispanic-serving institutions (as defined in section 3059(b) of the Higher Education Act of 1965 (20 U.S.C. 1059b)), and Asian American and Native American Pacific Islander-serving institutions (as defined in section 3059(b) of the Higher Education Act of 1965 (20 U.S.C. 1059b(i)),” after “universities.”

**TITLE XIII—ELKHORN RANCH AND WHITE RIVER NATIONAL FOREST CONVEYANCE ACT**

SEC. 13001. SHORT TITLE.

This title may be cited as the “Elkhorn Ranch and White River National Forest Conveyance Act” of 2015.

SEC. 13002. LAND CONVEYANCE, ELKHORN RANCH, AND WHITE RIVER NATIONAL FOREST, COLORADO.

(a) LAND CONVEYANCE REQUIRED.—Consistent with the purpose of the Act of March 3, 1909 (43 U.S.C. 706), all right, title, and interest of the United States (subject to subsection (b)) in and to a parcel of land consisting of approximately 148 acres as generally depicted on the map entitled “Elkhorn Ranch Land Parcel—White River National Forest” and dated March 2015 shall be conveyed by patent to the Gorman–Leerich Partnership, a Colorado Limited Liability Partnership (in this section referred to as “GLP”).

(b) EXISTING RIGHTS.—The conveyance under subsection (a)—

(1) is subject to the valid existing rights of the lessees of the Elkhorn Ranch oil and gas lease COC–5709 and any other valid existing rights; and

(2) shall reserve to the United States the right to collect rent and royalties on the lease referred to in paragraph (1) for the duration of the lease.

(c) EXISTING BOUNDARIES.—The conveyance under subsection (a) does not modify the existing boundaries of the Elkhorn Ranch, or the boundaries of Sections 18 and 19 of Township 7 South, Range 93 West, Sixth Principal Meridian, Colorado, as such boundaries are in effect on the date of the enactment of this Act.

(d) TIME FOR CONVEYANCE; PAYMENT OF COSTS.—The conveyance directed under subsection (a) shall be completed not later than 180 days after the date of the enactment of this Act. The conveyance shall be without consideration, except that all costs incurred by the Secretary of the Interior relating to any survey, platting, legal description, or other activities carried out to prepare and issue the patent shall be paid by GLP to the Secretary prior to the land conveyance.

**TITLE XIV—NATIONAL LIBERTY MEMORIAL CLARIFICATION ACT**

SEC. 14001. SHORT TITLE.

This title may be cited as the “National Liberty Memorial Clarification Act of 2015”.

SEC. 14002. COMPLIANCE WITH CERTAIN STANDARD— REQUIREMENTS FOR COMMEMORATIVE WORKS ESTABLISHMENT OF NATIONAL LIBERTY MEMORIAL.

Section 260(c) of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112–239; 40 U.S.C. 8901 note) is amended by striking the period at the end and inserting the following: “, except that, under subsections (c) and (d) of section 9015, the Secretary of the Interior or the Administrator of General Services, shall be responsible for the consideration of design proposals and submission of such design proposals to the Commission on Fine Arts and National Capital Planning Commission.”

**TITLE XV—CRAGS, COLORADO LAND EXCHANGE ACT**

SEC. 15001. SHORT TITLE.

This title may be cited as the “Crags, Colorado Land Exchange Act of 2015”.

SEC. 15002. PURPOSES.

The purposes of this title are—

(1) to authorize, direct, expedite, and facilitate the land exchange set forth herein; and

(2) to promote enhanced public outdoor recreational and natural resource conservation opportunities in the Pike National Forest near Pikes Peak, Colorado, via acquisition of the non-Federal land and trail easement.

SEC. 15003. DEFINITIONS.

In this Act:

(1) BHI.—The term “BHI” means Broadmoor Hotel, Inc., a Colorado corporation.

(2) FEDERAL LAND.—The term “Federal land” means all right, title, and interest in and to any Federal land within the Pike National Forest, El Paso County, Colorado, together with any other easements or non-Federal lands and trail easements to the land exchange set forth herein; and

(3) NON-FEDERAL LAND.—The term “non-Federal land” means the land and trail easement to be conveyed to the Secretary by BHI in the exchange and is—

(A) approximately 320 acres of land within the Pike National Forest, Teller County, Colorado, as generally depicted on the map entitled “Proposed Crags Land Exchange–Federal Parcel–Emerald Valley Ranch”, dated March 2015; and

(B) a permanent trail easement for the Barr Trail in El Paso County, Colorado, as generally depicted on the map entitled “Proposed Crags Land Exchange–Barr Trail Easement to United States”, dated March 2015, and which shall be conveyed as a voluntary donation to the United States by BHI for all purposes of law.

(4) SECRETARY.—The term “Secretary” means the Secretary of Agriculture, unless otherwise specified.

SEC. 15004. LAND EXCHANGE.

(a) IN GENERAL.—If BHI offers to convey to the Secretary all right, title, and interest of BHI...
in and to the non-Federal land, the Secretary shall accept the offer and simultaneously convey to BHI the Federal land.

(b) LAND TITLE.—Title to the non-Federal land referred to in subsection (a) shall be considered a non-Federal land, the United States shall not make a cash payment to the Secretary under this Act shall be considered a non-Federal land, and other costs to the Secretary as may be necessary to process and consummate the exchange directed by this Act, including reimbursement to the Secretary, if the Secretary determines necessary to complete processing and consummation.

(c) PERPETUAL ACCESS EASEMENT TO BHI.—The nonexclusive perpetual access easement to be granted to BHI as shown on the map referred to in section 15003(a) shall allow—

(1) BHI to fully maintain, at BHI’s expense, and use of Forest Service Road 371 from its intersection with Forest Service Road 368 in accordance with historic use and maintenance patterns by BHI; and

(2) full and continuous public and administrative access and use of FSR 371 in accordance with the existing Forest Service travel management plan, or as such plan may be revised by the Secretary.

(d) ROUTE AND CONDITION OF ROAD.—BHI and the Secretary may mutually agree to improve, relocate, reconstruct, or otherwise alter the route, width, and condition of any land or portion of such road as the Secretary, in close consultation with BHI, may determine advisable.

(e) EXCHANGE COSTS.—BHI shall pay for all land and property, and other costs to the Secretary as may be necessary to process and consummate the exchange directed by this Act, including reimbursement to the Secretary, if the Secretary determines necessary to complete processing and consummation.

SEC. 15005. EQUAL VALUE EXCHANGE AND APRAISALS.

(a) APPRAISALS.—The values of the lands to be exchanged under this Act shall be determined by the Secretary through appraisals performed in accordance with—

(1) the Uniform Appraisal Standards for Federal Land Acquisitions;

(2) the Uniform Standards of Professional Appraisal Practice;

(3) appraisal instructions issued by the Secretary; and

(4) shall be performed by an appraiser mutually agreed to by the Secretary and BHI.

(b) EQUAL VALUE EXCHANGE.—The values of the Federal and non-Federal land parcels exchanged shall be equal, or if they are not equal, shall be equalized as follows:

(1) SURPLUS OF FEDERAL LAND VALUE.—If the final appraised value of the Federal land exceeds the final appraised value of the non-Federal land, the United States shall make a cash payment to BHI equal to the difference in value of the Federal and non-Federal land parcels exchanged.

(2) SURPLUS OF NON-FEDERAL LAND VALUE.—If the final appraised value of the non-Federal land parcel identified in section 15003(b)(A) exceeds the final appraised value of the Federal land, the United States shall not make a cash equalization payment to BHI, and surplus value of the non-Federal land shall be considered a donation to the United States for all purposes of law.

(c) APPRAISAL EXCLUSIONS.—

(1) SPECIAL USE PERMIT.—The appraised value of the parcel shall not reflect any increase or diminution in value due to the special use permit existing on the date of the enactment of this Act to BHI on the parcel and improvements thereunder.

(2) BARR TRAIL EASEMENT.—The Barr Trail easement donation identified in section 15003(b)(B) shall not be appraised for purposes of this Act.

SEC. 15006. MISCELLANEOUS PROVISIONS.

(a) WITHDRAWAL PROVISIONS.—

(1) WITHDRAWAL.—Land(s) acquired by the Secretary under this Act shall cease to be withdrawn from all forms of appropriation and disposal under the public land laws (including the mining and mineral leasing laws) with the Geothermal Steam Act of 1930 (30 U.S.C. 101 et seq.).

(2) WITHDRAWAL REVOCATION.—Any public land order that withdraws the Federal land from appropriation or disposal under a public land law shall be revoked to the extent necessary to permit disposal of the Federal land parcel to BHI.

(b) WITHDRAWAL OF FEDERAL LAND.—All Federal land authorized to be exchanged under this Act, if not already withdrawn or segregated from appropriation or disposal under the public lands laws upon enactment of this Act, is hereby so withdrawn, subject to valid existing rights, until the date of conveyance of the Federal land to BHI.

(c) POSTEXCHANGE LAND MANAGEMENT.—Land acquired by the Secretary under this Act shall become part of the National Forest and be managed in accordance with the laws, rules, and regulations applicable to the National Forest System.

(d) EXCHANGE TIMETABLE.—It is the intent of Congress that the land exchange directed by this Act be consummated no later than 1 year after the date of the enactment of this Act.

(e) MAPS. EXCERPTIONS.—

(1) MINOR ERRORS.—The Secretary and BHI may by mutual agreement make minor boundary adjustments to the Federal and non-Federal lands involved in the exchange, and may correct any minor errors in any map, acreage estimate, or description of any land to be exchanged.

(2) CONFLICT.—If there is a conflict between a map, an acreage estimate, or a description of land under this Act, the map shall control unless the Secretary and BHI mutually agree otherwise.

(3) AVAILABILITY.—Upon enactment of this Act, the Secretary shall file and make available for public inspection in the headquarters of the Pike-San Isabel National Forest a copy of all maps referenced in this title, an acreage estimate, or a description of any land to be exchanged.

SEC. 16001. REMOVAL OF USE RESTRICTION.

(a) DESIGNATION.—The National September 11 Memorial is hereby designated as a national memorial.

(b) MAP.—The map shall be available for public inspection in the headquarters of the National September 11 Memorial.

TITLE XVIII—MARTIN LUTHER KING, JR. NATIONAL HISTORICAL PARK ACT

SEC. 18001. SHORT TITLE.

This title may be cited as the “Martin Luther King, Jr. National Historical Park Act of 2016.”

SEC. 18002. MARTIN LUTHER KING, JR. NATIONAL PARK.

The Act entitled “An Act to establish the Martin Luther King, Jr. National Historical Site in the State of Georgia, and for other purposes” (Public Law 96-428) is amended—

(1) in subsection (a) of the first section, by striking “the map entitled ‘Martin Luther King, Jr. National Historical Site Boundary Revision’, numbered 489/80,013B, and dated September 1992” and inserting “the map entitled ‘Martin Luther King, Jr. National Historical Park Proposed Boundary Revision’, numbered 489/128,786 and dated June 2015”; and

(2) by striking “Martin Luther King, Jr. National Historical Site” each place it appears and inserting “Martin Luther King, Jr. National Historical Park”.

SEC. 18003. REFERENCES.

Any reference in a law (other than this Act), map, regulation, document, paper, or other record of the United States to “Martin Luther King, Jr. National Historical Site” shall be deemed to be a reference to “Martin Luther King, Jr. National Historical Park”.

TITLE XIX—EXTENSION OF THE AUTHORIZATION FOR THE GULLAH/GEECEE CULTURAL HERITAGE CORRIDOR COMMISSION

SEC. 19001. EXTENSION OF THE AUTHORIZATION FOR THE GULLAH/GEECEE CULTURAL HERITAGE CORRIDOR COMMISSION.

Section 295D(d) of the Gullah/Geechee Cultural Heritage Act (Public Law 109–138; 120 Stat. 1860; 16 U.S.C. 461 note) is amended by striking “10 years” and inserting “15 years”.

TITLE XX—9/11 MEMORIAL ACT

SEC. 20001. SHORT TITLE.

This title may be cited as the “9/11 Memorial Act.”

SEC. 20002. DEFINITIONS.

For purposes of this Act:

(1) ELIGIBLE ENTITY.—The term ‘eligible entity’ means any nonprofit or profit organization as defined in section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)) in existence on the date of enactment of this Act.

(2) MAP.—The term “map” means the map titled “National September 11 Memorial Proposed Boundary”, numbered 960/128,928, and dated June 2013.

(3) NATIONAL SEPTEMBER 11 MEMORIAL.—The term “National September 11 Memorial” means the area approximately bounded by Fulton, Greenwich, Liberty and West Streets as generally depicted on the map.

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

SEC. 20003. DESIGNATION.

(a) DESIGNATION.—The National September 11 Memorial is hereby designated as a national memorial.

(b) MAP.—The map shall be available for public inspection and kept on file at the appropriate office of the Secretary.
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(c) EFFECT OF DESIGNATION.—The national memorial designated under this section shall not be a unit of the National Park System and the designation of the national memorial shall not be considered a single grant period through a competitive process to an eligible entity for the operation and maintenance of any memorial located within the United States established to commemorate the effort and honor—

(1) the victims of the terrorist attacks on the World Trade Center, the Pentagon, and United Airlines Flight 93 on September 11, 2001; and

(2) the victims of the terrorist attack on the World Trade Center on February 26, 1993.

(b) AVAILABILITY.—Funds made available under this section shall remain available until expended.

(c) CRITERIA.—In awarding grants under this section, the Secretary shall give greatest weight in the selection of eligible entities using the following:

(1) Experience in managing a public memorial that will benefit the largest number of visitors each calendar year.

(2) Experience in maintaining a memorial of significance (4 acres or more).

(3) Successful coordination and cooperation with Federal, State, and local governments in managing the memorial.

(4) Ability and commitment to use grant funds to enhance security at the memorial.

(5) Ability to use grant funds to increase the number of economically disadvantaged visitors to the memorial and surrounding areas.

(d) SUMMARIES.—Not later than 30 days after the end of each fiscal year in which an eligible entity expends any part of a grant under this section, the eligible entity shall prepare and submit to the Secretary and Congress a summary that—

(1) specifies the amount of grant funds obligated or expended in the preceding fiscal year;

(2) specifies the purpose for which the funds were obligated or expended; and

(3) includes any other information the Secretary may require to more effectively administer the grant program.

(e) SUNSET.—The authority to award grants under this section shall expire on the date that is 5 years after the date of the enactment of this Act.

TITLE XXI—KENNESAW MOUNTAIN NATIONAL BATTLEFIELD PARK BOUNDARY ADJUSTMENT ACT

SEC. 21001. SHORT TITLE.

This title may be cited as the “Kennesaw Mountain National Battlefield Park Boundary Adjustment Act of 2015”.

SEC. 21002. FINDINGS.

The Congress finds the following—

(1) Kennesaw Mountain National Battlefield Park was authorized as a unit of the National Park System on June 26, 1935. Prior to 1935, parts of the park had been acquired and protected by Civil War veterans and the War Department.

(2) Kennesaw Mountain National Battlefield Park protects Kennesaw Mountain and Kolb’s Farm, which are battle sites along the route of General Sherman’s 1864 campaign to take Atlanta.

(3) Most of the park protects Confederate positions and strategy. The Wallis House is one of the few original structures remaining from the Battle of Kennesaw Mountain associated with Union forces.

(4) The Wallis House is strategically located next to a Union signal station at Harriston Hill.

SEC. 21003. BOUNDARY ADJUSTMENT; LAND ACQUISITION; ADMINISTRATION.

(a) BOUNDARY ADJUSTMENT.—The boundary of the Kennesaw Mountain National Battlefield Park as designated by the Secretary in the approximately 236 acres identified as “Wallis House and Harriston Hill”, and generally depicted on the map titled “Kennesaw Mountain National Battlefield Park, Proposed Boundary Adjustment”, numbered 325/30,029, and dated February 2010.

(b) MAP.—The map referred to in subsection (a) shall be on file and available for inspection in the appropriate offices of the National Park Service.

(c) LAND ACQUISITION.—The Secretary of the Interior shall administer land and interests in land acquired under this section as part of the Kennesaw Mountain National Battlefield Park in accordance with applicable laws and regulations.

(d) TRANSFER.—The Secretary shall transfer to the Department of Defense and the National Park Service title to the land described in subsection (a).

(e) USE OF CONCERNED.—No Federal property may be included in the Kennesaw Mountain National Battlefield Park without the written consent of the owner. The provision shall apply only to those portions of the Park added under subsection (a).

(f) USE OF CONCERNED.—Nothing in this Act, the Kennesaw Mountain National Battlefield Park, or the management plan for the Kennesaw Mountain National Battlefield Park shall be construed to create a buffer zone outside of the Park. That activity or use of the Park may include activities, uses or uses outside the Park.

TITLES XIII—GULF ISLANDS NATIONAL SEASHORE LAND EXCHANGE ACT

SEC. 23001. SHORT TITLE.

This title may be cited as the “Gulf Islands National Seashore Land Exchange Act of 2016”.

SEC. 23002. LAND EXCHANGE, GULF ISLANDS NATIONAL SEASHORE, JACKSON COUNTY, MISSISSIPPI.

(a) LAND EXCHANGE AUTHORIZED.—The Secretary of the Interior, acting through the Director of the National Park Service (in this section referred to as the “Secretary”), may exchange all right, title, and interest in lands located within the Gulf Islands National Seashore in Jackson County, Mississippi, section 34, township 7 north, range 8 east.

(b) LAND TO BE ACQUIRED.—In exchange for the property described in subsection (a), the Post shall convey to the Secretary all right, title, and interest of the Post in and to a parcel of real property, consisting of approximately 1,542 acres and located within the Gulf Islands National Seashore in Jackson County, Mississippi, section 34, township 7 north, range 8 east.

(c) EQUAL VALUE EXCHANGE.—The values of the parcels of real property to be exchanged under this section are deemed to be equal.

(d) PAYMENT OF COSTS OF CONVEYANCE.—The Secretary shall require the Post to pay all costs incurred by the Secretary, to carry out the land exchange under this section, including survey costs, costs related to environmental documentation, and any other administrative costs, related to the land exchange. If amounts are collected from the Secretary in advance of the Secretary incurring the actual costs and the amount collected exceeds the costs actually incurred by the Secretary to carry out the land exchange, the Secretary shall refund the excess amount to the Post.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of property to be
exchanged under this section shall be determined by surveys satisfactory to the Secretary and the Post.

