

these examples makes sense, as the columnist from Iowa said, but yesterday the Judiciary Committee chair came up with another one. Listen to this one. This is classic. Senator GRASSLEY said he will not consider Merrick Garland's nomination because the hearing would be a waste of taxpayer dollars.

Well, we could have a hearing, we aren't going to have a hearing, but let's just suppose we did have a hearing. . . . So you have a hearing and you spend a lot of taxpayers' money gearing up for it, you spend a lot of time of members, a lot of research that has to be done by staff.

That is kind of a strange comment. Staff is not paid by the hour. They are paid each day. I would hope they could squeeze into their busy schedules enough time to look at a Supreme Court nominee. Offering our advice and consent on the Supreme Court nomination is what the taxpayers want us to do. Look at polls all over America. That is our job.

I find it ridiculous—there is probably a better description—but I find it ridiculous that the very Senator who continues to use the Judiciary Committee to wage a political war on former Secretary Hillary Clinton dares to claim he is trying to save taxpayer dollars. Where is he, where is his concern for misusing taxpayer funds while his committee continues to waste millions of dollars on partisan opposition research of a Presidential candidate? That is not their job.

Where was the penny-pinching when the Judiciary Committee used Senate funds and Senate staff to investigate former Clinton staffers; for example, asking for maternity leave records—maternity leave records—time sheets, anything they could to try to embarrass Secretary Clinton.

Where is Senator GRASSLEY's focus on government waste while the so-called Benghazi Select Committee continues to spend millions and millions of dollars on a political hit job with no end in sight? Every day the Judiciary Committee has a new excuse, a new justification for why it will not do its job. I think we all have news for the Senator from Iowa: No one is buying it.

They are not buying it in Iowa. They are not buying it in Nevada. They are not buying it in New York. They are not buying it in Kentucky. They are not buying it anywhere. The American people are not buying it. His own constituents are leading the pack of people who are not buying this. His behavior reminds me of a Henry Wadsworth Longfellow poem: "It takes less time to do the right thing than it does to explain why you did it wrong."

So the senior Senator from Iowa has spent months trying to explain away the obstruction of a Supreme Court nominee. Wouldn't it be easier to give him a hearing and a vote? Wouldn't it be easier for him to just do his job? Wouldn't it be the right thing to do to just do his job?

Mr. President, I ask the Chair to announce to everyone what the Senate is going to do the rest of the day.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

ENERGY POLICY MODERNIZATION ACT OF 2015

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 2012, which the clerk will report.

The senior assistant legislative clerk read as follows:

A bill (S. 2012) to provide for the modernization of the energy policy of the United States, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the time until 10 a.m. will be equally divided between the two leaders or their designees.

Who yields time?

If no one yields time, time will be discharged equally to both sides.

The Senator from Washington.

Ms. CANTWELL. Mr. President, we are about to vote on the Energy Modernization Act of 2016. I know my colleague, the chairwoman of the committee from Alaska, will probably like to close debate. So I would like to take a few minutes before that vote this morning to again thank all of our colleagues for their diligent consideration of this legislation.

We will be passing the first Energy bill since 2007. This Energy bill will be the first one in 9 years. It is a modernization of our energy system that is so desperately needed because it focuses on cleaner, more efficient, more renewable sources of energy that is more cost-effective for the consumer. It does this by modernizing the grid, making investments in advanced storage technology, smart buildings, composite materials, and vehicle batteries. It improves cyber security and helps plan for the workforce we need for tomorrow.

I urge my colleagues to make sure this legislation passes. I want to say that yesterday, we substantially improved this legislation—particularly with the inclusion of both the public lands package that includes the Yakima River Basin Bill from the State of Washington; as well as the bipartisan SAVE Act—which will help homeowners recognize the investments they make in energy efficiency so they can benefit from it when they are ready to sell their homes.

I think yesterday's efforts helped improve this legislation, but all of this would not be possible without the staff and the support of so many people. I thank Angela Becker-Dippman, Sam Fowler, David Brooks, Rebecca Bonner, Rosemarie Calabro Tully, John Davis, Benjamin Drake, David Gillers, Rich Glick, Spencer Gray, Sa'Rah Hamm, Aisha Johnson, Faye Matthews, Scott McKee, Casey Neal, Bryan Petit, David Poyer, Betsy Rosenblatt, Sam Siegler, Bradley Sinkaus, Carolyn Sloan, Rory Stanley, Melanie Stansbury, Al

Stayman, Nick Sutter, Stephanie Teich-McGoldrick, Brie Van Cleve, and of course I thank Colin Hayes and Karen Billups from the majority staff who have worked so hard on this legislation as well.

As I said, the improvements we are making in this bill help us reach the goals that have been outlined in the Quadrennial Energy Review. Department of Energy Secretary Ernest Moniz helped us on this legislation, clearly calling for the type of 21st century energy infrastructure investments that will help our country remain economically competitive in the future. It also will help us train the 1.5 million new workers we will need, over the next 15 years.

I should say, one of the provisions we were so happy to defeat amendments on yesterday was preserving the Land and Water Conservation Fund. The Land and Water Conservation Fund is one of the preeminent programs in our country for preserving open space at a time when our country continues to develop. It has been a program that has nurtured that very important need for all of us to be outdoors, and it has also helped to build an outdoor economy.

So we are saying to the American public this is a program we believe should be made permanent, particularly after last September's lapse and successfully renewing it for just a couple of years. It is time to say the Land and Water Conservation Fund, a program that has been around since the 1960s, should be made permanent.

I thank everyone again for their work on this legislation. I hope we get a resounding vote out of the Senate and a quick conference with the House of Representatives so we can plan for America's energy future in a more effective, streamlined way, and we can then realize the opportunity to help our businesses and consumers plan for the energy future.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MURKOWSKI. Mr. President, in the very short time we have before the vote is called, I have just a few comments this morning. We have completed our work on a bill that includes more than 350 amendments that were filed to this broad, bipartisan bill. We have accepted a total now of 65 of those amendments.

This bill contains priorities from over 80 Members of this body. Not everything has been smooth. I think we recognize that. I think this bill has shown that the Senate does work, the Senate can work cooperatively, that they can work toward a bipartisan product that will produce long-lasting

benefits for the people who have sent us here to serve them.

Our next step, our last step, is obtaining final passage. I would strongly encourage all of our colleagues to vote aye this morning. There are plenty of reasons to do that. I will repeat what I said yesterday: Our bill will help America produce more energy. It will help Americans save more energy. It will protect our mineral security and our manufacturers. It will boost innovation, leading to new technologies and new jobs. It will increase America's influence on the world stage, allowing us to finally become that global energy superpower and enjoy the benefits that come with it.

This is a good bill. This is an important bill for our country. I thank our colleagues who have worked with us to get to this point. I urge my colleagues to support the Energy Policy Modernization Act and vote for this bill.

The PRESIDING OFFICER. The Senator's time has expired.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Ms. MURKOWSKI. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Texas (Mr. CRUZ).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. CARPER) and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

The PRESIDING OFFICER (Mr. COTTON). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 85, nays 12, as follows:

[Rollcall Vote No. 54 Leg.]

YEAS—85

Alexander	Ernst	McConnell
Ayotte	Feinstein	Menendez
Baldwin	Fischer	Merkley
Barrasso	Flake	Mikulski
Bennet	Franken	Moran
Blumenthal	Gardner	Murkowski
Blunt	Gillibrand	Murphy
Booker	Graham	Murray
Boxer	Grassley	Nelson
Brown	Hatch	Peters
Burr	Heinrich	Portman
Cantwell	Heitkamp	Reed
Capito	Heller	Reid
Cardin	Hirono	Risch
Casey	Hoeven	Roberts
Cassidy	Inhofe	Rounds
Coats	Isakson	Schatz
Cochran	Johnson	Schumer
Collins	Kaine	Shaheen
Coons	King	Stabenow
Corker	Kirk	Sullivan
Cornyn	Klobuchar	Tester
Crapo	Leahy	Thune
Daines	Manchin	Tillis
Donnelly	Markey	McCain
Durbin	McCain	Udall
Enzi	McCaskill	

Vitter	Warren	Wicker
Warner	Whitehouse	Wyden

NAYS—12

Boozman	Paul	Scott
Cotton	Perdue	Sessions
Lankford	Rubio	Shelby
Lee	Sasse	Toomey

NOT VOTING—3

Carper	Cruz	Sanders
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The bill (S. 2012), as amended, was passed as follows:

S.2012

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

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

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—EFFICIENCY

Subtitle A—Buildings

Sec. 1001. Greater energy efficiency in building codes.

Sec. 1002. Budget-neutral demonstration program for energy and water conservation improvements at multifamily residential units.

Sec. 1003. Coordination of energy retrofitting assistance for schools.

Sec. 1004. Energy efficiency materials pilot program.

Sec. 1005. Utility energy service contracts.

Sec. 1006. Use of energy and water efficiency measures in Federal buildings.

Sec. 1007. Building training and assessment centers.

Sec. 1008. Career skills training.

Sec. 1009. Energy-efficient and energy-saving information technologies.

Sec. 1010. Availability of funds for design updates.

Sec. 1011. Energy efficient data centers.

Sec. 1012. Weatherization Assistance Program.

Sec. 1013. Reauthorization of State energy program.

Sec. 1014. Smart building acceleration.

Sec. 1015. Repeal of fossil phase-out.

Sec. 1016. Federal building energy efficiency performance standards.

Sec. 1017. Codification of Executive Order.

Sec. 1018. Certification for green buildings.

Sec. 1019. High performance green federal buildings.

Sec. 1020. Evaluation of potentially duplicative green building programs.

Sec. 1021. Study and report on energy savings benefits of operational efficiency programs and services.

Sec. 1022. Use of Federal disaster relief and emergency assistance for energy-efficient products and structures.

Sec. 1023. Watersense.

Subtitle B—Appliances

Sec. 1101. Extended product system rebate program.

Sec. 1102. Energy efficient transformer rebate program.

Sec. 1103. Standards for certain furnaces.

Sec. 1104. Third-party certification under Energy Star program.

Sec. 1105. Energy conservation standards for commercial refrigeration equipment.

Sec. 1106. Voluntary verification programs for air conditioning, furnace, boiler, heat pump, and water heater products.

Sec. 1107. Application of energy conservation standards to certain external power supplies.

Subtitle C—Manufacturing

Sec. 1201. Manufacturing energy efficiency.

Sec. 1202. Leveraging existing Federal agency programs to assist small and medium manufacturers.

Sec. 1203. Leveraging smart manufacturing infrastructure at National Laboratories.

Subtitle D—Vehicles

Sec. 1301. Short title.

Sec. 1302. Objectives.

Sec. 1303. Coordination and nonduplication.

Sec. 1304. Authorization of appropriations.

Sec. 1305. Reporting.

PART I—VEHICLE RESEARCH AND DEVELOPMENT

Sec. 1306. Program.

Sec. 1307. Manufacturing.

PART II—MEDIUM- AND HEAVY-DUTY COMMERCIAL AND TRANSIT VEHICLES

Sec. 1308. Program.

Sec. 1309. Class 8 truck and trailer systems demonstration.

Sec. 1310. Technology testing and metrics.

Sec. 1311. Nonroad systems pilot program.

PART III—ADMINISTRATION

Sec. 1312. Repeal of existing authorities.

Sec. 1313. Reauthorization of diesel emissions reduction program.

Sec. 1314. Gaseous fuel dual fueled automobiles.

Subtitle E—Short Title

Sec. 1401. Short title.

Subtitle F—Housing

Sec. 1501. Definitions.

Sec. 1502. Enhanced energy efficiency underwriting criteria.

Sec. 1503. Enhanced energy efficiency underwriting valuation guidelines.

Sec. 1504. Monitoring.

Sec. 1505. Rulemaking.

Sec. 1506. Additional study.

TITLE II—INFRASTRUCTURE

Subtitle A—Cybersecurity

Sec. 2001. Cybersecurity threats.

Sec. 2002. Enhanced grid security.

Subtitle B—Strategic Petroleum Reserve

Sec. 2101. Strategic Petroleum Reserve modernization.

Sec. 2102. Strategic petroleum reserve drawdown and sale.

Subtitle C—Trade

Sec. 2201. Action on applications to export liquefied natural gas.

Sec. 2202. Public disclosure of liquefied natural gas export destinations.

Sec. 2203. Energy data collaboration.

Subtitle D—Electricity and Energy Storage

Sec. 2301. Grid storage program.

Sec. 2302. Electric system grid architecture, scenario development, and modeling.

Sec. 2303. Hybrid micro-grid systems for isolated and resilient communities.

Sec. 2304. Voluntary model pathways.

Sec. 2305. Performance metrics for electricity infrastructure providers.

Sec. 2306. State and regional electricity distribution planning.

Sec. 2307. Authorization of appropriations.

Sec. 2308. Electric transmission infrastructure permitting.

Sec. 2309. Report by transmission organizations on distributed energy resources and micro-grid systems.

Sec. 2310. Net metering study guidance.

Sec. 2311. Model guidance for combined heat and power systems and waste heat to power systems.

Subtitle E—Computing

Sec. 2401. Exascale computer research program.

TITLE III—SUPPLY

Subtitle A—Renewables

PART I—HYDROELECTRIC

- Sec. 3001. Hydropower regulatory improvements.
- Sec. 3002. Hydroelectric production incentives and efficiency improvements.
- Sec. 3003. Extension of time for a Federal Energy Regulatory Commission project involving Clark Canyon Dam.
- Sec. 3004. Extension of time for a Federal Energy Regulatory Commission project involving Gibson Dam.

PART II—GEOTHERMAL

SUBPART A—GEOTHERMAL ENERGY

- Sec. 3005. National goals for production and site identification.
- Sec. 3006. Priority areas for development on Federal land.
- Sec. 3007. Facilitation of coproduction of geothermal energy on oil and gas leases.
- Sec. 3008. Noncompetitive leasing of adjoining areas for development of geothermal resources.
- Sec. 3009. Report to Congress.
- Sec. 3010. Authorization of appropriations.

SUBPART B—DEVELOPMENT OF GEOTHERMAL, SOLAR, AND WIND ENERGY ON PUBLIC LAND

- Sec. 3011. Definitions.
- Sec. 3011A. Land use planning; supplements to programmatic environmental impact statements.
- Sec. 3011B. Environmental review on covered land.
- Sec. 3011C. Program to improve renewable energy project permit coordination.
- Sec. 3011D. Savings clause.

SUBPART C—GEOTHERMAL EXPLORATION

- Sec. 3012. Geothermal exploration test projects.

PART III—MARINE HYDROKINETIC

- Sec. 3013. Definition of marine and hydrokinetic renewable energy.
- Sec. 3014. Marine and hydrokinetic renewable energy research and development.
- Sec. 3015. National Marine Renewable Energy Research, Development, and Demonstration Centers.
- Sec. 3016. Authorization of appropriations.

PART IV—BIOMASS

- Sec. 3017. Policies relating to biomass energy.

Subtitle B—Oil and Gas

- Sec. 3101. Amendments to the Methane Hydrate Research and Development Act of 2000.
- Sec. 3102. Liquefied natural gas study.
- Sec. 3103. FERC process coordination with respect to regulatory approval of gas projects.
- Sec. 3104. Pilot program.
- Sec. 3105. GAO review and report.
- Sec. 3106. Ethane storage study.
- Sec. 3107. Aliso Canyon natural gas leak task force.
- Sec. 3108. Report on incorporating Internet-based lease sales.
- Sec. 3109. Denali National Park and Preserve natural gas pipeline.

Subtitle C—Helium

- Sec. 3201. Rights to helium.

Subtitle D—Critical Minerals

- Sec. 3301. Definitions.
- Sec. 3302. Policy.
- Sec. 3303. Critical mineral designations.
- Sec. 3304. Resource assessment.
- Sec. 3305. Permitting.
- Sec. 3306. Federal Register process.

- Sec. 3307. Recycling, efficiency, and alternatives.

- Sec. 3308. Analysis and forecasting.

- Sec. 3309. Education and workforce.

- Sec. 3310. National geological and geophysical data preservation program.

- Sec. 3311. Administration.

- Sec. 3312. Authorization of appropriations.

Subtitle E—Coal

- Sec. 3401. Sense of the Senate on carbon capture, use, and storage development and deployment.

- Sec. 3402. Fossil energy.

- Sec. 3403. Establishment of coal technology program.

- Sec. 3404. Report on price stabilization support.

Subtitle F—Nuclear

- Sec. 3501. Nuclear energy innovation capabilities.

- Sec. 3502. Next generation nuclear plant project.

Subtitle G—Workforce Development

- Sec. 3601. 21st Century Energy Workforce Advisory Board.

- Sec. 3602. Energy workforce pilot grant program.

Subtitle H—Recycling

- Sec. 3701. Recycled carbon fiber.

- Sec. 3702. Energy generation and regulatory relief study regarding recovery and conversion of nonrecycled mixed plastics.

- Sec. 3703. Eligible projects.

- Sec. 3704. Promoting use of reclaimed refrigerants in Federal facilities.

Subtitle I—Thermal Energy

- Sec. 3801. Modifying the definition of renewable energy to include thermal energy.

TITLE IV—ACCOUNTABILITY

Subtitle A—Loan Programs

- Sec. 4001. Terms and conditions for incentives for innovative technologies.

- Sec. 4002. State loan eligibility.

- Sec. 4003. GAO Study on fossil loan guarantee incentive program.

- Sec. 4004. Program eligibility for vessels.

- Sec. 4005. Additional reforms.

- Sec. 4006. Department of Energy Indian energy education planning and management assistance program.

Subtitle B—Energy-Water Nexus

- Sec. 4101. Nexus of energy and water for sustainability.

- Sec. 4102. Smart energy and water efficiency pilot program.

Subtitle C—Innovation

- Sec. 4201. America COMPETES programs.

- Sec. 4202. Inclusion of early stage technology demonstration in authorized technology transfer activities.

- Sec. 4203. Supporting access of small business concerns to National Laboratories.

- Sec. 4204. Microlab technology commercialization.

- Sec. 4205. Sense of the Senate on accelerating energy innovation.

- Sec. 4206. Restoration of Laboratory Directed Research and Development Program.

- Sec. 4207. National Science and Technology Council coordinating subcommittee for high-energy physics.

Subtitle D—Grid Reliability

- Sec. 4301. Bulk-power system reliability impact statement.

- Sec. 4302. Report by transmission organizations on diversity of supply.

Subtitle E—Management

- Sec. 4401. Federal land management.

- Sec. 4402. Quadrennial Energy Review.

- Sec. 4403. State oversight of oil and gas programs.

- Sec. 4404. Under Secretary for Science and Energy.

- Sec. 4405. Western Area Power Administration pilot project.

- Sec. 4406. Research grants database.

- Sec. 4407. Review of economic impact of BSEE rule on small entities.

- Sec. 4408. Energy emergency response efforts of the Department.

- Sec. 4409. GAO report on Bureau of Safety and Environmental Enforcement statutory and regulatory authority for the procurement of helicopter fuel.

- Sec. 4410. Conveyance of federal land within the Swan Lake hydroelectric project boundary.

- Sec. 4411. Study of waivers of certain cost-sharing requirements.

- Sec. 4412. National park centennial.

- Sec. 4413. Program to reduce the potential impacts of solar energy facilities on certain species.

- Sec. 4414. Wild horses in and around the Currituck National Wildlife Refuge.

Subtitle F—Markets

- Sec. 4501. Enhanced information on critical energy supplies.

- Sec. 4502. Working Group on Energy Markets.

- Sec. 4503. Study of regulatory framework for energy markets.

Subtitle G—Affordability

- Sec. 4601. E-prize competition pilot program.

- Sec. 4602. Carbon dioxide capture technology prize.

Subtitle H—Code Maintenance

- Sec. 4701. Repeal of off-highway motor vehicles study.

- Sec. 4702. Repeal of methanol study.

- Sec. 4703. Repeal of authorization of appropriations provision.

- Sec. 4704. Repeal of residential energy efficiency standards study.

- Sec. 4705. Repeal of weatherization study.

- Sec. 4706. Repeal of report to Congress.

- Sec. 4707. Repeal of report by General Services Administration.

- Sec. 4708. Repeal of intergovernmental energy management planning and coordination workshops.

- Sec. 4709. Repeal of Inspector General audit survey and President's Council on Integrity and Efficiency report to Congress.

- Sec. 4710. Repeal of procurement and identification of energy efficient products program.

- Sec. 4711. Repeal of national action plan for demand response.

- Sec. 4712. Repeal of national coal policy study.

- Sec. 4713. Repeal of study on compliance problem of small electric utility systems.

- Sec. 4714. Repeal of study of socioeconomic impacts of increased coal production and other energy development.

- Sec. 4715. Repeal of study of the use of petroleum and natural gas in combustors.

- Sec. 4716. Repeal of submission of reports.

- Sec. 4717. Repeal of electric utility conservation plan.

- Sec. 4718. Emergency Energy Conservation repeals.

Sec. 4719. Energy Security Act repeals.
 Sec. 4720. Nuclear Safety Research, Development, and Demonstration Act of 1980 repeals.
 Sec. 4721. Elimination and consolidation of certain America COMPETES programs.
 Sec. 4722. Repeal of state utility regulatory assistance.
 Sec. 4723. Repeal of survey of energy saving potential.
 Sec. 4724. Repeal of photovoltaic energy program.
 Sec. 4725. Repeal of energy auditor training and certification.
 Sec. 4726. Repeal of authorization of appropriations.
 Sec. 4727. Repeal of Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989.
 Sec. 4728. Repeal of hydrogen research, development, and demonstration program.
 Sec. 4729. Repeal of study on alternative fuel use in nonroad vehicles and engines.
 Sec. 4730. Repeal of low interest loan program for small business fleet purchases.
 Sec. 4731. Repeal of technical and policy analysis for replacement fuel demand and supply information.
 Sec. 4732. Repeal of 1992 Report on Climate Change.
 Sec. 4733. Repeal of Director of Climate Protector establishment.
 Sec. 4734. Repeal of 1994 report on global climate change emissions.
 Sec. 4735. Repeal of telecommuting study.
 Sec. 4736. Repeal of advanced buildings for 2005 program.
 Sec. 4737. Repeal of Energy Research, Development, Demonstration, and Commercial Application Advisory Board.
 Sec. 4738. Repeal of study on use of energy futures for fuel purchase.
 Sec. 4739. Repeal of energy subsidy study.
 Sec. 4740. Modernization of terms relating to minorities.

TITLE V—CONSERVATION REAUTHORIZATION

Sec. 5001. National Park Service Maintenance and Revitalization Conservation Fund.
 Sec. 5002. Land and Water Conservation Fund.
 Sec. 5003. Historic Preservation Fund.
 Sec. 5004. Conservation incentives land-owner education program.

TITLE VI—INDIAN TRIBAL ENERGY DEVELOPMENT AND SELF-DETERMINATION

Sec. 6001. Short title.
 Subtitle A—Indian Tribal Energy Development and Self-determination Act Amendments
 Sec. 6011. Indian tribal energy resource development.
 Sec. 6012. Indian tribal energy resource regulation.
 Sec. 6013. Tribal energy resource agreements.
 Sec. 6014. Technical assistance for Indian tribal governments.
 Sec. 6015. Conforming amendments.
 Sec. 6016. Report.

Subtitle B—Miscellaneous Amendments

Sec. 6201. Issuance of preliminary permits or licenses.
 Sec. 6202. Tribal biomass demonstration project.
 Sec. 6203. Weatherization program.
 Sec. 6204. Appraisals.
 Sec. 6205. Leases of restricted lands for Navajo Nation.

Sec. 6206. Extension of tribal lease period for the Crow Tribe of Montana.
 Sec. 6207. Trust status of lease payments.

TITLE VII—BROWNFIELDS REAUTHORIZATION

Sec. 7001. Short title.
 Sec. 7002. Expanded eligibility for nonprofit organizations.
 Sec. 7003. Multipurpose brownfields grants.
 Sec. 7004. Treatment of certain publicly owned brownfield sites.
 Sec. 7005. Increased funding for remediation grants.
 Sec. 7006. Allowing administrative costs for grant recipients.
 Sec. 7007. Small community technical assistance grants.
 Sec. 7008. Waterfront brownfields grants.
 Sec. 7009. Clean energy brownfields grants.
 Sec. 7010. Targeted funding for States.
 Sec. 7011. Authorization of appropriations.

TITLE VIII—MISCELLANEOUS

Sec. 8001. Removal of use restriction.

TITLE IX—MISCELLANEOUS

Sec. 9001. Interagency transfer of land along George Washington Memorial Parkway.

TITLE X—NATURAL RESOURCES

Subtitle A—Land Conveyances and Related Matters

Sec. 10001. Arapaho National Forest boundary adjustment.
 Sec. 10002. Land conveyance, Elkhorn Ranch and White River National Forest, Colorado.
 Sec. 10003. Land exchange in Craggs, Colorado.
 Sec. 10004. Cerro del Yuta and Río San Antonio Wilderness Areas.
 Sec. 10005. Clarification relating to a certain land description under the Northern Arizona Land Exchange and Verde River Basin Partnership Act of 2005.
 Sec. 10006. Cooper Spur land exchange clarification amendments.
 Sec. 10007. Expedited access to certain Federal land.
 Sec. 10008. Black Hills National Cemetery boundary modification.

Subtitle B—National Park Management, Studies, and Related Matters

Sec. 10101. Refund of funds used by States to operate national parks during shutdown.
 Sec. 10102. Lower Farmington and Salmon Brook recreational rivers.
 Sec. 10103. Special resource study of President Street Station.
 Sec. 10104. Special resource study of Thurgood Marshall's elementary school.
 Sec. 10105. Special resource study of James K. Polk presidential home.
 Sec. 10106. North Country National Scenic Trail route adjustment.
 Sec. 10107. Designation of Jay S. Hammond Wilderness Area.
 Sec. 10108. Advisory Council on Historic Preservation.
 Sec. 10109. Establishment of a visitor services facility on the Arlington Ridge tract.

Subtitle C—Sportsmen's Access and Land Management Issues

PART I—NATIONAL POLICY

Sec. 10201. Congressional declaration of national policy.

PART II—SPORTSMEN'S ACCESS TO FEDERAL LAND

Sec. 10211. Definitions.
 Sec. 10212. Federal land open to hunting, fishing, and recreational shooting.

Sec. 10213. Closure of Federal land to hunting, fishing, and recreational shooting.

Sec. 10214. Shooting ranges.

Sec. 10215. Federal action transparency.

PART III—FILMING ON FEDERAL LAND MANAGEMENT AGENCY LAND

Sec. 10221. Commercial filming.

PART IV—BOWS, WILDLIFE MANAGEMENT, AND ACCESS OPPORTUNITIES FOR RECREATION, HUNTING, AND FISHING

Sec. 10231. Bows in parks.

Sec. 10232. Wildlife management in parks.

Sec. 10233. Identifying opportunities for recreation, hunting, and fishing on Federal land.

PART V—FEDERAL LAND TRANSACTION FACILITATION ACT

Sec. 10241. Federal Land Transaction Facilitation Act.

PART VI—FISH AND WILDLIFE CONSERVATION

Sec. 10251. Amendments to Pittman-Robertson Wildlife Restoration Act.

Sec. 10252. North American Wetlands Conservation Act.

Sec. 10253. National fish habitat conservation.

Sec. 10254. Gulf States Marine Fisheries Commission report on Gulf of Mexico outer Continental Shelf State boundary extension.

Sec. 10255. GAO report on Gulf of Mexico outer Continental Shelf State boundary extension.

PART VII—MISCELLANEOUS

Sec. 10261. Respect for treaties and rights.

Sec. 10262. No priority.

Subtitle D—Water Infrastructure and Related Matters

PART I—FONTENELLE RESERVOIR

Sec. 10301. Authority to make entire active capacity of Fontenelle Reservoir available for use.

Sec. 10302. Savings provisions.

PART II—BUREAU OF RECLAMATION TRANSPARENCY

Sec. 10311. Definitions.

Sec. 10312. Asset management report enhancements for reserved works.

Sec. 10313. Asset management report enhancements for transferred works.

Sec. 10314. Offset.

PART III—BASIN WATER MANAGEMENT

SUBPART A—YAKIMA RIVER BASIN WATER ENHANCEMENT

Sec. 10321. Short title.

Sec. 10322. Modification of terms, purposes, and definitions.

Sec. 10323. Yakima River Basin Water Conservation Program.

Sec. 10324. Yakima Basin water projects, operations, and authorizations.

Sec. 10325. Authorization of Phase III of Yakima River Basin Water Enhancement Project.

SUBPART B—KLAMATH PROJECT WATER AND POWER

Sec. 10329. Klamath Project.

PART IV—RESERVOIR OPERATION IMPROVEMENT

Sec. 10331. Reservoir operation improvement.

PART V—HYDROELECTRIC PROJECTS

Sec. 10341. Terror Lake Hydroelectric Project Upper Hidden Basin Diversion authorization.

Sec. 10342. Stay and Reinstatement of FERC License No. 11393 for the Mahoney Lake Hydroelectric Project.

Sec. 10343. Extension of deadline for hydroelectric project.

Sec. 10344. Extension of deadline for certain other hydroelectric projects.
 Sec. 10345. Equus Beds Division extension.
 Sec. 10346. Extension of time for a Federal Energy Regulatory Commission project involving Cannonsville Dam.

PART VI—PUMPED STORAGE HYDROPOWER COMPENSATION

Sec. 10351. Pumped storage hydropower compensation.

SEC. 2. DEFINITIONS.

In this Act:

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

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

TITLE I—EFFICIENCY

Subtitle A—Buildings

SEC. 1001. GREATER ENERGY EFFICIENCY IN BUILDING CODES.

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

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

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

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

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

“(C) other appropriate organizations.”; and

(2) by adding at the end the following:

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

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

(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:

“SEC. 304. UPDATING STATE BUILDING ENERGY EFFICIENCY CODES.

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

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

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

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

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

“(A) **IN GENERAL.**—Not later than 2 years after the date on which a model building energy code is updated, 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.

“(B) **DEMONSTRATION.**—The certification shall include a demonstration 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—

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

“(ii) 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 2 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).

“(2) **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) if the determination is positive, validate the certification.

“(c) **IMPROVEMENTS IN COMPLIANCE WITH BUILDING ENERGY CODES.**—

“(1) **REQUIREMENT.**—

“(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 and Indian tribe, respectively, has—

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

“(ii) made significant progress under paragraph (4) toward achieving compliance with the applicable certified State and Indian tribe building energy code or with the associated model building energy code.

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

“(2) **MEASUREMENT OF COMPLIANCE.**—A certification under paragraph (1) shall include documentation of the rate of compliance based on—

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

“(B) an alternative method that yields an accurate 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 covered by the code in the preceding year substantially meets all the requirements of the applicable code specified in paragraph (1), or achieves equivalent or greater energy savings level; or

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

“(4) **SIGNIFICANT PROGRESS TOWARD ACHIEVEMENT OF COMPLIANCE.**—A State or Indian tribe shall be considered to have made significant progress toward achieving compliance for purposes 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 paragraph, including annual targets for compliance and active training and enforcement programs; and

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

“(5) **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 State or Indian tribe has demonstrated meeting the criteria of this subsection, including accurate measurement of compliance; and

“(B) if the determination is positive, validate the certification.

“(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 subsection (b) or (c) by the applicable deadline shall submit to the Secretary a report on—

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

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

“(2) **FEDERAL SUPPORT.**—For any State or Indian tribe for which the Secretary has not validated a certification by a deadline under subsection (b) or (c), the lack of the certification may be a consideration for Federal support authorized under this section for code adoption and compliance activities.

“(3) **LOCAL GOVERNMENT.**—In any State or Indian tribe for which the Secretary has not validated a certification under subsection (b) or (c), a local government may be eligible for Federal support by meeting the certification requirements of subsections (b) and (c).

“(4) **ANNUAL REPORTS BY SECRETARY.**—

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

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

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

“(iii) the implementation of this section; and

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

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

“(i) upfront financial and construction costs, cost benefits and returns (using investment analysis), and lifetime energy use for buildings;

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

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

“(e) **TECHNICAL ASSISTANCE TO STATES AND INDIAN TRIBES.**—The Secretary shall provide technical assistance to States and Indian tribes to implement the goals and requirements of this section, including procedures and technical analysis for States and Indian tribes—

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

“(2) to demonstrate that the code provisions of the States and Indian tribes achieve equivalent or greater energy savings than the model building energy codes and targets;

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

“(4) to otherwise promote the design and construction of energy efficient buildings.

“(f) **AVAILABILITY OF INCENTIVE FUNDING.**—

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

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

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

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

“(2) **ADDITIONAL FUNDING.**—Additional funding shall be provided under this subsection for implementation of a plan to achieve and document full compliance with residential and commercial building energy codes under subsection (c)—

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

“(B) in a State or Indian tribe that is not eligible under subparagraph (A), to a local government that is eligible under this section.

“(3) **TRAINING.**—Of the amounts made available under this subsection, the State or Indian tribe may use amounts required, but not to exceed \$750,000 for a State, to train State and local building code officials to implement and enforce codes described in paragraph (2).

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

“(g) **STRETCH CODES AND ADVANCED STANDARDS.**—

“(1) **IN GENERAL.**—The Secretary shall provide technical and financial support for the development of stretch codes and advanced standards for residential and commercial buildings for use as—

“(A) an option for adoption as a building energy code by State, local, or tribal governments; and

“(B) guidelines for energy-efficient building design.

“(2) **TARGETS.**—The stretch codes and advanced standards 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, at least 3 to 6 years in advance of the target years.

“(h) **STUDIES.**—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 buildings, code officials, and other stakeholders, shall undertake a study of the feasibility, impact, economics, and merit of—

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

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

“(3) legislative options for increasing energy savings from building energy codes, including additional incentives for effective State and local action, and verification of compliance with and enforcement of a code other than by a State or local government.

“(i) **EFFECT ON OTHER LAWS.**—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. 6291 et seq.).

“(j) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section and section 307 \$200,000,000, to remain available until expended.”

(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” each place it appears in subsections (a)(2)(B) and (b) and inserting “model building energy code”.

(d) **MODEL BUILDING ENERGY CODES.**—Section 307 of the Energy Conservation and Pro-

duction Act (42 U.S.C. 6836) is amended to read as follows:

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

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

“(b) **TARGETS.**—

“(1) **IN GENERAL.**—The Secretary shall support the updating of the model building energy codes to enable the achievement of aggregate energy savings targets established under paragraph (2).

“(2) **TARGETS.**—

“(A) **IN GENERAL.**—The Secretary shall work with States, local governments, and Indian tribes, nationally recognized code and standards developers, and other interested parties to support the updating of model building energy codes by establishing one or more aggregate energy savings targets to achieve the purposes of this section.

“(B) **SEPARATE TARGETS.**—The Secretary may establish separate targets 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.**—

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

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

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

“(III) promotes the achievement of commercial and residential high-performance buildings through high-performance energy efficiency (within the meaning of section 401 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17061)).

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

“(iii) **DIFFERENT TARGET YEARS.**—Subject to clause (i), prior to the applicable year, the Secretary may set a later target year for any of the model building energy codes described in subparagraph (A) if the Secretary determines that a target cannot be met.

“(iv) **SMALL BUSINESS.**—When establishing targets under this paragraph through rulemaking, the Secretary shall ensure compliance with the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note; Public Law 104-121).

“(3) **APPLIANCE STANDARDS AND OTHER FACTORS AFFECTING BUILDING ENERGY USE.**—In establishing building code targets under paragraph (2), the Secretary shall develop and adjust the targets in recognition of potential savings and costs relating to—

“(A) efficiency gains made in appliances, lighting, windows, insulation, and building envelope sealing;

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

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

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

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

“(4) **ECONOMIC CONSIDERATIONS.**—In establishing and revising building code targets under paragraph (2), the Secretary shall con-

sider the economic feasibility of achieving the proposed targets established under this section and the potential costs and savings for consumers and building owners, including a return on investment analysis.

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

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

“(2) **ASSISTANCE.**—The assistance shall include, as requested by the organizations, technical assistance in—

“(A) evaluating code or standards proposals or revisions;

“(B) building energy analysis and design tools;

“(C) building demonstrations;

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

“(E) performance-based standards;

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

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

“(3) **AMENDMENT PROPOSALS.**—The Secretary may submit timely model building energy code amendment proposals 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).

“(4) **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.

“(d) **DETERMINATION.**—

“(1) **REVISION OF MODEL BUILDING ENERGY CODES.**—If the provisions of the IECC or ASHRAE Standard 90.1 regarding building energy use are revised, 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 will—

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

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

“(2) **CODES OR STANDARDS NOT MEETING TARGETS.**—

“(A) **IN GENERAL.**—If the Secretary makes a preliminary determination under paragraph (1)(B) that a code or standard does not meet the targets established under subsection (b)(2), the Secretary may at the same time provide the model building energy code or standard developer with proposed changes that would result in a model building energy code that meets the targets and with supporting evidence, taking into consideration—

“(i) whether the modified code is technically feasible and life-cycle cost effective;

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

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

“(B) **INCORPORATION OF CHANGES.**—

“(i) **IN GENERAL.**—On receipt of the proposed changes, the model building energy code or standard developer shall have an additional 270 days to accept or reject the proposed changes of the Secretary to the model building energy code or standard for the Secretary to make a final determination.

“(ii) FINAL DETERMINATION.—A final determination under paragraph (1) shall be on the modified model building energy code or standard.

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

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

“(2) provide an opportunity for public comment on targets and supporting analysis and determinations under this section.

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

SEC. 1002. BUDGET-NEUTRAL DEMONSTRATION PROGRAM FOR ENERGY AND WATER CONSERVATION IMPROVEMENTS AT MULTIFAMILY RESIDENTIAL UNITS.

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

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

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

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

(b) REQUIREMENTS.—

(1) PAYMENTS CONTINGENT ON SAVINGS.—

(A) IN GENERAL.—The Secretary shall provide to an entity a payment under an agreement under this section only during applicable years for which an energy or water cost savings is achieved with respect to the applicable multifamily portfolio of properties, as determined by the Secretary, in accordance with subparagraph (B).

(B) PAYMENT METHODOLOGY.—

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

(I) that will serve as a payment threshold for the term of the agreement; and

(II) pursuant to which the Department of Housing and Urban Development shall share a percentage of the savings at a level determined by the Secretary that is sufficient to cover the administrative costs of carrying out this section.

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

(I) be contingent on documented utility savings; and

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

(C) THIRD PARTY VERIFICATION.—Savings payments made by the Secretary under this

section shall be based on a measurement and verification protocol that includes at least—

(i) establishment of a weather-normalized and occupancy-normalized utility consumption baseline established preretrofit;

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

(iii) annual third party validation of the tenant utility allowances in effect during the applicable year and vacancy rates for each unit type; and

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

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

(3) ENTITY ELIGIBILITY.—The Secretary shall—

(A) establish a competitive process for entering into agreements under this section; and

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

(i) financing and operating properties receiving assistance under a program described in subsection (a);

(ii) oversight of energy and water conservation programs, including oversight of contractors; and

(iii) raising capital for energy and water conservation improvements from charitable organizations or private investors.

(4) GEOGRAPHICAL DIVERSITY.—Each agreement entered into under this section shall provide for the inclusion of properties with the greatest feasible regional and State variance.

(c) PLAN AND REPORTS.—

(1) PLAN.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Energy and Natural Resources of the Senate, and the Committee on Energy and Commerce of the House of Representatives a detailed plan for the implementation of this section.

(2) REPORTS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall—

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

(B) submit to Congress a report describing each evaluation conducted under subparagraph (A).

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

SEC. 1003. COORDINATION OF ENERGY RETROFITTING ASSISTANCE FOR SCHOOLS.

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

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

(2) an institution of higher education (as defined in section 102(a) of the Higher Education Act of 1965 (20 U.S.C. 1002(a));

(3) a school of the defense dependents’ education system under the Defense Dependents’ Education Act of 1978 (20 U.S.C. 921 et seq.) or established under section 2164 of title 10, United States Code;

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

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

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

(b) DESIGNATION OF LEAD AGENCY.—The Secretary, acting through the Office of Energy Efficiency and Renewable Energy, shall act as the lead Federal agency for coordinating and disseminating information on existing Federal programs and assistance that may be used to help initiate, develop, and finance energy efficiency, renewable energy, and energy retrofitting projects for schools.

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

(1) in consultation and coordination with the appropriate Federal agencies, carry out a review of existing programs and financing mechanisms (including revolving loan funds and loan guarantees) available in or from the Department of Agriculture, the Department of Energy, the Department of Education, the Department of the Treasury, the Internal Revenue Service, the Environmental Protection Agency, and other appropriate Federal agencies with jurisdiction over energy financing and facilitation that are currently used or may be used to help initiate, develop, and finance energy efficiency, renewable energy, and energy retrofitting projects for schools;

(2) establish a Federal cross-departmental collaborative coordination, education, and outreach effort to streamline communication and promote available Federal opportunities and assistance described in paragraph (1) for energy efficiency, renewable energy, and energy retrofitting projects that enables States, local educational agencies, and schools—

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

(B) to form partnerships with Governors, State energy programs, local educational, financial, and energy officials, State and local government officials, nonprofit organizations, and other appropriate entities to support the initiation of the projects;

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

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

(B) to install systems that individually generate energy from renewable energy resources;

(C) to establish partnerships to leverage economies of scale and additional financing mechanisms available to larger clean energy initiatives; or

(D) to promote—

(i) the maintenance of health, environmental quality, and safety in schools, including the ambient air quality, through energy efficiency, renewable energy, and energy retrofit projects; and

(ii) the achievement of expected energy savings and renewable energy production through proper operations and maintenance practices;

(4) develop and maintain a single online resource website with contact information for relevant technical assistance and support staff in the Office of Energy Efficiency and Renewable Energy for States, local educational agencies, and schools to effectively access and use Federal opportunities and assistance described in paragraph (1) to develop energy efficiency, renewable energy, and energy retrofitting projects; and

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

(A) have successfully implemented energy efficiency, renewable energy, and energy retrofitting projects; and

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

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

SEC. 1004. ENERGY EFFICIENCY MATERIALS PILOT PROGRAM.

(a) DEFINITIONS.—In this section:

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

(2) ENERGY-EFFICIENCY MATERIALS.—

(A) IN GENERAL.—The term “energy-efficiency materials” means a measure (including a product, equipment, or system) that results in a reduction in use by a nonprofit organization for energy or fuel supplied from outside the nonprofit building.

(B) INCLUSIONS.—The term “energy-efficiency materials” includes an item involving—

- (i) a roof or lighting system, or component of a roof or lighting system;
- (ii) a window;
- (iii) a door, including a security door; or
- (iv) a heating, ventilation, or air conditioning system or component of the system (including insulation and wiring and plumbing materials needed to serve a more efficient system); and
- (v) a renewable energy generation or heating system, including a solar, photovoltaic, wind, geothermal, or biomass (including wood pellet) system or component of the system.

(3) NONPROFIT BUILDING.—

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

(B) INCLUSIONS.—The term “nonprofit building” includes a building described in subparagraph (A) that is—

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

(b) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish a pilot program to award grants for the purpose of providing nonprofit buildings with energy-efficiency materials.

(c) GRANTS.—

(1) IN GENERAL.—The Secretary may award grants under the program established under subsection (b).

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

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

- (A) the energy savings achieved;
- (B) the cost-effectiveness of the use of energy-efficiency materials;
- (C) an effective plan for evaluation, measurement, and verification of energy savings; and
- (D) the financial need of the applicant.

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

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

SEC. 1005. UTILITY ENERGY SERVICE CONTRACTS.

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

“(f) UTILITY ENERGY SERVICE CONTRACTS.—

“(1) IN GENERAL.—Each Federal agency may use, to the maximum extent practicable, measures provided by law to meet energy efficiency and conservation mandates and laws, including through utility energy service contracts.

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

“(3) REQUIREMENTS.—The conditions of a utility energy service contract entered into by a Federal agency shall include requirements for measurement, verification, and performance assurances or guarantees of the savings.”.

SEC. 1006. USE OF ENERGY AND WATER EFFICIENCY MEASURES IN FEDERAL BUILDINGS.

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

(b) REPORTS.—Section 548(b) of the National Energy Conservation Policy Act (42 U.S.C. 8258(b)) is amended—

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

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

(3) by adding at the end the following:

“(5)(A) the status of the energy savings performance contracts and utility energy service contracts of each agency;

“(B) the investment value of the contracts;

“(C) the guaranteed energy savings for the previous year as compared to the actual energy savings for the previous year;

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

“(E) information explaining why any previously submitted plans for the contracts were not implemented.”.

(c) DEFINITION OF ENERGY CONSERVATION MEASURES.—Section 551(4) of the National Energy Conservation Policy Act (42 U.S.C. 8259(4)) is amended by striking “or retrofit activities” and inserting “retrofit activities, or energy consuming devices and required support structures”.

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

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

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

(3) by adding at the end the following:

“(iii) limit the recognition of operation and maintenance savings associated with systems modernized or replaced with the implementation of energy conservation measures, water conservation measures, or any combination of energy conservation measures and water conservation measures.”.

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

“(H) MISCELLANEOUS AUTHORITY.—Notwithstanding any other provision of law, a Federal agency may sell or transfer energy savings and apply the proceeds of the sale or transfer to fund a contract under this title.”.

(f) PAYMENT OF COSTS.—Section 802 of the National Energy Conservation Policy Act (42 U.S.C. 8287a) is amended by striking “(and related operation and maintenance expenses)” and inserting “, including related operations and maintenance expenses”.

(g) DEFINITION OF FEDERAL BUILDING.—Section 551(6) of the National Energy Conservation Policy Act (42 U.S.C. 8259(6)) is amended by striking the semicolon at the end and inserting “the term does not include a dam, reservoir, or hydropower facility owned or operated by a Federal agency;”.

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

(1) in subparagraph (A), by striking “federally owned building or buildings or other federally owned facilities” and inserting “Federal building (as defined in section 551)” each place it appears;

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

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

(4) by adding at the end the following:

“(E) the use, sale, or transfer of energy incentives, rebates, or credits (including renewable energy credits) from Federal, State, or local governments or utilities; and

“(F) any revenue generated from a reduction in energy or water use, more efficient waste recycling, or additional energy generated from more efficient equipment.”.

SEC. 1007. BUILDING TRAINING AND ASSESSMENT CENTERS.

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

(1) to identify opportunities for optimizing energy efficiency and environmental performance in buildings;

(2) to promote the application of emerging concepts and technologies in commercial and institutional buildings;

(3) to train engineers, architects, building scientists, building energy permitting and enforcement officials, and building technicians in energy-efficient design and operation;

(4) to assist institutions of higher education and Tribal Colleges or Universities in training building technicians;

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

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

(b) COORDINATION AND NONDUPLICATION.—

(1) IN GENERAL.—The Secretary shall coordinate the program with the industrial research and assessment centers program and with other Federal programs to avoid duplication of effort.

(2) COLLOCATION.—To the maximum extent practicable, building, training, and assessment centers established under this section shall be collocated with Industrial Assessment Centers.

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

SEC. 1008. CAREER SKILLS TRAINING.

(a) IN GENERAL.—The Secretary shall pay grants to eligible entities described in subsection (b) to pay the Federal share of associated career skills training programs under which students concurrently receive classroom instruction and on-the-job training for

the purpose of obtaining an industry-related certification to install energy efficient buildings technologies, including technologies described in section 307(b)(3) of the Energy Conservation and Production Act (42 U.S.C. 6836(b)(3)).

(b) **ELIGIBILITY.**—To be eligible to obtain a grant under subsection (a), an entity shall be a nonprofit partnership described in section 171(e)(2)(B)(ii) of the Workforce Investment Act of 1998 (29 U.S.C. 2916(e)(2)(B)(ii)).

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

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

SEC. 1009. ENERGY-EFFICIENT AND ENERGY-SAVING INFORMATION TECHNOLOGIES.

Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is amended by adding at the end the following: “(h) **FEDERAL IMPLEMENTATION STRATEGY FOR ENERGY-EFFICIENT AND ENERGY-SAVING INFORMATION TECHNOLOGIES.**—

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

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

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

“(2) **DEVELOPMENT OF IMPLEMENTATION STRATEGY.**—Not later than 1 year after the date of enactment of this subsection, each Federal agency shall collaborate with the Director to develop an implementation strategy (including best-practices and measurement and verification techniques) for the maintenance, purchase, and use by the Federal agency of energy-efficient and energy-saving information technologies.

“(3) **ADMINISTRATION.**—In developing an implementation strategy, each Federal agency shall consider—

“(A) advanced metering infrastructure;

“(B) energy efficient data center strategies and methods of increasing asset and infrastructure utilization;

“(C) advanced power management tools;

“(D) building information modeling, including building energy management; and

“(E) secure telework and travel substitution tools.

“(4) **PERFORMANCE GOALS.**—

“(A) **IN GENERAL.**—Not later than September 30, 2015, the Director, in consultation with the Secretary, shall establish performance goals for evaluating the efforts of Federal agencies in improving the maintenance, purchase, and use of energy-efficient and energy-saving information technology systems.

“(B) **BEST PRACTICES.**—The Chief Information Officers Council established under section 3603 of title 44, United States Code, shall supplement the performance goals established under this paragraph with recommendations on best practices for the attainment of the performance goals, to include a requirement for agencies to consider the use of—

“(i) energy savings performance contracting; and

“(ii) utility energy services contracting.

“(5) **REPORTS.**—

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

“(B) **OMB GOVERNMENT EFFICIENCY REPORTS AND SCORECARDS.**—Effective beginning not later than October 1, 2015, the Director shall

include in the annual report and scorecard of the Director required under section 528 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17144) a description of the efforts and results of Federal agencies under this subsection.

“(C) **USE OF EXISTING REPORTING STRUCTURES.**—The Director may require Federal agencies to submit any information required to be submitted under this subsection through reporting structures in use as of the date of enactment of the Energy Policy Modernization Act of 2016.”

SEC. 1010. AVAILABILITY OF FUNDS FOR DESIGN UPDATES.

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

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

(2) by inserting after subsection (c) the following:

“(d) **AVAILABILITY OF FUNDS FOR DESIGN UPDATES.**—

“(1) **IN GENERAL.**—Subject to paragraph (2), for any project for which congressional approval is received under subsection (a) and for which the design has been substantially completed but construction has not begun, the Administrator of General Services may use appropriated funds to update the project design to meet applicable Federal building energy efficiency standards established under section 305 of the Energy Conservation and Production Act (42 U.S.C. 6834) and other requirements established under section 3312.

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

SEC. 1011. ENERGY EFFICIENT DATA CENTERS.

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

(1) in subsection (b)—

(A) in paragraph (2)(D)(iv), by striking “the organization” and inserting “an organization”; and

(B) by striking paragraph (3); and

(2) by striking subsections (c) through (g) and inserting the following:

“(c) **STAKEHOLDER INVOLVEMENT.**—

“(1) **IN GENERAL.**—The Secretary and the Administrator shall carry out subsection (b) in consultation with the information technology industry and other key stakeholders, with the goal of producing results that accurately reflect the best knowledge in the most pertinent domains.

“(2) **CONSIDERATIONS.**—In carrying out consultation described in paragraph (1), the Secretary and the Administrator shall pay particular attention to organizations that—

“(A) have members with expertise in energy efficiency and in the development, operation, and functionality of data centers, information technology equipment, and software, including representatives of hardware manufacturers, data center operators, and facility managers;

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

“(C) follow—

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

“(ii) accredited standards development processes; or

“(D) 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, and benchmarks described in subsection (b) for use 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 consultation with the Administrator, not later than 18 months after the date of enactment of the Energy Policy Modernization Act of 2016, shall make available to the public an update to the report submitted to Congress pursuant to section 1 of the Act of December 20, 2006 (Public Law 109-431; 120 Stat. 2920), entitled ‘Report to Congress on Server and Data Center Energy Efficiency’ and dated August 2, 2007, that provides—

“(1) a comparison and gap analysis of the estimates and projections contained in the original report with new data regarding the period from 2007 through 2014;

“(2) an analysis considering the impact of information technologies, including virtualization and cloud computing, in the public and private sectors;

“(3) an evaluation of the impact of the combination of cloud platforms, mobile devices, social media, and big data on data center energy usage;

“(4) an evaluation of water usage in data centers and recommendations for reductions in such water usage; and

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

“(f) **DATA CENTER ENERGY PRACTITIONER PROGRAM.**—

“(1) **IN GENERAL.**—The Secretary, in consultation with key stakeholders and the Director of the Office of Management and Budget, shall maintain a data center energy practitioner program that provides for the certification of energy practitioners qualified to evaluate the energy usage and efficiency opportunities in Federal data centers.

“(2) **EVALUATIONS.**—Each Federal agency shall consider having the data centers of the agency evaluated once every 4 years by energy practitioners certified pursuant to the program, whenever practicable using certified practitioners employed by the agency.

“(g) **OPEN DATA INITIATIVE.**—

“(1) **IN GENERAL.**—The Secretary, 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 data, with the purpose of making the data available and accessible in a manner that encourages further data center innovation, optimization, and consolidation.

“(2) **CONSIDERATION.**—In establishing the initiative under paragraph (1), the Secretary shall consider using the online Data Center Maturity Model.

“(h) **INTERNATIONAL SPECIFICATIONS AND METRICS.**—The Secretary, in consultation with key stakeholders, shall actively participate in efforts to harmonize global specifications and metrics for data center energy and water efficiency.

“(i) **DATA CENTER UTILIZATION METRIC.**—The Secretary, in collaboration with key stakeholders, shall facilitate in the development of an efficiency metric that measures the energy efficiency of a data center (including equipment and facilities).

“(j) **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. 1012. WEATHERIZATION ASSISTANCE PROGRAM.

(a) REAUTHORIZATION OF WEATHERIZATION ASSISTANCE PROGRAM.—Section 422 of the Energy Conservation and Production Act (42 U.S.C. 6872) is amended by striking “appropriated—” and all that follows through the period at the end and inserting “appropriated \$350,000,000 for each of fiscal years 2016 through 2020.”.

(b) GRANTS FOR NEW, SELF-SUSTAINING LOW-INCOME, SINGLE-FAMILY AND MULTIFAMILY HOUSING ENERGY RETROFIT MODEL PROGRAMS TO ELIGIBLE MULTISTATE HOUSING AND ENERGY NONPROFIT ORGANIZATIONS.—The Energy Conservation and Production Act is amended by inserting after section 414B (42 U.S.C. 6864b) the following:

“SEC. 414C. GRANTS FOR NEW, SELF-SUSTAINING LOW-INCOME, SINGLE-FAMILY AND MULTIFAMILY HOUSING ENERGY RETROFIT MODEL PROGRAMS TO ELIGIBLE MULTISTATE HOUSING AND ENERGY NONPROFIT ORGANIZATIONS.

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

“(1) to expand the number of low-income, single-family and multifamily homes that receive energy efficiency retrofits;

“(2) to promote innovation and new models of retrofitting low-income homes through new Federal partnerships with covered organizations that leverage substantial donations, donated materials, volunteer labor, homeowner labor equity, and other private sector resources;

“(3) to assist the covered organizations in demonstrating, evaluating, improving, and replicating widely the model low-income energy retrofit programs of the covered organizations; and

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

“(b) DEFINITIONS.—In this section:

“(1) COVERED ORGANIZATION.—The term ‘covered organization’ means an organization that—

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

“(B) has an established record of constructing, renovating, repairing, or making energy efficient a total of not less than 250 owner-occupied, single-family or multifamily homes per year for low-income households, either directly or through affiliates, chapters, or other direct partners (using the most recent year for which data are available).

“(2) LOW-INCOME.—The term ‘low-income’ means an income level that is not more than 200 percent of the poverty level (as determined in accordance with criteria established by the Director of the Office of Management and Budget) applicable to a family of the size involved, except that the Secretary may establish a higher or lower level if the Secretary determines that a higher or lower level is necessary to carry out this section.

“(3) WEATHERIZATION ASSISTANCE PROGRAM FOR LOW-INCOME PERSONS.—The term ‘Weatherization Assistance Program for Low-Income Persons’ means the program established under this part (including part 440 of title 10, Code of Federal Regulations, or successor regulations).

“(c) COMPETITIVE GRANT PROGRAM.—The Secretary shall make grants to covered organizations through a national competitive process for use in accordance with this section.

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

“(1) the number of low-income homes the applicant—

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

“(B) can reasonably be projected to build, renovate, repair, or make energy efficient during the 10-year period beginning on the date of the application;

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

“(3) the number and diversity of States and climates in which the applicant works as of the date of the application;

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

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

“(6) regional diversity;

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

“(8) such other factors as the Secretary determines to be appropriate.

“(e) APPLICATIONS.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary shall request proposals from covered organizations.

“(2) ADMINISTRATION.—To be eligible to receive a grant under this section, an applicant shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

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

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

“(1) energy efficiency audits, cost-effective retrofit, and related activities in different climatic regions of the United States;

“(2) energy efficiency materials and supplies;

“(3) organizational capacity—

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

“(B) to replicate an energy retrofit program in other States; and

“(C) to ensure that the program is self-sustaining after the Federal grant funds are expended;

“(4) energy efficiency, audit and retrofit training, and ongoing technical assistance;

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

“(6) quality control and improvement;

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

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

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

“(10) labor and training activities; and

“(11) such other activities as the Secretary determines to be appropriate.

“(g) MAXIMUM AMOUNT.—

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

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

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

“(2) TECHNICAL AND TRAINING ASSISTANCE.—The total amount of a grant provided under

this section shall be reduced by the cost of any technical and training assistance provided by the Secretary that relates to the grant.

“(h) GUIDELINES.—

“(1) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Secretary shall issue guidelines to implement the grant program established under this section.

“(2) ADMINISTRATION.—The guidelines—

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

“(B) may rely on applicable provisions of law governing the Weatherization Assistance Program for Low-Income Persons to establish—

“(i) standards for allowable expenditures;

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

“(iii) standards—

“(I) to carry out training programs;

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

“(III) to provide technical assistance;

“(IV) to monitor program activities; and

“(V) to verify energy and cost savings;

“(iv) liability insurance requirements; and

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

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

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

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

“(1) findings;

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

“(3) any recommendations for further action.

“(l) FUNDING.—Of the amount of funds that are made available to carry out the Weatherization Assistance Program for each of fiscal years 2016 through 2020 under section 422, the Secretary shall use to carry out this section for each of fiscal years 2016 through 2020 not less than—

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

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

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

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

“(f) STANDARDS PROGRAM.—

“(1) CONTRACTOR QUALIFICATION.—Effective beginning January 1, 2016, to be eligible to carry out weatherization using funds made available under this part, a contractor shall be selected through a competitive bidding process and be—

“(A) accredited by the Building Performance Institute;

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

“(C) accredited by an equivalent accreditation or program accreditation-based State

certification program approved by the Secretary.

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

“(A) IN GENERAL.—To be eligible to receive a grant under section 414C, a covered organization (as defined in section 414C(b)) shall use a crew chief who—

“(i) is certified or accredited in accordance with paragraph (1); and

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

“(B) VOLUNTEER LABOR.—A volunteer who performs work for a covered organization that receives a grant under section 414C shall not be required to be certified under this subsection if the volunteer is not directly installing or repairing mechanical equipment or other items that require skilled labor.

“(C) TRAINING.—The Secretary shall use training and technical assistance funds available to the Secretary to assist covered organizations under section 414C in providing training to obtain certification required under this subsection, including provisional or temporary certification.

“(3) MINIMUM EFFICIENCY STANDARDS.—Effective beginning October 1, 2016, the Secretary shall ensure that—

“(A) each retrofit for which weatherization assistance is provided under this part meets minimum efficiency and quality of work standards established by the Secretary after weatherization of a dwelling unit;

“(B) at least 10 percent of the dwelling units are randomly inspected by a third party accredited under this subsection to ensure compliance with the minimum efficiency and quality of work standards established under subparagraph (A); and

“(C) the standards established under this subsection meet or exceed the industry standards for home performance work that are in effect on the date of enactment of this subsection, as determined by the Secretary.”.

SEC. 1013. REAUTHORIZATION OF STATE ENERGY PROGRAM.

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

SEC. 1014. SMART BUILDING ACCELERATION.

(a) DEFINITIONS.—In this section:

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

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

(A) is flexible and automated;

(B) has extensive operational monitoring and communication connectivity, allowing remote monitoring and analysis of all building functions;

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

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

(E) is cybersecure.

(3) SMART BUILDING ACCELERATOR.—The term “smart building accelerator” means an initiative that is designed to demonstrate specific innovative policies and approaches—

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

(B) that, on successful demonstration, would accelerate investment in energy efficiency.

(b) FEDERAL SMART BUILDING PROGRAM.—

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

(A) to implement smart building technology; and

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

(2) SELECTION.—

(A) IN GENERAL.—The Secretary shall coordinate the selection of not fewer than 1 building from among each of several key Federal agencies, as described in paragraph (4), to compose an appropriately diverse set of smart buildings based on size, type, and geographic location.

(B) INCLUSION OF COMMERCIAL OPERATED BUILDINGS.—In making selections under subparagraph (A), the Secretary may include buildings that are owned by the Federal Government but are commercially operated.

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

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

(A) the Department of the Army;

(B) the Department of the Navy;

(C) the Department of the Air Force;

(D) the Department;

(E) the Department of the Interior;

(F) the Department of Veterans Affairs; and

(G) the General Services Administration.

(5) REQUIREMENT.—In implementing the program, the Secretary shall leverage existing financing mechanisms including energy savings performance contracts, utility energy service contracts, and annual appropriations.

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

(A) which advanced building technologies—

(i) are most cost-effective; and

(ii) show the most promise for—

(I) increasing building energy savings;

(II) increasing service performance to building occupants;

(III) reducing environmental impacts; and

(IV) establishing cybersecurity; and

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

(7) AWARDS.—The Secretary may expand awards made under the Federal Energy Management Program and the Better Building Challenge to recognize specific agency achievements in accelerating the adoption of smart building technologies.

(c) SURVEY OF PRIVATE SECTOR SMART BUILDINGS.—

(1) SURVEY.—The Secretary shall conduct a survey of privately owned smart buildings throughout the United States, including commercial buildings, laboratory facilities, hospitals, multifamily residential buildings, and buildings owned by nonprofit organizations and institutions of higher education.

(2) SELECTION.—From among the smart buildings surveyed under paragraph (1), the Secretary shall select not fewer than 1 building each from an appropriate range of building sizes, types, and geographic locations.

(3) EVALUATION.—Using the guidelines of the Federal Energy Management Program relating to whole-building evaluation, measurement, and verification, the Secretary shall evaluate the costs and benefits of the

buildings selected under paragraph (2), including an identification of—

(A) which advanced building technologies and systems—

(i) are most cost-effective; and

(ii) show the most promise for—

(I) increasing building energy savings;

(II) increasing service performance to building occupants;

(III) reducing environmental impacts; and

(IV) establishing cybersecurity; and

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

(d) LEVERAGING EXISTING PROGRAMS.—

(1) BETTER BUILDING CHALLENGE.—As part of the Better Building Challenge of the Department, the Secretary, in consultation with major private sector property owners, shall develop smart building accelerators to demonstrate innovative policies and approaches that will accelerate the transition to smart buildings in the public, institutional, and commercial buildings sectors.

(2) RESEARCH AND DEVELOPMENT.—

(A) IN GENERAL.—The Secretary shall conduct research and development to address key barriers to the integration of advanced building technologies and to accelerate the transition to smart buildings.

(B) INCLUSION.—The research and development conducted under subparagraph (A) shall include research and development on—

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

(ii) improving physical components, such as sensors and controls, to be adaptive, anticipatory, and networked;

(iii) reducing the cost of key components to accelerate the adoption of smart building technologies;

(iv) data management, including the capture and analysis of data and the interoperability of the energy systems;

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

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

(vii) integration and application of combined heat and power systems and energy storage for resiliency;

(viii) characterization of buildings and components;

(ix) consumer and utility protections;

(x) continuous management, including the challenges of managing multiple energy systems and optimizing systems for disparate stakeholders; and

(xi) other areas of research and development, as determined appropriate by the Secretary.

(e) REPORT.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter until a total of 3 reports have been made, the Secretary 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—

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

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

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

SEC. 1015. REPEAL OF FOSSIL PHASE-OUT.

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

SEC. 1016. FEDERAL BUILDING ENERGY EFFICIENCY PERFORMANCE STANDARDS.

(a) **DEFINITIONS.**—Section 303 of the Energy Conservation and Production Act (42 U.S.C. 6832) (as amended by section 1001(a)) is amended—

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

(2) by adding at the end the following:

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

(b) **FEDERAL BUILDING EFFICIENCY STANDARDS.**—Section 305(a)(3) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)(3)) (as amended by section 1015) is amended—

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

“(3) **REVISED FEDERAL BUILDING ENERGY EFFICIENCY PERFORMANCE STANDARDS.**—

“(A) **REVISED FEDERAL BUILDING ENERGY EFFICIENCY PERFORMANCE STANDARDS.**—

“(i) **IN GENERAL.**—Not later than 1 year after the date of enactment of the Energy Policy Modernization Act of 2016, the Secretary shall establish, by rule, revised Federal building energy efficiency performance standards that require that—

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

“(aa) meet or exceed the most recent revision of the International Energy Conservation Code (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 Energy Policy Modernization 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 International Energy Conservation Code 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 the levels established in the version of the ASHRAE Standard or the International Energy Conservation Code, as appropriate, 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.

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

“(B) **UPDATES.**—Not later than 1 year after the date of approval of each subsequent revision of the ASHRAE Standard or the International Energy Conservation Code, as appropriate, the Secretary shall determine whether the revised standards established under subparagraph (A) should be updated to

reflect the revisions, based on the energy savings and life-cycle cost-effectiveness of the revisions.”; and

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

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

SEC. 1017. CODIFICATION OF EXECUTIVE ORDER.

Beginning in fiscal year 2016 and each fiscal year thereafter through fiscal year 2025, the head of each Federal agency shall, unless otherwise specified and where life-cycle cost-effective, promote building energy conservation, efficiency, and management by reducing, in Federal buildings of the agency, building energy intensity, as measured in British thermal units per gross square foot, by 2.5 percent each fiscal year, relative to the baseline of the building energy use of the applicable Federal buildings in fiscal year 2015 and after taking into account the progress of the Federal agency in preceding fiscal years.

SEC. 1018. CERTIFICATION FOR GREEN BUILDINGS.

Section 305 of the Energy Conservation and Production Act (42 U.S.C. 6834) (as amended by sections 1015 and 1016(b)) is amended—

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

“(D) **CERTIFICATION FOR GREEN BUILDINGS.**—

“(i) **SUSTAINABLE DESIGN PRINCIPLES.**—Sustainable design principles shall be applied to the siting, design, and construction of buildings covered by this subparagraph.

“(ii) **SELECTION OF CERTIFICATION SYSTEMS.**—The Secretary, after reviewing the findings of the Federal Director under section 436(h) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17092(h)), in consultation with the Administrator of General Services, and in consultation with the Secretary of Defense relating to those facilities under the custody and control of the Department of Defense, shall determine those certification systems for green commercial and residential buildings that the Secretary determines to be the most likely to encourage a comprehensive and environmentally sound approach to certification of green buildings.

“(iii) **BASIS FOR SELECTION.**—The determination of the certification systems under clause (ii) shall be based on ongoing review of the findings of the Federal Director under section 436(h) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17092(h)) and the criteria described in clause (v).

“(iv) **ADMINISTRATION.**—In determining certification systems under this subparagraph, the Secretary shall—

“(I) make a separate determination for all or part of each system;

“(II) confirm that the criteria used to support the selection of building products, materials, brands, and technologies—

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

“(bb) do not prohibit, disfavor, or discriminate against selection based on technically inadequate information to inform human or environmental risk; and

“(cc) are expressed to prefer performance measures whenever performance measures may reasonably be used in lieu of prescriptive measures; and

“(III) use environmental and health criteria that are based on risk assessment methodology that is generally accepted by the applicable scientific disciplines.

“(v) **CONSIDERATIONS.**—In determining the green building certification systems under this subparagraph, the Secretary shall take into consideration—

“(I) the ability and availability of assessors and auditors to independently verify the

criteria and measurement of metrics at the scale necessary to implement this subparagraph;

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

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

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

“(aa) efficient and sustainable use of water, energy, and other natural resources;

“(bb) the use of renewable energy sources;

“(cc) improved indoor environmental quality through enhanced indoor air quality, thermal comfort, acoustics, day lighting, pollutant source control, and use of low-emission materials and building system controls; and

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

“(V) national recognition within the building industry.

“(vi) **REVIEW.**—The Secretary, in consultation with the Administrator of General Services and the Secretary of Defense, shall conduct an ongoing review to evaluate and compare private sector green building certification systems, taking into account—

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

“(II) the identification made by the Federal Director under section 436(h) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17092(h)).

“(vii) **EXCLUSIONS.**—

“(I) **IN GENERAL.**—Subject to subclause (II), if a certification system fails to meet the review requirements of clause (v), the Secretary shall—

“(aa) identify the portions of the system, whether prerequisites, credits, points, or otherwise, that meet the review criteria of clause (v);

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

“(cc) exclude all other portions of the system from identification and use.