(f) CONVEYANCE AGREEMENT.—The exchange of real property under this section shall be accomplished using a quit claim deed or other legal instrument and upon terms and conditions mutually satisfactory to the Secretary and the Post, including public and additional terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

(g) TREATMENT OF ACQUIRED LAND.—Land and interests in land acquired by the United States under subsection (b) shall be administered by the Secretary as part of the Gulf Islands National Seashore.

(h) PART OF LENT TO BOUNDARY.—Upon completion of the land exchange under this section, the Secretary shall modify the boundary of the Gulf Islands National Seashore to reflect such land exchange.

TITLE XXIV—KOREAN WAR VETERANS MEMORIAL WALL OF REMEMBRANCE ACT

SEC. 24001. SHORT TITLE.

This title may be cited as the “Korean War Veterans Memorial Wall of Remembrance Act of 2016”.

SEC. 24002. WALL OF REMEMBRANCE.

Section 1 of the Act titled “An Act to authorize the Secretary of the Interior to construct the Korean War Veterans Memorial Wall of Remembrance in Washington, D.C., and for other purposes” (Public Law 99-572, 100 Stat. 2857) is amended by inserting “as generally depicted on the map or legal description filed under subsection (a) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any clerical or typographical errors in the map or legal description.”

SEC. 24003. DISPOSITION OF PROCEEDS.

(a) USE.—Amounts deposited under paragraph (1) shall be available to the Secretary for purposes of the Korean War Veterans Memorial Wall of Remembrance.

(b) PROHIBITIONS.—(1) EXCEPTED SOURCES.—Amounts derived from any sale or exchange conducted under the authority of paragraph (4), (5), or (6) of section 3 shall be deposited in the fund established by Public Law 90–171 (commonly known as the Korean War Veterans Memorial Fund).

(2) USE.—Amounts deposited under paragraph (1) shall be available to the Secretary for purposes of the Korean War Veterans Memorial Wall of Remembrance.

(c) DISPOSITION OF PROCEEDS.—(1) DEPOSIT IN SAVINGS FUND.—The proceeds derived from any sale or exchange conducted under the authority of paragraph (4), (5), or (6) of section 3 shall be deposited in the fund established by Public Law 90–171 (commonly known as the Korean War Veterans Memorial Fund).

(2) USE.—The proceeds derived from any sale or exchange conducted under the authority of paragraph (1) shall be used by the Secretary to construct the Korean War Veterans Memorial Wall of Remembrance.”

SEC. 24004. WAIVER OF FEDERAL TAXES.

The Secretary shall waive Federal taxes on amounts derived from any sale or exchange conducted under the authority of paragraph (4), (5), or (6) of section 3.

SEC. 24005. REGULATIONS.

The Secretary shall promulgate such regulations as are necessary to carry out the provisions of this title.

SEC. 24006. ADMINISTRATION.

(a) IN GENERAL.—(1) EXCEPTED SOURCES.—Amounts derived from any sale or exchange conducted under the authority of paragraph (4), (5), or (6) of section 3 shall be used to establish and operate the Korean War Veterans Memorial Wall of Remembrance.

(b) MODIFICATION OF BOUNDARY.—Upon completion of the land exchange under this section, the Secretary shall modify the boundary of the Gulf Islands National Seashore to reflect such land exchange.

TITLE XXV—NATIONAL FOREST SMALL TRACTS ACT AMENDMENTS ACT

SEC. 25001. SHORT TITLE.

This title may be cited as the “National Forest Small Tracts Act Amendments Act of 2015”.

SEC. 25002. ADDITIONAL AUTHORITY FOR SALE OR EXCHANGE OF SMALL PARCELS OF NATIONAL FOREST SYSTEM.

(a) INCREASE IN MAXIMUM VALUE OF SMALL PARCELS.—Section 3 of Public Law 97–465 (commonly known as the Small Tracts Act; 16 U.S.C. 521e) is amended in the matter preceding paragraph (1) by striking “$150,000” and inserting “$300,000”.

(b) ADDITIONAL CONVEYANCE PURPOSES.—Section 3 of Public Law 97–465 (16 U.S.C. 521e) is further amended—

(1) in the matter preceding paragraph (1), by striking “which are” and inserting “which involve any one of the following”;

(2) in paragraph (1)—

(A) by striking “packages” and inserting “packages”;

(B) by striking the semicolon at the end and inserting a period;

(C) by inserting “; and” at the end of paragraph (1); and

(D) by striking “(2) Parcels of 40 acres or less which are not eligible for conveyance under paragraph (2)”.

(3) in paragraph (2)—

(A) by striking “parcels” the first place it appears and inserting “Parcels”; and

(B) by striking “; or” at the end and inserting a period;

(C) by striking “Road” and inserting “Road”;

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

“(4) Parcels of 40 acres or less which are not eligible for conveyance under paragraph (2), but which are encroached upon by permanent habitation or improvements for which there is no evidence that the encroachment was intentional or negligent.”

(4) by adding at the end the following new subsection:

“(c) DISPOSITION OF PROCEEDS.—(1) DEPOSIT IN SAVINGS FUND.—The net proceeds derived from any sale or exchange conducted under the authority of paragraph (4), (5), or (6) of section 3 shall be deposited in the fund established by Public Law 90–171 (commonly known as the Sisk Act; 16 U.S.C. 484a).

(2) USE.—The Secretary shall deposit in the Sisk Act fund amounts derived from any sale or exchange conducted under the authority of paragraph (4), (5), or (6) of section 3 to construct and operate the National Forest Small Tracts Program.

(3) USE.—Amounts deposited under paragraph (1) shall be available to the Secretary for purposes of the National Forest Small Tracts Program.

(4) MODIFICATION OF BOUNDARY.—(A) The Secretary shall modify the boundary of the National Forest System in that State or other deferred maintenance activity that is carried out on the National Forest System in that State or other deferred maintenance activity that is carried out on the National Forest System in that State that is authorized by the Secretary or legal description.

(B) the number of members of the Armed Forces of the United States who died in theatre in the Korean War;

(C) the number of members of the Armed Forces of the United States who served in the Korean War;

(D) were prisoners of war.


(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

SEC. 25004. COUNCIL CREEK LAND.

(a) IN GENERAL.—Subject to valid existing rights, including rights-of-way, all right, title, and interest of the United States in and to the Council Creek land, including any improvements located on the land, appurtenances to the land, and minerals on or in the land, including oil and gas, shall be—

(1) held in trust by the United States for the benefit of the Tribe; and

(2) part of the reservation of the Tribe.

(b) SURVEY.—Not later than 1 year after the date of enactment of this Act, the Secretary shall conduct a survey of the boundary lines to establish the boundaries of the land taken into trust under subsection (a).

SEC. 25005. MAP AND LEGAL DESCRIPTION.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of the Council Creek land with—

(1) the Committee on Energy and Natural Resources of the Senate; and

(2) the Committee on Natural Resources of the House of Representatives.

(b) FORCE AND EFFECT.—The map and legal description filed under subsection (a) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any clerical or typographical errors in the map or legal description.

(c) PUBLIC AVAILABILITY.—The map and legal description filed under subsection (a) shall be on file and available for public inspection in the Office of the Secretary.

SEC. 25006. ADMINISTRATION.

(a) IN GENERAL.—(1) EXPORTS OF UNPROCESSED LOGS.—Federal law (including regulations) relating to the export of unprocessed logs hauled from Federal land shall apply to any unprocessed logs that are harvested from the Council Creek land.

(2) NON-PERMISSIBLE USE OF LAND.—Any real property taken into trust under section 26013 shall not be eligible, or used, for any gaming activity that is carried out under Public Law 101–471 (25 U.S.C. 2701 seq.).

(3) FOREST MANAGEMENT.—Any forest management activity that is carried out on the Council Creek land shall be managed in accordance with all applicable Federal laws.

SEC. 25007. LAND RECLASIFICATION.

(a) IDENTIFICATION OF OREGON AND CALIFORNIA RAILROAD GRANT LAND.—Not later than 180 days after the date of enactment of this Act, the Secretary shall identify public domain land in the State of Oregon and California Railroad grant land that is held in trust by the United States for the benefit of the Tribe under section 26013.

(b) IDENTIFICATION OF PUBLIC DOMAIN LAND.—Not later than 18 months after the date of enactment of this Act, the Secretary shall identify public domain land in the State of Oregon that—

(1) is approximately equal in acreage and condition as the Oregon and California Railroad grant land identified under subsection (a); and

(2) is located in the vicinity of the Oregon and California Railroad grant land.

(c) MAPS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress and publish in the Federal Register one or more maps depicting the land identified in subsections (a) and (b).

(d) RECLASSIFICATION.—

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May 25, 2016
Subtitle B—Coquille Forest Fairness

SEC. 26033. MAP AND LEGAL DESCRIPTION.

Section 5(d) of the Coquille Restoration Act (25 U.S.C. 715c(d)) is amended—

(1) by striking paragraph (5) and inserting the following:

"(5) MANAGEMENT.—

"(A) IN GENERAL.—Subject to subparagraph (B), the Secretary, acting through the Assistant Secretary for Indian Affairs, shall manage the Coquille Forest in accordance with the laws pertaining to the management of Indian trust land.

"(B) ADMINISTRATION.—

"(i) UNPROCESSED LOGS.—Unprocessed logs harvested from the Coquille Forest shall be subject to the same case law reforms that are applied to the federal lands which are managed according to competitive bidding practices, with sales being awarded to the highest responsible bidder; 

"(ii) SALES OF TIMBER.—Notwithstanding any other provision of law, all sales of timber from land subject to this subsection shall be advertised, and offered to the public, consistent with competitive bidding practices, with sales being awarded to the highest responsible bidder.

(b) by striking paragraph (9); and

(c) by adding at the end the following:

"(10) IN GENERAL.—After providing an opportunity for public comment, the Secretary shall complete a survey of the boundary lines to establish the boundaries of the land taken into trust under section 26033.

(2) NON-PERMISSIBLE USE OF LAND.—Any real property taken into trust under section 26033 shall not be eligible, or used, for any gaming activity carried out under Public Law 100–497 (25 U.S.C. 2701 et seq.).

(c) LAWS APPLICABLE TO COMMERCIAL FISHERIES.—Any commercial fishing activity that is carried out on the Oregon Coastal land taken into trust under section 26033 shall be managed in accordance with all applicable Federal laws.

(d) AGREEMENTS.—The Confederated Tribes shall consult with the Secretary and other parties as necessary to develop agreements to provide for—

(1) honoring existing reciprocal right-of-way agreements;

(2) administrative access by the Bureau of Land Management; and

(3) management of the Oregon Coastal lands (that are acquired or developed under chapter 203 of title 54, United States Code (commonly known as the Reclamation and Water Conservation Investment Fund Act of 1965)), consistent with section 203(d) of that title.

(e) LAND USE PLANNING REQUIREMENTS.—Except as provided in section (c), once the Oregon Coastal land is taken into trust under section 26033, the land shall not be subject to the land use planning requirements of the Federal law.

SEC. 26034. LAND RECLASSIFICATION.

(a) IDENTIFICATION OF OREGON AND CALIFORNIA RAILROAD GRANT LAND.—Not later than 180 days after the date of enactment of this Act, the Secretary shall identify any Oregon and California Railroad grant land that is held in trust by the United States for the benefit of the Confederated Tribes under section 26033.

(b) IDENTIFICATION OF PUBLIC DOMAIN LAND.—Not later than 18 months after the date of enactment of this Act, the Secretary shall identify public domain land in the State of Oregon that—

(1) is approximately equal in acreage and condition as the Oregon and California Railroad grant land identified under subsection (a); and

(2) is located in the vicinity of the Oregon and California Railroad grant land.

(c) MAPS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall publish and make available a map depicting the land identified in subsections (a) and (b).

(d) RECLASSIFICATION.—

(1) IN GENERAL.—After providing an opportunity for public comment, the Secretary shall reclassify the land identified in subsection (b) as Oregon and California Railroad grant land.

(2) APPLICABILITY.—The Act of August 28, 1937 (43 U.S.C. 1181a et seq.) and any other provisions of law relating to land reclassified as Oregon and California Railroad grant land under paragraph (1).
and biennially thereafter, the Director shall prepare, in consultation with relevant stakeholders, and submit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Natural Resources of the Senate a light source leadership strategy that—

(A) identifies, prioritizes, and describes plans for the construction, and operation of light sources over the next decade;

(B) describes plans for optimizing management and use of existing light source facilities; and

(C) describes the international outlook for light source user facilities and describes plans for United States cooperation in such projects.

(3) ADVANCED SCIENTIFIC COMPUTING RESEARCH SYSTEM.—Not later than 45 days after submission of the strategy described in paragraph (2), the Basic Energy Sciences Advisory Committee to the Director, the Committee on Science, Space, and Technology of the House of Representatives, and the Committee on Energy and Natural Resources of the Senate shall provide the Director, the Committees, and the Advisory Committee with the strategy.

(4) ANNUAL STATUS REPORT.—The Director shall annually submit to Congress an annual report that describes plans for optimizing management and use of existing light source facilities and describes plans for United States cooperation in such projects.

SEC. 502. ADVANCED SCIENTIFIC COMPUTING RESEARCH.—The Secretary shall carry out research and development on advanced computer and computing technologies, applications, and architectures for the development of high-end computing systems and to advance scientific and engineering problems.

(a) FUNDING.—The Secretary shall—

(1) provide, on a competitive, merit-reviewed basis, access for researchers in United States industry, institutions of higher education, National Laboratories, and other Federal agencies to these exascale systems, as appropriate; and

(2) conduct outreach programs to increase the readiness for the use of such platforms by domestic industries, including manufacturers.

(b) REPORTS.—(A) INTEGRATED STRATEGY AND PROGRAM MANAGEMENT PLAN.—The Secretary shall submit to Congress, not later than 18 months after the date of enactment of the America COMPETES Reauthorization Act of 2015, a report outlining an integrated strategy and program management plan, including target dates for prototypical and production exascale platforms, interim milestones to reaching these targets, functional requirements, roles and responsibilities of National Laboratories and industry, acquisition strategy, and estimated resources required to achieve this exascale system capability. The report shall include the Secretary’s plan for the Department to manage and execute the Exascale Computing Program, including definition of the roles and responsibilities within the Department to ensure an integrated program across the Department. The report shall also include a plan for ensuring balance and prioritizing across ASCR subprograms in a flat or slow-growth budget environment.

SEC. 504. HIGH ENERGY PHYSICS.

(a) PROGRAM.—The Director shall carry out a research program on the fundamental constitutents of matter and energy and the nature of space and time.

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

(1) the Director should incorporate the findings and recommendations of the Particle Physics Project Prioritization Panel’s report entitled “Building for Discovery: Strategic Plan for U.S. Particle Physics in the Global Context”, into the Department’s planning process as part of the program described in subsection (a); that the Director should prioritize domestically hosted research projects that will maintain the United States position as a global leader in particle physics and attract the world’s most talent and investment for international collaboration; and

(2) the nations that lead in particle physics by hosting international teams dedicated to a competitive research program should be best placed to lead and inspire future generations of physicists and technologists.
(c) NEUTRINO RESEARCH.—As part of the program described in subsection (a), the Director shall carry out research activities on the nature of the neutrino, which may include cooperation with the National Science Foundation or international collaborations.  

(d) DARK ENERGY AND DARK MATTER RESEARCH.—As part of the program described in subsection (a), the Director shall carry out research activities on the nature of dark energy and dark matter, which may include collaborations with the National Aeronautics and Space Administration or the National Science Foundation, or international collaborations.

(e) INTERGOVERNMENTAL RESEARCH AND DEVELOPMENT.—The Director shall carry out research and development in advanced accelerator concepts and technologies, including laser technologies, to reduce the necessary scope and cost for the next generation of particle accelerators. The Director shall ensure access to national laboratory accelerators, infrastructure, and technology for users and developers of accelerators that advance applications in energy and the environment, medicine, industry, national security, and other Federal agencies.

(f) INTERNATIONAL COLLABORATION.—The Director, as practicable and in coordination with other Federal agencies and in accordance with section 302 of the National Science Foundation Act, shall ensure that no Federal agency participates in funding or supporting research to the most advanced accelerator facilities and research capabilities in the world, including the Large Hadron Collider.

SEC. 505. BIOLOGICAL AND ENVIRONMENTAL RESEARCH.

(a) PROGRAM.—The Director shall carry out a program of research, development, and demonstration in the areas of biological systems science and climate and environmental science to support the energy and environmental missions of the Department.

(b) PRIORITY RESEARCH.—In carrying out this section, the Director shall prioritize fundamental research on biological systems and genomes to develop the greatest potential to enable scientific discovery.

(c) ASSESSMENT.—Not later than 12 months after the date of enactment of this Act, the Comptroller General shall submit a report to Congress identifying climate science-related initiatives under this section that overlap or duplicate initiatives of other Federal agencies and the extent of such overlap or duplication.

(d) LIMITATION.—The Director shall not approve new climate science-related initiatives to be carried out by the Office of Science without making a determination that such work is unique and not duplicative of work by other Federal agencies. Not later than 3 months after receipt of any request under subsection (c), the Director shall cease those climate science-related initiatives identified in the assessment as overlapping or duplicative, unless the Director justifies that such work is critical to achieving American energy security.

(e) LOW DOSE RADIATION RESEARCH PROGRAM.—

(I) GENERAL.—The Director of the Department of Energy Office of Science shall carry out a research program on low dose radiation with the purpose of improving understanding of and reducing uncertainties associated with the effects of exposure to low dose radiation in order to inform improved risk management methods.