“(II) **ENTIRE SYSTEMS.**—The Secretary shall exclude an entire system from use if an exclusion under subclause (I)—

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

“(bb) creates disparate review criteria or unequal point access for competing materials; or

“(cc) increases agency costs of the use.

“(viii) **INTERNAL CERTIFICATION PROCESSES.**—The Secretary may by rule allow Federal agencies to develop internal certification processes, using certified professionals, in lieu of certification by certification entities identified under clause (ii).

“(ix) **PRIVATIZED MILITARY HOUSING.**—With respect to privatized military housing, the Secretary of Defense, after consultation with the Secretary may, through rulemaking, develop alternative certification systems and levels than the systems and levels identified under clause (ii) that achieve an equivalent result in terms of energy savings, sustainable design, and green building performance.

“(x) **WATER CONSERVATION TECHNOLOGIES.**—In addition to any use of water conservation technologies otherwise required by this section, water conservation technologies shall be applied to the extent that the technologies are life-cycle cost-effective.

“(xi) **EFFECTIVE DATE.**—

“(I) **DETERMINATIONS MADE AFTER DECEMBER 31, 2015.**—This subparagraph shall apply to any determination made by a Federal agency after December 31, 2015.

“(II) **DETERMINATIONS MADE ON OR BEFORE DECEMBER 31, 2015.**—This subparagraph (as in

effect on the day before the date of enactment of the Energy Policy Modernization Act of 2016) shall apply to any use of a certification system for green commercial and residential buildings by a Federal agency on or before December 31, 2015.”; and

(2) by striking subsections (c) and (d) and inserting the following:

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

“(1) once every 5 years, review the Federal building energy standards established under this section; and

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

SEC. 1019. HIGH PERFORMANCE GREEN FEDERAL BUILDINGS.

Section 436(h) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17092(h)) is amended—

(1) in the subsection heading, by striking “SYSTEM” and inserting “SYSTEMS”;

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

“(1) IN GENERAL.—Based on an ongoing review, the Federal Director shall identify and shall provide to the Secretary pursuant to section 305(a)(3)(D) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)(3)(D)), a list of those certification systems that the Director identifies as the most likely to encourage a comprehensive and environmentally sound approach to certification of green buildings.”; and

(3) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking “system” and inserting “systems”;

(B) by striking subparagraph (A) and inserting the following:

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

“(i) be carried out by the Federal Director to compare and evaluate standards; and

“(ii) allow any developer or administrator of a rating system or certification system to be included in the review.”;

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

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

(E) by adding at the end the following:

“(G) a finding that, for all credits addressing grown, harvested, or mined materials, the system does not discriminate against the use of domestic products that have obtained certifications of responsible sourcing; and

“(H) a finding that the system incorporates life-cycle assessment as a credit pathway.”.

SEC. 1020. EVALUATION OF POTENTIALLY DUPLICATIVE GREEN BUILDING PROGRAMS.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATIVE EXPENSES.—

(A) IN GENERAL.—The term “administrative expenses” has the meaning given the term by the Director of the Office of Management and Budget under section 504(b)(2) of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (31 U.S.C. 1105 note; Public Law 111–85).

(B) INCLUSIONS.—The term “administrative expenses” includes, with respect to an agency—

(i) costs incurred by—

(I) the agency; or

(II) any grantee, subgrantee, or other recipient of funds from a grant program or

other program administered by the agency; and

(ii) expenses relating to personnel salaries and benefits, property management, travel, program management, promotion, reviews and audits, case management, and communication regarding, promotion of, and outreach for programs and program activities administered by the agency.

(2) APPLICABLE PROGRAM.—The term “applicable program” means any program that is—

(A) listed in Table 9 (pages 348–350) of the report of the Government Accountability Office entitled “2012 Annual Report: Opportunities to Reduce Duplication, Overlap and Fragmentation, Achieve Savings, and Enhance Revenue”; and

(B) administered by—

(i) the Secretary;

(ii) the Secretary of Agriculture;

(iii) the Secretary of Defense;

(iv) the Secretary of Education;

(v) the Secretary of Health and Human Services;

(vi) the Secretary of Housing and Urban Development;

(vii) the Secretary of Transportation;

(viii) the Secretary of the Treasury;

(ix) the Administrator of the Environmental Protection Agency;

(x) the Director of the National Institute of Standards and Technology; or

(xi) the Administrator of the Small Business Administration.

(3) SERVICE.—

(A) IN GENERAL.—Subject to subparagraph (B), the term “service” has the meaning given the term by the Director of the Office of Management and Budget.

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

(i) the provision of technical assistance;

(ii) assistance for housing or tuition; or

(iii) financial support (including grants, loans, tax credits, and tax deductions).

(b) REPORT.—

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

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

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

(B) determine the approximate annual expenditures for services for each applicable program attributable to green buildings;

(C) describe the intended market for each applicable program attributable to green buildings, including the—

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

(ii) beneficiaries who received services or information under the applicable program (if applicable and if data is readily available);

(D) estimate—

(i) the number of full-time employees who administer activities attributable to green buildings for each applicable program; and

(ii) the number of full-time equivalents (the salary of whom is paid in part or full by the Federal Government through a grant or contract, a subaward of a grant or contract, a cooperative agreement, or another form of financial award or assistance) who assist in administering activities attributable to green buildings for the applicable program;

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

(F) identify the type of recipient who is intended to benefit from the services or information provided under the applicable program attributable to green buildings, such as individual property owners or renters, local governments, businesses, nonprofit organizations, or State governments; and

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

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

(1) a recommendation of whether any applicable program should be eliminated or consolidated, including any legislative changes that would be necessary to eliminate or consolidate applicable programs; and

(2) methods to improve the applicable programs by establishing program goals or increasing collaboration to reduce any potential overlap or duplication, taking into account—

(A) the 2011 report of the Government Accountability Office entitled “Federal Initiatives for the Nonfederal Sector Could Benefit from More Interagency Collaboration”; and

(B) the report of the Government Accountability Office entitled “2012 Annual Report: Opportunities to Reduce Duplication, Overlap and Fragmentation, Achieve Savings, and Enhance Revenue”.

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

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

(2) which applicable programs are carried out solely under the discretionary authority of the Secretary or any agency head described in clauses (ii) through (xi) of subsection (a)(2)(B).

SEC. 1021. STUDY AND REPORT ON ENERGY SAVINGS BENEFITS OF OPERATIONAL EFFICIENCY PROGRAMS AND SERVICES.

(a) DEFINITION OF OPERATIONAL EFFICIENCY PROGRAMS AND SERVICES.—In this section, the term “operational efficiency programs and services” means programs and services that use information and communications technologies (including computer hardware, energy efficiency software, and power management tools) to operate buildings and equipment in the optimum manner at the optimum times.

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

(c) MEASUREMENT AND VERIFICATION OF ENERGY SAVINGS.—The report required under this section shall include potential methodologies or protocols for utilities, utility regulators, and Federal agencies to evaluate, measure, and verify energy savings from operational efficiency programs and services.

SEC. 1022. USE OF FEDERAL DISASTER RELIEF AND EMERGENCY ASSISTANCE FOR ENERGY-EFFICIENT PRODUCTS AND STRUCTURES.

(a) IN GENERAL.—Title III of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141 et seq.) is amended by adding at the end the following:

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

“(a) DEFINITIONS.—In this section—

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

“(A) meets or exceeds the requirements for designation under an Energy Star program established under section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a); or

“(B) meets or exceeds the requirements for designation as being among the highest 25 percent of equivalent products for energy efficiency under the Federal Energy Management Program; and

“(2) the term ‘energy-efficient structure’ means a residential structure, a public facility, or a private nonprofit facility that meets or exceeds the requirements of Standard 90.1-2013 of the American Society of Heating, Refrigerating and Air-Conditioning Engineers or the 2015 International Energy Conservation Code, or any successor thereto.

“(b) USE OF ASSISTANCE.—A recipient of assistance relating to a major disaster or emergency may use the assistance to replace or repair a damaged product or structure with an energy-efficient product or energy-efficient structure.”

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

SEC. 1023. WATERSENSE.

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

“SEC. 324B. WATERSENSE.

“(a) ESTABLISHMENT OF WATERSENSE PROGRAM.—

“(1) IN GENERAL.—There is established within the Environmental Protection Agency a voluntary WaterSense program to identify and promote water-efficient products, buildings, landscapes, facilities, processes, and services that, through voluntary labeling of, or other forms of communications regarding, products, buildings, landscapes, facilities, processes, and services while meeting strict performance criteria, sensibly—

“(A) reduce water use;

“(B) reduce the strain on public and community water systems and wastewater and stormwater infrastructure;

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

“(D) preserve water resources for future generations.

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

“(A) irrigation technologies and services;

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

“(C) plumbing products;

“(D) reuse and recycling technologies;

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

“(F) xeriscaping and other landscape conversions that reduce water use;

“(G) whole house humidifiers; and

“(H) water-efficient buildings or facilities.

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

“(1) establish—

“(A) a WaterSense label to be used for items meeting the certification criteria es-

tablished in accordance with this section; and

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

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

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

“(A) establishing and maintaining feasible performance criteria so that products, buildings, landscapes, facilities, processes, and services labeled with the WaterSense label perform as well or better than less water-efficient counterparts;

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

“(C) as determined appropriate by the Administrator, using testing protocols, from the appropriate, applicable, and relevant consensus standards, for the purpose of determining standards compliance; and

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

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

“(5) in revising a WaterSense specification—

“(A) provide reasonable notice to interested parties and the public of any changes, including effective dates, and an explanation of the changes;

“(B) solicit comments from interested parties and the public prior to any changes;

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

“(D) provide an appropriate transition time prior to the applicable effective date of any changes, taking into account the timing necessary for the manufacture, marketing, training, and distribution of the specific water-efficient product, building, landscape, process, or service category being addressed; and

“(6) not later than December 31, 2018, consider for review and revision any WaterSense specification adopted before January 1, 2012.

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

“(d) DISTINCTION OF AUTHORITIES.—In setting or maintaining specifications for Energy Star pursuant to section 324A, and WaterSense under this section, the Secretary and Administrator shall coordinate to prevent duplicative or conflicting requirements among the respective programs.

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

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

“Sec. 324B. WaterSense.”

Subtitle B—Appliances

SEC. 1101. EXTENDED PRODUCT SYSTEM REBATE PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ELECTRIC MOTOR.—The term “electric motor” has the meaning given the term in section 431.12 of title 10, Code of Federal Reg-

ulations (as in effect on the date of enactment of this Act).

(2) ELECTRONIC CONTROL.—The term “electronic control” means—

(A) a power converter; or

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

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

(A) offers variable speed or multispeed operation;

(B) offers partial load control that reduces input energy requirements (as measured in kilowatt-hours) as compared to identified base levels set by the Secretary; and

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

(ii) uses an extended product system technology, as determined by the Secretary.

(4) QUALIFIED EXTENDED PRODUCT SYSTEM.—(A) IN GENERAL.—The term “qualified extended product system” means an extended product system that—

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

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

(B) INCLUSIONS.—The term “qualified extended product system” includes commercial or industrial machinery or equipment that—

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

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

(ii) was previously used prior to, and was placed back into service during, calendar year 2016 or 2017.

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

(c) QUALIFIED ENTITIES.—

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

(A) in the case of a qualified extended product system described in subsection (a)(4)(A), the purchaser of the qualified extended product that is installed; and

(B) in the case of a qualified extended product system described in subsection (a)(4)(B), the manufacturer of the commercial or industrial machinery or equipment that incorporated the extended product system into that machinery or equipment.

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

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

(B) a certification that includes demonstrated evidence—

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

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

(aa) that the qualified entity installed the qualified extended product system during the 2 fiscal years following the date of enactment of this Act;

(bb) that the qualified extended product system meets the requirements of subsection (a)(4)(A); and

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

(II) in the case of a qualified entity described in paragraph (1)(B), demonstrated evidence—

(aa) that the qualified extended product system meets the requirements of subsection (a)(4)(B); and

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

(d) AUTHORIZED AMOUNT OF REBATE.—

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

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

(i) the electric motor to which the qualified extended product system is attached; and

(ii) the electronic control; and

(B) \$25.

(2) MAXIMUM AGGREGATE AMOUNT.—A qualified entity shall not be entitled to aggregate rebates under this section in excess of \$25,000 per calendar year.

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

SEC. 1102. ENERGY EFFICIENT TRANSFORMER REBATE PROGRAM.

(a) DEFINITIONS.—In this section:

(1) QUALIFIED ENERGY EFFICIENT TRANSFORMER.—The term “qualified energy efficient transformer” means a transformer that meets or exceeds the applicable energy conservation standards described in the tables in subsection (b)(2) and paragraphs (1) and (2) of subsection (c) of section 431.196 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(2) QUALIFIED ENERGY INEFFICIENT TRANSFORMER.—The term “qualified energy inefficient transformer” means a transformer with an equal number of phases and capacity to a transformer described in any of the tables in subsection (b)(2) and paragraphs (1) and (2) of subsection (c) of section 431.196 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this Act) that—

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

(B)(i) was manufactured between January 1, 1985, and December 31, 2006, for a transformer with an equal number of phases and capacity as a transformer described in the table in subsection (b)(2) of section 431.196 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this Act); or

(ii) was manufactured between January 1, 1990, and December 31, 2009, for a transformer with an equal number of phases and capacity as a transformer described in the table in paragraph (1) or (2) of subsection (c) of that section (as in effect on the date of enactment of this Act).

(3) QUALIFIED ENTITY.—The term “qualified entity” means an owner of industrial or manufacturing facilities, commercial buildings, or multifamily residential buildings, a utility, or an energy service company that fulfills the requirements of subsection (d).

(b) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish a program to provide rebates to qualified entities for expenditures made by the qualified entity for the replacement of a qualified energy inefficient transformer with a qualified energy efficient transformer.

(c) REQUIREMENTS.—To be eligible to receive a rebate under this section, an entity shall submit to the Secretary an application in such form, at such time, and containing such information as the Secretary may require, including demonstrated evidence—

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

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

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

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

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

(B) for transformers described in subsection (a)(2)(B)(i), as selected from a table of default values as determined by the Secretary in consultation with applicable industry; and

(5) that the qualified energy inefficient transformer has been permanently decommissioned and scrapped.

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

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

(A) the qualified energy inefficient transformer; and

(B) the qualified energy efficient transformer; or

(2) for a transformer described in subsection (a)(2)(B)(i), the amount determined using a table of default rebate values by rated transformer output, as measured in kilovolt-amperes, as determined by the Secretary in consultation with applicable industry.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$5,000,000 for each of fiscal years 2016 and 2017, to remain available until expended.

(f) TERMINATION OF EFFECTIVENESS.—The authority provided by this section terminates on December 31, 2017.

SEC. 1103. STANDARDS FOR CERTAIN FURNACES.

Section 325(f)(4) of the Energy Policy and Conservation Act (42 U.S.C. 6295(f)(4)) is amended by adding at the end the following:

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

“(i) IN GENERAL.—Notwithstanding any other provision of this Act, the Secretary shall not prescribe a final rule amending the efficiency standards for residential non-weatherized gas furnaces or mobile home furnaces until each of the following has occurred:

“(I) The Secretary convenes a representative advisory group of interested stakeholders, including the manufacturers, distributors, and contractors of residential non-weatherized gas furnaces and mobile home furnaces, home builders, building owners, energy efficiency advocates, natural gas utilities, electric utilities, and consumer groups.

“(II) Not later than 1 year after the date of enactment of this subparagraph, the advisory group described in subclause (I) completes an analysis of a nationwide requirement of a condensing furnace efficiency standard including—

“(aa) a complete analysis of current market trends regarding the transition of sales from non-condensing furnaces to condensing furnaces;

“(bb) the projected net loss in the industry of the present value of original equipment manufactured after adoption of the standard;

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

“(dd) a determination of whether the standard is economically justified, based solely on the definition of energy under section 321; and

“(ee) other common economic principles.

“(III) The advisory group described in subclause (I) reviews the analysis and determines whether a nationwide requirement of a condensing furnace efficiency standard is technically feasible and economically justified.

“(IV) The final determination of the advisory group under subclause (III) is published in the Federal Register.

“(ii) AMENDED STANDARDS.—If the advisory group determines under clause (i)(III) that a nationwide requirement of a condensing furnace efficiency standard is not technically feasible and economically justified, the Secretary shall, not later than 180 days after the date on which the final determination of the advisory group is published in the Federal Register under clause (i)(IV), establish amended standards through the negotiated rulemaking procedure provided for under subchapter III of chapter 5 of title 5, United States Code (commonly known as the ‘Negotiated Rulemaking Act of 1990’).”

SEC. 1104. THIRD-PARTY CERTIFICATION UNDER ENERGY STAR PROGRAM.

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

“(e) THIRD-PARTY CERTIFICATION.—

“(1) IN GENERAL.—Subject to paragraph (2), not later than 180 days after the date of enactment of this subsection, the Administrator shall revise the certification requirements for the labeling of consumer, home, and office electronic products for program partners that have complied with all requirements of the Energy Star program for a period of at least 18 months.

“(2) ADMINISTRATION.—In the case of a program partner described in paragraph (1), the new requirements under paragraph (1)—

“(A) shall not require third-party certification for a product to be listed; but

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

“(3) THIRD PARTIES.—Nothing in this subsection prevents the Administrator from using third parties in the course of the administration of the Energy Star program.

“(4) TERMINATION.—

“(A) IN GENERAL.—Subject to subparagraph (B), an exemption from third-party certification provided to a program partner under paragraph (1) shall terminate if the program partner is found to have violated program requirements with respect to at least 2 separate models during a 2-year period.

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

SEC. 1105. ENERGY CONSERVATION STANDARDS FOR COMMERCIAL REFRIGERATION EQUIPMENT.

(a) DEADLINE.—The requirements of the final rule entitled “Energy Conservation Program: Energy Conservation Standards for Commercial Refrigeration Equipment” (79 Fed. Reg. 17725 (March 28, 2014)), shall take effect on January 1, 2020, for equipment covered by the final rule that—

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

(2) is within 1 of the following product categories:

(A) VCT.SC.M vertical cooler with transparent door self contained medium temperature; or

(B) HCT.SC.M horizontal cooler with transparent door self contained medium temperature; and

(3) uses not more than 115 percent of the energy use allowed by applicable standards under Energy Star 3.0.

(b) **FUTURE RULEMAKINGS.**—Nothing in this section changes the criteria to be considered during future rulemakings undertaken by the Department under title III of the Energy Policy and Conservation Act (42 U.S.C. 6291 et seq.).

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

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

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

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

“(A) **RELIANCE ON VOLUNTARY PROGRAMS.**—For the purpose of periodic testing to verify compliance with energy conservation standards and Energy Star specifications established under sections 324A, 325, and 342 for covered products described in paragraphs (3), (4), (5), (9), and (11) of section 322(a) and covered equipment described in subparagraphs (B), (C), (D), (F), (I), (J), and (K) of section 340(1), the Secretary and the Administrator of the Environmental Protection Agency shall rely on testing conducted by voluntary verification programs that are recognized by the Secretary in accordance with subparagraph (B).

“(B) **RECOGNITION OF VOLUNTARY VERIFICATION PROGRAMS.**—

“(i) **IN GENERAL.**—Not later than 180 days after the date of enactment of this paragraph, 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 have consensus support for achieving recognition by the Secretary as an approved voluntary verification program.

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

“(I) is nationally recognized;

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

“(III) satisfies any applicable elements of—

“(aa) International Organization for Standardization standard numbered 17025; and

“(bb) 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) maintains a publicly available list of all ratings of products subject to verification;

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

“(VII) requires new program participants to substantiate ratings through test data generated in accordance with DOE regulations;

“(VIII) allows for challenge testing of products and equipment within the scope of the program;

“(IX) requires program participants to disclose the performance rating of all covered products and equipment within the scope of the program for the covered product or equipment;

“(X) provides to the Secretary—

“(aa) 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 or the Administrator of the Environmental Protection Agency, that note any instructions specified by the manufacturer or the representative of the manufacturer for the purpose of conducting the verification testing, to be exempted from disclosure to the extent provided under section 552(b)(4) of title 5, United States Code (commonly known as the ‘Freedom of Information Act’); and

“(XI) satisfies any additional requirements or standards that the Secretary and Administrator of the Environmental Protection Agency shall establish consistent with this subparagraph.

“(iii) **FINDING REQUIRED FOR CESSATION OF RECOGNITION.**—The Secretary may only cease recognition of a voluntary verification program as an approved program described in subparagraph (A) on a finding that the program is not meeting its obligations for compliance through program review criteria established under this subparagraph.

“(iv) **REVISIONS.**—

“(I) **IN GENERAL.**—Major revisions to voluntary verification program criteria established under this subparagraph shall only be made pursuant to a subsequent 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’).

“(II) **NONMAJOR REVISIONS.**—

“(aa) **IN GENERAL.**—The Secretary may make all other nonmajor criteria revisions by initiating a direct final rule in accordance with section 553(b)(3)(B) of title 5, United States Code, on a determination published in the Federal Register that revisions to the criteria are necessary and that substantive opposition to the proposed revisions is not expected.

“(bb) **CONDITIONS FOR EFFECTIVENESS.**—If the Secretary does not receive adversarial comments with respect to the determination published under item (aa) during the 30-day period following publication of that determination in the Federal Register, the direct final rule shall have the force and effect of law.

“(cc) **WITHDRAWAL OF FINAL RULE.**—Receipt of any adversarial comment with respect to the determination published under item (aa) shall require the Secretary to withdraw the direct final rule and publish—

“(AA) a notice of proposed rulemaking pursuant to section 553 of title 5, United States Code; or

“(BB) a notice of proposed rulemaking pursuant to section 553 of title 5, United States

Code, that includes a determination that revisions to the criteria are necessary.

“(C) **ADMINISTRATION.**—

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

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

“(II) participating manufacturers to provide information that has already been provided to the Secretary or the Administrator.

“(ii) **LIST OF COVERED PRODUCTS.**—The Secretary or the Administrator of the Environmental Protection Agency may maintain a publicly available list of covered products and equipment that distinguishes between products that are, and are not covered products and equipment verified through a voluntary verification program described in subparagraph (A);

“(iii) **PERIODIC VERIFICATION TESTING.**—

“(I) **IN GENERAL.**—The Secretary—

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

“(bb) may test products or equipment described in subclause (I) if 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.

“(II) **ADDITIONAL TESTING.**—The Secretary may subject products or equipment described in subclause (I) to periodic verification testing outside the restrictions of subclause (I)(bb), if agreed to during the rulemaking described in subparagraph (B)

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

SEC. 1107. APPLICATION OF ENERGY CONSERVATION STANDARDS TO CERTAIN EXTERNAL POWER SUPPLIES.

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

(1) by striking the subparagraph designation and all that follows through “The term” and inserting the following:

“(A) **EXTERNAL POWER SUPPLY.**—

“(i) **IN GENERAL.**—The term”; and

(2) by adding at the end the following:

“(ii) **EXCLUSION.**—The term ‘external power supply’ does not include a power supply circuit, driver, or device that is designed exclusively to be connected to, and power—

“(I) light-emitting diodes providing illumination;

“(II) organic light-emitting diodes providing illumination; or

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

(b) **STANDARDS FOR LIGHTING POWER SUPPLY CIRCUITS.**—

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

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

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

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

(c) TECHNICAL CORRECTIONS.—

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

(2) Section 324 of the Energy Policy and Conservation Act (42 U.S.C. 6294) is amended by striking “(19)” each place it appears in each of subsections (a)(3), (b)(1)(B), (b)(3), and (b)(5) and inserting “(20)”.

(3) Section 325(1) of the Energy Policy and Conservation Act (42 U.S.C. 6295(1)) is amended by striking “paragraph (19)” each place it appears and inserting “paragraph (20)”.

Subtitle C—Manufacturing

SEC. 1201. MANUFACTURING ENERGY EFFICIENCY.

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

(1) to reform and reorient the industrial efficiency programs of the Department;

(2) to establish a clear and consistent authority for industrial efficiency programs of the Department;

(3) to accelerate the deployment of technologies and practices that will increase industrial energy efficiency and improve productivity;

(4) to accelerate the development and demonstration of technologies that will assist the deployment goals of the industrial efficiency programs of the Department and increase manufacturing efficiency;

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

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

(b) FUTURE OF INDUSTRY PROGRAM.—

(1) IN GENERAL.—Section 452 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17111) is amended by striking the section heading and inserting the following: “FUTURE OF INDUSTRY PROGRAM”.

(2) DEFINITION OF ENERGY SERVICE PROVIDER.—Section 452(a) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17111(a)) is amended—

(A) in paragraph (2)—

(i) by redesignating subparagraph (E) as subparagraph (F); and

(ii) by inserting before subparagraph (F) (as so redesignated) the following:

“(E) water and wastewater treatment facilities, including systems that treat municipal, industrial, and agricultural waste; and”;

(B) by redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively; and

(C) by inserting after paragraph (2) the following:

“(3) ENERGY SERVICE PROVIDER.—The term ‘energy service provider’ means any business providing technology or services to improve the energy efficiency, water efficiency, power factor, or load management of a manufacturing site or other industrial process in an energy-intensive industry, or any utility operating under a utility energy service project.”.

(3) INDUSTRIAL RESEARCH AND ASSESSMENT CENTERS.—Section 452(e) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17111(e)) is amended—

(A) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively, and indenting appropriately;

(B) by striking “The Secretary” and inserting the following:

“(1) IN GENERAL.—The Secretary”;

(C) in subparagraph (A) (as redesignated by subparagraph (A)), by inserting before the semicolon at the end the following: “, including assessments of sustainable manufacturing goals and the implementation of information technology advancements for supply chain analysis, logistics, system monitoring, industrial and manufacturing processes, and other purposes”;

(D) by adding at the end the following:

“(2) COORDINATION.—To increase the value and capabilities of the industrial research and assessment centers, the centers shall—

“(A) coordinate with Manufacturing Extension Partnership Centers of the National Institute of Standards and Technology;

“(B) coordinate with the Building Technologies Program of the Department of Energy to provide building assessment services to manufacturers;

“(C) increase partnerships with the National Laboratories of the Department of Energy to leverage the expertise and technologies of the National Laboratories for national industrial and manufacturing needs;

“(D) increase partnerships with energy service providers and technology providers to leverage private sector expertise and accelerate deployment of new and existing technologies and processes for energy efficiency, power factor, and load management;

“(E) identify opportunities for reducing greenhouse gas emissions; and

“(F) promote sustainable manufacturing practices for small- and medium-sized manufacturers.”.

(3) OUTREACH.—The Secretary shall provide funding for—

“(A) outreach activities by the industrial research and assessment centers to inform small- and medium-sized manufacturers of the information, technologies, and services available; and

“(B) coordination activities by each industrial research and assessment center to leverage efforts with—

“(i) Federal and State efforts;

“(ii) the efforts of utilities and energy service providers;

“(iii) the efforts of regional energy efficiency organizations; and

“(iv) the efforts of other industrial research and assessment centers.”.

(4) WORKFORCE TRAINING.—

“(A) IN GENERAL.—The Secretary shall pay the Federal share of associated internship programs under which students work with or for industries, manufacturers, and energy service providers to implement the recommendations of industrial research and assessment centers.

“(B) FEDERAL SHARE.—The Federal share of the cost of carrying out internship programs described in subparagraph (A) shall be 50 percent.

(5) SMALL BUSINESS LOANS.—The Administrator of the Small Business Administration shall, to the maximum extent practicable, expedite consideration of applications from eligible small business concerns for loans under the Small Business Act (15 U.S.C. 631 et seq.) to implement recommendations of industrial research and assessment centers established under paragraph (1).

(6) ADVANCED MANUFACTURING STEERING COMMITTEE.—The Secretary shall establish an advisory steering committee to provide recommendations to the Secretary on planning and implementation of the Advanced Manufacturing Office of the Department of Energy.

“(7) EXPANSION OF TECHNICAL ASSISTANCE.—The Secretary shall expand the institution of higher education-based industrial research and assessment centers, working across Federal agencies as necessary—

“(A) to provide comparable assessment services to water and wastewater treatment facilities, including systems that treat municipal, industrial, and agricultural waste; and

“(B) to equip the directors of the centers with the training and tools necessary to provide technical assistance on energy savings to the water and wastewater treatment facilities.”.

(c) SUSTAINABLE MANUFACTURING INITIATIVE.—

(1) IN GENERAL.—Part E of title III of the Energy Policy and Conservation Act (42 U.S.C. 6341) is amended by adding at the end the following:

“SEC. 376. SUSTAINABLE MANUFACTURING INITIATIVE.

“(a) IN GENERAL.—As part of the Office of Energy Efficiency and Renewable Energy, the Secretary, on the request of a manufacturer, shall conduct on-site technical assessments to identify opportunities for—

“(1) maximizing the energy efficiency of industrial processes and cross-cutting systems;

“(2) preventing pollution and minimizing waste;

“(3) improving efficient use of water in manufacturing processes;

“(4) conserving natural resources; and

“(5) achieving such other goals as the Secretary determines to be appropriate.

“(b) COORDINATION.—The Secretary shall carry out the initiative in coordination with the private sector and appropriate agencies, including the National Institute of Standards and Technology, to accelerate adoption of new and existing technologies and processes that improve energy efficiency.

“(c) RESEARCH AND DEVELOPMENT PROGRAM FOR SUSTAINABLE MANUFACTURING AND INDUSTRIAL TECHNOLOGIES AND PROCESSES.—As part of the industrial efficiency programs of the Department of Energy, the Secretary shall carry out a joint industry-government partnership program to research, develop, and demonstrate new sustainable manufacturing and industrial technologies and processes that maximize the energy efficiency of industrial plants, reduce pollution, and conserve natural resources.”.

(2) TABLE OF CONTENTS.—The table of contents of the Energy Policy and Conservation Act (42 U.S.C. prec. 6201) is amended by adding at the end of the items relating to part E of title III the following:

“Sec. 376. Sustainable manufacturing initiative.”.

SEC. 1202. LEVERAGING EXISTING FEDERAL AGENCY PROGRAMS TO ASSIST SMALL AND MEDIUM MANUFACTURERS.

(a) DEFINITIONS.—In this section and section 1203:

(1) ENERGY MANAGEMENT SYSTEM.—The term “energy management system” means a business management process based on standards of the American National Standards Institute that enables an organization to follow a systematic approach in achieving continual improvement of energy performance, including energy efficiency, security, use, and consumption.

(2) INDUSTRIAL ASSESSMENT CENTER.—The term “industrial assessment center” means a center located at an institution of higher education that—

(A) receives funding from the Department;

(B) provides an in-depth assessment of small- and medium-size manufacturer plant sites to evaluate the facilities, services, and

manufacturing operations of the plant site; and

(C) identifies opportunities for potential savings for small- and medium-size manufacturer plant sites from energy efficiency improvements, waste minimization, pollution prevention, and productivity improvement.

(3) NATIONAL LABORATORY.—The term “National Laboratory” has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(4) SMALL AND MEDIUM MANUFACTURERS.—The term “small and medium manufacturers” means manufacturing firms—

(A) classified in the North American Industry Classification System as any of sectors 31 through 33;

(B) with gross annual sales of less than \$100,000,000;

(C) with fewer than 500 employees at the plant site; and

(D) with annual energy bills totaling more than \$100,000 and less than \$2,500,000.

(5) SMART MANUFACTURING.—The term “smart manufacturing” means advanced technologies in information, automation, monitoring, computation, sensing, modeling, and networking that—

(A) digitally—

(i) simulate manufacturing production lines;

(ii) operate computer-controlled manufacturing equipment;

(iii) monitor and communicate production line status; and

(iv) manage and optimize energy productivity and cost throughout production;

(B) model, simulate, and optimize the energy efficiency of a factory building;

(C) monitor and optimize building energy performance;

(D) model, simulate, and optimize the design of energy efficient and sustainable products, including the use of digital prototyping and additive manufacturing to enhance product design;

(E) connect manufactured products in networks to monitor and optimize the performance of the networks, including automated network operations; and

(F) digitally connect the supply chain network.

(b) EXPANSION OF TECHNICAL ASSISTANCE PROGRAMS.—The Secretary shall expand the scope of technologies covered by the Industrial Assessment Centers of the Department—

(1) to include smart manufacturing technologies and practices; and

(2) to equip the directors of the Industrial Assessment Centers with the training and tools necessary to provide technical assistance in smart manufacturing technologies and practices, including energy management systems, to manufacturers.

(c) FUNDING.—The Secretary shall use unobligated funds of the Department to carry out this section.

SEC. 1203. LEVERAGING SMART MANUFACTURING INFRASTRUCTURE AT NATIONAL LABORATORIES.

(a) STUDY.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall conduct a study on ways in which the Department can increase access to existing high-performance computing resources in the National Laboratories, particularly for small and medium manufacturers.

(2) INCLUSIONS.—In identifying ways to increase access to National Laboratories under paragraph (1), the Secretary shall—

(A) focus on increasing access to the computing facilities of the National Laboratories; and

(B) ensure that—

(i) the information from the manufacturer is protected; and

(ii) the security of the National Laboratory facility is maintained.

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

(b) ACTIONS FOR INCREASED ACCESS.—The Secretary shall facilitate access to the National Laboratories studied under subsection (a) for small and medium manufacturers so that small and medium manufacturers can fully use the high-performance computing resources of the National Laboratories to enhance the manufacturing competitiveness of the United States.

Subtitle D—Vehicles

SEC. 1301. SHORT TITLE.

This subtitle may be cited as the “Vehicle Innovation Act of 2016”.

SEC. 1302. OBJECTIVES.

The objectives of this subtitle are—

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

(2) to develop United States technologies and practices that—

(A) improve the fuel efficiency and emissions of all vehicles produced in the United States; and

(B) reduce vehicle reliance on petroleum-based fuels;

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

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

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

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

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

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

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

SEC. 1303. COORDINATION AND NONDUPLICATION.

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

SEC. 1304. AUTHORIZATION OF APPROPRIATIONS.

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

(1) for fiscal year 2016, \$313,567,000;

(2) for fiscal year 2017, \$326,109,000;

(3) for fiscal year 2018, \$339,154,000;

(4) for fiscal year 2019, \$352,720,000; and

(5) for fiscal year 2020, \$366,829,000.

SEC. 1305. REPORTING.

(a) TECHNOLOGIES DEVELOPED.—Not later than 18 months after the date of enactment of this Act and annually thereafter through 2020, the Secretary shall submit to Congress a report regarding the technologies developed as a result of the activities authorized by this subtitle, with a particular emphasis on whether the technologies were successfully adopted for commercial applications, and if so, whether products relying on those technologies are manufactured in the United States.