(2) STUDY.—Not later than 60 days after the date of enactment of this Act, the Director shall enter into an agreement with the National Academies to conduct a study assessing the current status and development of a long-term strategy for low dose radiation research. Such study shall be completed not later than 18 months after the date of enactment of this Act. The study shall be conducted in coordination with Federal agencies that perform ionizing radiation research and shall leverage the most current studies in this field. Such study shall—

(A) identify current scientific challenges for understanding the long-term effects of ionizing radiation;

(B) assess the status of current low dose radiation research in the United States and internationally;

(C) formulate overall scientific goals for the future of low-dose radiation research in the United States;

(D) recommend a long-term strategic and prioritized research agenda to address scientific research goals for overcoming the identified scientific challenges in coordination with other research efforts;

(E) define the essential components of a research program that would address this research agenda within universities and the National Laboratories;

(F) assess the cost-benefit effectiveness of such a program.

(3) RESEARCH PLAN.—Not later than 90 days after the completion of the study performed under paragraph (2) the Secretary of Energy shall deliver to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a 5-year research plan that responds to the study's findings and recommendations and identifies priorities research needs.

(4) DEFINITION.—In this subsection, the term 'low dose radiation' means a radiation dose of less than 100 milliroentgen.

(5) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to subject any research carried out by the Director under the research program under this subsection to any limitations described in section 977(e) of the Energy Policy Act of 2005 (42 U.S.C. 16317(e)).

SEC. 506. FUSION ENERGY.

(a) PROGRAM.—The Director shall carry out a fusion energy sciences research program to expand the fundamental understanding of plasmas and matter at very high temperatures and densities to build the scientific foundation necessary to enable fusion power.

(b) FUSION MATERIALS RESEARCH AND DEVELOPMENT.—As part of the activities authorized in section 978 of the Energy Policy Act of 2005 (42 U.S.C. 16316—)

(1) the Director, in coordination with the Assistant Secretary for Nuclear Energy of the Department of Energy, shall—

(A) assess the potential for any fusion energy systems to be carried out by the Office of Science without making a determination that such work is unique and not duplicative of work by other Federal agencies. Not later than 3 months after receipt of any request under subsection (c), the Director shall cease those climate science-related initiatives identified in the assessment as overlapping or duplicative, unless the Director justifies that such work is critical to achieving American energy security.

(B) provide an assessment of the need for a facility or facilities that can examine and test potential fusion materials and other enabling technologies relevant to the development of fusion power; and

(C) provide an assessment of whether a new facility or facilities to substantially address magnetic fusion and next generation fusion materials research needs is feasible, in conjunction with the expected capabilities of facilities operated by the Department of Energy.

(3) RESEARCH PLAN.—Not later than 90 days after the completion of the study performed under paragraph (2)(A), the Secretary shall—

(A) identify current scientific challenges for understanding the long-term effects of ionizing radiation;

(i) the most recent schedule for ITER that has been approved by the ITER Council; and

(ii) progress of the ITER Council and the ITER Director General toward implementation of the Biennial International Organization Management Assessment Report.

(B) FAIRNESS IN COMPETITION FOR SOLICITATIONS FOR INTERNATIONAL PROJECT ACTIVITIES.—Section 33 of the Atomic Energy Act of 1954 (42 U.S.C. 2055) is amended by adding at the end of subsection (a)—

"For purposes of this subsection, with respect to international research projects, the term 'private facilities or laboratories' shall refer to facilities or laboratories located in the United States."

(C) SENSE OF CONGRESS.—It is the sense of Congress that the United States should support a robust, diverse fusion program. It is further the sense of Congress that developing the scientific basis for fusion, providing research results key to the success of ITER, and training the next generation of fusion scientists of the United States shall not be diminished by participation of the United States in the ITER project.

(D) INERTIAL FUSION ENERGY RESEARCH AND DEVELOPMENT.—The Secretary shall carry out a program of research and technology development in inertial fusion for energy applications, including ion beam, laser, and pulsed power fusion systems.

(e) ALTERNATIVE AND ENABLING CONCEPTS.—

(1) IN GENERAL.—As part of the program described in subsection (a), the Director shall support research and development activities and facility operations at United States universities, national laboratories, and private facilities for a portfolio of alternative fusion energy concepts that may provide solutions to significant challenges to the establishment of a commercial magnetic fusion power plant, particularly those that developing the United States to play a leadership role in the international fusion research community. Fusion energy concepts and activities explored under this paragraph may include—

(A) high magnetic field approaches facilitated by high temperature superconductors;

(B) advanced stellarator concepts;

(C) non-tokamak configurations operating at low magnetic fields;

(D) magnetized target fusion energy concepts; and

(E) advanced materials and metals to address issues associated with fusion plasma interactions with the inner wall of the encasing device;

(F) immersion blankets for heat management and fuel breeding;

(G) advanced scientific computing activities; and

(H) other promising fusion energy concepts identified by the Director.

(2) COORDINATION WITH ARPA-E.—The Under Secretary and the Director shall coordinate with the Director of the Advanced Research Projects Agency–Energy (in this paragraph referred to as "ARPA-E") to—

(A) assess the potential for any fusion energy project supported by ARPA-E to represent a promising approach to a commercially viable fusion power plant;

(B) determine whether the results of any fusion energy project supported by ARPA-E merit the support of follow-on research activities carried out by the Office of Science; and

(C) avoid unintentional duplication of activities.

(f) GENERAL PLASMA SCIENCE AND APPLICATIONS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall provide to Congress an assessment of opportunities in which the United States can provide world-leading contributions to advancing plasma science and non-fusion energy applications, and identify opportunities for partnering with other Federal agencies both within and outside of the Department of Energy.

(g) IDENTIFICATION OF PRIORITIES.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report on the Department's proposed fusion energy research and development activities for the next 10 years under at least 3 realistic budget scenarios, including a scenario based on 3 percent annual
growth in the non-ITER portion of the budget for fusion energy research and development activities. The report shall—
(A) identify specific areas of fusion energy research, science, and technology development in which the United States can and should establish or solidify a lead in the global fusion energy development effort;
(B) identify priorities for initiation of facility construction and facility decommissioning under each of those scenarios; and
(C) assess the ability of the United States fusion user force to carry out the activities identified in subparagraphs (A) and (B), including the adequacy of college and university programs to train the leaders and workers of the next generation of fusion researchers.

SEC. 508. SCIENCE LABORATORIES INFRASTRUCTURE PROGRAM.

(1) PROGRAM.—The Director shall carry out a program for the production of isotopes, including the development of techniques to produce isotopes, that the Secretary determines are needed for research, medical, industrial, or other purposes. In making this determination, the Secretary shall—

(a) PROGRAM.—The Director shall carry out a program for the production of isotopes, and shall—

(b) CROSSCUTTING APPROACHES.—To the maximum extent practicable, the Secretary shall seek to leverage existing programs, and consolidate and coordinate activities, throughout the Department to promote collaboration and cross-cutting approaches with other Federal Government activities; and

(c) ADDITIONAL ACTIVITIES.—The Secretary shall—

(A) prioritize activities that promote the utilization of all affordable domestic resources;

(B) develop a rigorous and realistic planning, evaluation, and technical assessment framework for setting objective, long-term strategic goals and evaluating progress that ensures the integrity and independence to insulate planning from political influence and the flexibility to adapt to market dynamics;

(C) identify innovations and opportunities for collaborative research, development, demonstration, and commercial applications designed to meet the needs of the United States, industry, nongovernmental organizations, institutions of higher education, or other stakeholders.

SEC. 602. STRATEGIC RESEARCH PORTFOLIO ANALYSIS AND COORDINATION PLAN.

(a) IN GENERAL.—The Secretary shall—

(b) COORDINATION ANALYSIS AND PLAN.—As part of the annual review under the strategic framework that takes into account the frontiers of science to which the Department can contribute, and the national needs relevant to the Department’s statutory missions, and global energy dynamics.

(c) PLAN CONTENTS.—The plan shall describe—

(a) the terms and the term “Director” means the Director of the Department, and the term “Secretary” means the Secretary of Energy.

TITLE VI—DEPARTMENT OF ENERGY APPLIED RESEARCH AND DEVELOPMENT

Subtitle A—Crosscutting Research and Development

SEC. 601. CROSSCUTTING RESEARCH AND DEVELOPMENT.

(a) CROSSCUTTING RESEARCH AND DEVELOPMENT.—The Secretary shall, through the Under Secretary for Science, and in consultation with the Office of Science, establish a framework that takes into account the frontiers of science to which the Department can contribute, and the national needs relevant to the Department’s statutory missions, and global energy dynamics.

(b) COORDINATION ANALYSIS AND PLAN.—As part of the annual review under the strategic framework that takes into account the frontiers of science to which the Department can contribute, and the national needs relevant to the Department’s statutory missions, and global energy dynamics.

(c) PLAN CONTENTS.—The plan shall describe—
SEC. 603. STRATEGY FOR FACILITIES AND INFRASTRUCTURE.

(a) AMENDMENTS.—Section 993 of the Energy Policy Act of 2005 (42 U.S.C. 16357) is amended—

(1) by amending the amendment reading as follows—

"STRATEGY FOR FACILITIES AND INFRASTRUCTURE"; and

(2) in subsection (b)(1), by striking "2008" and inserting "2016".

(b) CONSORTIA.—

(1) TECHNOLOGY DEVELOPMENT FOCUS.—The Secretary shall establish and operate a Hub under this section, acting through a prime applicant, shall transmit to the Secretary an application at such time, in such form, and accompanied by such information as the Secretary shall require, including a comprehensive description of the elements of the consortium agreement required under paragraph (1)(B). If the consortium members will not be located at one centralized location, such application shall include a communications plan that ensures coordination and integration of the Hub's activities.

(c) SELECTION AND SCHEDULE.—The Secretary shall select consortia for awards for the establishment of hubs through award of competitive selection processes. In selecting consortia, the Secretary shall consider the information a consortium must disclose according to subpart B, as well as any existing facilities in a consortium will provide for Hub activities. Awards made to a Hub shall be for a period not to exceed 5 years, subject to the availability of appropriations. A Hub may be renewed, subject to a rigorous merit review. A Hub already in existence on the date of enactment of this Act may continue to receive support for a period of 5 years, subject to the availability of appropriations, beginning on the date of establishment of that Hub.

(d) HUB OPERATIONS.—

(1) IN GENERAL.—Each Hub shall conduct or provide for multidisciplinary, collaborative research, development, and demonstration of advanced energy technologies within the technology development focus designated under section (a)(2). Each Hub shall—

(A) encourage collaboration and communication among the employees of the consortium and awardees by conducting activities whenever practicable at one centralized location;

(B) develop and publish on the Department of Energy's website proposed plans and programs; and

(C) submit an annual report to the Secretary summarizing the Hub's activities, including detailed organizational expenditures, and describing each project undertaken by the Hub; and

(D) monitor project implementation and coordination.

(2) CONFLICTS OF INTEREST.—

(A) PROCEDURES.—Hubs shall maintain conflict of interest procedures, consistent with those of the Department of Energy, to ensure that employees and consortia designees for Hub activities who are in decisionmaking capacities discharge all material conflicts of interest, and avoid such conflicts.

(B) DISQUALIFICATION AND REVOCATION.—The Secretary may disqualify an application or revoke an award made to a Hub if the Secretary discovers a failure to comply with conflict of interest procedures established under subpart (A).

(3) PROHIBITION ON CONSTRUCTION.—

(A) IN GENERAL.—No funds provided pursuant to this section may be used for construction of new buildings or facilities for Hubs. Construction of new buildings or facilities shall not be considered as part of the non-Federal share of a Hub cost-sharing agreement.

(B) TEST BED AND RENOVATION EXCLUSION.—Nothing in this subsection shall prohibit the use of funds provided pursuant to this section, or non-Federal cost share funds, for research or for the construction of a test bed or renovations to existing buildings for the purpose of research if the Secretary determines that the test bed or renovations are limited to a scope and scale necessary for the research to be conducted.

(c) TERMINATION.—Consistent with the existing authorities of the Department, the Secretary may terminate an underperforming Hub for cause during the period.

(d) PROGRAM.—The Secretary shall establish a comprehensive research, development, and demonstration program to ensure the reliability, efficiency, and environmental integrity of electric transmission and distribution systems, which shall include innovations for—

(i) advanced energy technologies, energy storage technologies, energy storage technologies, materials, and systems;
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“(2) advanced grid reliability and efficiency technology development;

“(3) technologies contributing to significant load reductions;

“(4) advanced metering, load management, and control technologies;

“(5) technologies to enhance existing grid components;

“(6) the development and use of high-temperature superconductors to—

“(A) enhance the reliability, operational flexibility, or power-carrying capability of electric transmission or distribution systems; or

“(B) increase the efficiency of electric energy generation, transmission, distribution, or storage systems;

“(7) integration of power systems, including systems to deliver high-quality electric power, electric power reliability, and combined heat and power;

“(8) supply of electricity to the power grid by small scale, distributed, and residential-based power generators;

“(9) the development and use of advanced grid design, operation, and planning tools;

“(10) technologies to enhance security for electrical transmission and distribution systems; and

“(11) any other infrastructure technologies, as appropriate.”; and

“(3) by redesigning subsection (c) to read as follows:

“(c) IMPLEMENTATION.—

“(1) CONSORTIUM.—The Secretary shall con-

side implementing the program under this sec-

tion using agreement participants from in-

dustry, institutions of higher education, and

National Laboratories.

“(2) OBJECTIVES.—To the maximum extent practicable the Secretary shall seek to—

“(A) leverage existing programs;

“(B) consolidate and coordinate activities, through the Department to promote collabora-

tion and crosscutting approaches;

“(C) ensure activities are undertaken in a manner that does not duplicate other activities within the Department or other Federal Government

activities; and

“(D) identify programs that may be more effec-

tively left to the States, industry, nongovern-

mental organizations, institutions of higher education, or other stakeholders.”;

(b) TABLE OF CONTENTS AMENDMENT.—The item relating to section 925 in the table of con-

tents in the Energy Policy Act of 2005 is amend-
ed to read as follows:

“Sec. 925. Electric transmission and distribution research and development.”.

Subtitle C—Nuclear Energy Research and Development

SEC. 621. OBJECTIVES.

Section 951 of the Energy Policy Act of 2005 (42 U.S.C. 16271) is amended—

(1) by amending subsection (a) to read as follows:

“(a) IN GENERAL.—The Secretary shall con-

duct programs of civilian nuclear energy re-

search, development, demonstration, and com-

mercial application, including activities de-

scribed in this subtitle. Such programs shall take into consideration the following objectives:

“(1) Enhancing nuclear power’s viability as part of the United States energy portfolio.

“(2) Reducing used nuclear fuel and nuclear waste products generated by civilian nuclear energy.

“(3) Supporting technological advances in areas that industry by itself is not likely to un-

dertake because of technical and financial un-

certainty.

“(4) Providing the technical means to reduce the likelihood of nuclear proliferation.

“(5) Maintaining a cadre of nuclear scientists and engineers.

“(6) Convening National Laboratory and university nuclear programs, including their in-

frastructure.

“(7) Supporting both individual researchers and multidisciplinary teams of researchers to pioneer new approaches in nuclear energy, science, and technology.

“(8) Developing, planning, constructing, acquiring, and operating special equipment and facil-

ities for the use of researchers.

“(9) Supporting technology transfer and other appropriate activities within the nuclear energy industry, and other users of nuclear science and engineering, including activities ad-

ressing reliability, availability, productivity, component aging, safety, and security of nuclear power plants.

“(10) Reducing the environmental impact of nuclear energy-related activities.

“(11) Identifying and developing technologies and processes to meet Federal and State require-

ments and standards for nuclear power sys-

tems.

“(2) by striking subsections (b) through (a); and

“(3) by redesigning subsection (e) as subsection (c).”.

SEC. 622. PROGRAM OBJECTIVES STUDY.

Section 951 of the Energy Policy Act of 2005 (42 U.S.C. 16271) is further amended by adding at the end the following new subsection:

“(c) PROGRAM OBJECTIVES STUDY.—In fur-

therance of the program objectives listed in sub-

section (a) of this section, the Government Ac-

countability Office shall, within 1 year after the date of enactment of this subsection, transmit to the Congress a report on the results of a study on the technical and scientific merit of major Federal and State requirements and standards, including moratoria, that delay or impede the further development and commercialization of nuclear power, and how the Department can as-

sist in overcoming such delays or impediments.”.

SEC. 623. NUCLEAR ENERGY RESEARCH AND DEVELOPMENT PROGRAMS.

Section 952 of the Energy Policy Act of 2005 (42 U.S.C. 16272) is amended by striking sub-

sections (c) through (e) and inserting the fol-

lowing:

“(c) REACTOR CONCEPTS.—

“(1) IN GENERAL.—The Secretary shall carry out a program of research, development, dem-

onstration, and commercial application to ad-

vance nuclear power systems as well as tech-

nologies to sustain currently deployed systems.

“(2) DESIGNS AND TECHNOLOGIES.—In con-

ducting the program under this subsection, the Secretary shall examine advanced reactor de-

signs and nuclear technologies, including those that—

“(I) have higher efficiency, lower cost, and improved safety compared to reactors in oper-

ation as of the date of enactment of the America COMPETES Reauthorization Act of 2013;

“(II) utilize passive safety features;

“(III) minimize proliferation risks;

“(IV) substantially reduce production of high-

level waste;

“(V) increase the life and sustainability of re-

actor systems currently deployed;

“(VI) use improved instrumentation;

“(VII) are capable of producing large-scale quantities of hydrogen or process heat;

“(VIII) minimize water usage or use alternatives to water as a cooling mechanism; or

“(IX) use nuclear energy as part of an inte-

grated energy system.

“(3) INTERNATIONAL COOPERATION.—In car-

rying out the program under this subsection, the Secretary shall seek opportunities to enhance the progress of the program through inter-

national cooperation through such organiza-

tions as the Generation IV International Forum or any other international collaboration the Secretary considers appropriate.

“(4) EXCEPTIONS.—No funds authorized to be apportioned to carry out the activities de-

scribed in this subsection shall be used to fund the activities authorized under sections 641 through 645.”.

SEC. 624. SMALL MODULAR REACTOR PROGRAM.

Section 952 of the Energy Policy Act of 2005 (42 U.S.C. 16272) is further amended by adding after the end the following new subsection:

“(d) SMALL MODULAR REACTOR PROGRAM.—

“(1) IN GENERAL.—The Secretary shall carry-

out a small modular reactor program to promote research, development, demonstration, and com-

mercial application of small modular reactors, including through cost-shared projects for com-

mercial application of reactor systems designs.