(b) ADDITIONAL MATTERS.—At the end of each fiscal year through 2020, the Secretary shall submit to the relevant Congressional committees of jurisdiction an annual report describing activities undertaken in the previous year under this Act, active industry participants, the status of public private partnerships, progress of the program in meeting goals and timelines, and a strategic plan for funding of activities across agencies.

PART I—VEHICLE RESEARCH AND DEVELOPMENT

SEC. 1306. PROGRAM.

(a) ACTIVITIES.—The Secretary shall conduct a program of basic and applied research, development, engineering, demonstration, and commercial application activities on materials, technologies, and processes with the potential to substantially reduce or eliminate petroleum use and the emissions of the Nation's passenger and commercial vehicles, including activities in the areas of—

(1) electrification of vehicle systems;

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

(3) power electronics;

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

(5) engine efficiency and combustion optimization;

(6) waste heat recovery;

(7) transmission and drivetrains;

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

(9) natural gas vehicle technologies;

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

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

(12) friction and wear reduction;

(13) engine and component durability;

(14) innovative propulsion systems;

(15) advanced boosting systems;

(16) hydraulic hybrid technologies;

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

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

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

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

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

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

(23) aftertreatment technologies;

(24) thermal management of battery systems;

(25) retrofitting advanced vehicle technologies to existing vehicles;

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

(27) advanced internal combustion engines;

(28) mild hybrid;

(29) engine down speeding;

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

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

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

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

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

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

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

(c) **INDUSTRY PARTICIPATION.**—To the maximum extent practicable, activities under this Act shall be carried out in partnership or collaboration with automotive manufacturers, heavy commercial, vocational, and transit vehicle manufacturers, qualified plug-in electric vehicle manufacturers, compressed natural gas vehicle manufacturers, vehicle and engine equipment and component manufacturers, manufacturing equipment manufacturers, advanced vehicle service providers, fuel producers and energy suppliers, electric utilities, universities, national laboratories, and independent research laboratories. In carrying out this Act the Secretary shall—

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

(2) leverage the capabilities and resources of, and formalize partnerships with, industry-led stakeholder organizations, nonprofit organizations, industry consortia, and trade associations with expertise in the research and development of, and education and outreach activities in, advanced automotive and commercial vehicle technologies;

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

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

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

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

(1) relevant programs within the Department, including—

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

(B) the Office of Science;

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

(D) the Office of Fossil Energy;

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

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

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

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

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

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

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

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

(h) **SECONDARY USE APPLICATIONS.**—

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

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

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

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

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

(E)(i) assesses the potential for markets for uses described in subparagraph (B) to develop; and

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

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

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

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

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

(3) **SECONDARY USE DEMONSTRATION.**—

(A) **IN GENERAL.**—Based on the results of the program described in paragraph (1), the Secretary shall develop guidelines for projects that demonstrate the secondary uses and innovative recycling of vehicle batteries.

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

(i) publish the guidelines described in subparagraph (A); and

(ii) solicit applications for funding for demonstration projects.

(C) **PILOT DEMONSTRATION PROGRAM.**—Not later than 21 months after the date of enactment of this Act, the Secretary shall select proposals for grant funding under this section, based on an assessment of which pro-

posals are mostly likely to contribute to the development of a secondary market for batteries.

SEC. 1307. MANUFACTURING.

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

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

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

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

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

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

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

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

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

(9) to produce permanent magnets for advanced vehicles.

PART II—MEDIUM- AND HEAVY-DUTY COMMERCIAL AND TRANSIT VEHICLES

SEC. 1308. PROGRAM.

The Secretary, in partnership with relevant research and development programs in other Federal agencies, and a range of appropriate industry stakeholders, shall carry out a program of cooperative research, development, demonstration, and commercial application activities on advanced technologies for medium- to heavy-duty commercial, vocational, recreational, and transit vehicles, including activities in the areas of—

(1) engine efficiency and combustion research;

(2) onboard storage technologies for compressed and liquefied natural gas;

(3) development and integration of engine technologies designed for natural gas operation of a variety of vehicle platforms;

(4) waste heat recovery and conversion;

(5) improved aerodynamics and tire rolling resistance;

(6) energy and space-efficient emissions control systems;

(7) mild hybrid, heavy hybrid, hybrid hydraulic, plug-in hybrid, and electric platforms, and energy storage technologies;

(8) drivetrain optimization;

(9) friction and wear reduction;

(10) engine idle and parasitic energy loss reduction;

(11) electrification of accessory loads;

(12) onboard sensing and communications technologies;

(13) advanced lightweighting materials and vehicle designs;

(14) increasing load capacity per vehicle;

(15) thermal management of battery systems;

(16) recharging infrastructure;

(17) compressed natural gas infrastructure;

(18) advanced internal combustion engines;

(19) complete vehicle and power pack modeling, simulation, and testing;

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

(21) retrofitting advanced technologies onto existing truck fleets;

(22) advanced boosting systems;

(23) engine down speeding; and

(24) integration of these and other advanced systems onto a single truck and trailer platform.

SEC. 1309. CLASS 8 TRUCK AND TRAILER SYSTEMS DEMONSTRATION.

(a) IN GENERAL.—The Secretary shall conduct a competitive grant program to demonstrate the integration of multiple advanced technologies on Class 8 truck and trailer platforms, including a combination of technologies listed in section 1308.

(b) APPLICANT TEAMS.—Applicant teams may be comprised of truck and trailer manufacturers, engine and component manufacturers, fleet customers, university researchers, and other applicants as appropriate for the development and demonstration of integrated Class 8 truck and trailer systems.

SEC. 1310. TECHNOLOGY TESTING AND METRICS.

The Secretary, in coordination with the partners of the interagency research program described in section 1308—

(1) shall develop standard testing procedures and technologies for evaluating the performance of advanced heavy vehicle technologies under a range of representative duty cycles and operating conditions, including for heavy hybrid propulsion systems;

(2) shall evaluate heavy vehicle performance using work performance-based metrics other than those based on miles per gallon, including those based on units of volume and weight transported for freight applications, and appropriate metrics based on the work performed by nonroad systems; and

(3) may construct heavy duty truck and bus testing facilities.

SEC. 1311. NONROAD SYSTEMS PILOT PROGRAM.

The Secretary shall undertake a pilot program of research, development, demonstration, and commercial applications of technologies to improve total machine or system efficiency for nonroad mobile equipment including agricultural, construction, air, and sea port equipment, and shall seek opportunities to transfer relevant research findings and technologies between the nonroad and on-highway equipment and vehicle sectors.

PART III—ADMINISTRATION

SEC. 1312. REPEAL OF EXISTING AUTHORITIES.

(a) IN GENERAL.—Sections 706, 711, 712, and 933 of the Energy Policy Act of 2005 (42 U.S.C. 16051, 16061, 16062, 16233) are repealed.

(b) ENERGY EFFICIENCY.—Section 911 of the Energy Policy Act of 2005 (42 U.S.C. 16191) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(A), by striking “vehicles, buildings,” and inserting “buildings”; and

(B) in paragraph (2)—

(i) by striking subparagraph (A); and

(ii) by redesignating subparagraphs (B) through (E) as subparagraphs (A) through (D), respectively; and

(2) in subsection (c)—

(A) by striking paragraph (3);

(B) by redesignating paragraph (4) as paragraph (3); and

(C) in paragraph (3) (as so redesignated), by striking “(a)(2)(D)” and inserting “(a)(2)(C)”.

SEC. 1313. REAUTHORIZATION OF DIESEL EMISSIONS REDUCTION PROGRAM.

Section 797(a) of the Energy Policy Act of 2005 (42 U.S.C. 16137(a)) is amended by striking “2016” and inserting “2021”.

SEC. 1314. GASEOUS FUEL DUAL FUELED AUTOMOBILES.

Section 32905 of title 49, United States Code, is amended by striking subsection (d) and inserting the following:

“(d) GASEOUS FUEL DUAL FUELED AUTOMOBILES.—

“(1) MODEL YEARS 1993 THROUGH 2016.—For any model of gaseous fuel dual fueled automobile manufactured by a manufacturer in model years 1993 through 2016, the Administrator shall measure the fuel economy for that model by dividing 1.0 by the sum of—

“(A) .5 divided by the fuel economy measured under section 32904(c) of this title when operating the model on gasoline or diesel fuel; and

“(B) .5 divided by the fuel economy measured under subsection (c) of this section when operating the model on gaseous fuel.

“(2) SUBSEQUENT MODEL YEARS.—For any model of gaseous fuel dual fueled automobile manufactured by a manufacturer in model year 2017 or any subsequent model year, the Administrator shall calculate fuel economy in accordance with section 600.510–12 (c)(2)(vii) of title 40, Code of Federal Regulations (as in effect on the date of enactment of this paragraph) if the vehicle qualifies under section 32901(c).”.

Subtitle E—Short Title

SEC. 1401. SHORT TITLE.

This title may be cited as the “Portman-Shaheen Energy Efficiency Improvement Act of 2016”.

Subtitle F—Housing

SEC. 1501. DEFINITIONS.

In this subtitle, the following definitions shall apply:

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

(2) HOMEOWNER.—The term “homeowner” means the mortgagor under a covered loan.

(3) MORTGAGE.—The term “mortgage” means an original lender under a covered loan or the holder of a covered loan at the time at which that mortgage transaction is consummated.

SEC. 1502. ENHANCED ENERGY EFFICIENCY UNDERWRITING CRITERIA.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Housing and Urban Development shall, in consultation with the advisory group established in section 1505(c), develop and issue guidelines for the Federal Housing Administration to implement enhanced loan eligibility requirements, for use when testing the ability of a loan applicant to repay a covered loan, that account for the expected energy cost savings for a loan applicant at a subject property, in the manner set forth in subsections (b) and (c).

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

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

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

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

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

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

(c) DETERMINATION OF ESTIMATED ENERGY COST SAVINGS.—

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

(A) the energy efficiency report;

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

(C) additional sources of information as determined by the Secretary of Housing and Urban Development.

(2) REPORT REQUIREMENTS.—For the purposes of paragraph (1), an energy efficiency report shall—

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

(B) be prepared in accordance with the guidelines to be issued under subsection (a); and

(C) be prepared—

(i) in accordance with the Residential Energy Service Network's Home Energy Rating System (commonly known as “HERS”) by an individual certified by the Residential Energy Service Network, unless the Secretary of Housing and Urban Development finds that the use of HERS does not further the purposes of this subtitle;

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

(iii) by other methods approved by the Secretary of Housing and Urban Development, in consultation with the Secretary and the advisory group established in section 1505(c), for use under this subtitle, which shall include a third-party quality assurance procedure.

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

(d) PRICING OF LOANS.—

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

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

(e) LIMITATIONS.—

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

(2) PROHIBITED ACTIONS.—The Federal Housing Administration shall not—

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

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

(f) APPLICABILITY AND IMPLEMENTATION DATE.—Not later than 3 years after the date of enactment of this Act, and before December 31, 2019, the enhanced loan eligibility requirements required under this section shall be implemented by the Federal Housing Administration to—

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

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

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

SEC. 1503. ENHANCED ENERGY EFFICIENCY UNDERWRITING VALUATION GUIDELINES.

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

(1) in consultation with the Federal Financial Institutions Examination Council and the advisory group established in section 1505(c), develop and issue guidelines for the Federal Housing Administration to determine the maximum permitted loan amount based on the value of the property for all covered loans made on properties with an energy efficiency report that meets the requirements of section 1502(c)(2); and

(2) in consultation with the Secretary, issue guidelines for the Federal Housing Administration to determine the estimated energy savings under subsection (c) for properties with an energy efficiency report.

(b) REQUIREMENTS.—The enhanced energy efficiency underwriting valuation guidelines required under subsection (a) shall include—

(1) a requirement that if an energy efficiency report that meets the requirements of section 1502(c)(2) is voluntarily provided to the mortgagee, such report shall be used by the mortgagee or the Federal Housing Administration to determine the estimated energy savings of the subject property; and

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

(c) DETERMINATION OF ESTIMATED ENERGY SAVINGS.—

(1) AMOUNT OF ENERGY SAVINGS.—The amount of estimated energy savings shall be determined by calculating the difference be-

tween the estimated energy costs for the average comparable houses, as determined in guidelines to be issued under subsection (a), and the estimated energy costs for the subject property based upon the energy efficiency report.

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

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

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

(1) in paragraph (2), by striking “; and” at the end;

(2) in paragraph (3), by striking the period at the end and inserting “; and”; and

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

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

“(A) labels or ratings of buildings;

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

“(C) blueprints;

“(D) construction costs;

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

“(F) utility bills;

“(G) energy consumption and benchmarking data; and

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

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

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

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

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

(f) PROTECTIONS.—

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

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

(g) APPLICABILITY AND IMPLEMENTATION DATE.—Not later than 3 years after the date of enactment of this Act, and before December 31, 2019, the Federal Housing Administration shall implement the guidelines required under this section, which shall—

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

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

SEC. 1504. MONITORING.

Not later than 1 year after the date on which the enhanced eligibility and underwriting valuation requirements are implemented under this subtitle, and every year thereafter, the Federal Housing Administration shall issue and make available to the public a report that—

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

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

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

SEC. 1505. RULEMAKING.

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

(b) RULE OF CONSTRUCTION.—Nothing in this subtitle shall be construed to authorize the Secretary of Housing and Urban Development to require any homeowner or other party to provide energy efficiency reports, energy efficiency labels, or other disclosures to the Federal Housing Administration or to a mortgagee.

(c) ADVISORY GROUP.—To assist in carrying out this subtitle, the Secretary of Housing and Urban Development shall establish an advisory group, consisting of individuals representing the interests of—

(1) mortgage lenders;

(2) appraisers;

(3) energy raters and residential energy consumption experts;

(4) energy efficiency organizations;

(5) real estate agents;

(6) home builders and remodelers;

(7) consumer advocates;

(8) State energy officials; and

(9) others as determined by the Secretary of Housing and Urban Development.

SEC. 1506. ADDITIONAL STUDY.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary of Housing and Urban Development shall reconvene the advisory group established in section 1505(c), in addition to water and locational efficiency experts, to advise the Secretary of Housing and Urban Development on the implementation of the enhanced energy efficiency underwriting criteria established in sections 1502 and 1503.

(b) RECOMMENDATIONS.—The advisory group established in section 1505(c) shall provide recommendations to the Secretary of Housing and Urban Development on any revisions or additions to the enhanced energy efficiency underwriting criteria deemed necessary by the group, which may include alternate methods to better account for home energy costs and additional factors to account for substantial and regular costs of homeownership such as location-based transportation costs and water costs. The Secretary of Housing and Urban Development shall forward any legislative recommendations from the advisory group to Congress for its consideration.

TITLE II—INFRASTRUCTURE**Subtitle A—Cybersecurity****SEC. 2001. CYBERSECURITY THREATS.**

Part II of the Federal Power Act (16 U.S.C. 824 et seq.) is amended by adding at the end the following:

“SEC. 224. CYBERSECURITY THREATS.

“(a) DEFINITIONS.—In this section:

“(1) BULK-POWER SYSTEM.—The term ‘bulk-power system’ has the meaning given the term in section 215.

“(2) CRITICAL ELECTRIC INFRASTRUCTURE.—The term ‘critical electric infrastructure’ means a system or asset of 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 those matters.

“(3) CRITICAL ELECTRIC INFRASTRUCTURE INFORMATION.—

“(A) IN GENERAL.—The term ‘critical electric infrastructure information’ means information related to critical electric infrastructure, or proposed critical electric infrastructure, generated by or provided to the Commission or other Federal agency, other than classified national security information, that is designated as critical electric infrastructure information by the Commission under subsection (d)(2).

“(B) INCLUSIONS.—The term ‘critical electric infrastructure information’ includes information that qualifies as critical energy infrastructure information under regulations promulgated by the Commission.

“(4) CYBERSECURITY THREAT.—The term ‘cybersecurity threat’ means the imminent danger of an act that severely disrupts, attempts to severely disrupt, or poses a significant risk of severely disrupting the operation of programmable electronic devices or communications networks (including hardware, software, and data) essential to the reliable operation of the bulk-power system.

“(5) ELECTRIC RELIABILITY ORGANIZATION.—The term ‘Electric Reliability Organization’ has the meaning given the term in section 215.

“(6) REGIONAL ENTITY.—The term ‘regional entity’ has the meaning given the term in section 215.

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

“(b) EMERGENCY AUTHORITY OF SECRETARY.—

“(1) IN GENERAL.—If the President notifies the Secretary that the President has made a determination that immediate action is necessary to protect the bulk-power system

from a cybersecurity threat, the Secretary may require, by order and with or without notice, any entity that is registered with the Electric Reliability Organization as an owner, operator, or user of the bulk-power system to take such actions as the Secretary determines will best avert or mitigate the cybersecurity threat.

“(2) WRITTEN EXPLANATION.—As soon as practicable after notifying the Secretary under paragraph (1), the President shall—

“(A) provide to the Secretary, in writing, a record of the determination and an explanation of the reasons for the determination; and

“(B) promptly notify, in writing, congressional committees of relevant jurisdiction, including the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, of the contents of, and justification for, the directive or determination.

“(3) COORDINATION WITH CANADA AND MEXICO.—In exercising the authority pursuant to this subsection, the Secretary is encouraged to consult and coordinate with the appropriate officials in Canada and Mexico responsible for the protection of cybersecurity of the interconnected North American electricity grid.

“(4) CONSULTATION.—Before exercising authority pursuant to this subsection, to the maximum extent practicable, taking into consideration the nature of an identified cybersecurity threat and the urgency of need for action, the Secretary shall consult regarding implementation of actions that will effectively address the cybersecurity threat with—

“(A) any entities potentially subject to the cybersecurity threat that own, control, or operate bulk-power system facilities;

“(B) the Electric Reliability Organization;

“(C) the Electricity Sub-sector Coordinating Council (as established by the Electric Reliability Organization); and

“(D) officials of other Federal departments and agencies, as appropriate.

“(5) COST RECOVERY.—

“(A) IN GENERAL.—The Commission shall adopt regulations that permit entities subject to an order under paragraph (1) to seek recovery of prudently incurred costs required to implement actions ordered by the Secretary under this subsection.

“(B) REQUIREMENTS.—Any rate or charge approved under regulations adopted pursuant to this paragraph—

“(i) shall be just and reasonable; and

“(ii) shall not be unduly discriminatory or preferential.

“(c) DURATION OF EMERGENCY ORDERS.—An order issued by the Secretary pursuant to subsection (b) shall remain in effect for not longer than the 30-day period beginning on the effective date of the order, unless, during that 30 day-period, the Secretary—

“(1) provides to interested persons an opportunity to submit written data, recommendations, and arguments; and

“(2) affirms, amends, or repeals the order, subject to the condition that an amended order shall not exceed a total duration of 90 days.

“(d) PROTECTION AND SHARING OF CRITICAL ELECTRIC INFRASTRUCTURE.—

“(1) PROTECTION OF CRITICAL ELECTRIC INFRASTRUCTURE.—Critical electric infrastructure information—

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

“(B) shall not be made available by any State, political subdivision, or tribal authority pursuant to any State, political subdivision, or tribal law requiring disclosure of information or records.

“(2) DESIGNATION AND SHARING OF CRITICAL ELECTRIC INFRASTRUCTURE INFORMATION.—Not later than 1 year after the date of enactment of this section, the Commission, in consultation with the Secretary of Energy, shall promulgate such regulations and issue such orders as necessary—

“(A) to designate critical electric infrastructure information;

“(B) to prohibit the unauthorized disclosure of critical electric infrastructure information; and

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

“(3) CONSIDERATIONS.—In promulgating regulations and issuing orders under paragraph (2), the Commission shall take into consideration the role of State commissions in—

“(A) reviewing the prudence and cost of investments;

“(B) determining the rates and terms of conditions for electric services; and

“(C) ensuring the safety and reliability of the bulk-power system and distribution facilities within the respective jurisdictions of the State commissions.

“(4) NO REQUIRED SHARING OF INFORMATION.—Nothing in this section requires a person or entity in possession of critical electric infrastructure information to share the information with Federal, State, political subdivision, or tribal authorities, or any other person or entity.

“(5) DISCLOSURE OF NONCRITICAL ELECTRIC INFRASTRUCTURE INFORMATION.—In carrying out this section, the Commission shall segregate critical electric infrastructure information within documents and electronic communications, wherever feasible, to facilitate disclosure of information that is not designated as critical electric infrastructure information.”.

SEC. 2002. ENHANCED GRID SECURITY.

(a) DEFINITIONS.—In this section:

(1) ELECTRIC UTILITY.—The term “electric utility” has the meaning given the term in section 3 of the Federal Power Act (16 U.S.C. 796).

(2) ES-ISAC.—The term “ES-ISAC” means the Electricity Sector Information Sharing and Analysis Center.

(3) NATIONAL LABORATORY.—The term “National Laboratory” has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(4) SECTOR-SPECIFIC AGENCY.—The term “Sector-Specific Agency” has the meaning given the term in the Presidential policy directive entitled “Critical Infrastructure Security and Resilience”, numbered 21, and dated February 12, 2013.

(b) SECTOR-SPECIFIC AGENCY FOR CYBERSECURITY FOR THE ENERGY SECTOR.—

(1) IN GENERAL.—The Department shall be the lead Sector-Specific Agency for cybersecurity for the energy sector.

(2) DUTIES.—As the designated Sector-Specific Agency for cybersecurity, the duties of the Department shall include—

(A) coordinating with the Department of Homeland Security and other relevant Federal departments and agencies;

(B) collaborating with—

(i) critical infrastructure owners and operators; and

(ii) as appropriate—

(I) independent regulatory agencies; and

(II) State, local, tribal and territorial entities;

(C) serving as a day-to-day Federal interface for the dynamic prioritization and coordination of sector-specific activities;

(D) carrying out incident management responsibilities consistent with applicable law (including regulations) and other appropriate policies or directives;

(E) providing, supporting, or facilitating technical assistance and consultations for the energy sector to identify vulnerabilities and help mitigate incidents, as appropriate; and

(F) supporting the reporting requirements of the Department of Homeland Security under applicable law by providing, on an annual basis, sector-specific critical infrastructure information.

(C) **CYBERSECURITY FOR THE ENERGY SECTOR RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROGRAM.**—

(1) **IN GENERAL.**—The Secretary, in consultation with appropriate Federal agencies, the energy sector, the States, and other stakeholders, shall carry out a program—

(A) to develop advanced cybersecurity applications and technologies for the energy sector—

(i) to identify and mitigate vulnerabilities, including—

(I) dependencies on other critical infrastructure; and

(II) impacts from weather and fuel supply; and

(ii) to advance the security of field devices and third-party control systems, including—

(I) systems for generation, transmission, distribution, end use, and market functions;

(II) specific electric grid elements including advanced metering, demand response, distributed generation, and electricity storage;

(III) forensic analysis of infected systems; and

(IV) secure communications;

(B) to leverage electric grid architecture as a means to assess risks to the energy sector, including by implementing an all-hazards approach to communications infrastructure, control systems architecture, and power systems architecture;

(C) to perform pilot demonstration projects with the energy sector to gain experience with new technologies; and

(D) to develop workforce development curricula for energy sector-related cybersecurity.

(2) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this subsection \$65,000,000 for each of fiscal years 2017 through 2025.

(d) **ENERGY SECTOR COMPONENT TESTING FOR CYBERRESILIENCE PROGRAM.**—

(1) **IN GENERAL.**—The Secretary shall carry out a program—

(A) to establish a cybertesting and mitigation program to identify vulnerabilities of energy sector supply chain products to known threats;

(B) to oversee third-party cybertesting; and

(C) to develop procurement guidelines for energy sector supply chain components.

(2) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this subsection \$15,000,000 for each of fiscal years 2017 through 2025.

(e) **ENERGY SECTOR OPERATIONAL SUPPORT FOR CYBERRESILIENCE PROGRAM.**—

(1) **IN GENERAL.**—The Secretary may carry out a program—

(A) to enhance and periodically test—

(i) the emergency response capabilities of the Department; and

(ii) the coordination of the Department with other agencies, the National Laboratories, and private industry;

(B) to expand cooperation of the Department with the intelligence communities for energy sector-related threat collection and analysis;

(C) to enhance the tools of the Department and ES-ISAC for monitoring the status of the energy sector;

(D) to expand industry participation in ES-ISAC; and

(E) to provide technical assistance to small electric utilities for purposes of assessing cybermaturity level.

(2) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this subsection \$10,000,000 for each of fiscal years 2017 through 2025.

(f) **MODELING AND ASSESSING ENERGY INFRASTRUCTURE RISK.**—

(1) **IN GENERAL.**—The Secretary shall develop an advanced energy security program to secure energy networks, including electric, natural gas, and oil exploration, transmission, and delivery.

(2) **SECURITY AND RESILIENCY OBJECTIVE.**—The objective of the program developed under paragraph (1) is to increase the functional preservation of the electric grid operations or natural gas and oil operations in the face of natural and human-made threats and hazards, including electric magnetic pulse and geomagnetic disturbances.

(3) **ELIGIBLE ACTIVITIES.**—In carrying out the program developed under paragraph (1), the Secretary may—

(A) develop capabilities to identify vulnerabilities and critical components that pose major risks to grid security if destroyed or impaired;

(B) provide modeling at the national level to predict impacts from natural or human-made events;

(C) develop a maturity model for physical security and cybersecurity;

(D) conduct exercises and assessments to identify and mitigate vulnerabilities to the electric grid, including providing mitigation recommendations;

(E) conduct research hardening solutions for critical components of the electric grid;

(F) conduct research mitigation and recovery solutions for critical components of the electric grid; and

(G) provide technical assistance to States and other entities for standards and risk analysis.

(4) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this subsection \$10,000,000 for each of fiscal years 2017 through 2025.

(g) **LEVERAGING EXISTING PROGRAMS.**—The programs established under this section shall be carried out consistent with—

(1) the report of the Department entitled “Roadmap to Achieve Energy Delivery Systems Cybersecurity” and dated 2011;

(2) existing programs of the Department; and

(3) any associated strategic framework that links together academic and National Laboratory researchers, electric utilities, manufacturers, and any other relevant private industry organizations, including the Electricity Sub-sector Coordinating Council.

(h) **STUDY.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the Federal Energy Regulatory Commission and the North American Electric Reliability Corporation, shall conduct a study to explore alternative management structures and funding mechanisms to expand industry membership and participation in ES-ISAC.

(2) **REPORT.**—The Secretary shall submit to the appropriate committees of Congress a report describing the results of the study conducted under paragraph (1).

Subtitle B—Strategic Petroleum Reserve

SEC. 2101. STRATEGIC PETROLEUM RESERVE MODERNIZATION.

(a) **REAFFIRMATION OF POLICY.**—Congress reaffirms the continuing strategic impor-

tance and need for the Strategic Petroleum Reserve as found and declared in section 151 of the Energy Policy and Conservation Act (42 U.S.C. 6231).

(b) **SPR PETROLEUM ACCOUNT.**—Section 167(b) of the Energy Policy and Conservation Act (42 U.S.C. 6247(b)) is amended to read as follows:

“(b) **OBLIGATION OF FUNDS FOR THE ACQUISITION, TRANSPORTATION, AND INJECTION OF PETROLEUM PRODUCTS INTO SPR AND FOR OTHER PURPOSES.**—

“(1) **PURPOSES.**—Amounts in the Account may be obligated by the Secretary of Energy for—

“(A) the acquisition, transportation, and injection of petroleum products into the Reserve;

“(B) test sales of petroleum products from the Reserve;

“(C) the drawdown, sale, and delivery of petroleum products from the Reserve;

“(D) the construction, maintenance, repair, and replacement of storage facilities and related facilities; and

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

“(2) **AMOUNTS.**—Amounts in the Account may be obligated by the Secretary of Energy for purposes of paragraph (1), in the case of any fiscal year—

“(A) subject to section 660 of the Department of Energy Organization Act (42 U.S.C. 7270), in such aggregate amounts as may be appropriated in advance in appropriations Acts; and

“(B) notwithstanding section 660 of the Department of Energy Organization Act (42 U.S.C. 7270), in an aggregate amount equal to the aggregate amount of the receipts to the United States from the sale of petroleum products in any drawdown and a distribution of the Reserve under section 161, including—

“(i) a drawdown and distribution carried out under subsection (g) of that section; or

“(ii) from the sale of petroleum products under section 160(f).

“(3) **AVAILABILITY OF FUNDS.**—Funds available to the Secretary of Energy for obligation under this subsection may remain available without fiscal year limitation.”.

(c) **DEFINITION OF RELATED FACILITY.**—Section 152(8) of the Energy Policy and Conservation Act (42 U.S.C. 6232(8)) is amended by inserting “terminals,” after “reservoirs.”.

SEC. 2102. STRATEGIC PETROLEUM RESERVE DRAWDOWN AND SALE.

Section 403 of the Bipartisan Budget Act of 2015 (Public Law 114-74; 129 Stat. 589) is amended by adding at the end the following:

“(d) **INCREASE; LIMITATION.**—

“(1) **INCREASE.**—The Secretary of Energy may increase the drawdown and sales under paragraphs (1) through (8) of subsection (a) as the Secretary of Energy determines to be appropriate to maximize the financial return to United States taxpayers.

“(2) **LIMITATION.**—The Secretary of Energy shall not drawdown or conduct sales of crude oil under this section after the date on which a total of \$5,050,000,000 has been deposited in the general fund of the Treasury from sales authorized under this section.”.

Subtitle C—Trade

SEC. 2201. ACTION ON APPLICATIONS TO EXPORT LIQUEFIED NATURAL GAS.

(a) **DECISION DEADLINE.**—For proposals that must also obtain authorization from the Federal Energy Regulatory Commission or the Maritime Administration to site, construct, expand, or operate liquefied natural gas export facilities, the Secretary shall

issue a final decision on any application for the authorization to export natural gas under section 3(a) of the Natural Gas Act (15 U.S.C. 717b(a)) not later than 45 days after the later of—

(1) the conclusion of the review to site, construct, expand, or operate the liquefied natural gas export 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 (42 U.S.C. 4321 et seq.) shall be considered concluded when the lead agency—

(1) for a project requiring an Environmental Impact Statement, publishes a Final Environmental Impact Statement;

(2) for a project for which an Environmental Assessment has been prepared, publishes a Finding of No Significant Impact; or

(3) determines that an application is eligible for a categorical exclusion pursuant to National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) implementing regulations.

(c) **JUDICIAL REVIEW.**—

(1) **IN GENERAL.**—Except for review in the Supreme Court, the United States Court of Appeals for the District of Columbia Circuit or the circuit in which the liquefied natural gas export facility will be located pursuant to an application described in subsection (a) shall have original and exclusive jurisdiction over any civil action for the review of—

(A) an order issued by the Secretary with respect to such application; or

(B) the failure of the Secretary to issue a final decision on such application.

(2) **ORDER.**—If the Court in a civil action described in paragraph (1) finds that the Secretary has failed to issue a final decision on the application as required under subsection (a), the Court shall order the Secretary to issue the final decision not later than 30 days after the order of the Court.

(3) **EXPEDITED CONSIDERATION.**—The Court shall—

(A) set any civil action brought under this subsection for expedited consideration; and

(B) set the matter on the docket as soon as practicable after the filing date of the initial pleading.

(4) **TRANSFERS.**—In the case of an application described in subsection (a) for which a petition for review has been filed—

(A) upon motion by an applicant, the matter shall be transferred to the United States Court of Appeals for the District of Columbia Circuit or the circuit in which a liquefied natural gas export facility will be located pursuant to an application described in section 3(a) of the Natural Gas Act (15 U.S.C. 717b(a)); and

(B) the provisions of this section shall apply.

SEC. 2202. PUBLIC DISCLOSURE OF LIQUEFIED NATURAL GAS 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.**—

“(1) **IN GENERAL.**—In the case of any authorization to export liquefied natural gas, the Secretary of Energy shall require the applicant to report to the Secretary of Energy the names of the 1 or more countries of destination to which the exported liquefied natural gas is delivered.

“(2) **TIMING.**—The applicant shall file the report required under paragraph (1) not later than—

“(A) in the case of the first export, the last day of the month following the month of the first export; and

“(B) in the case of subsequent exports, the date that is 30 days after the last day of the applicable month concerning the activity of the previous month.

“(3) **DISCLOSURE.**—The Secretary of Energy shall publish the information reported under this subsection on the website of the Department of Energy and otherwise make the information available to the public.”.

SEC. 2203. ENERGY DATA COLLABORATION.

(a) **IN GENERAL.**—The Administrator of the Energy Information Administration (referred to in this section as the “Administrator”) shall collaborate with the appropriate officials in Canada and Mexico, as determined by the Administrator, to improve—

(1) the quality and transparency of energy data in North America through reconciliation of data on energy trade flows among the United States, Canada, and Mexico;

(2) the extension of energy mapping capabilities in the United States, Canada, and Mexico; and

(3) the development of common energy data terminology among the United States, Canada, and Mexico.

(b) **PERIODIC UPDATES.**—The Administrator shall periodically submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives an update on—

(1) the extent to which energy data is being shared under subsection (a); and

(2) whether forward-looking projections for regional energy flows are improving in accuracy as a result of the energy data sharing under that subsection.

Subtitle D—Electricity and Energy Storage

SEC. 2301. GRID STORAGE PROGRAM.

(a) **IN GENERAL.**—The Secretary shall conduct a program of research, development, and demonstration of electric grid energy storage that addresses the principal challenges identified in the 2013 Department of Energy Strategic Plan for Grid Energy Storage.

(b) **AREAS OF FOCUS.**—The program under this section shall focus on—

(1) materials, electric thermal, electromechanical, and electrochemical systems research;

(2) power conversion technologies research;

(3) developing—

(A) empirical and science-based industry standards to compare the storage capacity, cycle length and capabilities, and reliability of different types of electricity storage; and

(B) validation and testing techniques;

(4) other fundamental and applied research critical to widespread deployment of electricity storage;

(5) device development that builds on results from research described in paragraphs (1), (2), and (4), including combinations of power electronics, advanced optimizing controls, and energy storage as a general purpose element of the electric grid;

(6) grid-scale testing and analysis of storage devices, including test-beds and field trials;

(7) cost-benefit analyses that inform capital expenditure planning for regulators and owners and operators of components of the electric grid;

(8) electricity storage device safety and reliability, including potential failure modes, mitigation measures, and operational guidelines;

(9) standards for storage device performance, control interface, grid interconnection, and interoperability; and

(10) maintaining a public database of energy storage projects, policies, codes, standards, and regulations.