“(2) CONSULTATION.—The Secretary shall con-

sult with and use the expertise of the Sec-

retary of the Navy in establishing and carrying out such program.

“(3) ADDITIONAL ACTIVITIES.—Activities may also include development of advanced computer modeling and simulation tools, by Federal and nongovernmental entities, for the design and validation of new design capabilities of innovative small modular reactor designs.

“(4) DEFINITION.—For the purposes of this subsection, the term ‘small modular reactor’ means a nuclear reactor meeting generally accepted industry standards—

“(A) with a rated capacity of less than 300 electrical megawatts;

“(B) with respect to which most parts can be factory assembled and shipped as modules to a reactor plant site for assembly; and

“(C) that can be constructed and operated in combination with similar reactors at a single plant site.”.

SEC. 625. FUEL CYCLE RESEARCH AND DEVELOPMENT.

Section 953 of the Energy Policy Act of 2005 (42 U.S.C. 16273) is amended—

(1) in the section heading by striking “ADVANCED FUEL CYCLE INITIATIVE” and inserting “FUEL CYCLE RESEARCH AND DEVELOPMENT”;

“(2) by striking subsection (a); and

“(3) by redesigning subsections (b) through (f) as subsections (d) through (f), respectively, and

“(4) by inserting before subsection (d), as so re-

designated by paragraph (3) of this subsection, the following new subsections:

“(a) IN GENERAL.—The Secretary shall con-

duct a fuel cycle research, development, demon-

stration, and commercial application program (referred to in this section as the ‘program’) on fuel cycle options that improve uranium resource utilization, maximize energy generation, minimize the nuclear waste produced, and increase fuel safety, mitigate risk of proliferation, and improve waste management in support of a national strategy to open nuclear fuel cycle reactor concepts research, development, demonstration, and commercial application program under sec-

tion 952(c).

“(b) FUEL CYCLE OPTIONS.—Under this sec-

tion the Secretary may consider implementing the following initiatives:

“(1) OPEN CYCLE.—Developing fuels, including the use of nonuranium materials and alter-

nate claddings, for use in reactors that increase energy generation, improve safety performance and margins, and minimize the amount of nu-

clear waste produced in an open fuel cycle.

“(2) RECYCLE.—Developing advanced recy-

cling technologies, including advanced reactor concepts to improve efforts to reduce proliferation risks, and minimize radiotoxicity, decay heat, and mass and volume of nuclear waste to the greatest extent possible.

“(3) ADVANCED STORAGE METHODS.—Devel-

oping advanced storage technologies for both onsite and long-term storage that substantially prolong reactor storage de-

vices or that substantially improve upon existing nuclear waste storage technologies and methods, including repositories.

“(4) FAST TEST REACTOR.—Investigating the potential research benefits of a fast test reactor user facility to conduct experiments on fuels and materials related to fuel forms and fuel cy-

cle options, including demonstrating reactor systems designs that will increase fuel utilization, reduce nuclear waste products.
“(5) ADVANCED REACTOR INNOVATION.—Developing an advanced reactor innovation testbed where national laboratories, universities, and industry can address advanced reactor design challenges through the construction and operation of privately funded reactor prototypes to resolve technical uncertainty for United States-based designs for future domestic and international markets.

“(6) OTHER TECHNOLOGIES.—Developing any other technology or initiative that the Secretary determines is likely to advance the objectives of the program.

“(c) ADDITIONAL ADVANCED RECYCLING AND CROSSCUTTING ACTIVITIES.—In addition to and in support of the specific initiatives described in paragraphs (1) through (5) of subsection (b), the Secretary may support the following activities:

“(1) Development and testing of integrated process flow sheets for advanced nuclear fuel recycling processes.

“(2) Research to characterize the byproducts and waste streams resulting from fuel recycling processes.

“(3) Research and development on reactor concepts or transmutation technologies that improve resource utilization or reduce the radiotoxicity of waste streams.

“(4) Research and development on waste treatment processes and separations technologies, advanced waste forms, and quantification of proliferation risks.

“(5) Identification and evaluation of test and experimental facilities necessary to successfully implement fuel cycle initiatives.

“(6) Advancement of fuel cycle-related modeling and simulation capabilities.

“(7) Research to understand the behavior of high-burnup fuels.

“(b) CONFORMING AMENDMENT.—The item relating to section 953 in the table of contents of the Energy Policy Act of 2005 is amended to read as follows:

“Sec. 953. Fuel cycle research and development.”

SEC. 626. NUCLEAR ENERGY ENABLING TECHNOLOGIES PROGRAM.

(a) AMENDMENT.—Subtitle E of title IX of the Energy Policy Act of 2005 (42 U.S.C. 16271 et seq.) is amended by adding at the end the following new section:

“SEC. 956. NUCLEAR ENERGY ENABLING TECHNOLOGIES.

“(a) IN GENERAL.—The Secretary shall conduct or support the integration of activities undertaken through the reactor concepts research, development, demonstration, and commercial application program under section 952(c) and the high-level nuclear waste management program under section 953, and support crosscutting nuclear energy concepts. Activities commenced under this section shall be concentrated on broadly applicable research and development focus areas.

“(b) ACTIVITIES.—Activities conducted under this section may include research involving—

“(1) plutonium-related materials;

“(2) advanced radiation mitigation methods;

“(3) advanced proliferation and security risk assessment methods;

“(4) advanced sensors and instrumentation;

“(5) high performance computing simulation, including multiphysics, multidimensional modeling simulation for nuclear energy systems, and continued development of advanced modeling simulation capabilities through national laboratory, industry, and university partnerships for operational, safety, performance improvements of light water reactors for currently deployed and near-term reactors and advanced reactors and for the development of small modular reactor designs;

“(6) any crosscutting technology or transformative concept aimed at establishing substantial and revolutionary enhancements in the performance of nuclear energy systems that the Secretary considers relevant and appropriate to the purpose of this section.

“(c) REPORT.—The Secretary shall submit, as part of the annual budget submission of the Department, a report on the activities of the program conducted under this section, which shall include a brief evaluation of each activity’s progress.

“(d) CONFORMING AMENDMENT.—The table of contents of the Energy Policy Act of 2005 is amended by inserting in the end of the item for subtitle E of title IX the following new item:

“Sec. 958. Nuclear energy enabling technologies.”

SEC. 627. TECHNICAL STANDARDS COLLABORATION PROGRAM.

(a) IN GENERAL.—The Director of the National Institute of Standards and Technology shall establish a center for technical standards collaboration to facilitate and support, consistent with the National Technology Transfer and Advancement Act of 1995, the development or revision of technical standards for new and existing nuclear power plants and advanced nuclear technologies.

“(b) MEMBERSHIP.—

“(1) IN GENERAL.—The technical standards committee shall include representatives from appropriate Federal agencies and the private sector, and be open to materially affected organizations involved in the development or application of nuclear energy-related standards.

“(2) CO-CHAIRS.—The technical standards committee shall be co-chaired by a representative from the National Institute of Standards and Technology and a representative from a private sector standards organization.

“(c) DUTIES.—The technical standards committee shall—

“(1) perform a needs assessment to identify and evaluate the technical standards that are needed to develop new nuclear power plants and advanced nuclear technologies, including developing the technical basis for regulatory frameworks for advanced reactors;

“(2) formulate, coordinate, and recommend priorities for the development of new technical standards and the revision of existing technical standards to address the needs identified under paragraph (1);

“(3) facilitate and support collaboration and cooperation among standards developers to address the needs and priorities identified under paragraphs (1) and (2);

“(4) as appropriate, coordinate with other national, regional, or international efforts on nuclear energy-related technical standards in order to avoid conflict and duplication and to ensure global compatibility; and

“(5) promote the establishment and maintenance of a database of nuclear energy-related technical standards.

“(d) AUTHORIZATION OF APPROPRIATIONS.—To the extent provided for in advance by appropriations Acts, the Secretary may transfer to the National Institute of Standards and Technology any funds that may be used for unclassified nuclear energy research. The Secretary shall make this database accessible on the Department’s website.

“Subtitle D—Energy Efficiency and Renewable Energy Research and Development

SEC. 641. ENERGY EFFICIENCY.

Section 911 of the Energy Policy Act of 2005 (42 U.S.C. 16191) is amended to read as follows:

“SEC. 911. ENERGY EFFICIENCY.

“(a) OBJECTIVES.—The Secretary shall conduct programs of energy efficiency research, development, demonstration, and commercial application of—

“(1) innovative, affordable technologies to improve the energy efficiency and environmental performance of vehicles, including weight and drag reduction technologies, technologies, modeling, and simulation for increasing vehicle connectivity and automation, and whole-vehicle design optimization;

“(2) cost-effective technologies, for new construction and existing nuclear power plants and advanced nuclear technologies.

“(3) advanced nuclear technologies; and

“(4) technologies to improve the energy efficiency of appliances and mechanical systems for buildings in extreme climates, including cogeneration, trigeneration, and polygeneration units.

“(5) advanced battery technologies; and

“(6) fuel cell and hydrogen technologies.

“SEC. 642. NEXT GENERATION LIGHTING INITIATIVE.

Section 912 of the Energy Policy Act of 2005 (42 U.S.C. 16192) and the item relating thereto in the table of contents of that Act are repealed.

“SEC. 643. BUILDING STANDARDS.

Section 914 of the Energy Policy Act of 2005 (42 U.S.C. 16194) is amended by striking subsection (a) and—

“SEC. 644. SECONDARY ELECTRIC VEHICLE BATTERY USE PROGRAM.

Section 915 of the Energy Policy Act of 2005 (42 U.S.C. 16195) and the item relating thereto in the table of contents of that Act are repealed.

“SEC. 645. NETWORK FOR MANUFACTURING INNOVATION PROGRAM.

To the extent provided for in advance by appropriations Acts, the Secretary may transfer to the National Institute of Standards and Technology—up to $150,000,000 for the period beginning on September 30, 2015, and ending on September 30, 2016, for the purposes described in this section, to carry out the Network for Manufacturing Innovation Program authorized under section 34 of the National Institute of Standards and Technology Act (15 U.S.C. 276a).
SEC. 647. RENEWABLE ENERGY.

Section 931 of the Energy Policy Act of 2005 (42 U.S.C. 16231) is amended to read as follows:

"(A) SOLAR ENERGY.—The Secretary shall conduct a program of research, development, demonstration, and commercial application for solar energy, including innovations in—

"(i) photovoltaics;

"(ii) solar heating;

"(iii) concentrating solar power;

"(iv) lighting systems that integrate sunlight and electrical lighting in complement to each other; and

"(v) development of technologies that can be easily integrated into new and existing buildings.

"(B) WIND ENERGY.—The Secretary shall conduct a program of research, development, demonstration, and commercial application for wind energy, including innovations in—

"(i) low speed wind energy;

"(ii) testing and verification technologies;

"(iii) distributed wind energy generation; and

"(iv) transformational technologies for harnessing wind energy.

"(C) GEOTHERMAL.—The Secretary shall conduct a program of research, development, demonstration, and commercial application for geothermal energy-related technologies.

"(i) improving detection of geothermal resources;

"(ii) decreasing drilling costs,

"(iii) decreasing maintenance costs through improved materials;

"(iv) increasing the potential for other revenue sources, such as mineral production; and

"(v) increasing the understanding of reservoir life cycle and management.

"(D) HYDROPOWER.—The Secretary shall conduct a program of research, development, demonstration, and commercial application for technologies that enable the development of new and incremental hydro power capacity, including—

"(i) Advanced technologies to enhance environmental performance and yield greater energy efficiencies.

"(ii) Ocean energy, including wave energy.

"(E) RURAL DEMONSTRATION PROJECTS.—In carrying out this section, the Secretary, in consultation with the Secretary of Agriculture, shall give priority to demonstrations that assist in delivering electricity to rural and remote locations including—

"(i) advanced renewable power technology, including combined use with fossil technologies; and

"(ii) geothermal energy systems.

"(F) ANALYSES AND EVALUATION.—

"(1) IN GENERAL.—In general, the Secretary shall conduct analysis and evaluation in support of the renewable energy programs under this subtitle. These activities shall be used to guide budget and program decision making, and shall include—

"(A) economic and technical analysis of renewable energy potential, including resource assessment; and

"(B) analysis of past program performance, both in terms of technical advances and in market introduction of renewable energy;

"(C) assessment of domestic and international market drivers, including the impacts of any Federal, State, or local grants, loans, loan guarantees, tax incentives, statutory or regulatory requirements, or other government initiatives; and

"(D) any other analysis or evaluation that the Secretary considers appropriate.

"(2) FUNDING.—The Secretary may designate up to 1 percent of the funds appropriated for carrying out this subtitle for analysis and evaluation activities under this subsection.

"(3) SUBMIT TO CONGRESS.—This analysis and evaluation shall be submitted to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate at least 30 days before each annual budget request is submitted to Congress.

SEC. 648. BIOENERGY PROGRAM.

Section 932 of the Energy Policy Act of 2005 (42 U.S.C. 16232) is amended to read as follows:

"(a) PROGRAM.—The Secretary shall conduct a program of research, development, demonstration, and commercial application for bioenergy, including innovations in—

"(1) biopower energy systems; and

"(2) biomass.

"(b) BIOFUELS AND BIOPRODUCTS.—The goals of the biofuels and bioproducts programs shall be to develop, promote, and support industry and institutions of higher education;

"(i) advanced biochemical and thermochemical conversion technologies capable of making biofuels and bioproducts from lignocellulosic feedstocks that are price-competitive with fossil-based fuels and fully compatible with existing internal combustion engines or fuel cell-powered vehicles;

"(ii) advanced conversion of biomass to biofuels and bioproducts as part of integrated biorefineries based on either biochemical processes, thermochemical processes, or hybrids of these processes; and

"(iii) other advanced processes that will enable the development of cost-effective biofuels, including biofuels.

"(c) RETROFIT TECHNOLOGIES FOR THE DEVELOPMENT OF ETHANOL FROM CELLULOSE MATERIALS.—The Secretary shall establish a program of research, development, demonstration, and commercial application for technologies and processes to enable biorefineries that exclusively use corn grain or corn starch as a feedstock to produce ethanol to be retrofitted to accept a range of lignocellulosic feedstocks.

"(d) LIMITATIONS.—None of the funds authorized for carrying out this section may be used to fund commercial biofuels production for defense purposes.

"(e) DEFINITIONS.—In this section:

"(1) BIOMATERIAL.—The term "biomaterial" means—

"(A) any organic material grown for the purpose of being converted to energy;

"(B) any organic byproduct of agriculture (including wastes from food production and processing) that can be converted into energy; or

"(C) any waste material that can be converted to energy, is segregated from other waste materials, and is derived from—

"(i) any of the following forest-related resources: mill residues, precommercial thinnings, slash, brush, or otherwise nonmerchantable material;

"(ii) wood waste materials, including waste pallets, crates, dunnage, manufacturing and construction wood wastes (other than pressure-treated, chemically treated, or painted wood wastes), and landscape or right-of-way tree trimming materials that are not incorporated in municipal solid waste, gas derived from the biodegradation of municipal solid waste, or paper that is commonly recycled; or

"(iii) waste derived from waste water treatment processes.

"(2) LIGNOCELLULOSIC FEEDSTOCK.—The term 'lignocellulosic feedstock' means any portion of a plant or coproduct from conversion, including crops, trees, forest residues, grasses, and agricultural residues not specifically grown for food, including from barley grain, rapeseed, rice bran, rice hulls, rice straw, corn stover, sugarcane bagasse.

SEC. 649. CONCENTRATING SOLAR POWER PROGRAM.

Section 924 of the Energy Policy Act of 2005 (42 U.S.C. 162324) and the item relating thereto in the table of contents of that Act are repealed.

SEC. 650. RENEWABLE ENERGY IN PUBLIC BUILDINGS.

Section 935 of the Energy Policy Act of 2005 (42 U.S.C. 162325) and the item relating thereto in the table of contents of that Act are repealed.

Subtitle E—Fossil Energy Research and Development

SEC. 661. FOSSIL ENERGY.

Section 961 of Energy Policy Act of 2005 (42 U.S.C. 162891) is amended to read as follows:

"(a) IN GENERAL.—The Secretary shall carry out research, development, demonstration, and commercial application programs in fossil energy, including activities under this subtitle, with the goal of improving the efficiency, effectiveness, and environmental performance of fossil energy production, upgrading, conversion, and consumption. Such programs shall take into consideration the following:

"(1) Increasing the energy conversion efficiency of all forms of fossil energy through improved technologies;

"(2) Decreasing the cost of all fossil energy production, generation, and delivery;

"(3) Promoting diversity of energy supply.

"(4) Decreasing the dependence of the United States on foreign energy supplies.

"(5) Decreasing the environmental impact of energy-related activities.

"(6) Increasing the export of fossil energy-related equipment, technology, and services from the United States.

"(b) OBJECTIVES.—To the maximum extent practicable, the Secretary shall seek to—

"(1) leverage existing programs;

"(2) consolidate and coordinate activities throughout the Department to promote collaboration and crosscutting approaches;

"(3) ensure activities are undertaken in a manner that does not duplicate other activities within the Department or other Federal Government activities; and

"(4) identify programs that may be more effectively left to the States, industry, nongovernmental organizations, institutions of higher education, or other stakeholders.

"(c) LIMITATIONS.—

"(1) USE.—None of the funds authorized for carrying out this section may be used for Fossil Energy Environmental Research.

"(2) INSTITUTIONS OF HIGHER EDUCATION.—Not less than 20 percent of the funds appropriated
for carrying out section 964 of this Act for each fiscal year shall be dedicated to research and development carried out at institutions of higher education.

(3) ASSESSMENT OF PROBABILITY FOR REGULATORY ASSESSMENTS OR DETERMINATIONS.—The results of any research, development, demonstration, or commercial application projects or activities of the Department authorized by this section shall not be used for regulatory assessments or determinations by Federal regulatory authorities.

(d) ASSESSMENTS.—

(1) ASSESSMENT AGAINST BRINGING RESOURCES TO MARKET.—Not later than 1 year after the date of enactment of the America COMPETES Reauthorization Act of 2015, the Secretary shall transmit to Congress a long-term assessment of existing and projected domestic unconventional oil, gas, and methane resources.

(2) TECHNOLOGY CAPABILITIES.—Not later than 2 years after the date of enactment of the America COMPETES Reauthorization Act of 2015, the Secretary shall transmit to Congress a long-term assessment of existing and projected technological capabilities for expanded production from domestic unconventional oil, gas, and methane resources.

SEC. 662. COAL RESEARCH, DEVELOPMENT, DEMONSTRATION, AND COMMERCIAL APPLICATION PROGRAMS.

(a) In General.—Section 962 of the Energy Policy Act of 2005 (42 U.S.C. 16292) is amended—

(1) in subsection (a),

(A) in paragraph (10), by striking “and” at the end and inserting “and the,”

(B) in paragraph (11), by striking the period at the end and inserting a semicolon,

(C) by adding the following:

“(C) coalwater slurry fuel;”

(2) by redesignating subsections (b) through (d) as subsections (c) through (e), respectively;

(3) by inserting after subsection (a) the following:

“(b) TRANSFORMATIONAL COAL TECHNOLOGY PROGRAM.—

“(1) IN GENERAL.—As part of the program established under subsection (a), the Secretary shall—

(A) enter into agreements with industry, small businesses, universities, and other appropriate parties to conduct activities under this section;

(B) provide grants to aid in the development of advanced coal technologies;

(C) provide awards for projects that promise to significantly increase the efficiency of coal use; and

(D) fund projects that promise to significantly increase the flexibility of coal use.

“(2) TECHNICAL AND ECONOMIC FEASIBILITY.—Before making any award under this subsection, the Secretary shall conduct a feasibility study of any proposed project that involves the development of advanced coal technologies.

“(3) USE FOR REGULATORY ASSESSMENTS OR DETERMINATIONS.—Any research, development, demonstration, or evaluation project authorized by this section shall be—

(A) in phase I—

(i) to determine if the proposed project is technically and economically feasible; and

(ii) to develop the conceptual design of advanced high efficiency gas turbines that can achieve at least 62 percent combined cycle efficiency or 47 percent simple cycle efficiency on a lower heating value basis; and

(B) in phase II—

(i) to determine if the proposed project is technically and economically feasible; and

(ii) to develop and demonstrate the technology required for advanced high efficiency gas turbines that can achieve at least 62 percent combined cycle efficiency or 47 percent simple cycle efficiency on a lower heating value basis; and

(4) by redesignating subsection (c) as (b), the Secretary shall enter into partnerships with private entities to share the costs of carrying out the program.

(5) COST SHARE.—In carrying out the program described in paragraph (1), the Secretary shall enter into partnerships with private entities to share the costs of carrying out the program. The non-Federal cost share requirement if the Secretary determines that the reduction is necessary and appropriate considering the technological risks involved in the program and the non-Federal cost share requirement if the Secretary determines that the reduction is necessary and appropriate considering the technological risks involved in the program.

(6) ADVISORY COMMITTEE; AUTHORIZATION OF APPROPRIATIONS.—Section 962 of the Energy Policy Act of 2005 (42 U.S.C. 16292) is amended—

(A) by amending paragraph (6) of subsection (c) to read as follows:

“(6) ADVISORY COMMITTEE.—

“(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall establish an advisory committee to undertake, not less frequently than once every 3 years, a review and prepare a report on the progress being made by the Department of Energy to achieve the goals described in subsections (a) and (b) of section 962 and subsection (b) of that section.

“(B) MEMBERSHIP REQUIREMENTS.—Members of the advisory committee established under subparagraph (A) shall be appointed by the Secretary, except that three members shall be appointed by the Speaker of the House of Representatives and two members shall be appointed by the Majority Leader of the Senate. The total number of members of the advisory committee shall be 15; and

(B) by amending subsection (d) to read as follows:

“(d) STUDY OF CARBON DIOXIDE PIPELINES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of the America COMPETES Reauthorization Act of 2015, the Secretary shall transmit to Congress the results of a study to assess the cost and feasibility of engineering, permitting, building, manufacturing, and insuring a national system of carbon dioxide pipelines.

SEC. 663. HIGH EFFICIENCY GAS TURBINES RESEARCH AND DEVELOPMENT.

(a) In General.—Section 963 of the Energy Policy Act of 2005 (42 U.S.C. 16538) is amended—

(1) by amending paragraph (1) of subsection (c) to read as follows:

“(I) high temperature materials, including superalloys, coatings, and ceramics;

“(J) manufacturing technology required to construct complex three-dimensional geometry parts with improved aerodynamic capability;

“(K) validation facilities for the testing of combustion technology to produce higher efficiency gas turbines that can achieve at least 62 percent combined cycle efficiency or 47 percent simple cycle efficiency on a lower heating value basis; and

“(L) the testing, including the construction of testing facilities, of high temperature materials for use in advanced systems for combustion or use of coal; and

(2) by inserting after paragraph (1) the following:

“(2) the extent to which the proposal will promote and enhance United States technology leadership.

(3) the extent to which the proposal will stimulate the creation or increased retention of jobs in the United States;

(4) by redesignating subsection (n) as subsection (o) and inserting after subsection (m) the following new subsection:

“(o) PROTECTION OF PROPRIETARY INFORMATION.—

“(1) IN GENERAL.—The goals of ARPA-E shall be to enhance the economic and energy security of the United States and to ensure that the United States maintains a technological lead throughout the development of advanced energy technologies.

“(2) in subsection (i)(1), by inserting "ARPA-E shall not provide funding for projects unless the project grantee demonstrates sufficient attempts to secure private financing or indicates that the project is not independently commercially viable," after "relevant research agencies,";

“(3) in subsection (i)(1), by inserting "and once every 6 years thereafter," after "operation for 6 years;" and

“(4) by redesignating subsection (n) as subsection (o) and inserting after subsection (m) the following new subsection:

“(o) PROTECTION OF PROPRIETARY INFORMATION.—

“(1) IN GENERAL.—The following categories of information collected by the Advanced Research Projects Agency–Energy from recipients of financial assistance awards shall be considered privileged and confidential and not subject to disclosure pursuant to section 552 of title 5, United States Code:

“(A) Plans for commercialization of technologies developed under the award, including business plans, technology to market plans, market studies, and cost and performance models.

“(B) Investments provided to an awardee from third parties, such as venture capital, hedge funds, or private equity fund, including amounts and percentage of ownership of the awardee provided in return for such investments.
Title VII—Department of Energy Technology Transfer

Subtitle A—In General

SEC. 701. DEFINITIONS.

In this title—

(1) the term "Department" means the Department of Energy;

(2) the term "Secretary" means the Secretary of Energy.

Title VII—Department of Energy Technology Transfer

Subtitle C—Cross-Sector Partnerships and Grant Competitiveness

SEC. 721. AGREEMENTS FOR COMMERCIALIZING TECHNOLOGY PILOT PROGRAM.

(a) In General.—The Secretary shall carry out the Agreements for Commercializing Technology pilot program of the Department, as announced by the Secretary on December 8, 2011, in accordance with this section.

(b) Terms.—Each agreement entered into pursuant to the pilot program referred to in subsection (a) shall provide to the contractor of the applicable National Laboratory, to the maximum extent determined to be appropriate by the Secretary, increased authority to negotiate contract terms, such as intellectual property rights, payment structures, performance guarantees, and multiparty collaborations.

Subtitle B—Innovation Management at Department of Energy

SEC. 712. TECHNOLOGY TRANSFER AND TRANSITION ASSESSMENT.

Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall transmit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report which shall include—

(1) an assessment of the Department's current ability to carry out the goals of section 1501 of the Energy Policy Act of 2005 (42 U.S.C. 16391), including an assessment of the role and effectiveness of the Director of the Office of Technology Transfer; and

(2) recommended departmental policy changes and legislative changes to section 1501 of the Energy Policy Act of 2005 (42 U.S.C. 16391) to improve the Department's ability to successfully transfer new energy technologies to the private sector.

SEC. 713. SENSE OF CONGRESS.

It is the sense of the Congress that the Secretary should encourage the National Laboratories and Federal research and development centers to work with industry and the private sector to improve the Department's ability to successfully commercialize energy technologies.

Subtitle D—Energy Efficiency and Renewable Energy

SEC. 714. NUCLEAR ENERGY INNOVATION.

Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the Nuclear Regulatory Commission, the Energy Sector Coordinating Council, the University of California, the University of Washington, and the Electric Power Research Institute, shall submit a report to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, that contains the following:

(1) a summary of information relating to the relevant project;

(2) the total estimated costs of the project;

(3) estimated commencement and completion dates of the project; and

(4) other documentation determined to be appropriate by the Secretary.

(d) Certification.—The Secretary shall require the contractor of the affected National Laboratory to certify to the Department that each activity carried out under subsection (c) of this section is eligible to receive rights under that section.

Subtitle E—National Laboratory

SEC. 715. NATIONAL LABORATORY.

(1) OVERALL ASSESSMENT.—Not later than 60 days after the date described in subsection (f), the Secretary, in coordination with the National Laboratories, shall submit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that—

(A) assesses the overall effectiveness of the pilot program referred to in subsection (a); and

(B) identifies opportunities to improve the effectiveness of the pilot program;

(C) assesses the potential for program activities to interfere with the responsibilities of the National Laboratories to the Department; and

(D) provides a recommendation regarding the future of the pilot program.

(c) Certification.—The Secretary, in coordination with directors of the National Laboratories, shall submit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that—

(A) assesses the overall effectiveness of the pilot program referred to in subsection (a); and

(B) identifies opportunities to improve the effectiveness of the pilot program;

(C) assesses the potential for program activities to interfere with the responsibilities of the National Laboratories to the Department; and

(D) provides a recommendation regarding the future of the pilot program.
Space, and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate an annual report that accounts for all incidences of, and provides a justification for, non-Federal entities using funds derived from a Federal contract or award to carry out agreements pursuant to this section.

SEC. 722. PUBLIC-PRIVATE PARTNERSHIPS FOR COMMERCIALIZATION.

(a) IN GENERAL.—Subject to subsections (b) and (c), the Secretary shall delegate to directors of the National Laboratories signature authority under this section with applicable policies of the Department, including by ensuring that the agreement does not compromise any national security, economic, or environmental interests of the United States.

(b) AGREEMENTS.—Subsection (a) applies to—

(1) a cooperative research and development agreement;

(2) a non-Federal work-for-others agreement; and

(3) any other agreement determined to be appropriate by the Secretary, in collaboration with the directors of the National Laboratories.

(c) ADMINISTRATION.—

(1) ACCOUNTABILITY.—The director of the affected National Laboratory and the affected contractor shall carry out an agreement under this section in accordance with applicable policies of the Department, including by ensuring that the agreement does not compromise any national security, economic, or environmental interests of the United States.

(2) CERTIFICATION.—The director of the affected National Laboratory and the affected contractor shall certify that each activity carried out under a project for which an agreement is entered into under this section does not present, or minimizes, any apparent conflict of interest, and avoids or neutralizes any actual conflict of interest, as a result of the agreement under this section.

(3) AVAILABILITY OF RECORDS.—On entering an agreement under this section, the director of a National Laboratory shall submit to the Secretary for monitoring and review all records of the National Laboratory relating to the agreement.

(d) RATES.—The director of a National Laboratory may charge higher rates for services performed under a partnership agreement entered into pursuant to this section, regardless of the full cost of such funds are used exclusively to support further research and development activities at the respective National Laboratory.

(e) EXCEPTION.—This section does not apply to any agreement with a majority foreign-owned company.

(f) CONFIRMING AMENDMENT.—Section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indented the subparagraphs appropriately; and

(B) by striking “Each Federal agency” and inserting the following:

"(1) IN GENERAL.—Except as provided in paragraph (2), Federal agencies or the Administration of the National Laboratories to use funds authorized to support technology transfer within the Department to carry out early-stage and pre-commercial studies or demonstration activities to remove technology barriers that limit private sector interest and demonstrate potential commercial applications of any research and technologies arising from National Laboratory activities.”;

SEC. 724. FUNDING COMPETITIVENESS FOR INSTITUTIONS OF HIGHER EDUCATION AND OTHER NONPROFIT INSTITUTIONS.

Section 908(b) of the Energy Policy Act of 2005 (42 U.S.C. 16322(b)) is amended—

(1) in paragraph (1), by striking “Except as provided in paragraphs (2) and (3)” and inserting “Except as provided in paragraphs (2), (3), and (4)” and (2) by adding at the end the following:

“(4) EXEMPTION FOR INSTITUTIONS OF HIGHER EDUCATION AND OTHER NONPROFIT INSTITUTIONS.—

“(A) IN GENERAL.—Paragraph (1) shall not apply to a research or development activity performed by a not-for-profit higher education or nonprofit institution (as defined in section 4 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3703)).

“(B) CERTIFICATION DATE.—The exemption under subparagraph (A) shall apply during the 6-year period beginning on the date of enactment of this paragraph.”.

SEC. 725. PARTICIPATION IN THE INNOVATION CORPS PROGRAM.

The Secretary may enter into an agreement with the Director of the National Science Foundation to enter into agreements with the Department to participate in the National Science Foundation Innovation Corps program.

Subtitle D—Assessment of Impact

SEC. 731. REPORT BY GOVERNMENT ACCOUNTABILITY OFFICE.

Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report—

(1) describing the results of the projects developed under sections 721, 722, and 723, including information on—

(A) partnerships initiated as a result of those projects and the potential linkages presented by those partnerships with respect to national priorities and other taxpayer-funded research; and

(B) whether the activities carried out under those projects result in—

(i) fiscal savings;

(ii) expansion of National Laboratory capabilities;

(iii) increased efficiency of technology transfers; or

(iv) an increase in general efficiency of the National Laboratory system;

and

(2) assessing the scale, scope, efficacy, and impact of the Department’s efforts to promote technology transfer and private sector engagement at the National Laboratories, and make recommendations on how the Department can improve these technologies.

Title XXXIII—Nuclear Energy Innovation Capabilities

Chapter 1—Nuclear Energy Innovation Capabilities

SEC. 3301. SHORT TITLE.

This title may be cited as the “Nuclear Energy Innovation Capabilities Act”.

SEC. 3302. NUCLEAR INFRASTRUCTURE AND TECHNOLOGY DEMONSTRATION IN AUSTRALIAN HOMELAND SECURITY.

Section 1001 of the Energy Policy Act of 2005 (42 U.S.C. 16391) is amended by—

(1) redesignating subsection (g) as subsection (h); and

(2) inserting after subsection (f) the following:

“(g) EARLY-STAGE TECHNOLOGY DEMONSTRATION.—The director of the National Laboratories may use funds authorized to support technology transfer within the Department to carry out early-stage and pre-commercial studies or demonstration activities to remove technology barriers that limit private sector interest and demonstrate potential commercial applications of any research and technologies arising from National Laboratory activities.”.

SEC. 3303. NUCLEAR ENERGY RESEARCH PROGRAMS.

Section 952 of the Energy Policy Act of 2005 (42 U.S.C. 16272) is amended—

(1) by striking subsection (c); and

(2) by redesigning subsections (d) and (e) as subsections (c) and (d), respectively.

SEC. 3304. ADVANCED FUEL CYCLE INITIATIVE.

Section 953(a) of the Energy Policy Act of 2005 (42 U.S.C. 16273(a)) is amended by striking “ commanding a research, development, and demonstration facility that provides neutron irradiation services for research on materials sciences and nuclear physics as well as testing of advanced materials, nuclear fuels, and other related components for reactor systems.”.

SEC. 3305. UNIVERSITY NUCLEAR SCIENCE AND ENGINEERING SUPPORT.

Section 954(d)(4) of the Energy Policy Act of 2005 (42 U.S.C. 16274(d)(4)) is amended by striking “as part of a taking into consideration effort that emphasizes” and inserting “that emphasizes”.

SEC. 3306. DEPARTMENT OF ENERGY CIVILIAN NUCLEAR INFRASTRUCTURE AND FACILITIES.

Section 955 of the Energy Policy Act of 2005 (42 U.S.C. 16275) is amended by—

(1) by striking subsections (c) and (d); and

(2) by adding at the end the following:
"(c) VERSATILE NEUTRON SOURCE.—

"(1) MISSION NEED.—Not later than December 31, 2016, the Secretary shall determine the mission need for a versatile reactor-based fast neutron source, which shall operate as a national user facility. During this process, the Secretary shall consult with the private sector, universities, National Laboratories, and relevant Federal agencies to ensure that the versatility and cost-effectiveness of this source will meet the research needs of the largest possible majority of prospective users.

"(2) FACILITY REQUIREMENTS.—

"(A) CAPABILITIES.—The Secretary shall ensure that this user facility will provide, at a minimum, the following capabilities:

"(i) Fast neutron spectrum irradiation capability.

"(ii) Capacity for upgrades to accommodate new or expanded research needs.

"(B) CONSIDERATIONS.—In carrying out the plan provided under paragraph (2), the Secretary shall take the following into account:

"(i) Capabilities that support experimental high-temperature testing.

"(ii) Providing a source of fast neutrons at a neutron energy that is lower than that provided by any current research facilities, sufficient to enable research for an optimal base of prospective users.

"(iii) Maximizing irradiation flexibility and irradiation volume to accommodate as many concurrent users as possible.

"(iv) Capabilities to irradiate with neutrons of a lower energy spectrum.

"(v) Multiple loops for fuels and materials testing in different coolants.

"(vi) Additional irradiation and post-irradiation examination capabilities.

"(vii) Lifetime operating costs and lifecycle costs.

"(4) REPORTING PROGRESS.—The Department shall, in its annual budget requests, provide an explanation for any delay in its progress and otherwise make every effort to complete construction and approve the start of operations for this facility by December 31, 2025.

"(5) COORDINATION.—The Secretary shall leverage the expertise of technical facilities and National Laboratories in order to minimize the time required to enable construction and operation of privately funded experimental reactors at the National Science Foundation or other Department-owned sites. Such reactors shall operate to meet the following objectives:

"(1) Enabling physical validation of novel reactor concepts.

"(2) Resolving technical uncertainty and increasing practical knowledge relevant to safety, resilience, security, and functionality of first-of-a-kind reactors.

"(3) General research and development to improve nascent technologies.