(c) **ASSISTANCE TO STATES.**—The Secretary may provide technical and financial assist-

ance to States, Indian tribes, or units of local government to participate in or use research, development, or deployment of technology developed under this section.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary to carry out this section \$50,000,000 for each of fiscal years 2017 through 2026.

(e) **NO EFFECT ON OTHER PROVISIONS OF LAW.**—Nothing in this subtitle or an amendment made by this subtitle authorizes regulatory actions that would duplicate or conflict with regulatory requirements, mandatory standards, or related processes under section 215 of the Federal Power Act (16 U.S.C. 824o).

(f) **USE OF FUNDS.**—To the maximum extent practicable, in carrying out this section, the Secretary shall ensure that the use of funds to carry out this section is coordinated among different offices within the Grid Modernization Initiative of the Department and other programs conducting energy storage research.

SEC. 2302. ELECTRIC SYSTEM GRID ARCHITECTURE, SCENARIO DEVELOPMENT, AND MODELING.

(a) **GRID ARCHITECTURE AND SCENARIO DEVELOPMENT.**—

(1) **IN GENERAL.**—Subject to paragraph (2), the Secretary shall establish and facilitate a collaborative process to develop model grid architecture and a set of future scenarios for the electric system to examine the impacts of different combinations of resources (including different quantities of distributed energy resources and large-scale, central generation) on the electric grid.

(2) **MARKET STRUCTURE.**—The grid architecture and scenarios developed under paragraph (1) shall account for differences in market structure, including an examination of the potential for stranded costs in each type of market structure.

(3) **FINDINGS.**—Based on the findings of grid architecture developed under paragraph (1), the Secretary shall—

(A) determine whether any additional standards are necessary to ensure the interoperability of grid systems and associated communications networks; and

(B) if the Secretary makes a determination that additional standards are necessary under subparagraph (A), make recommendations for additional standards, including, as may be appropriate, to the Electric Reliability Organization under section 215 of the Federal Power Act (16 U.S.C. 824o).

(b) **MODELING.**—Subject to subsection (c), the Secretary shall—

(1) conduct modeling based on the scenarios developed under subsection (a); and

(2) analyze and evaluate the technical and financial impacts of the models to assist States, utilities, and other stakeholders in—

(A) enhancing strategic planning efforts;

(B) avoiding stranded costs; and

(C) maximizing the cost-effectiveness of future grid-related investments.

(c) **INPUT.**—The Secretary shall develop the scenarios and conduct the modeling and analysis under subsections (a) and (b) with participation or input, as appropriate, from—

(1) the National Laboratories;

(2) States;

(3) State regulatory authorities;

(4) transmission organizations;

(5) representatives of the electric industry;

(6) academic institutions;

(7) independent research institutes; and

(8) other entities.

SEC. 2303. HYBRID MICRO-GRID SYSTEMS FOR ISOLATED AND RESILIENT COMMUNITIES.

(a) **DEFINITIONS.**—In this section:

(1) **HYBRID MICRO-GRID SYSTEM.**—The term “hybrid micro-grid system” means a stand-alone electrical system that—

(A) is comprised of conventional generation and at least 1 alternative energy resource; and

(B) may use grid-scale energy storage.

(2) **ISOLATED COMMUNITY.**—The term “isolated community” means a community that is powered by a stand-alone electric generation and distribution system without the economic and reliability benefits of connection to a regional electric grid.

(3) **MICRO-GRID SYSTEM.**—The term “micro-grid system” means a standalone electrical system that uses grid-scale energy storage.

(4) **STRATEGY.**—The term “strategy” means the strategy developed pursuant to subsection (b)(2)(B).

(b) **PROGRAM.**—

(1) **ESTABLISHMENT.**—The Secretary shall establish a program to promote the development of—

(A) hybrid micro-grid systems for isolated communities; and

(B) micro-grid systems to increase the resilience of critical infrastructure.

(2) **PHASES.**—The program established under paragraph (1) shall be divided into the following phases:

(A) Phase I, which shall consist of the development of a feasibility assessment for—

(i) hybrid micro-grid systems in isolated communities; and

(ii) micro-grid systems to enhance the resilience of critical infrastructure.

(B) Phase II, which shall consist of the development of an implementation strategy, in accordance with paragraph (3), to promote the development of hybrid micro-grid systems for isolated communities, particularly for those communities exposed to extreme weather conditions and high energy costs, including electricity, space heating and cooling, and transportation.

(C) Phase III, which shall be carried out in parallel with Phase II and consist of the development of an implementation strategy to promote the development of micro-grid systems that increase the resilience of critical infrastructure.

(D) Phase IV, which shall consist of cost-shared demonstration projects, based upon the strategies developed under subparagraph (B) that include the development of physical and cybersecurity plans to take appropriate measures to protect and secure the electric grid.

(E) Phase V, which shall establish a benefits analysis plan to help inform regulators, policymakers, and industry stakeholders about the affordability, environmental and resilience benefits associated with Phases II, III and IV.

(3) **REQUIREMENTS FOR STRATEGY.**—In developing the strategy under paragraph (2)(B), the Secretary shall consider—

(A) establishing future targets for the economic displacement of conventional generation using hybrid micro-grid systems, including displacement of conventional generation used for electric power generation, heating and cooling, and transportation;

(B) the potential for renewable resources, including wind, solar, and hydropower, to be integrated into a hybrid micro-grid system;

(C) opportunities for improving the efficiency of existing hybrid micro-grid systems;

(D) the capacity of the local workforce to operate, maintain, and repair a hybrid micro-grid system;

(E) opportunities to develop the capacity of the local workforce to operate, maintain, and repair a hybrid micro-grid system;

(F) leveraging existing capacity within local or regional research organizations, such as organizations based at institutions of higher education, to support development of hybrid micro-grid systems, including by testing novel components and systems prior to field deployment;

(G) the need for basic infrastructure to develop, deploy, and sustain a hybrid micro-grid system;

(H) input of traditional knowledge from local leaders of isolated communities in the development of a hybrid micro-grid system;

(I) the impact of hybrid micro-grid systems on defense, homeland security, economic development, and environmental interests;

(J) opportunities to leverage existing interagency coordination efforts and recommendations for new interagency coordination efforts to minimize unnecessary overhead, mobilization, and other project costs; and

(K) any other criteria the Secretary determines appropriate.

(c) **COLLABORATION.**—The program established under subsection (b)(1) shall be carried out in collaboration with relevant stakeholders, including, as appropriate—

(1) States;

(2) Indian tribes;

(3) regional entities and regulators;

(4) units of local government;

(5) institutions of higher education; and

(6) private sector entities.

(d) **REPORT.**—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Secretary 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 efforts to implement the program established under subsection (b)(1) and the status of the strategy developed under subsection (b)(2)(B).

SEC. 2304. VOLUNTARY MODEL PATHWAYS.

(a) **ESTABLISHMENT OF VOLUNTARY MODEL PATHWAYS.**—

(1) **ESTABLISHMENT.**—Not later than 90 days after the date of enactment of this Act, the Secretary shall initiate the development of voluntary model pathways for modernizing the electric grid through a collaborative, public-private effort that—

(A) produces illustrative policy pathways that can be adapted for State and regional applications by regulators and policymakers;

(B) facilitates the modernization of the electric grid to achieve the objectives described in paragraph (2);

(C) ensures a reliable, resilient, affordable, safe, and secure electric system; and

(D) acknowledges and provides for different priorities, electric systems, and rate structures across States and regions.

(2) **OBJECTIVES.**—The pathways established under paragraph (1) shall facilitate achievement of the following objectives:

(A) Near real-time situational awareness of the electric system.

(B) Data visualization.

(C) Advanced monitoring and control of the advanced electric grid.

(D) Enhanced certainty for private investment in the electric system.

(E) Increased innovation.

(F) Greater consumer empowerment.

(G) Enhanced grid resilience, reliability, and robustness.

(H) Improved—

(i) integration of distributed energy resources;

(ii) interoperability of the electric system; and

(iii) predictive modeling and capacity forecasting.

(3) **STEERING COMMITTEE.**—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish a steering committee to facilitate the development of the pathways under paragraph (1), to be composed of members appointed by the Secretary, consisting of persons with appropriate expertise representing a diverse range of interests in the public, private, and academic sectors, including representatives of—

(A) the Smart Grid Task Force; and

(B) the Smart Grid Advisory Committee.

(b) **TECHNICAL ASSISTANCE.**—The Secretary may provide technical assistance to States, Indian tribes, or units of local government to adopt 1 or more elements of the pathways developed under subsection (a)(1).

SEC. 2305. PERFORMANCE METRICS FOR ELECTRICITY INFRASTRUCTURE PROVIDERS.

(a) **IN GENERAL.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report that includes—

(1) an evaluation of the performance of the electric grid as of the date of the report; and

(2) a description of the quantified costs and benefits associated with the changes evaluated under the scenarios developed under section 2302.

(b) **CONSIDERATIONS FOR DEVELOPMENT OF METRICS.**—In developing metrics for evaluating and quantifying the electric grid under subsection (a), the Secretary shall consider—

(1) standard methodologies for calculating improvements or deteriorations in the performance metrics, such as reliability, grid efficiency, power quality, consumer satisfaction, sustainability, and financial incentives;

(2) standard methodologies for calculating value to ratepayers, including broad economic and related impacts from improvements to the performance metrics;

(3) appropriate ownership and operating roles for electric utilities that would enable improved performance through the adoption of emerging, commercially available or advanced grid technologies or solutions, including—

(A) multicustomer micro-grids;

(B) distributed energy resources;

(C) energy storage;

(D) electric vehicles;

(E) electric vehicle charging infrastructure;

(F) integrated information and communications systems;

(G) transactive energy systems; and

(H) advanced demand management systems; and

(4) with respect to States, the role of the grid operator in enabling a robust future electric system to ensure that—

(A) electric utilities remain financially viable;

(B) electric utilities make the needed investments that ensure a reliable, secure, and resilient grid; and

(C) costs incurred to transform to an integrated grid are allocated and recovered responsibly, efficiently, and equitably.

SEC. 2306. STATE AND REGIONAL ELECTRICITY DISTRIBUTION PLANNING.

(a) **IN GENERAL.**—Upon the request of a State or regional organization, the Secretary shall partner with States and regional organizations to facilitate the development of State and regional electricity distribution plans by—

(1) conducting a resource assessment and analysis of future demand and distribution requirements; and

(2) developing open source tools for State and regional planning and operations.

(b) **RISK AND SECURITY ANALYSIS.**—The assessment under subsection (a)(1) shall include—

(1) the evaluation of the physical and cybersecurity needs of an advanced distribution management system and the integration of distributed energy resources; and

(2) advanced use of grid architecture to analyze risks in an all-hazards approach that includes communications infrastructure, control systems architecture, and power systems architecture.

(c) TECHNICAL ASSISTANCE.—For the purpose of developing State and regional electricity distribution plans, the Secretary shall provide technical assistance to—

- (1) States;
- (2) regional reliability entities; and
- (3) other distribution asset owners and operators.

SEC. 2307. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary to carry out sections 2302 through 2307 \$200,000,000 for each of fiscal years 2017 through 2026.

SEC. 2308. ELECTRIC TRANSMISSION INFRASTRUCTURE PERMITTING.

(a) INTERAGENCY RAPID RESPONSE TEAM FOR TRANSMISSION.—

(1) ESTABLISHMENT.—There is established an interagency rapid response team, to be known as the “Interagency Rapid Response Team for Transmission” (referred to in this subsection as the “Team”), to expedite and improve the permitting process for electric transmission infrastructure on Federal land and non-Federal land.

(2) MISSION.—The mission of the Team shall be—

(A) to improve the timeliness and efficiency of electric transmission infrastructure permitting; and

(B) to facilitate the performance of maintenance and upgrades to electric transmission lines on Federal land and non-Federal land.

(3) MEMBERSHIP.—The Team shall be comprised of representatives of—

- (A) the Federal Energy Regulatory Commission;
- (B) the Department;
- (C) the Department of the Interior;
- (D) the Department of Defense;
- (E) the Department of Agriculture;
- (F) the Council on Environmental Quality;
- (G) the Department of Commerce;
- (H) the Advisory Council on Historic Preservation; and

(I) the Environmental Protection Agency.

(4) DUTIES.—The Team shall—

(A) facilitate coordination and unified environmental documentation among electric transmission infrastructure project applicants, Federal agencies, States, and Indian tribes involved in the siting and permitting process;

(B) establish clear timelines for the review and coordination of electric transmission infrastructure projects by the applicable agencies;

(C) ensure that each electric transmission infrastructure project is posted on the Federal permitting transmission tracking system known as “e-Trans”, including information on the status and anticipated completion date of each project; and

(D) regularly notify all participating members of the Team involved in any specific permit of—

(i) any outstanding agency action that is required with respect to the permit; and

(ii) any approval or required comment that has exceeded statutory or agency timelines for completion, including an identification of any Federal agency, department, or field office that has not met the applicable timeline.

(5) ANNUAL REPORTS.—Annually, the Team 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 that describes the average completion time for specific categories of regionally and nationally significant transmission projects, based on information obtained from the applicable Federal agencies.

(6) USE OF DATA BY OMB.—Using data provided by the Team, the Director of the Office

of Management and Budget shall prioritize inclusion of individual electric transmission infrastructure projects on the website operated by the Office of Management and Budget in accordance with section 1122 of title 31, United States Code.

(b) TRANSMISSION OMBUDSPERSON.—

(1) ESTABLISHMENT.—To enhance and ensure the reliability of the electric grid, there is established within the Council on Environmental Quality the position of Transmission Ombudsperson (referred to in this subsection as the “Ombudsperson”), to provide a unified point of contact for—

(A) resolving interagency or intra-agency issues or delays with respect to electric transmission infrastructure permits; and

(B) receiving and resolving complaints from parties with outstanding or in-process applications relating to electric transmission infrastructure.

(2) DUTIES.—The Ombudsperson shall—

(A) establish a process for—

(i) facilitating the permitting process for performance of maintenance and upgrades to electric transmission lines on Federal land and non-Federal land, with a special emphasis on facilitating access for immediate maintenance, repair, and vegetation management needs;

(ii) resolving complaints filed with the Ombudsperson with respect to in-process electric transmission infrastructure permits; and

(iii) issuing recommended resolutions to address the complaints filed with the Ombudsperson; and

(B) hear, compile, and share any complaints filed with Ombudsperson relating to in-process electric transmission infrastructure permits.

(c) AGREEMENTS.—

(1) IN GENERAL.—The Secretary of the Interior, with respect to public lands (as defined in section 103(e) of the Federal Land Policy and Management Act (43 U.S.C. 1702(e)), and the Secretary of Agriculture, with respect to National Forest System land, shall provide for continuity of the existing use and occupancy for the transmission of electric energy by any Federal department or agency granted across public lands or National Forest System land.

(2) AGREEMENTS.—The Secretary of the Interior or the Secretary of Agriculture, as applicable, within 30 days after receiving a request from the Federal department or agency administering the electric energy transmission facilities, shall, in consultation with that department or agency, initiate agreements regarding the use and occupancy or right-of-way (including vegetation management agreements, where applicable).

(d) GEOMATIC DATA.—If a Federal or State department or agency considering an aspect of an application for Federal authorization requires the applicant to submit environmental data, the department or agency shall consider any such data gathered by geomatic techniques, including tools and techniques used in land surveying, remote sensing, cartography, geographic information systems, global navigation satellite systems, photogrammetry, geophysics, geography, or other remote means.

SEC. 2309. REPORT BY TRANSMISSION ORGANIZATIONS ON DISTRIBUTED ENERGY RESOURCES AND MICRO-GRID SYSTEMS.

(a) DEFINITIONS.—In this section:

(1) DISTRIBUTED ENERGY RESOURCE.—The term “distributed energy resource” means an electricity supply resource that, as permitted by State law—

(A)(i) is interconnected to the electric system operated by a transmission organization at or below 69kV; and

(ii) is subject to dispatch by the transmission organization; and

(B)(i) generates electricity using any primary energy source, including solar energy and other renewable resources; or

(ii) stores energy and is capable of supplying electricity to the electric system operated by the transmission organization from the storage reservoir.

(2) ELECTRIC GENERATING CAPACITY RESOURCE.—The term “electric generating capacity resource” means an electric generating resource, as measured by the maximum load-carrying ability of the resource, exclusive of station use and planned, unplanned, or other outage or derating, that is subject to dispatch by a transmission organization to meet the resource adequacy needs of the systems operated by the transmission organization.

(3) MICRO-GRID SYSTEM.—The term “micro-grid system” means an electrically distinct system under common control that—

(A) serves an electric load at or below 69kV from a distributed energy resource or electric generating capacity resource; and

(B) is subject to dispatch by a transmission organization.

(4) TRANSMISSION ORGANIZATION.—The term “transmission organization” has the meaning given the term in section 3 of the Federal Power Act (16 U.S.C. 796).

(b) REPORT.—

(1) NOTICE.—Not later than 14 days after the date of enactment of this section, the Commission shall submit to each transmission organization notice that the transmission organization is required to file with the Commission a report in accordance with paragraph (2).

(2) REPORT.—Not later than 180 days after the date on which a transmission organization receives a notice under paragraph (1), the transmission organization shall submit to the Commission a report that—

(A)(i) identifies distributed energy resources and micro-grid systems that are subject to dispatch by the transmission organization as of the date of the report; and

(ii) describes the fuel sources and operational characteristics of such distributed energy resources and micro-grid systems, including, to the extent practicable, a discussion of the benefits and costs associated with the distributed energy resources and micro-grid systems identified under clause (i);

(B) evaluates, with due regard for operational and economic benefits and costs, the potential for distributed energy resources and micro-grid systems to be deployed to the transmission organization over the short- and long-term periods in the planning cycle of the transmission organization; and

(C) identifies—

(i) over the short- and long-term periods in the planning cycle of the transmission organization, barriers to the deployment to the transmission organization of distributed energy resources and micro-grid systems; and

(ii) potential changes to the operational requirements for, or charges associated with, the interconnection of distributed energy resources and micro-grid systems to the transmission organization that would reduce the barriers identified under clause (i).

SEC. 2310. NET METERING STUDY GUIDANCE.

Title XVIII of Energy Policy Act of 2005 (Public Law 109-58; 119 Stat. 1122) is amended by adding at the end the following:

“SEC. 1841. NET ENERGY METERING STUDY.

“(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall—

“(1) issue guidance on criteria required to be included in studies of net metering conducted by the Department; and

“(2) undertake a study of net energy metering.

“(b) REQUIREMENTS AND CONTENTS.—The model guidance issued under subsection (a)

shall clarify without prejudice to other study criteria that any study of net energy metering, including the study conducted by the Department under subsection (a) shall—

- “(1) be publicly available; and
- “(2) assess benefits and costs of net energy metering, including—
 - “(A) load data, including hourly profiles;
 - “(B) distributed generation production data;
 - “(C) best available technology, including inverter capability; and
 - “(D) benefits and costs of distributed energy deployment, including—
 - “(i) environmental benefits;
 - “(ii) changes in electric system reliability;
 - “(iii) changes in peak power requirements;
 - “(iv) provision of ancillary services, including reactive power;
 - “(v) changes in power quality;
 - “(vi) changes in land-use effects;
 - “(vii) changes in right-of-way acquisition costs;
 - “(viii) changes in vulnerability to terrorism; and
 - “(ix) changes in infrastructure resilience.”.

SEC. 2312. MODEL GUIDANCE FOR COMBINED HEAT AND POWER SYSTEMS AND WASTE HEAT TO POWER SYSTEMS.

- (a) **DEFINITIONS.**—In this section:
 - (1) **ADDITIONAL SERVICES.**—The term “additional services” means the provision of supplementary power, backup or standby power, maintenance power, or interruptible power to an electric consumer by an electric utility.
 - (2) **WASTE HEAT TO POWER SYSTEM.**—
 - (A) **IN GENERAL.**—The term “waste heat to power system” means a system that generates electricity through the recovery of waste energy.
 - (B) **EXCLUSION.**—The term “waste heat to power system” does not include a system that generates electricity through the recovery of a heat resource from a process the primary purpose of which is the generation of electricity using a fossil fuel.
 - (3) **OTHER TERMS.**—
 - (A) **PURPA.**—The terms “electric consumer”, “electric utility”, “interconnection service”, “nonregulated electric utility”, and “State regulatory authority” have the meanings given those terms in the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.), within the meaning of title I of that Act (16 U.S.C. 2611 et seq.).
 - (B) **EPCA.**—The terms “combined heat and power system” and “waste energy” have the meanings given those terms in section 371 of the Energy Policy and Conservation Act (42 U.S.C. 6341).
- (b) **REVIEW.**—
 - (1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the Federal Energy Regulatory Commission and other appropriate entities, shall review existing rules and procedures relating to interconnection service and additional services throughout the United States for electric generation with nameplate capacity up to 20 megawatts to identify barriers to the deployment of combined heat and power systems and waste heat to power systems.
 - (2) **INCLUSION.**—The review under this subsection shall include a review of existing rules and procedures relating to—
 - (A) determining and assigning costs of interconnection service and additional services; and
 - (B) ensuring adequate cost recovery by an electric utility for interconnection service and additional services.
 - (c) **MODEL GUIDANCE.**—
 - (1) **IN GENERAL.**—Not later than 18 months after the date of enactment of this Act, the Secretary, in consultation with the Federal

Energy Regulatory Commission and other appropriate entities, shall issue model guidance for interconnection service and additional services for use by State regulatory authorities and nonregulated electric utilities to reduce the barriers identified under subsection (b)(1).

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

- (A) relevant current standards developed by the Institute of Electrical and Electronic Engineers; and
- (B) model codes and rules adopted by—
 - (i) States; or
 - (ii) associations of State regulatory agencies.

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

- (A) the appropriateness of using standards or procedures for interconnection service that vary based on unit size, fuel type, or other relevant characteristics;
- (B) the appropriateness of establishing fast-track procedures for interconnection service;
- (C) the value of consistency with Federal interconnection rules established by the Federal Energy Regulatory Commission as of the date of enactment of this Act;
- (D) the best practices used to model outage assumptions and contingencies to determine fees or rates for additional services;
- (E) the appropriate duration, magnitude, or usage of demand charge ratchets;
- (F) potential alternative arrangements with respect to the procurement of additional services, including—
 - (i) contracts tailored to individual electric consumers for additional services;
 - (ii) procurement of additional services by an electric utility from a competitive market; and
 - (iii) waivers of fees or rates for additional services for small electric consumers; and
- (G) outcomes such as increased electric reliability, fuel diversification, enhanced power quality, and reduced electric losses that may result from increased use of combined heat and power systems and waste heat to power systems.

Subtitle E—Computing

SEC. 2401. EXASCALE COMPUTER RESEARCH PROGRAM.

- (a) **RENAMING OF ACT.**—
 - (1) **IN GENERAL.**—Section 1 of the Department of Energy High-End Computing Revitalization Act of 2004 (15 U.S.C. 5501 note; Public Law 108-423) is amended by striking “Department of Energy High-End Computing Revitalization Act of 2004” and inserting “Exascale Computing Act of 2016”.
 - (2) **CONFORMING AMENDMENT.**—Section 976(a)(1) of the Energy Policy Act of 2005 (42 U.S.C. 16316(1)) is amended by striking “Department of Energy High-End Computing Revitalization Act of 2004” and inserting “Exascale Computing Act of 2016”.
- (b) **DEFINITIONS.**—Section 2 of the Exascale Computing Act of 2016 (15 U.S.C. 5541) is amended—

- (1) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively;
- (2) by striking paragraph (1) and inserting the following:
 - “(1) **DEPARTMENT.**—The term ‘Department’ means the Department of Energy.

“(2) **EXASCALE COMPUTING.**—The term ‘exascale computing’ means computing through the use of a computing machine that performs near or above 10 to the 18th power floating point operations per second.”; and

(3) in paragraph (6) (as redesignated by paragraph (1)), by striking “, acting through the Director of the Office of Science of the Department of Energy”.

(c) **DEPARTMENT OF ENERGY HIGH-END COMPUTING RESEARCH AND DEVELOPMENT PROGRAM.**—Section 3 of the Exascale Computing Act of 2016 (15 U.S.C. 5542) is amended—

(1) in subsection (a)(1), by striking “program” and inserting “coordinated program across the Department”;

(2) in subsection (b)(2), by striking “, which may” and all that follows through “architectures”;

(3) by striking subsection (d) and inserting the following:

“(d) **EXASCALE COMPUTING PROGRAM.**—

“(1) **IN GENERAL.**—The Secretary shall conduct a research program (referred to in this subsection as the ‘Program’) to develop 2 or more exascale computing machine architectures to promote the missions of the Department.

“(2) **IMPLEMENTATION.**—

“(A) **IN GENERAL.**—In carrying out the Program, the Secretary shall—

“(i) establish 2 or more National Laboratory partnerships with industry partners and institutions of higher education for the research and development of 2 or more exascale computing architectures across all applicable organizations of the Department; and

“(ii) provide, as appropriate, on a competitive, merit-reviewed basis, access for researchers in industries in the United States, institutions of higher education, National Laboratories, and other Federal agencies to the exascale computing systems developed pursuant to clause (i).

“(B) **SELECTION OF PARTNERS.**—The Secretary shall select members for the partnerships with the computing facilities of the Department under subparagraph (A) through a competitive, peer-review process.

“(3) **CODESIGN AND APPLICATION DEVELOPMENT.**—

“(A) **IN GENERAL.**—The Secretary shall carry out the Program through an integration of applications, computer science, applied mathematics, and computer hardware architecture using the partnerships established pursuant to paragraph (2) to ensure that, to the maximum extent practicable, 2 or more exascale computing machine architectures are capable of solving Department target applications and broader scientific problems.

“(B) **REPORT.**—The Secretary shall submit to Congress a report on how the integration under subparagraph (A) is furthering application science data and computational workloads across application interests, including national security, material science, physical science, cybersecurity, biological science, the Materials Genome and BRAIN Initiatives of the President, advanced manufacturing, and the national electric grid.

“(4) **PROJECT REVIEW.**—

“(A) **IN GENERAL.**—The exascale architectures developed pursuant to partnerships established pursuant to paragraph (2) shall be reviewed through a project review process.

“(B) **REPORT.**—Not later than 90 days after the date of enactment of this subsection, the Secretary shall submit to Congress a report on—

“(i) the results of the review conducted under subparagraph (A); and

“(ii) the coordination and management of the Program to ensure an integrated research program across the Department.

“(5) ANNUAL REPORTS.—At the time of the budget submission of the Department for each fiscal year, the Secretary, in consultation with the members of the partnerships established pursuant to paragraph (2), shall submit to Congress a report that describes funding for the Program as a whole by functional element of the Department and critical milestones.”.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 4 of the Exascale Computing Act of 2016 (15 U.S.C. 5543) is amended—

(1) by striking “this Act” and inserting “section 3(d)”;

(2) by striking paragraphs (1) through (3) and inserting the following:

“(1) \$272,000,000 for fiscal year 2016;

“(2) \$340,000,000 for fiscal year 2017; and

“(3) \$360,000,000 for fiscal year 2018.”.

TITLE III—SUPPLY

Subtitle A—Renewables

PART I—HYDROELECTRIC

SEC. 3001. HYDROPOWER REGULATORY IMPROVEMENTS.

(a) SENSE OF CONGRESS ON THE USE OF HYDROPOWER RENEWABLE RESOURCES.—It is the sense of Congress that—

(1) hydropower is a renewable resource for purposes of all Federal programs and is an essential source of energy in the United States; and

(2) the United States should increase substantially the capacity and generation of clean, renewable hydropower resources that would improve environmental quality in the United States.

(b) MODIFYING THE DEFINITION OF RENEWABLE ENERGY TO INCLUDE HYDROPOWER.—Section 203 of the Energy Policy Act of 2005 (42 U.S.C. 15852) is amended—

(1) in subsection (a), by striking “the following amounts” and all that follows through paragraph (3) and inserting “not less than 15 percent in fiscal year 2016 and each fiscal year thereafter shall be renewable energy.”; and

(2) in subsection (b), by striking paragraph (2) and inserting the following:

“(2) RENEWABLE ENERGY.—The term ‘renewable energy’ means energy produced from solar, wind, biomass, landfill gas, ocean (including tidal, wave, current, and thermal), geothermal, municipal solid waste, or hydropower.”.

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

(d) PRELIMINARY PERMITS.—Section 5 of the Federal Power Act (16 U.S.C. 798) is amended—

(1) in subsection (a), by striking “three” and inserting “4”;

(2) in subsection (b)—

(A) by striking “Commission may extend the period of a preliminary permit once for not more than 2 additional years beyond the 3 years” and inserting the following: “Commission may—

“(1) extend the period of a preliminary permit once for not more than 4 additional years beyond the 4 years”;

(B) by striking the period at the end and inserting “; and”;

(C) by adding at the end the following:

“(2) after the end of an extension period granted under paragraph (1), issue an additional permit to the permittee if the Commission determines that there are extraordinary circumstances that warrant the issuance of the additional permit.”.

(e) TIME LIMIT FOR CONSTRUCTION OF PROJECT WORKS.—Section 13 of the Federal Power Act (16 U.S.C. 806) is amended in the second sentence by striking “once but not longer than two additional years” and in-

serting “for not more than 8 additional years.”.

(f) LICENSE TERM.—Section 15(e) of the Federal Power Act (16 U.S.C. 808(e)) is amended—

(1) by striking “(e) Except” and inserting the following:

“(e) LICENSE TERM ON RELICENSING.—

“(1) IN GENERAL.—Except”; and

(2) by adding at the end the following:

“(2) CONSIDERATION.—In determining the term of a license under paragraph (1), the Commission shall consider project-related investments by the licensee over the term of the existing license (including any terms under annual licenses) that resulted in new development, construction, capacity, efficiency improvements, or environmental measures, but which did not result in the extension of the term of the license by the Commission.”.

(g) OPERATION OF NAVIGATION FACILITIES.—Section 18 of the Federal Power Act (16 U.S.C. 811) is amended by striking the second, third, and fourth sentences.

(h) ALTERNATIVE CONDITIONS AND PRESCRIPTIONS.—Section 33 of the Federal Power Act (16 U.S.C. 823d) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “deems” and inserting “determines”;

(B) in paragraph (2)(B), in the matter preceding clause (i), by inserting “determined to be necessary” before “by the Secretary”;

(C) by striking paragraph (4); and

(D) by striking paragraph (5);

(2) in subsection (b)—

(A) by striking paragraph (4); and

(B) by striking paragraph (5); and

(3) by adding at the end the following:

“(c) FURTHER CONDITIONS.—This section applies to any further conditions or prescriptions proposed or imposed pursuant to section 4(e), 6, or 18.”.

(i) LICENSING PROCESS IMPROVEMENTS AND COORDINATION.—Part I of the Federal Power Act (16 U.S.C. 792 et seq.) is amended by adding at the end the following:

“SEC. 34. LICENSING PROCESS IMPROVEMENTS.

“(a) LICENSE STUDIES.—

“(1) IN GENERAL.—To facilitate the timely and efficient completion of the license proceedings under this part, the Commission shall—

“(A) conduct an investigation of best practices in performing licensing studies, including methodologies and the design of studies to assess the full range of environmental impacts of a project;

“(B) compile a comprehensive collection of studies and data accessible to the public that could be used to inform license proceedings under this paragraph; and

“(C) encourage license applicants and co-operating agencies 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.

“(2) USE OF EXISTING STUDIES.—To the maximum extent practicable, the Commission shall use existing studies and data in individual licensing proceedings under this part in accordance with paragraph (1).

“(3) NONDUPLICATION REQUIREMENT.—To the maximum extent practicable, the Commission shall ensure that studies and data required for any Federal authorization (as defined in section 35(a)) applicable to a particular project or facility are not duplicated in other licensing proceedings under this part.

“(4) BIOLOGICAL OPINIONS.—To the maximum extent practicable, the Secretary of Commerce shall ensure that relevant offices

within the National Marine Fisheries Service prepare any biological opinion under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536) that forms the basis for a prescription under section 18 on a concurrent rather than sequential basis.

“(5) WATER QUALITY CERTIFICATION DEADLINE.—

“(A) IN GENERAL.—For purposes of issuing a license under this part, the deadline for a certifying agency to act under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C. 1341(a)) shall take effect only on the submission of a request for certification determined to be complete by the certifying agency.

“(B) NOTICE OF COMPLETE REQUEST.—The certifying agency shall inform the Commission when a request for certification is determined to be complete.

“SEC. 35. LICENSING PROCESS COORDINATION.

“(a) DEFINITION OF FEDERAL AUTHORIZATION.—In this section, the term ‘Federal authorization’ means any authorization required under Federal law (including any license, permit, special use authorization, certification, opinion, consultation, determination, or other approval) with respect to—

“(1) a project licensed under section 4 or 15; or

“(2) a facility exempted under—

“(A) section 30; or

“(B) section 405(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2705(d)).

“(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.

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

“(c) SCHEDULE.—

“(1) TIMING FOR ISSUANCE.—It is the sense of Congress that all Federal authorizations required for a project or facility, including a license or exemption order of the Commission, should be issued by the date that is 3 years after the date on which an application is considered to be complete by the Commission.

“(2) COMMISSION SCHEDULE.—

“(A) IN GENERAL.—The Commission shall establish a schedule for the issuance of all Federal authorizations.

“(B) REQUIREMENTS.—In establishing the schedule under subparagraph (A), the Commission shall—

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

“(ii) ensure the expeditious completion of all proceedings relating to a Federal authorization; and

“(iii) comply with applicable schedules established by Federal law with respect to a Federal authorization.

“(3) RESOLUTION OF INTERAGENCY DISPUTES.—If the Federal agency fails to adhere to the schedule established by the Commission under paragraph (2), or if the final condition of the Secretary under section 4(e) or prescription under section 18 has been unreasonably delayed in derogation of the schedule established under paragraph (2), or if a proposed alternative condition or prescription has been unreasonably denied, or if a final condition or prescription would be inconsistent with the purposes of this part or other applicable law, the Commission may refer the matter to the Chairman of the Council on Environmental Quality—

“(A) to ensure timely participation;

“(B) to ensure a timely decision;

“(C) to mediate the dispute; or

“(D) to refer the matter to the President.
“(d) CONSOLIDATED RECORD.—

“(1) IN GENERAL.—The Commission shall maintain official consolidated records of all license proceedings under this part.

“(2) SUBMISSION OF RECOMMENDATIONS.—Any Federal or State agency that is providing recommendations with respect to a license proceeding under this part shall submit to the Commission for inclusion in the consolidated record relating to the license proceeding maintained under paragraph (1)—

“(A) the recommendations;

“(B) the rationale for the recommendations; and

“(C) any supporting materials relating to the recommendations.