"(B) REPORTING PROGRESS.—Not later than 180 days after the date of enactment of the Nuclear Energy Innovation Capabilities Act, the Secretary, in consultation with the National Laboratories, relevant Federal agencies, and other stakeholders, shall transmit to the Committee on Science, Space, and Technology of the House of Representatives the following:

"(1) The Department's oversight capabilities, including options to leverage expertise from the Nuclear Regulatory Commission and National Laboratories.

"(2) Potential sites capable of hosting activities described under subsection (a).

"(3) The efficacy of the Department's available contractual mechanisms to partner with the private sector and Federal agencies, including cooperative research and development agreements, strategic partnership projects, and agreements for commercialization technology.

"(4) Potential cost structures related to long-term projects, including physical security, distribution of liability, and other related costs.

"(5) Other challenges or considerations identified by the Secretary.

"SEC. 3310. BUDGET PLAN.

"(a) GENERAL.—In general, title E of title IX of the Energy Policy Act of 2005 (42 U.S.C. 16271 et seq.) is further amended by adding at the end the following:

"(b) REPORT ON FUSION INNOVATION.—Not later than 6 months after the date of enactment of this title, the Secretary of Energy shall transmit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that will identify engineering designs for innovative fusion energy systems that have the potential to demonstrate net energy production not later than 15 years after the start of construction. In this report, the Secretary will identify budgetary requirements that would be necessary for the Department to carry out a fusion innovation initiative to accelerate research and development of these designs.

"SEC. 3311. CONFORMING AMENDMENTS.

"The table of contents for the Energy Policy Act of 2005 is amended by striking the item relating to section 957 and inserting the following:

"957. High-performance computation and supportive research.

"958. Enabling nuclear energy innovation.

"959. Budget plan.

"The SPEAKER pro tempore. The bill shall be debateable for 1 hour, equally divided among and controlled by the chair and ranking minority member of the Committee on Energy and Commerce and the chair and ranking minority member of the Committee on Natural Resources.

"The gentleman from Kentucky (Mr. WESTERMAN), the gentleman from Illinois (Mr. RUSH), the gentleman from Arkansas (Mr. WESTMAN), and the gentleman from California (Mr. HUFFMAN) each will control 15 minutes. The Chair recognizes the gentleman from Kentucky.

"MR. WHITFIELD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on S. 2012.

"The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

"There was no objection.

"MR. WHITFIELD. Mr. Speaker, I yield myself such time as I may consume.

"Mr. Speaker, today I rise in support of the House amendment to S. 2012, the Energy Policy Modernization Act of 2016. In December of last year, the House passed H.R. 8, the North American Energy Security and Infrastructure Act of 2015, which is a large portion of the legislation we are considering today. This legislation, together with provisions from the Committee on Natural Resources and the Committee on
Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. Upton), the chairman of the Committee on Energy and Commerce.

Mr. UPTON. Mr. Speaker, I would like to wish the chairman a happy birthday.

It has been nearly a decade since we last considered an energy package like this. In that time, a lot has changed. Continued innovation and discovery across the energy sector have brought about a new landscape of abundant supply and tremendous potential for economic growth. This has been a multiyear, multi-Congress effort, and a lot of work has gone in to make sure that the bill that we put forward to support the future of American energy is truly comprehensive. Together with our colleagues, I am proud to bring this legislation one step closer to becoming the new reality for energy producers and consumers across the country.

This bill is about jobs. It is about keeping energy affordable. It is about boosting our energy security here and across the globe. H.R. 8 is the embodiment of an all-of-the-above energy strategy. One of the most important provisions is, in fact, modernizing and protecting critical energy infrastructure, including the electric grid, from new threats, including severe weather from climate, cyber threats, and physical attacks as well.

It helps to foster and promote new 21st century energy jobs by ensuring that the Department of Energy and our labs and universities work together to train the energy workforce and entrepreneurs of tomorrow. It makes energy efficiency, including Federal Government energy efficiency, a priority, and focuses less on creating new mandates and subsidies to incentivize behavior and more on market changes and using the government as an example.

Finally, it helps update existing laws that bring some added certainty to permitting processes and helps to promote using our abundant resources to aid in diplomacy. For example, by streamlining the approval process for projects such as the interstate natural gas pipelines and other transmission facilities, this legislation will allow businesses at the cutting edge of research to keep putting the full scope of energy abundance to work for consumers both here and abroad. This allows us to provide an energy lifeline to our allies across the globe.

Provisions within H.R. 8 and others that have been included in the amendment under consideration today also seek to capitalize on energy sources that the administration has rejected. H.R. 8 brings much-needed reforms to the hydropower licensing process as well, a clean energy source that, together with nuclear, provides some 25 percent of the United States’ electricity, with no greenhouse gas emissions. It is imperative that hydropower remains a vital part of any future.

The all-of-the-above energy strategy also means that the future of American energy policy is no longer defined along lines of choices between the environment and the economy. By introducing 21st century regulatory reforms that reflect our energy abundance, and with the DOE’s Quadrennial Energy Review as a guide, we are making sure that we address the need for reforms and continued innovation across the energy sector.

The legislation before us today is the product of a thorough assessment of the gap that we face between our state energy regulations and our budding energy supply. H.R. 8 closes the gap. I urge my colleagues to support it.

Mr. RUSH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the provisions of the Committee on Energy and Commerce first began to address a comprehensive bipartisan energy bill in the beginning of 2015, there was a sense of hopefulness, a sense of optimism that the committee would set the standard for working together to get things done on behalf of the American people in a spirit of bipartisan cooperation.

At that time, Mr. Speaker, many of us on the minority side had enormous expectations that we would draft a bill that would move our energy policy forward in a manner befitting the challenges facing our Nation in this, the 21st century.

Specifically, Mr. Speaker, from my perspective, a comprehensive energy bill would need to modernize the Nation’s aging energy infrastructure, train a 21st century workforce, and address the critically important issue of manmade climate change.

Unfortunately, Mr. Speaker, none of these issues are addressed in the bill that we are voting on here today.

This 800-page hodgepodge of Republican and Democratic bills contains nothing more than a majority wish list of strictly ideological bills, many of which the minority party opposes and the Obama administration and the American people do not support.

Outside of just a few minor crumbs thrown in to represent the priorities of the minority party, including my workforce development legislation, the bill almost contains nothing that the American people could support or rally behind. Moreover, the sustainable energy provisions in the underlying bill, H.R. 8, does little more than take us backwards in terms of energy policy, while also providing loopholes to help industry avoid accountability and to avoid further regulation.

H.R. 8 contains provisions that will actually increase energy use and energy costs to consumers, putting industry interests above the public interest.

The bill’s hydropower title weakens longstanding environmental review procedures and curtails State, local, and tribal authority over projects in their respective lands.

Mr. Speaker, the bill flagrantly binds the U.S. to an outdated dependency on fossil fuels while failing to offer any constructive, forward-looking policies to incentivize the development and the deployment of clean energy.

Mr. Speaker, when members of the minority party, including my colleagues, voted against this bill, we are doing so because we still have a long, hard, and constructive road ahead to reach a point of finding consensus, bipartisan consensus.

Unfortunately, Mr. Speaker, I cannot support this bill before us. I urge my colleagues to oppose it as well.

Mr. Speaker, I reserve the balance of my time.

Mr. WHITFIELD. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Oregon (Mr. WALDEN), who is a member of the Committee on Energy and Commerce and is quite familiar with energy issues.

Mr. WALDEN. I thank my colleague from Kentucky for his great work on this legislation and his thoughtful leadership on these issues over many years.

Mr. Speaker, for all your work on this legislation to make much-needed reforms to modernize energy policy into something that better promotes affordability, reliability, and ensures we have the energy we need to continue growing jobs in our communities, I say thank you.

As we go to mark up many strong provisions in this bill, several are particularly important to the West and our rural communities across central, eastern, and southern Oregon.

For farmers and ranchers in the Klamath Basin, this bill ensures that they will actually get a formal seat at the table when there is consultation with Federal agencies on decisions under the ESA. Irrigators in this area have long been impacted by these decisions, and it is only fair they should have an equal seat at the table with other entities during these discussions.

Perhaps one of the timeliest provisions, Mr. Speaker, as we head into forest fire season in the West, are the provisions that will eliminate excessive litigation and would reduce frivolous lawsuits and speed up the pace of forest management across our public lands.

This House, 4 years in a row now, as we know, Mr. Speaker, has considered much-needed legislation to fix the management of our Federal forests. Now the Senate will have an opportunity to join us in this effort, as we
amend this legislation and send it on over to the Senate. Our forested, rural communities, Mr. Speaker, have waited long enough. They have choked on smoke moreover after summer long enough. They have seen their watersheds destroyed by catastrophic fire. It is time to fix the problem.

Now, a couple other specifics, Mr. Speaker, on national forests across eastern Oregon. Forest managers’ hands are tied by a one-size-fits-all rule prohibiting the harvest of trees over 21 inches in diameter. This measure was implemented temporarily in 1997 but still has not been lifted 20 years later, just about. It represents really poor science. It only serves as a source of frequent appeals and litigation. Peeling this will give our forest managers the flexibility they need to use modern science to actually manage the forests for healthier conditions.

Last month the Bureau of Land Management released their proposed resource management plan for Oregon’s unique O&C lands in southern and western Oregon. Frankly, it is a terrible plan. Despite a clear statutory requirement that they manage these lands for sustainable timber production and revenue to the counties—dare I say, jobs in the community—the BLM’s plan goes the other way. It locks up 75 percent of the lands and harvests less than half the minimum level directed by the O&C Act. This measure was implemented temporarily in 1997 but still has not been lifted 20 years later, just about. It represents really poor science. It only serves as a source of frequent appeals and litigation. Peeling this will give our forest managers the flexibility they need to use modern science to actually manage the forests for healthier conditions.

Mr. Speaker, this is good energy legislation. This is good natural resource legislation. It is sound environmental legislation. I urge its passage.

Mr. Rush. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. Pallone), the outstanding ranking member of the full committee. Mr. Pallone. Mr. Speaker, I want to thank Mr. Rush for managing the opposition to the bill so successfully.

Mr. Speaker, today we are considering the House amendment to S. 2012, the mislabeled 21st Century American Energy Security Act of 2016. This legislation once again shows us the vastly different paths taken by the two Chambers of Congress.

On the one hand is the Senate energy bill that the Senate intends to conference on. It passed by a vote of 85-15 because it is balanced and because it contains a number of nonenergy provisions that the public supports overwhelmingly, such as permanent funding for the Land and Water Conservation Fund. On the other hand, the House energy bill was the result of a highly partisan process that the President threatened to veto.

As we prepare to head to conference, we have a second chance to do things right and to produce a new, bipartisan energy bill. Unfortunately, that is not what we are doing today. The Republican majority has decided to replace the consensus Senate bill with a new pro-polluter package that dwarfs the original H.R. 8.

When drafting the House amendment before us today, the Republican caucus decided to tack on over 30 extraneous provisions: an unerring devotion to the energy of the past. It is the Republican Party’s 19th century vision for the future of U.S. energy policy in the 21st century.

I strongly oppose the House amendment, obviously, and I urge my colleagues to do the same.

Mr. Whitfield. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. Smith), who is a real expert on energy issues.

Mr. Smith of Texas. Mr. Speaker, first of all, I want to thank the gentleman from Kentucky, Chairman Whitfield, for yielding me time.

I am pleased to support the House amendment to the Senate Energy Policy Modernization Act. Division D of this legislation includes the three energy titles from the science Committee’s House-passed legislation, H.R. 1806, the America Competes Reauthorization Act of 2015, and H.R. 4084, the Nuclear Energy Innovation and Nuclear Capabilities Act. Division D is both pro-science and fiscally responsible and sets America on a path to reassert the world’s leader in innovation.

America’s economic and productivity growth relies on government support of basic research to drive the scientific breakthroughs that fuel technological innovation, new industries, enhanced international competitiveness, and job creation.

Title V reauthorizes the Department of Energy Office of Science for 2 years. It prioritizes the National Laboratories’ basic research that enables researchers in all 50 States to have access to world-class user facilities, including supercomputers and high-intensity light sources.

The bill prevents duplication and requires DOE to certify that its climate science work is unique and not replicated by other Federal agencies. Title VI likewise reauthorizes DOE’s applied research and development programs and activities for fiscal year 2016 and fiscal year 2017. It restrains the unjustified growth in spending on late-stage commercialization efforts and focuses instead on basic and applied research.

Division D also requires DOE to provide a regular strategic analysis of science and technology activities within the Department, identifying key
areas for collaboration across science and applied research programs. This will reduce waste and duplication and identify activities that could be better undertaken by States, institutions of higher education or the private sector. It is also a step towards improving the performance that should be eliminated.

Title VII proposes to cut red tape and bureaucracy in the DOE technology transfer process. It allows contractor operators of DOE National Laboratories to work with the private sector more efficiently by delegating signature authority to the directors of the National Labs themselves rather than DOE contracting officers for cooperative agreements valued at less than $1 million.

Also included is H.R. 4084, Energy Subcommittee Chairman RANDY WERK’S House-passed Nuclear Energy Innovation Capabilities Act. It provides a clear timeline for DOE to complete a research reactor user facility within 5 years. This research reactor will enable proprietary and academic research to develop supercomputing models and design next generation nuclear energy technology.

H.R. 4084 creates a reliable mechanism for the sector to partner with DOE labs to build fission and fusion prototype reactors at DOE sites. Overall, Division D sets the right priorities for Federal civilian research, which enhances U.S. competitiveness for Federal civilian research, and hardworking member of the Energy and Commerce full committee.

Ms. CASTOR of Florida. I thank the gentleman, Ranking Member RUSH, for his leadership on energy solutions for America.

Mr. Speaker, I rise in opposition to the Republican amendment because it is a giveaway to special interests and it is a missed opportunity to craft a bipartisan package of energy policies that meet the challenges of the 21st century and boost America’s clean energy economy.

The GOP-led Congress is out of sync with the American public and out of touch with the environmental degradation happening in the electricity generation across America.

The future is about energy efficiency and geothermal, renewables like solar, wind power, and biomass. In fact, the U.S. Energy Information Administration says renewable energy is the world’s fastest growing energy source.

That means innovative, cost-saving energy investments for our neighbors and businesses back home. That means we are going to create jobs through the clean energy economy and, at the same time, reduce carbon pollution.

Instead, in this amendment, the GOP doubles down on dirty fuel sources. It logrolls 36 bills into a single package that, in many cases, eliminates environmental reviews, and the experts say the bill will actually accelerate climate change. So if the Republican energy package was a car, it wouldn’t just be stuck in neutral, it would go in reverse because it harkens back to the energy policies of decades ago rather than America’s growing clean energy economy of the future.

Let’s not go backwards. Let’s move Americans forward and put money back into the pockets of our hard-working neighbors.

I urge the House to reject the GOP amendment.

Mr. WHITFIELD. Mr. Speaker, I would like to inquire how much time is remaining on both sides.

The SPEAKER pro tempore. The gentleman from Kentucky has 4 3/4 minutes remaining on both sides.

Mr. WHITFIELD. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. VALADAO).

Mr. VALADAO. Mr. Speaker, I want to thank my colleagues on both committees of jurisdiction here, Energy and Commerce and Natural Resources. The language that they allowed to be put into this energy bill from my water bill is something that truly makes a difference for the constituents of the Central Valley.

We have been suffering over these last few years, and what it has done is devastated our communities. We have unemployment numbers reaching as high as 30 and 40 percent. We see numbers even in some smaller communities as high as 50 percent. To see these things happen in our communities is a total tragedy, and it doesn’t have to happen. All we need is some commonsense legislation.

We have tried reaching out. We have passed legislation out of the House a few different times. We have negotiated and tried to get somewhere, but we weren’t able to do it.

So finding another way to get this onto our Senators’ desks so that they can actually take some action and get it to the President’s desk is of the utmost importance.

I appreciate all the leadership and all the help from both committees to help this move forward.

Mr. RUSH. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. MCNERNEY).

Mr. MCNERNEY. Mr. Speaker, I thank Ranking Member RUSH. I also want to thank my colleagues on the Energy and Commerce Committee, including the chairman of the subcommittee, for their hard work.

I am pleased to have several bipartisan measures included in the legislation, including reforming hydropower licensing; addressing efficiency in Federal buildings, enhancing the energyiciency of Federal buildings, enhancing the energy efficiency of Federal purchases, and cyber-resilient products for the grid, authorization of water programs, an update of our national policy on the future of the grid, and smart grid-capable labels on products to enhance consumer choice.

These are items I believe should remain in any final energy package. Unfortunately, the Republicans have load 4 1/2 minutes remaining.

Mr. WHITFIELD. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I just want to reemphasize that, for the minority side to support this bill and its going forward,
there must be provisions included in the bill that will address the deeply felt concern that our Members have continually expressed.

Specifically, Mr. Speaker, our Members would like to see funding to modernize the Nation’s energy infrastructure. One Member wanted to see investment in clean energy technology. Our Members want to see resources to train a 21st century workforce. Our Members want to see policies to transition our economy away from the energy sources of the past and toward the sustainable energy sources of the future.

Mr. Speaker, without these provisions, this bill won’t go very far.

Mr. Speaker, I encourage all Members of this House to vote “no” on this so-called energy bill. It is a relic. It is backwards-looking. It puts the Nation on a reverse course.

Mr. Speaker, I yield back the balance of my time.

Mr. WHITFIELD. Mr. Speaker, I yield myself such time as I may consume.

To our friends on the other side of the aisle, I want to thank them for working with us on this legislation. I know it is difficult to please everyone. And if we talk about what is happening today, of course, people raise the issue of climate change. And I might say that America does not have to take a back seat to any country in the world on climate change. We have 64 different government programs addressing climate change, so I think America is doing more on that issue than anyone else.

But we have other problems that we have to deal with as well. For example, the U.S. Energy Information Administration estimates that power outages in America cost Americans at least $150 billion annually. One of the reasons we have a lot of power outages is because of our infrastructure needs, but also because of regulations coming out of this administration.

One of the provisions in this bill requires FERC to analyze the impact on electric reliability of new Federal regulations that have many experts concerned. So we want an analysis of all these regulations and its impact on reliability.