“(3) WRITTEN STATEMENT.—In a case in which a Federal agency is making a determination with respect to a covered measure (as defined in section 36(a)), the head of the Federal agency shall include in the consolidated record a written statement demonstrating that the Federal agency gave equal consideration to the effects of the covered measure on—

“(A) energy supply, distribution, cost, and use;

“(B) flood control;

“(C) navigation;

“(D) water supply; and

“(E) air quality and the preservation of other aspects of environmental quality.

“SEC. 36. TRIAL-TYPE HEARINGS.

“(a) DEFINITION OF COVERED MEASURE.—In this section, the term ‘covered measure’ means—

“(1) a condition prescribed under section 4(e), including an alternative condition proposed under section 33(a);

“(2) fishways prescribed under section 18, including an alternative prescription proposed under section 33(b); or

“(3) any further condition pursuant to section 4(e), 6, or 18.

“(b) AUTHORIZATION OF TRIAL-TYPE HEARING.—The license applicant (including an applicant for a license under section 15) and any party to the proceeding shall be entitled to a determination on the record, after opportunity for a trial-type hearing of not more than 120 days, on any disputed issues of material fact with respect to an applicable covered measure.

“(c) DEADLINE FOR REQUEST.—A request for a trial-type hearing under this section shall be submitted not later than 60 days after the date on which, as applicable—

“(1) the Secretary submits the condition under section 4(e) or prescription under section 18; or

“(2)(A) the Commission publishes notice of the intention to use the reserved authority of the Commission to order a further condition under section 6; or

“(B) the Secretary exercises reserved authority under the license to prescribe, submit, or revise any condition to a license under the first proviso of section 4(e) or fishway prescribed under section 18, as appropriate.

“(d) NO REQUIREMENT TO EXHAUST.—By electing not to request a trial-type hearing under subsection (d), a license applicant and any other party to a license proceeding shall not be considered to have waived the right of the applicant or other party to raise any issue of fact or law in a non-trial-type proceeding, but no issue may be raised for the first time on rehearing or judicial review of the license decision of the Commission.

“(e) ADMINISTRATIVE LAW JUDGE.—All disputed issues of material fact raised by a party in a request for a trial-type hearing submitted under subsection (d) shall be determined in a single trial-type hearing to be conducted by an Administrative Law Judge

within the Office of Administrative Law Judges and Dispute Resolution of the Commission, in accordance with the Commission rules of practice and procedure under part 385 of title 18, Code of Federal Regulations (or successor regulations), and within the timeframe established by the Commission for each license proceeding (including a proceeding for a license under section 15) under section 35(c).

“(f) STAY.—The Administrative Law Judge may impose a stay of a trial-type hearing under this section for a period of not more than 120 days to facilitate settlement negotiations relating to resolving the disputed issues of material fact with respect to the covered measure.

“(g) DECISION OF THE ADMINISTRATIVE LAW JUDGE.—

“(1) CONTENTS.—The decision of the Administrative Law Judge shall contain—

“(A) findings of fact on all disputed issues of material fact;

“(B) conclusions of law necessary to make the findings of fact, including rulings on materiality and the admissibility of evidence; and

“(C) reasons for the findings and conclusions.

“(2) LIMITATION.—The decision of the Administrative Law Judge shall not contain conclusions as to whether—

“(A) any condition or prescription should be adopted, modified, or rejected; or

“(B) any alternative condition or prescription should be adopted, modified, or rejected.

“(3) FINALITY.—A decision of an Administrative Law Judge under this section with respect to a disputed issue of material fact shall not be subject to further administrative review.

“(4) SERVICE.—The Administrative Law Judge shall serve the decision on each party to the hearing and forward the complete record of the hearing to the Commission and the Secretary that proposed the original condition or prescription.

“(h) SECRETARIAL DETERMINATION.—

“(1) IN GENERAL.—Not later than 60 days after the date on which the Administrative Law Judge issues the decision under subsection (g) and in accordance with the schedule established by the Commission under section 35(c), the Secretary proposing a condition under section 4(e) or a prescription under section 18 shall file with the Commission a final determination to adopt, modify, or withdraw any condition or prescription that was the subject of a hearing under this section, based on the decision of the Administrative Law Judge.

“(2) RECORD OF DETERMINATION.—The final determination of the Secretary filed with the Commission shall identify the reasons for the decision and any considerations taken into account that were not part of, or inconsistent with, the findings of the Administrative Law Judge and shall be included in the consolidated record in section 35(d).

“(i) LICENSING DECISION OF THE COMMISSION.—Notwithstanding sections 4(e) and 18, if the Commission finds that the final condition or prescription of the Secretary is inconsistent with the purposes of this part or other applicable law, the Commission may refer the matter to the Chairman of the Council on Environmental Quality under section 35(c).

“(j) JUDICIAL REVIEW.—The decision of the Administrative Law Judge and the record of determination of the Secretary shall be included in the record of the applicable licensing proceeding and subject to judicial review of the final licensing decision of the Commission under section 313(b).

“SEC. 37. PUMPED STORAGE PROJECTS.

“In carrying out section 6(a) of the Hydro-power Regulatory Efficiency Act of 2013 (16

U.S.C. 797 note; Public Law 113-23), the Commission shall consider a closed loop pumped storage project to include a project—

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

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

“SEC. 38. ANNUAL REPORTS.

“(a) COMMISSION ANNUAL REPORT.—

“(1) IN GENERAL.—The Commission 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 an annual report that—

“(A) describes and quantifies, for each licensed, exempted, or proposed project under this part or section 405(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2705(d)) (referred to in this subsection as the ‘covered project’), the quantity of energy and capacity authorized for new development and reauthorized for continued operation during the reporting year, including an assessment of the economic, climactic, air quality, and other environmental benefits achieved by the new and reauthorized energy and capacity;

“(B) describes and quantifies the loss of energy, capacity, or ancillary services as a result of any licensing action under this part or other requirement under Federal law during the reporting year;

“(C) identifies any application to license, relicense, or expand a covered project pending as of the date of the annual report, including a quantification of the new energy and capacity with the potential to be gained or lost by action relating to the covered project; and

“(D) lists all proposed covered projects that, as of the date of the annual report, are subject to a preliminary permit issued under section 4(f), including a description of the quantity of new energy and capacity that would be achieved through the development of each proposed covered project.

“(2) AVAILABILITY.—The Commission shall establish and maintain a publicly available website or comparable resource that tracks all information required for the annual report under paragraph (1).

“(b) RESOURCE AGENCY ANNUAL REPORT.—

“(1) IN GENERAL.—Any Federal or State resource agency that is participating in any Commission proceeding under this part or that has responsibilities for any Federal authorization 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 that—

“(A) describes each term, condition, or other requirement prepared by the resource agency during the reporting year with respect to a Commission proceeding under this part, including—

“(i) an assessment of whether implementation of the term, condition, or other requirement would result in the loss of energy, capacity, or ancillary services at the project, including a quantification of the losses;

“(ii) an analysis of economic, air quality, climactic and other environmental effects associated with implementation of the term, condition, or other requirement;

“(iii) a demonstration, based on evidence in the record of the Commission, that the resource agency prepared the term, condition, or other requirement in a manner that meets the policy established by this part while discharging the responsibilities of the resource agency under this part or any other applicable requirement under Federal law; and

“(iv) a statement of whether the head of the applicable Federal agency has rendered

final approval of the term, condition, or other requirement, or whether the term, condition, or other requirement remains a preliminary recommendation of staff of the resource agency; and

“(B) identifies all pending, scheduled, and anticipated proceedings under this part that, as of the date of the annual report, the resource agency expects to participate in, or has any approval or participatory responsibilities for under Federal law, including—

“(i) an accounting of whether the resource agency met all deadlines or other milestones established by the resource agency or the Commission during the reporting year; and

“(ii) the specific plans of the resource agency for allocating sufficient resources for each project during the upcoming year.

“(2) AVAILABILITY.—Any resource agency preparing an annual report to Congress under paragraph (1) shall establish and maintain a publicly available website or comparable resource that tracks all information required for the annual report.”.

(j) PILOT PROGRAM.—

(1) IN GENERAL.—The Commission (as the term is defined in section 3 of the Federal Power Act (16 U.S.C. 796)) shall establish a voluntary pilot program covering at least 1 region in which the Commission, in consultation with the heads of cooperating agencies, shall direct a set of region-wide studies to inform subsequent project-level studies within each region.

(2) DESIGNATION.—Not later than 2 years after the date of enactment of this Act, if the conditions under paragraph (3) are met, the Commission, in consultation with the heads of cooperating agencies, shall designate 1 or more regions to be studied under this subsection.

(3) VOLUNTARY BASIS.—The Commission may only designate regions under paragraph (2) in which every licensee, on a voluntary basis and in writing, agrees—

(A) to be included in the pilot program; and

(B) to any cost-sharing arrangement with other licensees and applicable Federal and State agencies with respect to conducting basin-wide studies.

(4) SCALE.—The regions designated under paragraph (2) shall—

(A) be at an adequately large scale to cover at least 5 existing projects that—

(i) are licensed under this part; and

(ii) the licenses of which shall expire not later than 15 years after the date of enactment of this section; and

(B) be likely to yield region-wide studies and information that will significantly reduce the need for and scope of subsequent project-level studies and information.

(5) PROJECT LICENSE TERMS.—The Commission may extend the term of any existing license within a region designated under paragraph (2) by up to 8 years to provide sufficient time for relevant region-wide studies to inform subsequent project-level studies.

SEC. 3002. HYDROELECTRIC PRODUCTION INCENTIVES AND EFFICIENCY IMPROVEMENTS.

(a) HYDROELECTRIC PRODUCTION INCENTIVES.—Section 242 of the Energy Policy Act of 2005 (42 U.S.C. 15881) is amended—

(1) in subsection (c), by striking “10” and inserting “20”;

(2) in subsection (f), by striking “20” and inserting “30”; and

(3) in subsection (g), by striking “each of the fiscal years 2006 through 2015” and inserting “each of fiscal years 2016 through 2025”.

(b) HYDROELECTRIC EFFICIENCY IMPROVEMENT.—Section 243(c) of the Energy Policy Act of 2005 (42 U.S.C. 15882(c)) is amended by striking “each of the fiscal years 2006

through 2015” and inserting “each of fiscal years 2016 through 2025”.

SEC. 3003. EXTENSION OF TIME FOR A 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 numbered 12429, the Federal Energy Regulatory Commission (referred to in this section as the “Commission”) shall, at the request of the licensee for the project, and after reasonable notice and 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 project works for the 3-year period beginning on the date of enactment of this Act.

SEC. 3004. EXTENSION OF TIME FOR A 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 numbered 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 and in accordance with the procedures of the Commission under that section, 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 the 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 prior to the date of enactment of this Act under section 13 of the Federal Power Act (16 U.S.C. 806).

(c) REINSTATEMENT OF EXPIRED LICENSE.—If the period required for commencement of construction of the project described in subsection (b) has expired before the date of enactment of this Act—

(1) the Commission shall reinstate the license effective as of the date of the expiration of the license; and

(2) the first extension authorized under subsection (a) shall take effect on that expiration date.

PART II—GEOTHERMAL

Subpart A—Geothermal Energy

SEC. 3005. NATIONAL GOALS FOR PRODUCTION AND SITE IDENTIFICATION.

It is the sense of Congress that, not later than 10 years after the date of enactment of this Act—

(1) the Secretary of the Interior shall seek to approve a significant increase in new geothermal energy capacity on public land across a geographically diverse set of States using the full range of available technologies; and

(2) the Director of the Geological Survey and the Secretary should identify sites capable of producing a total of 50,000 megawatts of geothermal power, using the full range of available technologies, through a program conducted in collaboration with industry, including cost-shared exploration drilling.

SEC. 3006. PRIORITY AREAS FOR DEVELOPMENT ON FEDERAL LAND.

The Director of the Bureau of Land Management, in consultation with other appropriate Federal agencies, shall—

(1) identify high priority areas for new geothermal development; and

(2) take any actions the Director determines necessary to facilitate that development, consistent with applicable laws.

SEC. 3007. FACILITATION OF COPRODUCTION OF GEOTHERMAL ENERGY ON OIL AND GAS LEASES.

Section 4(b) of the Geothermal Steam Act of 1970 (30 U.S.C. 1003(b)) is amended by adding at the end the following:

“(4) LAND SUBJECT TO OIL AND GAS LEASE.—Land under an oil and gas lease issued pursuant to the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351 et seq.) that is subject to an approved application for permit to drill and from which oil and gas production is occurring may be available for noncompetitive leasing under this section to the holder of the oil and gas lease—

“(A) on a determination that—

“(i) geothermal energy will be produced from a well producing or capable of producing oil and gas; and

“(ii) national energy security will be improved by the issuance of such a lease; and

“(B) to provide for the coproduction of geothermal energy with oil and gas.”.

SEC. 3008. NONCOMPETITIVE LEASING OF ADJOINING AREAS FOR DEVELOPMENT OF GEOTHERMAL RESOURCES.

Section 4(b) of the Geothermal Steam Act of 1970 (30 U.S.C. 1003(b)) (as amended by section 3007) is amended by adding at the end the following:

“(5) ADJOINING LAND.—

“(A) DEFINITIONS.—In this paragraph:

“(i) FAIR MARKET VALUE PER ACRE.—The term ‘fair market value per acre’ means a dollar amount per acre that—

“(I) except as provided in this clause, shall be equal to the market value per acre (taking into account the determination under subparagraph (B)(iii) regarding a valid discovery on the adjoining land), as determined by the Secretary under regulations issued under this paragraph;

“(II) shall be determined by the Secretary with respect to a lease under this paragraph, by not later than the end of the 180-day period beginning on the date the Secretary receives an application for the lease; and

“(III) shall be not less than the greater of—

“(aa) 4 times the median amount paid per acre for all land leased under this Act during the preceding year; or

“(bb) \$50.

“(ii) INDUSTRY STANDARDS.—The term ‘industry standards’ means the standards by which a qualified geothermal professional assesses whether downhole or flowing temperature measurements with indications of permeability are sufficient to produce energy from geothermal resources, as determined through flow or injection testing or measurement of lost circulation while drilling.

“(iii) QUALIFIED FEDERAL LAND.—The term ‘qualified Federal land’ means land that is otherwise available for leasing under this Act.

“(iv) QUALIFIED GEOTHERMAL PROFESSIONAL.—The term ‘qualified geothermal professional’ means an individual who is an engineer or geoscientist in good professional standing with at least 5 years of experience in geothermal exploration, development, or project assessment.

“(v) QUALIFIED LESSEE.—The term ‘qualified lessee’ means a person that is eligible to hold a geothermal lease under this Act (including applicable regulations).

“(vi) VALID DISCOVERY.—The term ‘valid discovery’ means a discovery of a geothermal resource by a new or existing slim hole or production well, that exhibits downhole or flowing temperature measurements with indications of permeability that are sufficient to meet industry standards.

“(B) AUTHORITY.—An area of qualified Federal land that adjoins other land for which a qualified lessee holds a legal right to develop geothermal resources may be available for a

noncompetitive lease under this section to the qualified lessee at the fair market value per acre, if—

“(i) the area of qualified Federal land—“(I) consists of not less than 1 acre and not more than 640 acres; and

“(II) is not already leased under this Act or nominated to be leased under subsection (a);

“(ii) the qualified lessee has not previously received a noncompetitive lease under this paragraph in connection with the valid discovery for which data has been submitted under clause (iii)(I); and

“(iii) sufficient geological and other technical data prepared by a qualified geothermal professional has been submitted by the qualified lessee to the applicable Federal land management agency that would lead individuals who are experienced in the subject matter to believe that—

“(I) there is a valid discovery of geothermal resources on the land for which the qualified lessee holds the legal right to develop geothermal resources; and

“(II) that thermal feature extends into the adjoining areas.

“(C) DETERMINATION OF FAIR MARKET VALUE.—

“(i) IN GENERAL.—The Secretary shall—

“(I) publish a notice of any request to lease land under this paragraph;

“(II) determine fair market value for purposes of this paragraph in accordance with procedures for making those determinations that are established by regulations issued by the Secretary;

“(III) provide to a qualified lessee and publish, with an opportunity for public comment for a period of 30 days, any proposed determination under this subparagraph of the fair market value of an area that the qualified lessee seeks to lease under this paragraph; and

“(IV) provide to the qualified lessee and any adversely affected party the opportunity to appeal the final determination of fair market value in an administrative proceeding before the applicable Federal land management agency, in accordance with applicable law (including regulations).

“(ii) LIMITATION ON NOMINATION.—After publication of a notice of request to lease land under this paragraph, the Secretary may not accept under subsection (a) any nomination of the land for leasing unless the request has been denied or withdrawn.

“(iii) ANNUAL RENTAL.—For purposes of section 5(a)(3), a lease awarded under this paragraph shall be considered a lease awarded in a competitive lease sale.

“(D) REGULATIONS.—Not later than 270 days after the date of enactment of the Energy Policy Modernization Act of 2016, the Secretary shall issue regulations to carry out this paragraph.”

SEC. 3009. REPORT TO CONGRESS.

Not later than 3 years after the date of enactment of this Act and not less frequently than once every 5 years thereafter, the Secretary of the Interior and the Secretary shall submit to Congress a report describing the progress made towards achieving the goals described in section 3005.

SEC. 3010. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subpart—

(1) \$65,000,000 for fiscal year 2017; and

(2) \$75,000,000 for each of fiscal years 2018 through 2021.

Subpart B—Development of Geothermal, Solar, and Wind Energy on Public Land

SEC. 3011. DEFINITIONS.

In this subpart:

(1) COVERED LAND.—The term “covered land” means land that is—

(A) public land administered by the Secretary; and

(B) not excluded from the development of geothermal, solar, or wind energy under—

(i) a land use plan established under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); or

(ii) other Federal law.

(2) EXCLUSION AREA.—The term “exclusion area” means covered land that is identified by the Bureau of Land Management as not suitable for development of renewable energy projects.

(3) PRIORITY AREA.—The term “priority area” means covered land identified by the land use planning process of the Bureau of Land Management as being a preferred location for a renewable energy project.

(4) PUBLIC LAND.—The term “public land” has the meaning given the term “public lands” in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702).

(5) RENEWABLE ENERGY PROJECT.—The term “renewable energy project” means a project carried out on covered land that uses wind, solar, or geothermal energy to generate energy.

(6) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(7) VARIANCE AREA.—The term “variance area” means covered land that is—

(A) not an exclusion area; and

(B) not a priority area.

SEC. 3011A. LAND USE PLANNING; SUPPLEMENTS TO PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENTS.

(a) PRIORITY AREAS.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Energy, shall establish priority areas on covered land for geothermal, solar, and wind energy projects.

(2) DEADLINE.—

(A) GEOTHERMAL ENERGY.—For geothermal energy, the Secretary shall establish priority areas as soon as practicable, but not later than 5 years, after the date of enactment of this Act.

(B) SOLAR ENERGY.—For solar energy, the solar energy zones established by the 2012 western solar plan of the Bureau of Land Management shall be considered to be priority areas for solar energy projects.

(C) WIND ENERGY.—For wind energy, the Secretary shall establish priority areas as soon as practicable, but not later than 3 years, after the date of enactment of this Act.

(b) VARIANCE AREAS.—To the maximum extent practicable, variance areas shall be considered for renewable energy project development, consistent with the principles of multiple use as defined in the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(c) REVIEW AND MODIFICATION.—Not less frequently than once every 10 years, the Secretary shall—

(1) review the adequacy of land allocations for geothermal, solar, and wind energy priority and variance areas for the purpose of encouraging new renewable energy development opportunities; and

(2) based on the review carried out under paragraph (1), add, modify, or eliminate priority, variance, and exclusion areas.

(d) COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT.—For purposes of this section, compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall be accomplished—

(1) for geothermal energy, by supplementing the October 2008 final programmatic environmental impact statement for geothermal leasing in the western United States;

(2) for solar energy, by supplementing the July 2012 final programmatic environmental impact statement for solar energy projects; and

(3) for wind energy, by supplementing the July 2005 final programmatic environmental impact statement for wind energy projects.

(e) NO EFFECT ON PROCESSING APPLICATIONS.—A requirement to prepare a supplement to a programmatic environmental impact statement under this section shall not result in any delay in processing an application for a renewable energy project.

(f) COORDINATION.—In developing a supplement required by this section, the Secretary shall coordinate, on an ongoing basis, with appropriate State, tribal, and local governments, transmission infrastructure owners and operators, developers, and other appropriate entities to ensure that priority areas identified by the Secretary are—

(1) economically viable (including having access to transmission);

(2) likely to avoid or minimize conflict with habitat for animals and plants, recreation, and other uses of covered land; and

(3) consistent with section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712), including subsection (c)(9) of that section.

(g) REMOVAL FROM CLASSIFICATION.—In carrying out subsections (a), (c), and (d), if the Secretary determines an area previously suited for development should be removed from priority or variance classification, not later than 90 days after the date of the determination, the Secretary shall submit to Congress a report on the determination.

SEC. 3011B. ENVIRONMENTAL REVIEW ON COVERED LAND.

(a) IN GENERAL.—If the Secretary determines that a proposed renewable energy project has been sufficiently analyzed by a programmatic environmental impact statement conducted under section 3011B(d), the Secretary shall not require any additional review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) ADDITIONAL ENVIRONMENTAL REVIEW.—If the Secretary determines that additional environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) is necessary for a proposed renewable energy project, the Secretary shall rely on the analysis in the programmatic environmental impact statement conducted under section 3011B(d), to the maximum extent practicable when analyzing the potential impacts of the project.

(c) RELATIONSHIP TO OTHER LAW.—Nothing in this section modifies or supersedes any requirement under applicable law, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 3011C. PROGRAM TO IMPROVE RENEWABLE ENERGY PROJECT PERMIT COORDINATION.

(a) ESTABLISHMENT.—The Secretary shall establish a program to improve Federal permit coordination with respect to renewable energy projects on covered land.

(b) MEMORANDUM OF UNDERSTANDING.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall enter into a memorandum of understanding for purposes of this section, including to specifically expedite the environmental analysis of applications for projects proposed in a variance area, with—

(A) the Secretary of Agriculture; and

(B) the Assistant Secretary of the Army for Civil Works.

(2) STATE PARTICIPATION.—The Secretary may request the Governor of any interested State to be a signatory to the memorandum of understanding under paragraph (1).

(c) DESIGNATION OF QUALIFIED STAFF.—

(1) IN GENERAL.—Not later than 90 days after the date on which the memorandum of understanding under subsection (b) is executed, all Federal signatories, as appropriate, shall identify for each of the Bureau

of Land Management Renewable Energy Coordination Offices an employee who has expertise in the regulatory issues relating to the office in which the employee is employed, including, as applicable, particular expertise in—

(A) consultation regarding, and preparation of, biological opinions under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536);

(B) permits under section 404 of Federal Water Pollution Control Act (33 U.S.C. 1344);

(C) regulatory matters under the Clean Air Act (42 U.S.C. 7401 et seq.);

(D) planning under section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a);

(E) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(F) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.); and

(G) the preparation of analyses under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) DUTIES.—Each employee assigned under paragraph (1) shall—

(A) be responsible for addressing all issues relating to the jurisdiction of the home office or agency of the employee; and

(B) participate as part of the team of personnel working on proposed energy projects, planning, monitoring, inspection, enforcement, and environmental analyses.

(d) ADDITIONAL PERSONNEL.—The Secretary may assign additional personnel for the renewable energy coordination offices as are necessary to ensure the effective implementation of any programs administered by those offices, including inspection and enforcement relating to renewable energy project development on covered land, in accordance with the multiple use mandate of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(e) RENEWABLE ENERGY COORDINATION OFFICES.—In implementing the program established under this section, the Secretary may establish additional renewable energy coordination offices or temporarily assign the qualified staff described in subsection (c) to a State, district, or field office of the Bureau of Land Management to expedite the permitting of renewable energy projects, as the Secretary determines to be necessary.

(f) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than February 1 of the first fiscal year beginning after the date of enactment of this Act, and each February 1 thereafter, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report describing the progress made pursuant to the program under this subpart during the preceding year.

(2) INCLUSIONS.—Each report under this subsection shall include—

(A) projections for renewable energy production and capacity installations; and

(B) a description of any problems relating to leasing, permitting, siting, or production.

SEC. 3011D. SAVINGS CLAUSE.

Nothing in this subpart establishes—

(1) a priority or preference for the development of renewable energy projects on public land over other energy-related or mineral projects or other uses of public land; or

(2) an exception to the requirement that public land be managed consistent with the principle of multiple use (as defined in section of section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)).

Subpart C—Geothermal Exploration

SEC. 3012. GEOTHERMAL EXPLORATION TEST PROJECTS.

The Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) is amended by adding at the end the following:

“SEC. 30. GEOTHERMAL EXPLORATION TEST PROJECTS.

“(a) DEFINITIONS.—In this section:

“(1) COVERED LAND.—The term ‘covered land’ means land that is—

“(A) subject to geothermal leasing in accordance with section 3; and

“(B) not excluded from the development of geothermal energy under—

“(i) a final land use plan established under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

“(ii) a final land and resource management plan established under the National Forest Management Act of 1976 (16 U.S.C. 1600 et seq.); or

“(iii) any other applicable law.

“(2) SECRETARY CONCERNED.—The term ‘Secretary concerned’ means—

“(A) the Secretary of Agriculture (acting through the Chief of the Forest Service), with respect to National Forest System land; and

“(B) the Secretary, with respect to land managed by the Bureau of Land Management (including land held for the benefit of an Indian tribe).

“(b) NEPA REVIEW OF GEOTHERMAL EXPLORATION TEST PROJECTS.—

“(1) IN GENERAL.—An eligible activity described in paragraph (2) carried out on covered land shall be considered an action categorically excluded from the requirements for an environmental assessment or an environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or section 1508.4 of title 40, Code of Federal Regulations (or a successor regulation) if—

“(A) the action is for the purpose of geothermal resource exploration operations; and

“(B) the action is conducted pursuant to this Act.

“(2) ELIGIBLE ACTIVITY.—An eligible activity referred to in paragraph (1) is—

“(A) a geophysical exploration activity that does not require drilling, including a seismic survey;

“(B) the drilling of a well to test or explore for geothermal resources on land leased by the Secretary concerned for the development and production of geothermal resources that—

“(i) is carried out by the holder of the lease;

“(ii) causes—

“(I) fewer than 5 acres of soil or vegetation disruption at the location of each geothermal exploration well; and

“(II) not more than an additional 5 acres of soil or vegetation disruption during access or egress to the project site;

“(iii) is completed in fewer than 90 days, including the removal of any surface infrastructure from the project site; and

“(iv) requires the restoration of the project site not later than 3 years after the date of completion of the project to approximately the condition that existed at the time the project began, unless—

“(I) the project site is subsequently used as part of energy development on the lease; or

“(II) the project—

“(aa) yields geothermal resources; and

“(bb) the use of the geothermal resources will be carried out under another geothermal generation project in existence at the time of the discovery of the geothermal resources; or

“(C) the drilling of a well to test or explore for geothermal resources on land leased by

the Secretary concerned for the development and production of geothermal resources that—

“(i) causes an individual surface disturbance of fewer than 5 acres if—

“(I) the total surface disturbance on the leased land is not more than 150 acres; and

“(II) a site-specific analysis has been prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

“(ii) involves the drilling of a geothermal well at a location or well pad site at which drilling has occurred within 5 years before the date of spudding the well; or

“(iii) involves the drilling of a geothermal well in a developed field for which—

“(I) an approved land use plan or any environmental document prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) analyzed the drilling as a reasonably foreseeable activity; and

“(II) the land use plan or environmental document was approved within 10 years before the date of spudding the well.

“(3) LIMITATION BASED ON EXTRAORDINARY CIRCUMSTANCES.—The categorical exclusion established under paragraph (1) shall be subject to extraordinary circumstances in accordance with the Departmental Manual, 516 DM 2.3A(3) and 516 DM 2, Appendix 2 (or successor provisions).

“(c) NOTICE OF INTENT; REVIEW AND DETERMINATION.—

“(1) REQUIREMENT TO PROVIDE NOTICE.—Not later than 30 days before the date on which drilling begins, a leaseholder intending to carry out an eligible activity shall provide notice to the Secretary concerned.

“(2) REVIEW OF PROJECT.—Not later than 10 days after receipt of a notice of intent provided under paragraph (1), the Secretary concerned shall—

“(A) review the project described in the notice and determine whether the project is an eligible activity; and

“(B)(i) if the project is an eligible activity, notify the leaseholder that under subsection (b), the project is considered a categorical exclusion under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and section 1508.4 of title 40, Code of Federal Regulations (or a successor regulation); or

“(ii) if the project is not an eligible activity—

“(I) notify the leaseholder that section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) applies to the project;

“(II) include in that notification clear and detailed findings on any deficiencies in the project that prevent the application of subsection (b) to the project; and

“(III) provide an opportunity to the leaseholder to remedy the deficiencies described in the notification before the date on which the leaseholder plans to begin the project under paragraph (1).”

PART III—MARINE HYDROKINETIC

SEC. 3013. 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 “electrical”.

SEC. 3014. 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:

“SEC. 633. MARINE AND HYDROKINETIC RENEWABLE ENERGY RESEARCH AND DEVELOPMENT.

“The Secretary, in consultation with the Secretary of the Interior, the Secretary of

Commerce, and the Federal Energy Regulatory Commission, shall carry out a program of research, development, demonstration, and commercial application to accelerate the introduction of marine and hydrokinetic renewable energy production into the United States energy supply, giving priority to fostering accelerated research, development, and commercialization of technology, including programs—

“(1) to assist technology development to improve the components, processes, and systems used for power generation from marine and hydrokinetic renewable energy resources;

“(2) to establish critical testing infrastructure necessary—

“(A) to cost effectively and efficiently test and prove marine and hydrokinetic renewable energy devices; and

“(B) to accelerate the technological readiness and commercialization of those devices;

“(3) to support efforts to increase the efficiency of energy conversion, lower the cost, increase the use, improve the reliability, and demonstrate the applicability of marine and hydrokinetic renewable energy technologies by participating in demonstration projects;

“(4) to investigate variability issues and the efficient and reliable integration of marine and hydrokinetic renewable energy with the utility grid;

“(5) to identify and study critical short- and long-term needs to create a sustainable marine and hydrokinetic renewable energy supply chain based in the United States;

“(6) to increase the reliability and survivability of marine and hydrokinetic renewable energy technologies;

“(7) to verify the performance, reliability, maintainability, and cost of new marine and hydrokinetic renewable energy device designs and system components in an operating environment, and consider the protection of critical infrastructure, such as adequate separation between marine and hydrokinetic devices and projects and submarine telecommunications cables, including consideration of established industry standards;

“(8) to coordinate and avoid duplication of activities across programs of the Department and other applicable Federal agencies, including National Laboratories and to coordinate public-private collaboration in all programs under this section;

“(9) to identify opportunities for joint research and development programs and development of economies of scale between—

“(A) marine and hydrokinetic renewable energy technologies; and

“(B) other renewable energy and fossil energy programs, offshore oil and gas production activities, and activities of the Department of Defense; and

“(10) to support in-water technology development with international partners using existing cooperative procedures (including memoranda of understanding)—

“(A) to allow cooperative funding and other support of value to be exchanged and leveraged; and

“(B) to encourage the participation of international research centers and companies within the United States and the participation of United States research centers and companies in international projects.”.

SEC. 3015. NATIONAL MARINE RENEWABLE ENERGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION CENTERS.

Section 634 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17213) is amended by striking subsection (b) and inserting the following:

“(b) PURPOSES.—A Center (in coordination with the Department and National Laboratories) shall—

“(1) advance research, development, demonstration, and commercial application of marine and hydrokinetic renewable energy technologies;

“(2) support in-water testing and demonstration of marine and hydrokinetic renewable energy technologies, including facilities capable of testing—

“(A) marine and hydrokinetic renewable energy systems of various technology readiness levels and scales;

“(B) a variety of technologies in multiple test berths at a single location; and

“(C) arrays of technology devices; and

“(3) serve as information clearinghouses for the marine and hydrokinetic renewable energy industry by collecting and disseminating information on best practices in all areas relating to developing and managing marine and hydrokinetic renewable energy resources and energy systems.”.

SEC. 3016. AUTHORIZATION OF APPROPRIATIONS.

Section 636 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17215) is amended by striking “\$50,000,000 for each of the fiscal years 2008 through 2012” and inserting “\$55,000,000 for each of fiscal years 2017 and 2018 and \$60,000,000 for each of fiscal years 2019 through 2021”.

PART IV—BIOMASS

SEC. 3017. POLICIES RELATING TO BIOMASS ENERGY.

To support the key role that forests in the United States can play in addressing the energy needs of the United States, the Secretary, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency shall, consistent with their missions, jointly—

(1) ensure that Federal policy relating to forest bioenergy—

(A) is consistent across all Federal departments and agencies; and

(B) recognizes the full benefits of the use of forest biomass for energy, conservation, and responsible forest management; and

(2) establish clear and simple policies for the use of forest biomass as an energy solution, including policies that—

(A) reflect the carbon-neutrality of forest bioenergy and recognize biomass as a renewable energy source, provided the use of forest biomass for energy production does not cause conversion of forests to non-forest use.

(B) encourage private investment throughout the forest biomass supply chain, including in—

(i) working forests;

(ii) harvesting operations;

(iii) forest improvement operations;

(iv) forest bioenergy production;

(v) wood products manufacturing; or

(vi) paper manufacturing;

(C) encourage forest management to improve forest health; and

(D) recognize State initiatives to produce and use forest biomass.

Subtitle B—Oil and Gas

SEC. 3101. AMENDMENTS TO THE METHANE HYDRATE RESEARCH AND DEVELOPMENT ACT OF 2000.

(a) METHANE HYDRATE RESEARCH AND DEVELOPMENT PROGRAM.—

(1) IN GENERAL.—Section 4 of the Methane Hydrate Research and Development Act of 2000 (30 U.S.C. 2003) is amended by striking subsection (b) and inserting the following:

“(b) GRANTS, CONTRACTS, COOPERATIVE AGREEMENTS, INTERAGENCY FUNDS TRANSFER AGREEMENTS, AND FIELD WORK PROPOSALS.—

“(1) ASSISTANCE AND COORDINATION.—In carrying out the program of methane hydrate research and development authorized by this section, the Secretary may award grants to, or enter into contracts or cooperative agreements with, institutions—

“(A) to conduct basic and applied research—

“(i) to identify, explore, assess, and develop methane hydrate as a commercially viable source of energy; and

“(ii) to identify the environmental, health, and safety impacts of methane hydrate development;

“(B) to identify and characterize methane hydrate resources using remote sensing and seismic data, including the characterization of hydrate concentrations in marine reservoirs in the Gulf of Mexico by the date that is 4 years after the date of enactment of the Energy Policy Modernization Act of 2016;

“(C) to develop technologies required for efficient and environmentally sound development of methane hydrate resources;

“(D) to conduct basic and applied research to assess and mitigate the environmental impact of hydrate degassing (including natural degassing and degassing associated with commercial development);

“(E) to develop technologies to reduce the risks of drilling through methane hydrates;

“(F) to conduct exploratory drilling, well testing, and production testing operations on permafrost and nonpermafrost gas hydrates in support of the activities authorized by this paragraph, including—

“(i) drilling of a test well and performing a long-term hydrate production test on land in the United States Arctic region by the date that is 4 years after the date of enactment of the Energy Policy Modernization Act of 2016;

“(ii) drilling of a test well and performing a long-term hydrate production test in a marine environment by the date that is 10 years after the date of enactment of the Energy Policy Modernization Act of 2016; and

“(iii) drilling a full-scale production test well at a location to be determined by the Secretary; or

“(G) to expand education and training programs in methane hydrate resource research and resource development through fellowships or other means for graduate education and training.

“(2) ENVIRONMENTAL MONITORING AND RESEARCH.—The Secretary shall conduct a long-term environmental monitoring and research program to study the effects of production from methane hydrate reservoirs.

“(3) COMPETITIVE PEER REVIEW.—Funds made available under paragraphs (1) and (2) shall be made available based on a competitive process using external scientific peer review of proposed research.”.

(2) CONFORMING AMENDMENT.—Section 4(e) of the Methane Hydrate Research and Development Act of 2000 (30 U.S.C. 2003(e)) is amended in the matter preceding paragraph (1) by striking “subsection (b)(1)” and inserting “paragraphs (1) and (2) of subsection (b)”.

(b) AUTHORIZATION OF APPROPRIATIONS.—The Methane Hydrate Research and Development Act of 2000 is amended by striking section 7 (30 U.S.C. 2006) and inserting the following:

“SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

“There is authorized to be appropriated to carry out this Act \$35,000,000 for each of fiscal years 2017 through 2021.”.

SEC. 3102. LIQUEFIED NATURAL GAS STUDY.

(a) STUDY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the National Association of Regulatory Utility Commissioners and the National Association of State Energy Officials, shall conduct a study of the State, regional, and national implications of exporting liquefied natural gas with respect to consumers and the economy.

(2) CONTENTS.—The study conducted under paragraph (1) shall include an analysis of—

(A) the economic impact that exporting liquefied natural gas will have in regions that currently import liquefied natural gas;

(B) job creation in the manufacturing sectors; and

(C) such other issues as the Secretary considers appropriate.

(b) **REPORT TO CONGRESS.**—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to Congress a report on the results of the study conducted under subsection (a).

SEC. 3103. FERC PROCESS COORDINATION WITH RESPECT TO REGULATORY APPROVAL OF GAS PROJECTS.

(a) **DEFINITIONS.**—In this section:

(1) **COMMISSION.**—The term “Commission” means the Federal Energy Regulatory Commission.

(2) **FEDERAL AUTHORIZATION.**—

(A) **IN GENERAL.**—The term “Federal authorization” means any authorization required under Federal law with respect to an application for authorization or a certificate of public convenience and necessity relating to gas transportation subject to the jurisdiction of the Commission.

(B) **INCLUSIONS.**—The term “Federal authorization” includes any permits, special use authorizations, certifications, opinions, or other approvals as may be required under Federal law with respect to an application for authorization or a certificate of public convenience and necessity relating to gas transportation subject to the jurisdiction of the Commission.

(b) **DESIGNATION AS LEAD AGENCY.**—

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

(A) coordinating all applicable Federal authorizations; and

(B) compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

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

(c) **SCHEDULE.**—

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

(2) **COMMISSION SCHEDULE.**—

(A) **IN GENERAL.**—The Commission shall establish a schedule for the issuance of all Federal authorizations.

(B) **REQUIREMENTS.**—In establishing the schedule under subparagraph (A), the Commission shall—

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

(ii) ensure the expeditious completion of all proceedings relating to a Federal authorization; and

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

(3) **RESOLUTION OF INTERAGENCY DISPUTES.**—If the Federal agency with responsibility fails to adhere to the schedule established by the Commission under paragraph (2), or if a Federal authorization has been unreasonably denied, or if a Federal authorization would be inconsistent with the purposes of this section or other applicable law, the Commission shall refer the matter to the Chairman of the Council on Environmental Quality—

(A) to ensure timely participation;

(B) to ensure a timely decision;

(C) to mediate the dispute; or

(D) to refer the matter to the President.

(d) **CONSOLIDATED RECORD.**—The Commission shall maintain official consolidated records of all license proceedings under this section.

(e) **REFERENCE TO COMMISSION.**—In making a decision with respect to a Federal author-

ization, each agency shall give deference, to the maximum extent authorized by law, to the scope of environmental review that the Commission determines to be appropriate.

(f) **CONCURRENT REVIEWS.**—Pursuant to the schedule established under subsection (c)(2), each agency considering an aspect of an application for Federal authorization shall—

(1) to the maximum extent authorized by law, 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;

(2) formulate and implement administrative, policy, and procedural mechanisms to enable the agency to complete the required Federal authorizations in accordance with the schedule described in subsection (c); and

(3) transmit to the Commission a statement—

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

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

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

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

(2) describe in that notification an implementation plan to ensure completion.

(h) **ACCOUNTABILITY; TRANSPARENCY; EFFICIENCY.**—

(1) **IN GENERAL.**—For applications requiring multiple Federal authorizations, the Commission, in consultation with any agency considering an aspect of the application, shall track and make available to the public on the website of the Commission information relating to the actions required to complete permitting, reviews, and other requirements.

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

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

(B) A list of all the actions required by each applicable agency to complete permitting, reviews, and other requirements necessary to obtain a final decision on the Federal authorization.

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

(D) A point of contact at the agency accountable for each action listed under subparagraph (B).

(E) In the event that an action is still pending as of the expected date of completion, a brief explanation of the reason for the delay.

SEC. 3104. PILOT PROGRAM.

(a) **ESTABLISHMENT.**—The Secretary of the Interior, acting through the Director of the Bureau of Land Management (referred to in this section as the “Director”), shall establish a pilot program in 1 State with at least 2,000 oil and gas drilling spacing units (as defined under State law), in which—

(1) 25 percent or less of the minerals are owned or held in trust by the Federal Government; and

(2) there is no surface land owned or held in trust by the Federal Government.

(b) **ACTIVITIES.**—In carrying out the pilot program, the Director shall identify and implement ways to streamline the review and approval of Applications for Permits to Drill

for oil and gas drilling spacing units of the State in order to achieve a processing time for those oil and gas drilling spacing units similar to that of spacing units that require an Application for Permit to Drill and are not part of the pilot program in the same State.

(c) **FUNDING.**—Beginning in fiscal year 2016, and for a period of 3 years thereafter, to carry out the pilot program efficiently, the Director may fund up to 10 full-time equivalents at appropriate field offices.

(d) **REPORT.**—Not later than 4 years after the date of enactment of this Act, the Director shall submit to Congress a report on the results of the pilot program.

(e) **WAIVER.**—The Secretary of the Interior may waive the requirement for an Application for Permit to Drill if the Director determines that the mineral interest of the United States in the spacing units in land covered by this section is adequately protected, if otherwise in accordance with applicable laws, regulations, and lease terms.

SEC. 3105. GAO REVIEW AND REPORT.

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, and annually thereafter for 2 years, the Comptroller General of the United States shall conduct a review of—

(1) energy production in the United States; and

(2) the effects, if any, of crude oil exports from the United States on consumers, independent refiners, and shipbuilding and ship repair yards.

(b) **CONTENTS OF REPORT.**—Not later than 1 year after commencing each review under subsection (a), the Comptroller General of the United States shall submit to the Committees on Energy and Natural Resources, Banking, Housing, and Urban Affairs, Commerce, Science, and Transportation, and Foreign Relations of the Senate and the Committees on Natural Resources, Energy and Commerce, Financial Services, and Foreign Affairs of the House of Representatives a report that includes—

(1) a statement of the principal findings of the review; and

(2) recommendations for Congress and the President to address any job loss in the shipbuilding and ship repair industry or adverse impacts on consumers and refiners that the Comptroller General of the United States attributes to unencumbered crude oil exports in the United States.

SEC. 3106. ETHANE STORAGE STUDY.

(a) **IN GENERAL.**—The Secretary and the Secretary of Commerce, in consultation with other relevant Federal departments and agencies and stakeholders, shall conduct a study of the feasibility of establishing an ethane storage and distribution hub in the Marcellus, Utica, and Rogersville shale plays in the United States.

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

(1) an examination of, with respect to the proposed ethane storage and distribution hub—

(A) potential locations;

(B) economic feasibility;

(C) economic benefits;

(D) geological storage capacity capabilities;

(E) above-ground storage capabilities;

(F) infrastructure needs; and

(G) other markets and trading hubs, particularly hubs relating to ethane; and

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

(c) **PUBLICATION OF RESULTS.**—Not later than 2 years after the date of enactment of this Act, the Secretary and the Secretary of Commerce shall—

(1) submit 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 a report describing the results of the study under subsection (a); and

(2) publish those results on the Internet websites of the Departments of Energy and Commerce, respectively.

SEC. 3107. ALISO CANYON NATURAL GAS LEAK TASK FORCE.

(a) **ESTABLISHMENT OF TASK FORCE.**—Not later than 15 days after the date of enactment of this Act, the Secretary shall lead and establish an Aliso Canyon Task Force (referred to in this section as the “task force”).

(b) **MEMBERSHIP OF TASK FORCE.**—In addition to the Secretary, the task force shall be composed of—

(1) 1 representative from the Pipeline and Hazardous Materials Safety Administration;

(2) 1 representative from the Department of Health and Human Services;

(3) 1 representative from the Environmental Protection Agency;

(4) 1 representative from the Department of the Interior;

(5) 1 representative from the Department of Commerce; and

(6) 1 representative from the Federal Energy Regulatory Commission.

(c) **REPORT.**—

(1) **FINAL REPORT.**—

(A) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the task force shall submit a final report that contains the information described in subparagraph (B) to—

(i) the Committee on Energy and Natural Resources of the Senate;

(ii) the Committee on Natural Resources of the House of Representatives;

(iii) the Committee on Environment and Public Works of the Senate;

(iv) the Committee on Transportation and Infrastructure of the House of Representatives;

(v) the Committee on Commerce, Science, and Transportation of the Senate;

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

(vii) the Committee on Health, Education, Labor, and Pensions of the Senate;

(viii) the Committee on Education and the Workforce of the House of Representatives;

(ix) the President; and

(x) relevant Federal and State agencies.

(B) **INFORMATION INCLUDED.**—The report submitted under subparagraph (A) shall include, at a minimum—

(i) an analysis and conclusion of the cause of the Aliso Canyon natural gas leak;

(ii) an analysis of measures taken to stop the natural gas leak, with an immediate focus on other, more effective measures that could be taken;

(iii) an assessment of the impact of the natural gas leak on health, safety, the environment, and the economy of the residents and property surrounding Aliso Canyon;

(iv) an analysis of how Federal and State agencies responded to the natural gas leak;

(v) in order to lessen the negative impacts of natural gas leaks, recommendations on how to improve—

(I) the response to a future leak; and

(II) coordination between all appropriate Federal, State, and local agencies in the response to the Aliso Canyon natural gas leak and future natural gas leaks;

(vi) an analysis of the potential for a similar natural gas leak to occur at other underground natural gas storage facilities in the United States;

(vii) recommendations on how to prevent any future natural gas leaks;

(viii) recommendations on whether to continue operations at Aliso Canyon and other facilities in close proximity to residential populations based on an assessment of the risk of a future natural gas leak;

(ix) a recommendation on information that is not currently collected but that would be in the public interest to collect and distribute to agencies and institutions for the continued study and monitoring of natural gas infrastructure in the United States;

(x) an analysis of the impact of the Aliso Canyon natural gas leak on wholesale and retail electricity prices; and

(xi) an analysis of the impact of the Aliso Canyon natural gas leak on the reliability of the bulk-power system.

(2) **PUBLICATION.**—The interim reports and recommendations under paragraph (1) and the final report under paragraph (2) shall be made available to the public in an electronically accessible format.

(3) If, before the final report is submitted under paragraph (1) the task force finds methods to solve the natural gas leak at Aliso Canyon; better protect the affected communities; or finds methods to help prevent other leaks, they must immediately issue such findings to the same entities that are to receive the final report.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section such sums as may be necessary.

SEC. 3108. REPORT ON INCORPORATING INTERNET-BASED LEASE SALES.

Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall submit to Congress a report containing recommendations for the incorporation of Internet-based lease sales at the Bureau of Land Management in accordance with section 17(b)(1)(C) of the Mineral Leasing Act (30 U.S.C. 226(b)(1)(C)) in the event of an emergency or other disruption causing a disruption to a sale.

SEC. 3109. DENALI NATIONAL PARK AND PRESERVE NATURAL GAS PIPELINE.

(a) **PERMIT.**—Section 3(b)(1) of the Denali National Park Improvement Act (Public Law 113-33; 127 Stat. 516) is amended by striking “within, along, or near the approximately 7-mile segment of the George Parks Highway that runs through the Park”.

(b) **TERMS AND CONDITIONS.**—Section 3(c)(1) of the Denali National Park Improvement Act (Public Law 113-33; 127 Stat. 516) is amended—

(1) in subparagraph (A), by inserting “and” after the semicolon;

(2) by striking subparagraph (B); and

(3) by redesignating subparagraph (C) as subparagraph (B).

(c) **APPLICABLE LAW.**—Section 3 of the Denali National Park Improvement Act (Public Law 113-33; 127 Stat. 515) is amended by adding at the end the following:

“(d) **APPLICABLE LAW.**—A high pressure gas transmission pipeline (including appurtenances) in a nonwilderness area within the boundary of the Park, shall not be subject to title XI of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3161 et seq.).”

Subtitle C—Helium

SEC. 3201. RIGHTS TO HELIUM.

(a) **DEFINITION OF HELIUM-RELATED PROJECT.**—The term “helium-related project” means a project—

(1) to explore or produce crude helium; and

(2) to sell crude or refined helium.

(b) **EXPEDITED COMPLETION.**—Notwithstanding any other provision of law, applicable environmental reviews under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for helium-related projects shall be completed on an expedi-

tious basis and the shortest existing applicable process under that Act shall be used for such projects.

(c) **REPEAL OF RESERVATION OF HELIUM RIGHTS.**—The first section of the Mineral Leasing Act (30 U.S.C. 181) is amended by striking the flush text that follows the last undesignated subsection.

(d) **RIGHTS TO HELIUM UNDER LEASES UNDER MINERAL LEASING ACT FOR ACQUIRED LANDS.**—The Mineral Leasing Act for Acquired Lands (30 U.S.C. 351 et seq.) is amended by adding at the end the following:

“SEC. 12. RIGHTS TO HELIUM.

“Any lease issued under this Act that authorizes exploration for, or development or production of, gas shall be considered to grant to the lessee a right of first refusal to engage in exploration for, and development and production of, helium on land that is subject to the lease in accordance with regulations issued by the Secretary.”

Subtitle D—Critical Minerals

SEC. 3301. DEFINITIONS.

In this subtitle:

(1) **CRITICAL MINERAL.**—

(A) **IN GENERAL.**—The term “critical mineral” means any mineral, element, substance, or material designated as critical pursuant to section 3303.

(B) **EXCLUSIONS.**—The term “critical mineral” does not include—

(i) fuel minerals, including oil, natural gas, or any other fossil fuels; or

(ii) water, ice, or snow.

(2) **CRITICAL MINERAL MANUFACTURING.**—The term “critical mineral manufacturing” means—

(A) the production, processing, refining, alloying, separation, concentration, magnetic sintering, melting, or beneficiation of critical minerals within the United States;

(B) the fabrication, assembly, or production, within the United States, of equipment, components, or other goods with energy technology-, defense-, agriculture-, consumer electronics-, or health care-related applications; or

(C) any other value-added, manufacturing-related use of critical minerals undertaken within the United States.

(3) **INDIAN TRIBE.**—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(4) **STATE.**—The term “State” means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico;

(D) Guam;

(E) American Samoa;

(F) the Commonwealth of the Northern Mariana Islands; and

(G) the United States Virgin Islands.

SEC. 3302. POLICY.

(a) **IN GENERAL.**—Section 3 of the National Materials and Minerals Policy, Research and Development Act of 1980 (30 U.S.C. 1602) is amended in the second sentence—

(1) by striking paragraph (3) and inserting the following:

“(3) establish an analytical and forecasting capability for identifying critical mineral demand, supply, and other factors to allow informed actions to be taken to avoid supply shortages, mitigate price volatility, and prepare for demand growth and other market shifts;”;

(2) in paragraph (6), by striking “and” after the semicolon at the end; and

(3) by striking paragraph (7) and inserting the following:

“(7) encourage Federal agencies to facilitate the availability, development, and environmentally responsible production of domestic resources to meet national material or critical mineral needs;

“(8) avoid duplication of effort, prevent unnecessary paperwork, and minimize delays in the administration of applicable laws (including regulations) and the issuance of permits and authorizations necessary to explore for, develop, and produce critical minerals and to construct critical mineral manufacturing facilities in accordance with applicable environmental and land management laws;

“(9) strengthen educational and research capabilities and workforce training;

“(10) bolster international cooperation through technology transfer, information sharing, and other means;

“(11) promote the efficient production, use, and recycling of critical minerals;

“(12) develop alternatives to critical minerals; and

“(13) establish contingencies for the production of, or access to, critical minerals for which viable sources do not exist within the United States.”.

(b) **CONFORMING AMENDMENT.**—Section 2(b) of the National Materials and Minerals Policy, Research and Development Act of 1980 (30 U.S.C. 1601(b)) is amended by striking “(b) As used in this Act, the term” and inserting the following:

“(b) **DEFINITIONS.**—In this Act:

“(1) **CRITICAL MINERAL.**—The term ‘critical mineral’ means any mineral or element designated as a critical mineral pursuant to section 3303 of the Energy Policy Modernization Act of 2016.

“(2) **MATERIALS.**—The term”.

SEC. 3303. CRITICAL MINERAL DESIGNATIONS.

(a) **DRAFT METHODOLOGY.**—Not later than 90 days after the date of enactment of this Act, the Secretary of the Interior (acting through the Director of the United States Geological Survey) (referred to in this subtitle as the “Secretary”), in consultation with relevant Federal agencies and entities, shall publish in the Federal Register for public comment a draft methodology for determining which minerals qualify as critical minerals based on an assessment of whether the minerals are—

(1) subject to potential supply restrictions (including restrictions associated with foreign political risk, abrupt demand growth, military conflict, violent unrest, anti-competitive or protectionist behaviors, and other risks throughout the supply chain); and

(2) important in use (including energy technology-, defense-, currency-, agriculture-, consumer electronics-, and health care-related applications).

(b) **AVAILABILITY OF DATA.**—If available data is insufficient to provide a quantitative basis for the methodology developed under this section, qualitative evidence may be used to the extent necessary.

(c) **FINAL METHODOLOGY.**—After reviewing public comments on the draft methodology under subsection (a) and updating the draft methodology as appropriate, not later than 270 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register a description of the final methodology for determining which minerals qualify as critical minerals.

(d) **DESIGNATIONS.**—

(1) **IN GENERAL.**—For purposes of carrying out this subtitle, the Secretary shall maintain a list of minerals and elements designated as critical, pursuant to the methodology under subsection (c).

(2) **INITIAL LIST.**—Subject to paragraph (1), not later than 1 year after the date of enactment of this Act, the Secretary shall publish in the Federal Register an initial list of minerals designated as critical pursuant to the final methodology under subsection (c) for the purpose of carrying out this subtitle.

(3) **INCLUSIONS.**—Notwithstanding the criteria under subsection (c), the Secretary

may designate and include on the list any mineral or element determined by another Federal agency to be strategic and critical to the defense or national security of the United States.

(e) **SUBSEQUENT REVIEW.**—

(1) **IN GENERAL.**—The Secretary shall review the methodology and designations under subsections (c) and (d) at least every 3 years, or more frequently as the Secretary considers to be appropriate.

(2) **REVISIONS.**—Subject to subsection (d)(1), the Secretary may—

(A) revise the methodology described in this section;

(B) determine that minerals or elements previously determined to be critical minerals are no longer critical minerals; and

(C) designate additional minerals or elements as critical minerals.

(f) **NOTICE.**—On finalization of the methodology under subsection (c), the list under subsection (d), or any revision to the methodology or list under subsection (e), the Secretary shall submit to Congress written notice of the action.

SEC. 3304. RESOURCE ASSESSMENT.

(a) **IN GENERAL.**—Not later than 4 years after the date of enactment of this Act, in consultation with applicable State (including geological surveys), local, academic, industry, and other entities, the Secretary shall complete a comprehensive national assessment of each critical mineral that—

(1) identifies and quantifies known critical mineral resources, using all available public and private information and datasets, including exploration histories; and

(2) provides a quantitative and qualitative assessment of undiscovered critical mineral resources throughout the United States, including probability estimates of tonnage and grade, using all available public and private information and datasets, including exploration histories.

(b) **SUPPLEMENTARY INFORMATION.**—In carrying out this section, the Secretary may carry out surveys and field work (including drilling, remote sensing, geophysical surveys, geological mapping, and geochemical sampling and analysis) to supplement existing information and datasets available for determining the existence of critical minerals in the United States.

(c) **TECHNICAL ASSISTANCE.**—At the request of the Governor of a State or the head of an Indian tribe, the Secretary may provide technical assistance to State governments and Indian tribes conducting critical mineral resource assessments on non-Federal land.

(d) **PRIORITIZATION.**—

(1) **IN GENERAL.**—The Secretary may sequence the completion of resource assessments for each critical mineral such that critical minerals considered to be most critical under the methodology established under section 3303 are completed first.

(2) **REPORTING.**—During the period beginning not later than 1 year after the date of enactment of this Act and ending on the date of completion of all of the assessments required under this section, the Secretary shall submit to Congress on an annual basis an interim report that—

(A) identifies the sequence and schedule for completion of the assessments if the Secretary sequences the assessments; or

(B) describes the progress of the assessments if the Secretary does not sequence the assessments.

(e) **UPDATES.**—The Secretary may periodically update the assessments conducted under this section based on—

(1) the generation of new information or datasets by the Federal Government; or

(2) the receipt of new information or datasets from critical mineral producers,

State geological surveys, academic institutions, trade associations, or other persons.

(f) **ADDITIONAL SURVEYS.**—The Secretary shall complete a resource assessment for each additional mineral or element subsequently designated as a critical mineral under section 3303(e)(2) not later than 2 years after the designation of the mineral or element.

(g) **REPORT.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the status of geological surveying of Federal land for any mineral commodity—

(1) for which the United States was dependent on a foreign country for more than 25 percent of the United States supply, as depicted in the report issued by the United States Geological Survey entitled “Mineral Commodity Summaries 2015”; but

(2) that is not designated as a critical mineral under section 3303.

SEC. 3305. PERMITTING.

(a) **PERFORMANCE IMPROVEMENTS.**—To improve the quality and timeliness of decisions, the Secretary (acting through the Director of the Bureau of Land Management) and the Secretary of Agriculture (acting through the Chief of the Forest Service) (referred to in this section as the “Secretaries”) shall, to the maximum extent practicable, with respect to critical mineral production on Federal land, complete Federal permitting and review processes with maximum efficiency and effectiveness, while supporting vital economic growth, by—

(1) establishing and adhering to timelines and schedules for the consideration of, and final decisions regarding, applications, operating plans, leases, licenses, permits, and other use authorizations for mineral-related activities on Federal land;

(2) establishing clear, quantifiable, and temporal permitting performance goals and tracking progress against those goals;

(3) engaging in early collaboration among agencies, project sponsors, and affected stakeholders—

(A) to incorporate and address the interests of those parties; and

(B) to minimize delays;

(4) ensuring transparency and accountability by using cost-effective information technology to collect and disseminate information regarding individual projects and agency performance;

(5) engaging in early and active consultation with State, local, and Indian tribal governments to avoid conflicts or duplication of effort, resolve concerns, and allow for concurrent, rather than sequential, reviews;

(6) providing demonstrable improvements in the performance of Federal permitting and review processes, including lower costs and more timely decisions;

(7) expanding and institutionalizing permitting and review process improvements that have proven effective;

(8) developing mechanisms to better communicate priorities and resolve disputes among agencies at the national, regional, State, and local levels; and

(9) developing other practices, such as preapplication procedures.

(b) **REVIEW AND REPORT.**—Not later than 1 year after the date of enactment of this Act, the Secretaries shall submit to Congress a report that—

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

(2) identifies options (including cost recovery paid by permit applicants) for ensuring

adequate staffing and training of Federal entities and personnel responsible for the consideration of applications, operating plans, leases, licenses, permits, and other use authorizations for critical mineral-related activities on Federal land;

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

(4) describes actions carried out pursuant to subsection (a).

(c) **PERFORMANCE METRIC.**—Not later than 90 days after the date of submission of the report under subsection (b), the Secretaries, after providing public notice and an opportunity to comment, shall develop and publish a performance metric for evaluating the progress made by the executive branch to expedite the permitting of activities that will increase exploration for, and development of, domestic critical minerals, while maintaining environmental standards.

(d) **ANNUAL REPORTS.**—Beginning with the first budget submission by the President under section 1105 of title 31, United States Code, after publication of the performance metric required under subsection (c), and annually thereafter, the Secretaries shall submit to Congress a report that—

(1) summarizes the implementation of recommendations, measures, and options identified in paragraphs (1) and (2) of subsection (b);

(2) using the performance metric under subsection (c), describes progress made by the executive branch, as compared to the baseline established pursuant to subsection (b)(3), on expediting the permitting of activities that will increase exploration for, and development of, domestic critical minerals; and

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

(e) **INDIVIDUAL PROJECTS.**—Using data from the Secretaries generated under subsection (d), the Director of the Office of Management and Budget shall prioritize inclusion of individual critical mineral projects on the website operated by the Office of Management and Budget in accordance with section 1122 of title 31, United States Code.

(f) **REPORT OF SMALL BUSINESS ADMINISTRATION.**—Not later than 1 year and 300 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall submit to the applicable committees of Congress a report that assesses the performance of Federal agencies with respect to—

(1) complying with chapter 6 of title 5, United States Code (commonly known as the “Regulatory Flexibility Act”), in promulgating regulations applicable to the critical minerals industry; and

(2) performing an analysis of regulations applicable to the critical minerals industry that may be outmoded, inefficient, duplicative, or excessively burdensome.

SEC. 3306. FEDERAL REGISTER PROCESS.

(a) **DEPARTMENTAL REVIEW.**—Absent any extraordinary circumstance, and except as otherwise required by law, the Secretary and the Secretary of Agriculture shall ensure

that each Federal Register notice described in subsection (b) shall be—

(1) subject to any required reviews within the Department of the Interior or the Department of Agriculture; and

(2) published in final form in the Federal Register not later than 45 days after the date of initial preparation of the notice.

(b) **PREPARATION.**—The preparation of Federal Register notices required by law associated with the issuance of a critical mineral exploration or mine permit shall be delegated to the organizational level within the agency responsible for issuing the critical mineral exploration or mine permit.

(c) **TRANSMISSION.**—All Federal Register notices regarding official document availability, announcements of meetings, or notices of intent to undertake an action shall be originated in, and transmitted to the Federal Register from, the office in which, as applicable—

- (1) the documents or meetings are held; or
- (2) the activity is initiated.

SEC. 3307. RECYCLING, EFFICIENCY, AND ALTERNATIVES.

(a) **ESTABLISHMENT.**—The Secretary of Energy (referred to in this section as the “Secretary”) shall conduct a program of research and development—

(1) to promote the efficient production, use, and recycling of critical minerals throughout the supply chain; and

(2) to develop alternatives to critical minerals that do not occur in significant abundance in the United States.

(b) **COOPERATION.**—In carrying out the program, the Secretary shall cooperate with appropriate—

(1) Federal agencies and National Laboratories;

(2) critical mineral producers;

(3) critical mineral processors;

(4) critical mineral manufacturers;

(5) trade associations;

(6) academic institutions;

(7) small businesses; and

(8) other relevant entities or individuals.

(c) **ACTIVITIES.**—Under the program, the Secretary shall carry out activities that include the identification and development of—

(1) advanced critical mineral extraction, production, separation, alloying, or processing technologies that decrease the energy consumption, environmental impact, and costs of those activities, including—

(A) efficient water and wastewater management strategies;

(B) technologies and management strategies to control the environmental impacts of radionuclides in ore tailings; and

(C) technologies for separation and processing;

(2) technologies or process improvements that minimize the use, or lead to more efficient use, of critical minerals across the full supply chain;

(3) technologies, process improvements, or design optimizations that facilitate the recycling of critical minerals, and options for improving the rates of collection of products and scrap containing critical minerals from post-consumer, industrial, or other waste streams;

(4) commercial markets, advanced storage methods, energy applications, and other beneficial uses of critical minerals processing byproducts;

(5) alternative minerals, metals, and materials, particularly those available in abundance within the United States and not subject to potential supply restrictions, that lessen the need for critical minerals; and

(6) alternative energy technologies or alternative designs of existing energy technologies, particularly those that use minerals that—

(A) occur in abundance in the United States; and

(B) are not subject to potential supply restrictions.

(d) **REPORTS.**—Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report summarizing the activities, findings, and progress of the program.

SEC. 3308. ANALYSIS AND FORECASTING.

(a) **CAPABILITIES.**—In order to evaluate existing critical mineral policies and inform future actions that may be taken to avoid supply shortages, mitigate price volatility, and prepare for demand growth and other market shifts, the Secretary, in consultation with the Energy Information Administration, academic institutions, and others in order to maximize the application of existing competencies related to developing and maintaining computer-models and similar analytical tools, shall conduct and publish the results of an annual report that includes—

(1) as part of the annually published Mineral Commodity Summaries from the United States Geological Survey, a comprehensive review of critical mineral production, consumption, and recycling patterns, including—

(A) the quantity of each critical mineral domestically produced during the preceding year;

(B) the quantity of each critical mineral domestically consumed during the preceding year;

(C) market price data or other price data for each critical mineral;

(D) an assessment of—

(i) critical mineral requirements to meet the national security, energy, economic, industrial, technological, and other needs of the United States during the preceding year;

(ii) the reliance of the United States on foreign sources to meet those needs during the preceding year; and

(iii) the implications of any supply shortages, restrictions, or disruptions during the preceding year;

(E) the quantity of each critical mineral domestically recycled during the preceding year;

(F) the market penetration during the preceding year of alternatives to each critical mineral;

(G) a discussion of international trends associated with the discovery, production, consumption, use, costs of production, prices, and recycling of each critical mineral as well as the development of alternatives to critical minerals; and

(H) such other data, analyses, and evaluations as the Secretary finds are necessary to achieve the purposes of this section; and

(2) a comprehensive forecast, entitled the “Annual Critical Minerals Outlook”, of projected critical mineral production, consumption, and recycling patterns, including—

(A) the quantity of each critical mineral projected to be domestically produced over the subsequent 1-year, 5-year, and 10-year periods;

(B) the quantity of each critical mineral projected to be domestically consumed over the subsequent 1-year, 5-year, and 10-year periods;

(C) an assessment of—

(i) critical mineral requirements to meet projected national security, energy, economic, industrial, technological, and other needs of the United States;

(ii) the projected reliance of the United States on foreign sources to meet those needs; and

(iii) the projected implications of potential supply shortages, restrictions, or disruptions;

(D) the quantity of each critical mineral projected to be domestically recycled over the subsequent 1-year, 5-year, and 10-year periods;

(E) the market penetration of alternatives to each critical mineral projected to take place over the subsequent 1-year, 5-year, and 10-year periods;

(F) a discussion of reasonably foreseeable international trends associated with the discovery, production, consumption, use, costs of production, and recycling of each critical mineral as well as the development of alternatives to critical minerals; and

(G) such other projections relating to each critical mineral as the Secretary determines to be necessary to achieve the purposes of this section.

(b) PROPRIETARY INFORMATION.—In preparing a report described in subsection (a), the Secretary shall ensure, consistent with section 5(f) of the National Materials and Minerals Policy, Research and Development Act of 1980 (30 U.S.C. 1604(f)), that—

(1) no person uses the information and data collected for the report for a purpose other than the development of or reporting of aggregate data in a manner such that the identity of the person or firm who supplied the information is not discernible and is not material to the intended uses of the information;

(2) no person discloses any information or data collected for the report unless the information or data has been transformed into a statistical or aggregate form that does not allow the identification of the person or firm who supplied particular information; and

(3) procedures are established to require the withholding of any information or data collected for the report if the Secretary determines that withholding is necessary to protect proprietary information, including any trade secrets or other confidential information.

SEC. 3309. EDUCATION AND WORKFORCE.

(a) WORKFORCE ASSESSMENT.—Not later than 1 year and 300 days after the date of enactment of this Act, the Secretary of Labor (in consultation with the Secretary, the Director of the National Science Foundation, institutions of higher education with substantial expertise in mining, institutions of higher education with significant expertise in minerals research, including fundamental research into alternatives, and employers in the critical minerals sector) shall submit to Congress an assessment of the domestic availability of technically trained personnel necessary for critical mineral exploration, development, assessment, production, manufacturing, recycling, analysis, forecasting, education, and research, including an analysis of—

(1) skills that are in the shortest supply as of the date of the assessment;

(2) skills that are projected to be in short supply in the future;

(3) the demographics of the critical minerals industry and how the demographics will evolve under the influence of factors such as an aging workforce;

(4) the effectiveness of training and education programs in addressing skills shortages;

(5) opportunities to hire locally for new and existing critical mineral activities;

(6) the sufficiency of personnel within relevant areas of the Federal Government for achieving the policies described in section 3 of the National Materials and Minerals Policy, Research and Development Act of 1980 (30 U.S.C. 1602); and

(7) the potential need for new training programs to have a measurable effect on the supply of trained workers in the critical minerals industry.