We have heard a lot of discussion about the need for work-training programs for people to work in energy, in the natural resources sector, and all sectors. And we had a serious discussion with our friends on the other side of the aisle as we were marking up this legislation. We had basically agreed on a provision to provide training for African Americans, for Hispanics, for women, and for other minorities, to get them involved in the energy field, which we all wanted to do. We even provided some money for that training program.

But the sad thing about that is, we want to change a couple of provisions in the 2005 Energy Policy Act. For example, in that act, there was a prohibition against the Federal government in Federal buildings using any fossil fuels after the year 2030.

We think that is pretty draconian. So we said we are not going to mandate the use of fossil fuels, but in keeping even with the President’s statements about an all-of-the-above energy policy, we wanted a provision in there that would repeal that so if there was a time in the future when we needed fossil fuels because fossil fuels are still providing about 50 to 60 percent of all the electricity in America—even more than that—then we have the ability.

So this provision simply says we are going to allow it. We are not mandating it, but the government has the option, after 2030, of using fossil fuel in government buildings. We think that is a sensible approach, but our friends on the other side of the aisle had dug in the sand so much, they refused that: We will not support it if that is in there.

So some of these provisions that we all wanted, we don’t have in here, but we are trying to do the best that we can do.

I think this is a major step forward for the American people, and I would urge everyone to support S. 2012, the Energy Policy Modernization Act of 2016, and the House amendment to it.

Mr. Speaker, I yield back the balance of my time.

Mr. WESTERMAN. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support for the inclusion of H.R. 2647, the Resilient Forests Act, in the House amendment to S. 2012.

The House passed H.R. 2647 with 262 bipartisan votes last July, and it has been waiting for Senate action since then.

When we passed the bill nearly a year ago, we knew we were facing a severe wildfire season. We were correct. More than 9.1 million acres of forest land burned across the country, the largest number of acres ever recorded. Over 4,500 homes and other structures were destroyed.

Mr. Speaker, these fires destroyed valuable resources, and emitted in the order of magnitude of 100 million tons of carbon into the atmosphere while burning up the equivalent renewable energy stored in our forests of 20 to 30 billion gallons of gasoline. Tragically, three of the fire deaths of the seven firefighters who worked courageously to stop the spread of these wildfires into communities.

When the House passed H.R. 2647 last summer, we hoped that the passage would spur action from the Senate. Unfortunately, that has not been the case. We have waited patiently for the Senate to offer its own legislation so we could sit down and negotiate a compromise. However, that has not been the case, so we should again ask the Senate to act on forestry reform.

H.R. 2647 is premised on a simple idea: that the Forest Service and the BLM need to do more work to restore the health and resilience of our Nation’s forests.

We understand the problem clearly. Our forests are overgrown due to years of neglect. This problem cannot be solved immediately, but we have an obligation to our rural communities to do everything we can to help mitigate the problem.

In drafting this bill, we included provisions which would allow our Federal land management agencies to be able to shorten lengthy environmental review periods when they already understand the environmental impacts of a proposed management action. This bill also encourages and rewards collaborative efforts between diverse stakeholder groups.

The Natural Resources Committee recognizes the chilling effect of unnecessary litigation and how that can prevent needed restoration work from occurring. Just last year, the Forest Service was forced to transfer $243 million from other agency accounts during 1 week in August in order to pay for firefighting costs. These transfers disrupt the very work that reduces the risk of wildfires in the first place.

H.R. 2647 addresses this issue by allowing catastrophic wildfires to be treated like any other natural disaster. The Department of Agriculture and the Department of the Interior would be able to access FEMA’s Disaster Relief Fund to help fight wildfires when all appropriated accounts are exhausted. This provision was drafted in a fiscally responsible manner to ensure that fighting these fires does not become a drain on our budget.

Mr. Speaker, this bill will not make a difference in the health of our Nation’s Federal forests overnight, but it provides urgently needed tools to help our rural communities to reduce the threat of catastrophic wildfires in our communities and to be good stewards of a treasured national resource.

I urge my colleagues to support the House amendment to S. 2012 so that we can go to conference and work out a solution to the many problems facing our Nation’s Federal forests.
Mr. Speaker, I reserve the balance of my time.

Mr. HUFFMAN. Mr. Speaker, I yield myself such time as I may consume.

Today I rise in opposition to the litany of bad, environmentally harmful bills that the House Republican leadership is offering in place of the bipartisan Senate energy bill.

Now, the Senate bill, S. 2012, was sound policy and represented real progress on many important issues, but the package we are considering today is a dangerous threat. Not only is this package bad for drought-stricken States like California, but it includes a wish list of giveaways for the fossil fuel and mining industries, it undermines vital Endangered Species Act protections, and it undermines public review.

This is not a promising start to conference negotiations. Why are we wasting our time on a package of partisan bills that we have considered before and which we all know will never be signed into law?

Even worse than the substance, Republicans shot down the request to consider this bill under an open amendment process. Now, I, for one, would have recommended many changes if we were allowed to consider this very controversial bill under regular order. Just to name a few:

- The House amendment we are considering today continues the unwinding threats that Congress poses under current management to the health of the bay delta and the vital salmon runs that are so important to California and to my district, not to mention specific threats to the San Joaquin River and to the Klamath and Trinity River systems, their salmon fisheries, and the people that depend upon them;
- The House amendment we are considering today would bring back from the dead the undeniably harmful Keystone XL pipeline;
- The House amendment we are considering today would roll back building codes;
- It would be harmful to forest management policy and wildfire mitigation because it uses a short-sighted model for funding instead of bringing forward the actual fix to the fire borrowing problem, the bipartisan legislation by Representatives Simpson and Schmerzer that I have supported each of the last several years but we never seem to be able to actually bring to a vote in this House.

I urge my colleagues today to vote for the Senate energy bill in its current form, in its original form, which is the result of true, bipartisan compromise, so we can actually get that legislation and all of its useful provisions over the finish line.

Mr. Speaker, I reserve the balance of my time.

Mr. WESTERMAN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Wyoming (Mrs. LUMMIS).

Mrs. LUMMIS. Mr. Speaker, I am pleased this amendment will improve the stewardship of public lands, water, and natural resources throughout the West.

I am pleased to see Western priorities included in this bill, from the drought-stricken California to the responsible production of strategic and critical minerals on Federal lands. They are critical to national defense and make possible modern amenities like smartphones and tablets.

On tribal lands, the House amendment will work with more authority over their own land. The best forestry bill we have seen in years came from Mr. WESTERMAN, and he just talked about it.

Finally, the sportsmen's title will re-store much-needed attorney fee transparency under the Equal Access to Justice Act. This law was created to help small businesses, veterans, and Social Security beneficiaries when they have to take the Federal Government to court. But it is being used on endless public lands with consequences for sportsmen's access and other multiple use of public lands.

Finally, this would reinstate the Fish and Wildlife Service's own rulemaking regarding gray wolves in Wyoming and Western States.

Mr. Speaker, I urge my colleagues' support.

Mr. HUFFMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Stockton, California (Mr. McNERNEY), who could drive 300 miles in his district's water interests and the interests of California as they pertain to our most important estuary, the bay-delta system.

Mr. McNERNEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, we had a debate last night about a familiar issue—California's drought. It is something that impacts all of us, including Oregon and Washington State, not just people south of the border.

Unfortunately, H.R. 2898 was included in the Energy and Water Development appropriations bill, and it is alarming that the House Republicans have tacked the same language onto the Energy and Water Development bill. This shows the desperation of the House Republicans to force this bad legislation through.

As I said last night, these provisions would further drain freshwater from the California delta. These provisions would damage the delta's ecosystem and harm the communities I represent. It harms some people to benefit others just because one side has the power to do it.

I represent the seventh largest agricultural county in the Nation, so I understand the needs of farmers and ranchers and the impact that water has on the ability to produce the Nation's fruits, nuts, and vegetables.

Unfortunately, H.R. 2898 would weaken the Endangered Species Act and set a precedent of undermining environmental protections. It also exacerbates a water war in the West just at a time when we are working to bridge those divides. In fact, the State and Federal agencies have been working effectively over the past few years to maximize water deliveries to the delta to communities down south.

Federal and State agencies have made it clear what limits exist in the State. A lack of water is our biggest threat, not operational flexibility. Last night we heard about water waste. What hasn't been said is that water that flows to the ocean pushes the saltwater out away from our farms and allows a path for salmon to the ocean.

The majority hasn't reauthorized WaterSmart. They haven't supported investments in recycling. They have cut funding for the Department of the Interior's efforts to boost water assistance. They haven't voted on water infrastructure improvements. How do we prepare for the future either in wet or dry years? This House isn't willing to make those kinds of investments.

Now, the House has appropriated nearly 2 trillion gallons of water because of aging infrastructure. That is about 6 billion gallons of water wasted every day.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HUFFMAN. Mr. Speaker, I yield the gentleman from California an additional 30 seconds.

Mr. McNERNEY. Mr. Speaker, I rise to support H.R. 2896, the Energy Policy Modernization Act of 2016.

The House amendment includes the Sportsmen's Heritage and Recreational Enhancement Act of 2016, better known as the SHARE Act, which passed with bipartisan support in February in the House.

The SHARE Act is a part of a group of commonsense bills that will eliminate unneeded regulatory impediments, safeguard against new regulations that impede outdoor sporting activities, and protect Second Amendment rights. These packages were similarly introduced and passed in the 112th and 113th Congresses.

Outdoor sporting activities, including hunting, fishing, and recreational shooting are deeply engrained in the fabric of the United States' culture and heritage. Values instilled by partaking
in these activities are passed down from generation to generation and play a significant part in the lives of millions of Americans.

Much of America's outdoor sporting activity occurs on our Nation's Federal lands. Unfortunately, Federal agencies like the U.S. Forest Service and the Bureau of Land Management often prevent or impede access to Federal land for outdoor sporting activities. Because lack of access is one of the key reasons sportsmen and -women stop participating in outdoor sporting activities, enabling the public has reliable access to our Nation's Federal lands must remain a top priority. The SHARE Act does just that.

One of the key provisions of this bill, the Recreational Fishing and Hunting Heritage Opportunities Act, will increase and sustain access for hunting, fishing, and recreational shooting on Federal lands for generations to come. Specifically, it protects sportsmen and -women from arbitrary efforts by the Federal Government to block Federal lands from hunting and fishing activities by implementing an open- until- closed management policy.

It also, in the package, provides tools to help create and maintain recreational shooting ranges on Federal lands and allows the Department of the Interior to designate hunter access corridors through National Park units so that sportsmen and -women can hunt and fish on adjacent Federal lands. The passage also protects Second Amendment rights and the use of traditional ammunition and fishing tackle. It defends law-abiding individuals' constitutional rights to keep and bear arms on lands managed by the Corps of Engineers and ensures that hunters are not burdened by outdated laws preventing bows and crossbows from being transported across national parks.

This important legislation will sustain from generation to generation hunting and fishing traditions, improve access to our Federal lands for responsible outdoor sporting activities, and help ensure that current and future generations of sportsmen and -women are able to enjoy the sporting activities this country holds dear.

Mr. Speaker, I strongly encourage my colleagues to vote "yes" on this important achievement.

Mr. HUFFMAN. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Fresno, California (Mr. COSTA).

Mr. COSTA. Mr. Speaker, I thank Mr. HUFFMAN for yielding me the time.

Mr. Speaker, I rise to support the amendment in the Energy Policy Modernization Act that was reflected in Congressman VALADAO's legislation, H.R. 2898, of which I am a cosponsor. It is an important effort to try to fix California's broken water system.

We cannot continue to kick this can down the road as we have for the last several years. Unfortunately, that is what has continued to happen. Farms, farm communities, and farmworkers are desperate to have Washington recognize that we cannot continue the status quo.

Our Nation's food supply is an issue of national security, and we are dependent upon it. We don't think about it that way, but it is in fact. The severe drought impacts in California and the West are not going to get better. With climate change, they are going to continue to get worse. Passing this bill is part of a continuing effort to try to get something done. The Federal Government has a lot of power here. Let's face the drought and the devastating impacts not only in the San Joaquin Valley, but statewide and Western States-wide. Parts of the valley are parched and without water, and we must continue to raise this issue every way we can. That is why we are doing this. Getting this legislation passed is part of an effort to fix California's broken water system.

There was talk about issuing an allocation, and we were hoping for an El Nino. Guess what. It didn't happen. We got a 5 percent water allocation on the West side. Last year it was zero. The year before it was zero. Zero is zero. It means no water.

So let's try to work together. Let's put aside our talking points and the political posturing for not only California farmers, farmworkers, and farm communities, but American families who count on having nutritious, healthy, and affordable food on their dinner table every night.

Mr. WESTERMAN. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. LaMALFA).

Mr. LaMALFA. Mr. Speaker, I thank the gentleman from Arkansas for his help and for all his good work and for his vast knowledge of trees and forestry. I appreciate it.

Mr. Speaker, today the House has an opportunity to advance real reforms and methods that are preventing responsible management of California's water resources.

Title I of division C of this measure includes language developed through exhaustive bipartisan, bicameral negotiations passed repeatedly by the House with bipartisan support. While the House has taken action on this issue, including this language today ensures that California's Senators can no longer ignore the crisis facing our State.

This Chamber has heard quite a bit about California's water woes over the last few years, including some claims that don't meet the threshold of fact, and it is time we set the record straight.

Some falsely claim this bill prioritizes one area over another. As the sole Representative of the source of the vast majority of California's usable water, I can state this measure includes the strongest possible protections for northern California area of origin and senior water rights. It safeguards the most fundamental water right of all: that those who live where water originates have access to it. That is why northern California water districts and farmers in my area strongly support this bill.

The measure accelerates surface water storage infrastructure projects that over two-thirds of Californians voted to fund, updating the system last expanded four decades ago. One of these projects, Sites Reservoir, would have saved 1 million acre-feet of water this winter alone, enough to supply 8 million Californians for a year. We simply can't expect 40 million people to survive on infrastructure designed for half that, yet that is exactly what members of the minority party argue for.

We have heard wild claims about how this measure could harm endangered species, but in reality it lives within the ESA and the biological opinions. Rather than alter the ESA—and believe me, I would measure improves population monitoring techniques and technology. Wildlife agencies currently base orders to cut off water on hunches, not data. This bill would provide actual facts to end the arbitrary decisions we have seen in recent years.

Finally, this bill sensibly allows more water to be stored and used during winter storms when river flows are highest and there is no impact to fish populations. Even as delta outflows surpassed 100,000 acre-feet per second this year, as we see in this graphic here, during 2016, the water saved was even less by a percent than during low-flow years.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WESTERMAN. Mr. Speaker, I yield the gentleman an additional 30 seconds.

Mr. LaMALFA. As a result, the lost opportunity of filling one of our largest reservoirs, San Luis Reservoir is barely half full. This bill ensures that, when we have more water, it is saved for later use, which helps all Californians. Why wouldn't we want to do this?

Mr. Speaker, we can't wait any longer. It is time that we end the rhetoric, end the obstruction, and address the crisis that threatens our State's strong economic livelihood.

Marin County and San Francisco can get all the water they need, how is it fair that districts in the Central Valley get only 5 percent of their allocation when water is aplenty?

Mr. HUFFMAN. Mr. Speaker, I yield myself such time as I may consume.

Calling the Valadao water bill bipartisan does not make it genuinely so.

Let me just share with my colleagues what Senator DIANNE FEINSTEIN has said about this bill. She said it contains "provisions that would violate environmental law," which she cannot support.

California Senator BARBARA BOXER said the bill is "the same-old, same-old and will only reignite the water wars."
The Obama administration opposes this bill. The State of California not only opposes these provisions, but has opposed all previous incarnations of this bill, which has been bouncing around for some time, long before the current drought gave it a new drought-related urgency. I will just close with what the Fresno Bee has said about this bill. The Fresno Bee says about this bill: “In some cases, it’s an unabashed GOP wish list” that has “little, if anything, in common with a 140-page draft water bill floated by Democrats.”

Mr. Speaker, I yield 3 minutes to the gentleman from California (Ms. MATSUI), who has long fought to protect the delta and the interests of her region.

Ms. MATSUI. Mr. Speaker, I rise in strong opposition to the House amendment to S. 2012, the Energy Policy Modernization Act. Although this bill contains some important provisions overall, it raises barriers to our clean energy future by reversing important progress we have made to curb emissions and combat climate change. House Republicans have made a bad bill worse by attaching harmful amendments that will have a negative impact on consumers, public health, and our environment.

Mr. Speaker, I am particularly concerned that this energy package is being used to advance irresponsible, short-term policies in response to California’s drought. The provisions included in this bill will pit one region of our great State against another instead of providing a balanced, long-term solution. We need to be taking an all-of-the-above approach to our drought by advancing wastewater recycling projects, investing in groundwater storage, and encouraging new technologies that allow us to responsibly manage our water use.

I actually grew up on a Central Valley farm. My grandparents farmed in Reedley, California, and I grew up in Dinuba. So I understand that the debate over water is complicated and personal to so many, but I believe that we can balance the needs of our farmers and urban centers while protecting our drinking water supply and our ecosystems. Our American families deserve an energy package that brings us forward, not backwards. I urge my colleagues to vote “no” on the Energy Policy Modernization Act of 2015.

Mr. WESTERMAN. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. MCCARTHY), our distinguished, hardworking, and, above all, compassionate and fair majority leader.

Mr. MCCARTHY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, there are places in this world that hold people’s imagination—Washington, D.C., New York City, and Paris, the great rolling plains crossed by American pioneers, and the Himalayan mountains touching into the heavens.

I was blessed, blessed more than I knew, to grow up in such a place, a place called California. It is so distinctive and impressive, it is unreal. Warm, sun-drenched and enchanted mountains, great cities, forests, deserts, farmland growing fruits, nuts, and vegetables stretching as far as the eye can see. It is a place that is always filled with promise and potential. In the same way that many wetlands history mirrors the history of America. It started as nothing much, but people came and they built it. We grew and prospered. We became the envy of the world.

Like America, today, California faces great uncertainty. Some problems are the same, shared by the entire Nation, but California and almost the entire Western United States are enduring something much worse—the drought. The drought has lingered for years. El Niño helped produce the problem, but the drought continues. Communities have less water, farmland that once fed the world now sits dry. People are losing their livelihoods and their homes. There is no way to end the drought, but it doesn’t have to be as bad as it is.

Now, water that can be stored is being lost. Bureaucrats release freshwater out to the sea. Our most valuable resource.

This matters today because we are considering a bill from our colleagues in the Senate—the Energy Policy Modernization Act. Before the Senate passed this bill, we added several provisions, including language to address water issues in Washington State.

I have to say, Mr. Speaker, that I am very happy that the Senate brought this up. After all, if we are going to address the water issue in Washington State, we should address the water issue across the West. So we included in our amendment to the legislation Representative VALADAO’s Western Water and American Food Security Act. We released a package in the House so we could build more water storage and increase our reservoirs while still allowing water to flow through the Sacramento delta.

Water is so necessary for our constituents that we aren’t stopping with this bill. We have already begun consideration of the Energy and Water Appropriations bill, which includes even more provisions to deal with the drought.

So there is a simple message for our Democrat colleagues in the Senate. House Republicans won’t stop. We will keep passing bills until our people get the water they need. Because once we get rid of the uncertainty facing California and the entire West will be brushed aside.

You see, California and America as a whole face a crisis of bad governance. Many look around and see life isn’t getting any better. They wonder if our Nation is in decline. But that is not who we are, not as Americans and not as Californians. Our best days are not behind us. We will not quietly manage our decline. I reject the idea that we have reached the heights of our shining city on a hill, and that it is time to come back down to a world of limits and uncertainty. The choice is ours to make because as Americans we write our own future. That is what this vote means for me and for every Californian. The laws governing water are broken. The bureaucracy is working against the people. The system is holding us back, but this is not how it has to be.

California has long been a reflection of America’s promise. We also helped America to realize its promise. We led the way in media, technology, agriculture, and even space. Bring the water back and I know we will lead America once again, and help to restore hope in our future.

Mr. HUFFMAN. Mr. Speaker, I yield myself such time as I may consume.

I share the majority leader’s view that California is a unique and iconic and majestic place. I would only add that part of what makes it so includes the great rivers and iconic salmon runs in California from the Central Valley to the North Coast, where I represent, and the incredibly important San Francisco estuary, the most ecologically important estuary on the West Coast of the Americas, which despite all of the damage we have done to it over the past 100-plus years, still teams with waterfowl and wildlife and still supports salmon that are the staple of the commercial salmon fishing industry, not just in California, but in Washington and Oregon.

That is why groups who advocate for these fisheries, folks who make their living by depending on these fish, are uniformly against the Republican water bill that has been added in by way of this amendment. Fishing jobs matter, too. It is part of what makes California great. There is no one that understands that better than my colleague, MIKE THOMPSON.

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. Mr. Speaker, I thank my friend for yielding time.

Mr. Speaker, I rise in opposition to the amendment to the Senate bill that is before us. California is in a true state of emergency when it comes to water. We are in a multiyear drought. And even after this winter’s El Niño, only one of our State’s reservoirs is filled to capacity.

The drought is having a serious impact on families, on farms, on farmers, on fishermen, and on businesses across California. We need science-based, long-term solutions to our State’s water challenges, and this bill is not the solution.

Americans won’t help our State to improve water efficiency and make the most of the water that we have. It is based on the misguided assumption that our
water crisis can be remedied by pumping more water south. The truth is we haven’t pumped more water south because there simply isn’t enough water. We are in a drought.

The provisions we are debating today redefine the standards by which the Endangered Species Act is applied. This will weaken the law, increase the risk of species extinction, and lead to costly litigation.

You will hear the other side talk about how we are letting millions of gallons of water wash out to sea in order to protect fish when that water could have been pumped to farmers in California’s Central Valley.

The reality is that water needs to keep moving through the delta so that saltwater doesn’t wash in, jeopardizing water quality for farms and for communities, including cities in my district that rely on the delta for their freshwater supply.

It is important to note that this bill sets a dangerous precedent for every other State in our country. California has a system of water management rules that have endured for a long time, but this bill overrides water regulations by Californians themselves, and tells local resource managers and water districts how to administer their water supplies.

If we pass this bill, we are telling every State in America that we are okay with the Federal Government undermining local experts and State laws from coast to coast.

We need real solutions that are based on science and that work for everyone. If you can set the science aside in California, you can do it anywhere. You have no protection for your resources.

This isn’t about farmers versus fish. It is about saving salmon, saving cities in the delta, delta farmers, north of delta farmers, and resources across our country.

I am not insensitive to the supply and demand reality of California’s water. I understand the concerns of Central Valley farmers. Remember, I am one. Ag is big in my district, too.

But if your well runs dry, the solution isn’t to steal water from your neighbors.

This bill isn’t the solution. It is bad for the millions who depend on the delta for their livelihoods, it is bad for California, and it is bad for States across our country.

I urge all of my colleagues to vote “no” on this measure.

Mr. WESTERMAN. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. VALADAO).

Mr. VALADAO. Mr. Speaker, I always enjoy listening to my friends on the other side of the aisle say that this is theft, that we are stealing water.

This graph has been used a few times. This is the amount of water going through the Delta. In 2015, and this is when it was exported; in 2016, the amount of water going out into the ocean. This is not stealing from one person’s well in their community to another community. This is water that is going out into the ocean that they are advocating that we go and spend more taxpayer money and desalinate so that we can bring it right back.

When it comes to protecting the delta, which we all want to do, I would actually recommend that the communities around the delta stop dumping their sewage in it. With over 300 million gallons of sewage being dumped in the delta every day, I would think that would have a bigger impact on the delta species and everything else that is going on there than a little bit of water being pumped.

There were periods this past winter alone where there was 150,000 cubic feet of water per second going through that delta. We are asking for 5,000, and at those high periods maybe 7,500. Think about that. 150,000 cubic feet per second, and we are asking for 7,500, as if this is going to have a very big impact and have a huge impact. I would still argue that dumping your sewage in the delta would have a bigger impact on those species than anything else.

Mr. HUFFMAN. Mr. Speaker, I yield myself such time as I may consume.

When I hear people across the aisle continually describe outflow through the delta estuary as water that is somehow wasted and available to be taken for any purpose, it requires us often to remind them that this delta outflow is water that would not be available to millions of Californians for drinking water and it would not be available to the Central Valley for agricultural irrigation because that outflow maintains salinity control and water quality in this very complex water system.

It is also incorrect—and, yet, we continue to hear it regularly—that huge amounts of water in the last few years have been wasted for environmental purposes.

The State Water Resources Control Board in California estimates that, in 2014, only 4 percent of all runoff in the basin was lost to evaporation in the San Francisco Bay estuary for environmental protection, again, because there are other values, other benefits, to this outflow that sustains water quality and other values in the system.

In 2015, the State estimates that it was only 2 percent of the outflow to the watershed that made it through the system for environmental purposes only. It is important that we bear those facts in mind.

The SPEAKER pro tempore. The gentleman from California has 45 seconds remaining.

Mr. HUFFMAN. Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. Desaulnier) from Contra Costa County.

Mr. DESAULNIER. I thank my colleague. I will try to be brief.

Mr. Speaker, this debate reminds me of the old expression by Mark Twain that in California, whiskey is for drinking and water is for fighting.

So for those of you who are listening, as somebody who has represented the delta in local and State government and now at the Federal level for 25 years, I think we are doing well in California.

In a recent op-ed by Charles Fishman, who is an expert on water resources of the United States, the title of it is “How California is Winning the Drought.”

He writes in this article that it has been the driest 4-year period in California history and the hottest, too. Yet, by almost every measure, except perception, California is doing fine— not just fine—California is doing fabulously. It has grown 27 percent more than the rest of the country, and the agricultural industry has also grown.

He goes on to write that more than half of the fruits and vegetables that are grown in the United States come from California farms and that last year, 2014, in the third growing season of the drought, both farm employment and farm revenue increased slightly.

I ask my colleagues to oppose the bill because it jeopardizes not just the delta, but California’s economy.

Mr. HUFFMAN. I yield back the balance of my time.

Mr. WESTERMAN. Mr. Speaker, I yield myself the balance of my time.

Perfect policy is rare or even impossible. Good policy requires hard work, sound science, good data and data analytics, common sense, and a little bit of give-and-take. Mr. Speaker, this is good policy, fair policy. Most importantly, it will provide for a better way of life for Americans.

I urge support for S. 2012, as amended.

Mr. Speaker, I yield back the balance of my time.
Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to express my concerns with the Energy Policy Modernization Act of 2016. This bill passed the Senate with overwhelming bipartisan support; however this bill contains unnecessarily controversial language which will jeopardize passage here in the House. Every one of the bills included in today’s House amendment have passed largely along party lines and have received veto threats from the White House.

For example, the House Amendment contains The Western Water and American Food Security Act, which aims to address California’s record drought. As we all know, California has been in a severe drought which has devastated its water supply. Although this bill includes language to address California’s current water crisis, I do not believe that it takes into account the concerns of all major stakeholders. Yes, we need to increase storage sites, reexamine infrastructure to move water to the south, and take immediate steps to provide water to the farmers who put food on our tables. We also cannot afford to ignore the environment as we raise our kids and their kids will have to live in it.

I believe we must put everything on the table. All community stakeholders should be involved as we address California’s short-term and long-term water future—and this must be done immediately. Last week during National Infrastructure Week, I spoke about the importance of investing in California’s water infrastructure. We should utilize our resources to capture, reuse, and recycle our precious water for future generations.

The House amendment also contains harmful language from the National Strategic and Critical Minerals Production Act of 2015. This legislation would allow mining companies to set their own rules regarding environmental reviews. It would also cripple the permitting authority under the National Environmental Policy Act, or NEPA. Another bill added into this package, the North American Energy and Infrastructure Act, increases our reliance on fossil fuels, which raises atmospheric levels of CO2.

Further provisions in this bill would curtail NEPA even further, threaten wildlife protections, and ban the results of Department of Energy-supported research from being used to create assessments. Mr. Speaker, this legislation hurts our environment, our wildlife, our public health, and our energy independence.

The SPEAKER pro tempore. A point of order is reserved.

Mr. PETERS. Mr. Speaker, my amendment simply expresses something scientists know to be true and something that is recognized everywhere in the world but in these halls of the United States Congress, that climate change is real and influenced by human activity. We need Congress to get on board with a response, not to stand in the way. That is important for at least three reasons.

First, if we are to lower the rate and impact of greenhouse gas emissions, we need Federal action.

The largest source of greenhouse gas emissions in the United States is from burning fossil fuels, which raises atmospheric levels of CO2. Super pollutants like methane and HFCs are many times more potent than CO2 and are the most significant drivers of climate change. Greenhouse gas emissions can affect coastal regions, energy, defense, food supplies, wildfire preparedness, and our quality of life.

That is why just last month the United States signed the historic Paris climate agreement so as to reduce emissions by at least 26 percent by 2025. As a country that contributes 17 percent of the world’s greenhouse gas emissions, we pledge to do our part.

This follows President Obama’s executive order on climate change, which establishes sustainable goals for the Federal Government. We need Congress to support these efforts, not to get in the way.

Second, all new national plans and projects should consider these effects of climate change as we make decisions about what and where to build infrastructure and to permit projects.

Extreme weather conditions are at an all-time high. One of my first votes as a Member of Congress was to fund a report on Sandy with an appropriation of $60 billion off budget. That is just going to keep happening, folks. Regions around the world are experiencing intense droughts, longer wildfire seasons, and water shortages and flooding, and sea levels are rising at twice the rate they were 20 years ago, threatening to cause destructive erosion, powerful storms, the contamination of agriculture, and lost habitat for wildlife.

We have to make sure that Federal permitting and construction learns the lessons from these trends and these events and that we account for the effect of rising seas, increased winds, and drought on the buildings and infrastructure that we approve and build.

We have to build resiliency into Federal decisionmaking, not dodge the question. A bipartisan Bloomberg report estimated that, if we do not address climate change, between $66 billion and $106 billion worth of coastal property in the United States will be below sea level by 2050.

Third, we need to bring our Federal practices into line with what is already happening outside of the United States Congress, the only entity in the world with its collective head in the sand on the reality of climate change.

There are 175 countries that are on board. That is how many signed the historic Paris Agreement on the first day it was open for signature. There are 154 companies that are on board with Paris, and businesses across the country have committed to putting forward climate targets by reducing carbon emissions and becoming more energy efficient.

PepsiCo, Apple, Qualcomm, Nestle, Kellogg’s, and Starbucks are among the private businesses that have included sustainability and alternative energy as smart business practice, and the Department of Defense, our own military, is on board, acting now to address the impacts of climate change.

In January, the Pentagon released a directive stating:

The Department of Defense must be able to adapt current and future operations to address the impacts of climate change in order to maintain an effective and efficient United States military.

Mr. Speaker, let’s take a cue from the rest of the world, the American private sector, and the Pentagon and consider climate change in permitting and siting.

For some of my colleagues on the other side, the politics of simple facts are frightening. U.S. leadership to curb climate change is not about politics or ideology.

It is about security, ensuring the health of our citizens and of our families, and seizing the unprecedented economic opportunity of the clean energy revolution. The stakes of climate change have never been higher.

The time to act is now.

I yield back the balance of my time.

Mr. WHITFIELD. Mr. Speaker, I withdraw my reservation of a point of order.

Mr. PETERS. Mr. Speaker, I have a motion to commit the bill S. 8, as amended, to the Committee on Energy and Commerce, with instructions to report the same back to the House forthwith, with the following amendment.

Mr. PETERS moves to commit the bill S. 8, as amended, to the Committee on Energy and Commerce, with instructions to report the same back to the House forthwith, with the following amendment.

Mr. PETERS. My amendment to the bill is 5 min.
We agree that climate change is an issue. We simply disagree with this President's unilateral action in trying to decide the way it is addressed. We are amending the Senate bill because we want to use some common-sense approaches that we can continue to bring down CO$_2$ emissions. We can also allow our economy to expand, to create jobs, and we don't have to take a backseat to any country in the world. The U.S. is doing as much as any country in the world on climate change.

I might also say that we expect that our carbon dioxide emissions will remain below our 2005 levels through the year 2040. Now, if you look at China, if you look at many developing countries and even at parts of Europe, they do not meet that standard.

Let's be pragmatic. Let's use common sense. That is precisely what we are doing with our amendments to S. 2012, the Energy Policy Modernization Act of 2016.

I would respectfully request that we deny this motion to commit.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question was taken; and the vote was on the motion to commit. The Speaker pro tempore announced that the noes appeared to have it.

The SPEAKER pro tempore. There was no objection.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to commit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to commit.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. PETERS. Mr. Speaker, on that I demand the yeas and nays.

Mr. PETERS. Mr. Speaker, on that I demand the yeas and nays.

The Speaker pro tempore. Pursuant to clause 8 of rule XX and the order of the House of today, further proceedings on this question will be postponed.

The SPEAKER pro tempore. The Clerk will report the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 744, I call up the bill (H.R. 5233) to repeal the Local Budget Autonomy Amendment Act of 2012, to amend the District of Columbia Home Rule Act to clarify the respective roles of the District government and Congress in the local budget process of the District government, and for other purposes, and ask for its immediate consideration in the House.

The Clerk will report the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 744, the bill is considered read. The text of the bill is as follows:

H.R. 5233

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE. This Act may be cited as the “Clarifying Congressional Intent in Providing for DC Home Rule Act of 2016”.

SEC. 2. REPEAL OF LOCAL BUDGET AUTONOMY AMENDMENT ACT OF 2012. Effective with respect to fiscal year 2013 and each succeeding fiscal year, the Local Budget Autonomy Amendment Act of 2012 (D.C. LAW 19–321) is hereby repealed, and any provision of law amended or repealed by such Act shall be restored or revived as if such Act had not been enacted.

SEC. 3. CLARIFICATION OF ROLES OF DISTRICT GOVERNMENT AND CONGRESS IN LOCAL BUDGET PROCESS.

(a) CLARIFICATION OF APPLICATION OF FEDERAL APPROPRIATIONS PROCESS TO GENERAL FUND.—Section 450 of the District of Columbia Home Rule Act (sec. 1–204.50, D.C. Official Code) is amended—

(1) in the first sentence, by striking “The General Fund” and inserting “(a) IN GENERAL.—The General Fund”;

and (2) by adding at the end the following new subsection:

“(b) APPLICATION OF FEDERAL APPROPRIATIONS PROCESS.—Nothing in this Act shall be construed as creating a continuing appropriation of the General Fund described in subsection (a). All funds provided for the District of Columbia shall be appropriated on an annual fiscal year basis through the Federal appropriations process. For each fiscal year, the District shall be subject to all applicable requirements of subchapter III of chapter 13 and subchapter II of chapter 15 of title 31, United States Code (commonly known as the ‘Anti-Deficiency Act’), the Budget and Accounting Act of 1921, and all other requirements and restrictions applicable to appropriations for such fiscal year.”.

(b) CLARIFICATION OF LIMITATION ON AUTHORITY OF DISTRICT OF COLUMBIA TO CHANGE EXISTING BUDGET PROCESS LAWS.—Section 683(a) of such Act (sec. 1–206.36(a), D.C. Official Code) is amended—

(1) by striking “existing”; and

(2) by striking the period at the end and inserting the following: “, or as authorizing the District of Columbia to make any such change.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the District of Columbia Home Rule Act.

The SPEAKER pro tempore. The question is on the motion to order the previous question postponed. The bill shall be debatable for 1 hour, equally divided and controlled by the chair and ranking minority member of the Committee on Oversight and Government Reform.

The Gentleman from Utah (Mr. CHAFFETZ) and the gentlewoman from the District of Columbia (Ms. NORTON), each will control 30 minutes.

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

Mr. CHAFFETZ. Mr. Speaker, I ask unanimous consent that Members have 5 legislative days to revise and extend their remarks and to include any extraneous material on H.R. 5233.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. CHAFFETZ. Mr. Speaker, I yield myself such time as I may consume.

I want to start, Mr. Speaker, by thanking the Delegate from the District of Columbia (Ms. NORTON). She put her heart and soul into her passion for this country and certainly for the District itself. We happen to disagree probably on this issue. We have