(b) CURRICULUM STUDY.—

(1) IN GENERAL.—The Secretary and the Secretary of Labor shall jointly enter into an arrangement with the National Academy of Sciences and the National Academy of Engineering under which the Academies shall coordinate with the National Science Foundation on conducting a study—

(A) to design an interdisciplinary program on critical minerals that will support the critical mineral supply chain and improve the ability of the United States to increase domestic, critical mineral exploration, development, production, manufacturing, research, including fundamental research into alternatives, and recycling;

(B) to address undergraduate and graduate education, especially to assist in the development of graduate level programs of research and instruction that lead to advanced degrees with an emphasis on the critical mineral supply chain or other positions that will increase domestic, critical mineral exploration, development, production, manufacturing, research, including fundamental research into alternatives, and recycling;

(C) to develop guidelines for proposals from institutions of higher education with substantial capabilities in the required disciplines for activities to improve the critical mineral supply chain and advance the capacity of the United States to increase domestic, critical mineral exploration, research, development, production, manufacturing, and recycling; and

(D) to outline criteria for evaluating performance and recommendations for the amount of funding that will be necessary to establish and carry out the program described in subsection (c).

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a description of the results of the study required under paragraph (1).

(c) PROGRAM.—

(1) ESTABLISHMENT.—The Secretary and the Secretary of Labor shall jointly conduct a competitive grant program under which institutions of higher education may apply for and receive 4-year grants for—

(A) startup costs for newly designated faculty positions in integrated critical mineral education, research, innovation, training, and workforce development programs consistent with subsection (b);

(B) internships, scholarships, and fellowships for students enrolled in programs related to critical minerals;

(C) equipment necessary for integrated critical mineral innovation, training, and workforce development programs; and

(D) research of critical minerals and their applications, particularly concerning the manufacture of critical components vital to national security.

(2) RENEWAL.—A grant under this subsection shall be renewable for up to 2 additional 3-year terms based on performance criteria outlined under subsection (b)(1)(D).

SEC. 3310. NATIONAL GEOLOGICAL AND GEOPHYSICAL DATA PRESERVATION PROGRAM.

Section 351(k) of the Energy Policy Act of 2005 (42 U.S.C. 15908(k)) is amended by striking “\$30,000,000 for each of fiscal years 2006 through 2010” and inserting “\$5,000,000 for each of fiscal years 2017 through 2026, to remain available until expended”.

SEC. 3311. ADMINISTRATION.

(a) IN GENERAL.—The National Critical Materials Act of 1984 (30 U.S.C. 1801 et seq.) is repealed.

(b) CONFORMING AMENDMENT.—Section 3(d) of the National Superconductivity and Competitiveness Act of 1988 (15 U.S.C. 5202(d)) is amended in the first sentence by striking “,

with the assistance of the National Critical Materials Council as specified in the National Critical Materials Act of 1984 (30 U.S.C. 1801 et seq.).”.

(c) SAVINGS CLAUSES.—

(1) IN GENERAL.—Nothing in this subtitle or an amendment made by this subtitle modifies any requirement or authority provided by—

(A) the matter under the heading “GEOLOGICAL SURVEY” of the first section of the Act of March 3, 1879 (43 U.S.C. 31(a)); or

(B) the first section of Public Law 87-626 (43 U.S.C. 31(b)).

(2) SECRETARIAL ORDER NOT AFFECTED.—This subtitle shall not apply to any mineral described in Secretarial Order No. 3324, issued by the Secretary of the Interior on December 3, 2012, in any area to which the order applies.

SEC. 3312. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this subtitle \$50,000,000 for each of fiscal years 2017 through 2026.

Subtitle E—Coal

SEC. 3401. SENSE OF THE SENATE ON CARBON CAPTURE, USE, AND STORAGE DEVELOPMENT AND DEPLOYMENT.

It is the sense of the Senate that—

(1) carbon capture, use, and storage deployment is—

(A) an important part of the clean energy future and smart research and development investments of the United States; and

(B) critical—

(i) to increasing the energy security of the United States;

(ii) to reducing emissions; and

(iii) to maintaining a diverse and reliable energy resource;

(2) the fossil energy programs of the Department should continue to focus on research and development of technologies that will improve the capture, transportation, use (including for the production through biofixation of carbon-containing products), and injection processes essential for carbon capture, use, and storage activities in the electrical and industrial sectors;

(3) the Secretary should continue to partner with the private sector and explore avenues to bring down the cost of carbon capture, including through loans, grants, and sequestration credits to help make carbon capture, use, and storage technologies more competitive compared to other technologies that are a part of the clean energy future of the United States; and

(4) the Secretary should continue working with international partners on pre-existing agreements, projects, and information sharing activities of the Secretary to develop the latest and most cutting-edge carbon capture, use, and storage technologies for the electrical and industrial sectors.

SEC. 3402. FOSSIL ENERGY.

Section 961(a) of the Energy Policy Act of 2005 (42 U.S.C. 16291(a)) is amended by adding at the end the following:

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

SEC. 3403. ESTABLISHMENT OF COAL TECHNOLOGY PROGRAM.

(a) REPEALS.—

(1) IN GENERAL.—

(A) Sections 962 and 963 of the Energy Policy Act of 2005 (42 U.S.C. 16292, 16293) are repealed.

(B) Subtitle A of title IV of the Energy Policy Act of 2005 (42 U.S.C. 15961 et seq.) is repealed.

(2) SAVINGS CLAUSE.—Notwithstanding the amendments made by paragraph (1), the Secretary shall continue to manage any program activities that are outstanding as of the date of enactment of this Act under the

terms and conditions of sections 962 and 963 of the Energy Policy Act of 2005 (42 U.S.C. 16292, 16293) or subtitle A of title IV of the Energy Policy Act of 2005 (42 U.S.C. 15961 et seq.) (as in effect on the day before the date of enactment of this Act), as applicable.

(3) CONFORMING AMENDMENTS.—

(A) Section 703(a)(3) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17251(a)(3)) is amended—

(i) in the matter preceding subparagraph (A), by striking the first and second sentences; and

(ii) in subparagraph (B), by striking “including” in the matter preceding clause (i) and all that follows through the period at the end and inserting “, including such geologic sequestration projects as are approved by the Secretary”.

(B) Section 704 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17252) is amended in the first sentence by striking “under section 963(c)(3) of the Energy Policy Act of 2005 (42 U.S.C. 16293(c)(3)), as added by section 702 of this subtitle, and”.

(b) ESTABLISHMENT OF COAL TECHNOLOGY PROGRAM.—The Energy Policy Act of 2005 (as amended by subsection (a)) is amended by inserting after section 961 (42 U.S.C. 16291) the following:

“SEC. 962. COAL TECHNOLOGY PROGRAM.

“(a) DEFINITIONS.—In this section:

“(1) LARGE-SCALE PILOT PROJECT.—The term ‘large-scale pilot project’ means a pilot project that—

“(A) represents the scale of technology development beyond laboratory development and bench scale testing, but not yet advanced to the point of being tested under real operational conditions at commercial scale;

“(B) represents the scale of technology necessary to gain the operational data needed to understand the technical and performance risks of the technology before the application of that technology at commercial scale or in commercial-scale demonstration; and

“(C) is large enough—

“(i) to validate scaling factors; and

“(ii) to demonstrate the interaction between major components so that control philosophies for a new process can be developed and enable the technology to advance from large-scale pilot plant application to commercial-scale demonstration or application.

“(2) NET-NEGATIVE CARBON DIOXIDE EMISSIONS PROJECT.—The term ‘net-negative carbon dioxide emissions project’ means a project—

“(A) that employs a technology for thermochemical coconversion of coal and biomass fuels that—

“(i) uses a carbon capture system; and

“(ii) with carbon dioxide removal, can provide electricity, fuels, or chemicals with net-negative carbon dioxide emissions from production and consumption of the end products, while removing atmospheric carbon dioxide;

“(B) that will proceed initially through a large-scale pilot project for which front-end engineering will be performed for bituminous, subbituminous, and lignite coals; and

“(C) through which each use of coal will be combined with the use of a regionally indigenous form of biomass energy, provided on a renewable basis, that is sufficient in quantity to allow for net-negative emissions of carbon dioxide (in combination with a carbon capture system), while avoiding impacts on food production activities.

“(3) PROGRAM.—The term ‘program’ means the program established under subsection (b)(1).

“(4) TRANSFORMATIONAL TECHNOLOGY.—

“(A) IN GENERAL.—The term ‘transformational technology’ means a power generation technology that represents an entirely new way to convert energy that will enable a step change in performance, efficiency, and cost of electricity as compared to the technology in existence on the date of enactment of this section.

“(B) INCLUSIONS.—The term ‘transformational technology’ includes a broad range of technology improvements, including—

“(i) thermodynamic improvements in energy conversion and heat transfer, including—

“(I) oxygen combustion;

“(II) chemical looping; and

“(III) the replacement of steam cycles with supercritical carbon dioxide cycles;

“(ii) improvements in turbine technology;

“(iii) improvements in carbon capture systems technology; and

“(iv) any other technology the Secretary recognizes as transformational technology.

“(b) COAL TECHNOLOGY PROGRAM.—

“(1) IN GENERAL.—The Secretary shall establish a coal technology program to ensure the continued use of the abundant, domestic coal resources of the United States through the development of technologies that will significantly improve the efficiency, effectiveness, costs, and environmental performance of coal use.

“(2) REQUIREMENTS.—The program shall include—

“(A) a research and development program;

“(B) large-scale pilot projects;

“(C) demonstration projects; and

“(D) net-negative carbon dioxide emissions projects.

“(3) PROGRAM GOALS AND OBJECTIVES.—In consultation with the interested entities described in paragraph (4)(C), the Secretary shall develop goals and objectives for the program to be applied to the technologies developed within the program, taking into consideration the following objectives:

“(A) Ensure reliable, low-cost power from new and existing coal plants.

“(B) Achieve high conversion efficiencies.

“(C) Address emissions of carbon dioxide through high-efficiency platforms and carbon capture from new and existing coal plants.

“(D) Support small-scale and modular technologies to enable incremental capacity additions and load growth and large-scale generation technologies.

“(E) Support flexible baseload operations for new and existing applications of coal generation.

“(F) Further reduce emissions of criteria pollutants and reduce the use and manage the discharge of water in power plant operations.

“(G) Accelerate the development of technologies that have transformational energy conversion characteristics.

“(H) Validate geological storage of large volumes of anthropogenic sources of carbon dioxide and support the development of the infrastructure needed to support a carbon dioxide use and storage industry.

“(I) Examine methods of converting coal to other valuable products and commodities in addition to electricity.

“(4) CONSULTATIONS REQUIRED.—In carrying out the program, the Secretary shall—

“(A) undertake international collaborations, as recommended by the National Coal Council;

“(B) use existing authorities to encourage international cooperation; and

“(C) consult with interested entities, including—

“(i) coal producers;

“(ii) industries that use coal;

“(iii) organizations that promote coal and advanced coal technologies;

“(iv) environmental organizations;

“(v) organizations representing workers; and

“(vi) organizations representing consumers.

“(c) REPORT.—

“(1) IN GENERAL.—Not later than 18 months after the date of enactment of this section, the Secretary shall submit to Congress a report describing the performance standards adopted under subsection (b)(3).

“(2) UPDATE.—Not less frequently than once every 2 years after the initial report is submitted under paragraph (1), the Secretary shall submit to Congress a report describing the progress made towards achieving the objectives and performance standards adopted under subsection (b)(3).

“(d) FUNDING.—

“(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section, to remain available until expended—

“(A) for activities under the research and development program component described in subsection (b)(2)(A)—

“(i) \$275,000,000 for each of fiscal years 2017 through 2020; and

“(ii) \$200,000,000 for fiscal year 2021;

“(B) for activities under the demonstration projects program component described in subsection (b)(2)(C)—

“(i) \$50,000,000 for each of fiscal years 2017 through 2020; and

“(ii) \$75,000,000 for fiscal year 2021;

“(C) subject to paragraph (2), for activities under the large-scale pilot projects program component described in subsection (b)(2)(B), \$285,000,000 for each of fiscal years 2017 through 2021; and

“(D) for activities under the net-negative carbon dioxide emissions projects program component described in subsection (b)(2)(D), \$22,000,000 for each of fiscal years 2017 through 2021.

“(2) COST SHARING FOR LARGE-SCALE PILOT PROJECTS.—Activities under subsection (b)(2)(B) shall be subject to the cost-sharing requirements of section 988(b).”.

SEC. 3404. REPORT ON PRICE STABILIZATION SUPPORT.

(a) DEFINITION OF ELECTRIC GENERATION UNIT.—In this section, the term “electric generation unit” means an electric generation unit that—

(1) uses coal-based generation technology; and

(2) is capable of capturing carbon dioxide emissions from the unit.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall prepare and submit to the appropriate committees of Congress a report—

(1) on the benefits and costs of entering into long-term binding contracts on behalf of the Federal Government with qualified parties to provide price stabilization support for certain industrial sources for capturing carbon dioxide from electricity generated at an electric generation unit or carbon dioxide captured from an electric generation unit and sold to a purchaser for—

(A) the recovery of crude oil; or

(B) other purposes for which a commercial market exists; and

(2) that—

(A) contains an analysis of how the Department would establish, implement, and maintain a contracting program described in paragraph (1); and

(B) outlines options for how price stabilization contracts may be structured and regulations that would be necessary to implement a contracting program described in paragraph (1).

Subtitle F—Nuclear

SEC. 3501. NUCLEAR ENERGY INNOVATION CAPABILITIES.

(a) DEFINITIONS.—In this section:

(1) ADVANCED FISSION REACTOR.—The term “advanced fission reactor” means a nuclear fission reactor with significant improvements over the most recent generation of nuclear reactors, including improvements such as—

- (A) inherent safety features;
- (B) lower waste yields;
- (C) greater fuel utilization;
- (D) superior reliability;
- (E) resistance to proliferation;
- (F) increased thermal efficiency; and
- (G) ability to integrate into electric and nonelectric applications.

(2) FAST NEUTRON.—The term “fast neutron” means a neutron with kinetic energy above 100 kiloelectron volts.

(3) NATIONAL LABORATORY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term “National Laboratory” has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(B) LIMITATION.—With respect to the Lawrence Livermore National Laboratory, the Los Alamos National Laboratory, and the Sandia National Laboratories, the term “National Laboratory” means only the civilian activities of the laboratory.

(4) NEUTRON FLUX.—The term “neutron flux” means the intensity of neutron radiation measured as a rate of flow of neutrons applied over an area.

(5) NEUTRON SOURCE.—The term “neutron source” means a research machine that provides neutron irradiation services for—

- (A) research on materials sciences and nuclear physics; and
- (B) testing of advanced materials, nuclear fuels, and other related components for reactor systems.

(b) MISSION.—Section 951 of the Energy Policy Act of 2005 (42 U.S.C. 16271) is amended by striking subsection (a) and inserting the following:

“(a) IN GENERAL.—The Secretary shall conduct programs of civilian nuclear research, development, demonstration, and commercial application, including activities described in this subtitle, that take into consideration the following objectives:

“(1) Providing research infrastructure—

“(A) to promote scientific progress; and

“(B) to enable users from academia, the National Laboratories, and the private sector to make scientific discoveries relevant for nuclear, chemical, and materials science engineering.

“(2) Maintaining nuclear energy research and development programs at the National Laboratories and institutions of higher education, including programs of infrastructure of National Laboratories and institutions of higher education.

“(3) Providing the technical means to reduce the likelihood of nuclear weapons proliferation.

“(4) Ensuring public safety.

“(5) Reducing the environmental impact of nuclear energy-related activities.

“(6) Supporting technology transfer from the National Laboratories to the private sector.

“(7) Enabling the private sector to partner with the National Laboratories to demonstrate novel reactor concepts for the purpose of resolving technical uncertainty associated with the objectives described in this subsection.”.

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

(1) nuclear energy, through fission or fusion, represents the highest energy density

of any known attainable source and yields low air emissions; and

(2) considering the inherent complexity and regulatory burden associated with nuclear energy, the Department should focus civilian nuclear research and development activities of the Department on programs that enable the private sector, National Laboratories, and institutions of higher education to carry out experiments to promote scientific progress and enhance practical knowledge of nuclear engineering.

(d) HIGH-PERFORMANCE COMPUTATION AND SUPPORTIVE RESEARCH.—

(1) MODELING AND SIMULATION PROGRAM.—

(A) IN GENERAL.—The Secretary shall carry out a program to enhance the capabilities of the United States to develop new reactor technologies and related systems technologies through high-performance computation modeling and simulation techniques (referred to in this paragraph as the “program”).

(B) COORDINATION REQUIRED.—In carrying out the program, the Secretary shall coordinate with relevant Federal agencies through the National Strategic Computing Initiative established by Executive Order 13702 (80 Fed. Reg. 46177) (July 29, 2015).

(C) OBJECTIVES.—In carrying out the program, the Secretary shall take into consideration the following objectives:

(i) Using expertise from the private sector, institutions of higher education, and National Laboratories to develop computational software and capabilities that prospective users may access to accelerate research and development of advanced fission reactor systems, nuclear fusion systems, and reactor systems for space exploration.

(ii) Developing computational tools to simulate and predict nuclear phenomena that may be validated through physical experimentation.

(iii) Increasing the utility of the research infrastructure of the Department by coordinating with the Advanced Scientific Computing Research program of the Office of Science.

(iv) Leveraging experience from the Energy Innovation Hub for Modeling and Simulation.

(v) Ensuring that new experimental and computational tools are accessible to relevant research communities, including private companies engaged in nuclear energy technology development.

(2) SUPPORTIVE RESEARCH ACTIVITIES.—The Secretary shall consider support for additional research activities to maximize the utility of the research facilities of the Department, including research—

(A) on physical processes to simulate degradation of materials and behavior of fuel forms; and

(B) for validation of computational tools.

(e) VERSATILE NEUTRON SOURCE.—

(1) DETERMINATION OF MISSION NEED.—

(A) IN GENERAL.—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 (referred to in this subsection as the “user facility”).

(B) CONSULTATION REQUIRED.—In carrying out subparagraph (A), the Secretary shall consult with the private sector, institutions of higher education, the National Laboratories, and relevant Federal agencies to ensure that the user facility will meet the research needs of the largest possible majority of prospective users.

(2) PLAN FOR ESTABLISHMENT.—On the determination of the mission need under paragraph (1), the Secretary, as expeditiously as practicable, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Science, Space,

and Technology of the House of Representatives a detailed plan for the establishment of the user facility (referred to in this section as the “plan”).

(3) DEADLINE FOR ESTABLISHMENT.—The Secretary shall make every effort to complete construction of, and approve the start of operations for, the user facility by December 31, 2025.

(4) FACILITY REQUIREMENTS.—

(A) CAPABILITIES.—The Secretary shall ensure that the user facility shall provide, at a minimum—

- (i) fast neutron spectrum irradiation capability; and
- (ii) capacity for upgrades to accommodate new or expanded research needs.

(B) CONSIDERATIONS.—In carrying out the plan, the Secretary shall consider—

- (i) capabilities that support experimental high-temperature testing;
- (ii) providing a source of fast neutrons—
 - (I) at a neutron flux that is higher than the neutron flux at which research facilities operate before establishment of the user facility; and

(II) 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 for irradiation with neutrons of a lower energy spectrum;

(v) multiple loops for fuels and materials testing in different coolants; and

(vi) additional pre-irradiation and post-irradiation examination capabilities.

(5) COORDINATION.—In carrying out this subsection, the Secretary shall leverage the best practices of the Office of Science for the management, construction, and operation of national user facilities.

(6) REPORT.—The Secretary shall include in the annual budget request of the Department an explanation for any delay in carrying out this subsection.

(f) ENABLING NUCLEAR ENERGY INNOVATION.—

(1) ESTABLISHMENT OF NATIONAL NUCLEAR INNOVATION CENTER.—The Secretary may enter into a memorandum of understanding with the Chairman of the Nuclear Regulatory Commission to establish a center to be known as the “National Nuclear Innovation Center” (referred to in this subsection as the “Center”).

(A) to enable the testing and demonstration of reactor concepts to be proposed and funded, in whole or in part, by the private sector;

(B) to establish and operate a database to store and share data and knowledge on nuclear science between Federal agencies and private industry; and

(C) to establish capabilities to develop and test reactor electric and nonelectric integration and energy conversion systems.

(2) ROLE OF NRC.—In operating the Center, the Secretary shall—

(A) consult with the Nuclear Regulatory Commission on safety issues; and

(B) permit staff of the Nuclear Regulatory Commission to actively observe and learn about the technology being developed at the Center.

(3) OBJECTIVES.—A reactor developed under paragraph (1)(A) shall have the following objectives:

(A) Enabling physical validation of fusion and advanced fission experimental reactors at the National Laboratories or other facilities of the Department.

(B) Resolving technical uncertainty and increase practical knowledge relevant to safety, resilience, security, and functionality of novel reactor concepts.

(C) Conducting general research and development to improve novel reactor technologies.

(4) **USE OF TECHNICAL EXPERTISE.**—In operating the Center, the Secretary shall leverage the technical expertise of relevant Federal agencies and National Laboratories—

(A) to minimize the time required to carry out paragraph (3); and

(B) to ensure reasonable safety for individuals working at the National Laboratories or other facilities of the Department to carry out that paragraph.

(5) **REPORTING REQUIREMENT.**—

(A) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the National Laboratories, relevant Federal agencies, and other stakeholders, shall submit to the Committee on Energy and Natural Resources and the Committee on Environment and Public Works of the Senate and the Committee on Science, Space, and Technology and the Committee on Energy and Commerce of the House of Representatives a report assessing the capabilities of the Department to authorize, host, and oversee privately proposed and funded reactors (as described in paragraph (1)(A)).

(B) **CONTENTS.**—The report shall address—

(i) the safety review and oversight capabilities of the Department, including options to leverage expertise from the Nuclear Regulatory Commission and the National Laboratories;

(ii) potential sites capable of hosting the activities described in paragraph (1);

(iii) the efficacy of the available contractual mechanisms of the Department to partner with the private sector and other Federal agencies, including cooperative research and development agreements, strategic partnership projects, and agreements for commercializing technology;

(iv) how the Federal Government and the private sector will address potential intellectual property concerns;

(v) potential cost structures relating to physical security, decommissioning, liability, and other long term project costs; and

(vi) other challenges or considerations identified by the Secretary.

(g) **BUDGET PLAN.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Science, Space, and Technology of the House of Representatives 3 alternative 10-year budget plans for civilian nuclear energy research and development by the Department in accordance with paragraph (2).

(2) **DESCRIPTION OF PLANS.**—

(A) **IN GENERAL.**—The 3 alternative 10-year budget plans submitted under paragraph (1) shall be the following:

(i) A plan that assumes constant annual funding at the level of appropriations for fiscal year 2016 for the civilian nuclear energy research and development of the Department, particularly for programs critical to advanced nuclear projects and development.

(ii) A plan that assumes 2 percent annual increases to the level of appropriations described in clause (i).

(iii) A plan that uses an unconstrained budget.

(B) **INCLUSIONS.**—Each plan shall include—

(i) a prioritized list of the programs, projects, and activities of the Department that best support the development, licensing, and deployment of advanced nuclear energy technologies;

(ii) realistic budget requirements for the Department to carry out subsections (d), (e), and (f); and

(iii) the justification of the Department for continuing or terminating existing civilian nuclear energy research and development programs.

(H) **NUCLEAR REGULATORY COMMISSION REPORT.**—Not later than December 31, 2016, the Chairman of the Nuclear Regulatory Commission shall submit to the Committee on Energy and Natural Resources and the Committee on Environment and Public Works of the Senate and the Committee on Science, Space, and Technology and the Committee on Energy and Commerce of the House of Representatives a report describing—

(1) the extent to which the Nuclear Regulatory Commission is capable of licensing advanced reactor designs that are developed pursuant to this section by the end of the 4-year period beginning on the date on which an application is received under part 50 or 52 of title 10, Code of Federal Regulations (or successor regulations); and

(2) any organizational or institutional barriers the Nuclear Regulatory Commission will need to overcome to be able to license the advanced reactor designs that are developed pursuant to this section by the end of the 4-year period described in paragraph (1).

SEC. 3502. NEXT GENERATION NUCLEAR PLANT PROJECT.

Section 642(b) of the Energy Policy Act of 2005 (42 U.S.C. 16022(b)) is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

Subtitle G—Workforce Development

SEC. 3601. 21ST CENTURY ENERGY WORKFORCE ADVISORY BOARD.

(a) **ESTABLISHMENT.**—The Secretary shall establish the 21st Century Energy Workforce Advisory Board (referred to in this section as the “Board”), to develop a strategy for the support and development of a skilled energy workforce that—

(1) meets the current and future industry and labor needs of the energy sector;

(2) provides opportunities for students to become qualified for placement in traditional energy sector and clean energy sector jobs;

(3) aligns apprenticeship programs and workforce development programs to provide industry recognized certifications and credentials;

(4) encourages leaders in the education system of the United States to equip students with the skills, mentorships, training, and technical expertise necessary to fill the employment opportunities vital to managing and operating the energy- and manufacturing-related industries of the United States;

(5) appropriately supports other Federal agencies;

(6) strengthens and more fully engages workforce training programs of the Department and the National Laboratories in carrying out the Minorities in Energy Initiative of the Department and other Department workforce priorities;

(7) supports the design and replication of existing model energy curricula, particularly in new and emerging technologies, that leads to industry-wide credentials;

(8) develops plans to support and retrain displaced and unemployed energy sector workers; and

(9) makes a Department priority to provide education and job training to underrepresented groups, including ethnic minorities, Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)), women, veterans, and socioeconomically disadvantaged individuals.

(b) **MEMBERSHIP.**—

(1) **IN GENERAL.**—The Board shall be composed of 9 members, with the initial mem-

bers of the Board to be appointed by the Secretary not later than 1 year after the date of enactment of this Act.

(2) **NOMINATIONS.**—Not later than 1 year after the date of enactment of this Act, the President’s Council of Advisors on Science and Technology shall nominate for appointment to the Board under paragraph (1) not less than 18 individuals who meet the qualifications described in paragraph (3).

(3) **QUALIFICATIONS.**—Each individual nominated for appointment to the Board under paragraph (1) shall—

(A) be eminent in the field of economics or workforce development;

(B) have expertise in relevant traditional energy industries and clean energy industries;

(C) have expertise in secondary and post-secondary education;

(D) have expertise in energy workforce development or apprentice programs of States and units of local government;

(E) have expertise in relevant organized labor organizations; or

(F) have expertise in bringing underrepresented groups, including ethnic minorities, women, veterans, and socioeconomically disadvantaged individuals, into the workforce.

(4) **REPRESENTATION.**—The membership of the Board shall be representative of the broad range of the energy industry, labor organizations, workforce development, education, minority participation, cybersecurity, and economics disciplines related to activities carried out under this section.

(5) **LIMITATION.**—No individual shall be nominated for appointment to the Board who is an employee of an entity applying for a grant under section 3602.

(c) **ADVISORY BOARD REVIEW AND RECOMMENDATIONS.**—

(1) **DETERMINATION BY BOARD.**—In developing the strategy required under subsection (a), the Board shall—

(A) determine whether there are opportunities to more effectively and efficiently use the capabilities of the Department in the development of a skilled energy workforce;

(B) identify ways in which the Department could work with other relevant Federal agencies, States, units of local government, educational institutions, labor, and industry in the development of a skilled energy workforce;

(C) identify ways in which the Department and National Laboratories can—

(i) increase outreach to minority-serving institutions; and

(ii) make resources available to increase the number of skilled minorities and women trained to go into the energy- and manufacturing-related sectors;

(D) identify ways in which the Department and National Laboratories can—

(i) increase outreach to displaced and unemployed energy sector workers; and

(ii) make resources available to provide training to displaced and unemployed energy sector workers to reenter the energy workforce; and

(E) identify the energy sectors in greatest need of workforce training and develop guidelines for the skills necessary to develop a workforce trained to work in those energy sectors.

(2) **REQUIRED ANALYSIS.**—In developing the strategy required under subsection (a), the Board shall analyze the effectiveness of—

(A) existing Department directed support; and

(B) developing energy workforce training programs.

(3) **REPORT.**—Not later than 1 year after the date on which the Board is established under this section, and each year thereafter, the Board shall submit to the Secretary and

Congress, and make public, a report containing the findings of the Board and model energy curricula with respect to the strategy required to be developed under subsection (a).

(d) **REPORT BY SECRETARY.**—Not later than 18 months after the date on which the Board is established under this section, the Secretary shall submit to the Committees on Appropriations of Senate and the House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the Committee on Energy and Commerce of the House of Representatives a report that—

(1) describes whether the Secretary approves or disapproves the recommendations of the Board under subsection (c)(3); and

(2) provides an implementation plan for recommendations approved by the Board under paragraph (1).

(e) **CLEARINGHOUSE.**—Based on the recommendations of the Board, the Secretary shall establish a clearinghouse—

(1) to maintain and update information and resources on training and workforce development programs for energy- and manufacturing-related jobs; and

(2) to act as a resource, and provide guidance, for secondary schools, institutions of higher education (including community colleges and minority-serving institutions), workforce development organizations, labor management organizations, and industry organizations that would like to develop and implement energy- and manufacturing-related training programs.

(f) **OUTREACH TO MINORITY-SERVING INSTITUTIONS.**—In developing the strategy under subsection (a), the Board shall—

(1) give special consideration to increasing outreach to minority-serving institutions (including historically black colleges and universities, predominantly black institutions, Hispanic serving institutions, and tribal institutions);

(2) make resources available to minority-serving institutions with the objective of increasing the number of skilled minorities and women trained to go into the energy and manufacturing sectors; and

(3) encourage industry to improve the opportunities for students of minority-serving institutions to participate in industry internships and cooperative work-study programs.

(g) **SUNSET.**—The Board established under this section shall remain in effect until September 30, 2020.

SEC. 3602. ENERGY WORKFORCE PILOT GRANT PROGRAM.

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Labor and the Secretary of Education, shall establish a pilot program to award grants on a competitive basis to eligible entities for job training programs that lead to an industry-recognized credential.

(b) **ELIGIBILITY.**—To be eligible to receive a grant under this section, an entity shall be a public or nonprofit organization or a consortium of public or nonprofit organizations that—

(1) includes an advisory board of proportional participation, as determined by the Secretary, of relevant organizations, including—

(A) relevant energy industry organizations, including public and private employers;

(B) labor organizations;

(C) postsecondary education organizations; and

(D) workforce development boards;

(2) demonstrates experience in implementing and operating job training and education programs;

(3) demonstrates the ability to recruit and support individuals who plan to work in the

energy industry in the successful completion of relevant job training and education programs; and

(4) provides students who complete the job training and education program with an industry-recognized credential.

(c) **APPLICATIONS.**—Eligible entities desiring a grant under this section shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(d) **PRIORITY.**—In selecting eligible entities to receive grants under this section, the Secretary shall prioritize applicants that—

(1) house the job training and education programs in—

(A) a community college or institution of higher education that includes basic science and math education in the curriculum of the community college, institution of higher education; or

(B) an apprenticeship program registered with the Department of Labor or a State (as defined in 202 of the Energy Conservation and Production Act (42 U.S.C. 6802)) (referred to in this section as the “State”);

(2) work with the Secretary of Defense and the Secretary of Veterans Affairs or veteran service organizations recognized by the Secretary of Veterans Affairs under section 5902 of title 38, United States Code, to transition members of the Armed Forces and veterans to careers in the energy sector;

(3) work with Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)), tribal organizations (as defined in section 3765 of title 38, United States Code), and Native American veterans (as defined in section 3765 of title 38, United States Code), including veterans who are a descendant of an Alaska Native (as defined in section 3(r) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(r)));

(4) apply as a State or regional consortia to leverage best practices already available in the State or region in which the community college or institution of higher education is located;

(5) have a State-supported entity included in the consortium applying for the grant;

(6) include an apprenticeship program registered with the Department of Labor or a State as part of the job training and education program;

(7) provide support services and career coaching;

(8) provide introductory energy workforce development training;

(9) work with minority-serving institutions to provide job training to increase the number of skilled minorities and women in the energy sector;

(10) provide job training for displaced and unemployed workers in the energy sector;

(11) establish a community college or 2-year technical college-based “Center of Excellence” for an energy and maritime workforce technical training program; or

(12) are located in close proximity to marine or port facilities in the Gulf of Mexico, Atlantic Ocean, Pacific Ocean, Arctic Ocean, Bering Sea, Gulf of Alaska, or Great Lakes.

(e) **ADDITIONAL CONSIDERATION.**—In making grants under this section, the Secretary shall consider regional diversity.

(f) **LIMITATION ON APPLICATIONS.**—An eligible entity may not submit, either individually or as part of a joint application, more than 1 application for a grant under this section during any 1 fiscal year.

(g) **LIMITATIONS ON AMOUNT OF GRANT.**—The amount of an individual grant for any 1 year shall not exceed \$1,000,000.

(h) **COST SHARING.**—

(1) **FEDERAL SHARE.**—The Federal share of the cost of a job training and education program carried out using a grant under this section shall be not greater than 65 percent.

(2) **NON-FEDERAL SHARE.**—

(A) **IN GENERAL.**—The non-Federal share of the cost of a job training and education program carried out using a grant under this section shall consist of not less than 50 percent cash.

(B) **LIMITATION.**—Not greater than 50 percent of the non-Federal contribution of the total cost of a job training and education program carried out using a grant under this section shall be in the form of in-kind contributions of goods or services fairly valued.

(i) **REDUCTION OF DUPLICATION.**—Prior to submitting an application for a grant under this section, each applicant shall consult with the appropriate agencies of the Federal Government and coordinate the proposed activities of the applicant with existing State and local programs.

(j) **DIRECT ASSISTANCE.**—In awarding grants under this section, the Secretary shall provide direct assistance (including technical expertise, wraparound services, career coaching, mentorships, internships, and partnerships) to entities that receive a grant under this section.

(k) **TECHNICAL ASSISTANCE.**—The Secretary shall provide technical assistance and capacity building to national and State energy partnerships, including the entities described in subsection (b)(1), to leverage the existing job training and education programs of the Department.

(l) **REPORT.**—The Secretary shall submit to Congress and make publicly available on the website of the Department an annual report on the program established under this section, including a description of—

(1) the entities receiving grants;

(2) the activities carried out using the grants;

(3) best practices used to leverage the investment of the Federal Government;

(4) the rate of employment for participants after completing a job training and education program carried out using a grant; and

(5) an assessment of the results achieved by the program.

(m) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$20,000,000 for each of fiscal years 2017 through 2020.

Subtitle H—Recycling

SEC. 3701. RECYCLED CARBON FIBER.

(a) **STUDY.**—

(1) **IN GENERAL.**—The Secretary shall conduct a study on—

(A) the technology of recycled carbon fiber and production waste carbon fiber; and

(B) the potential lifecycle energy savings and economic impact of recycled carbon fiber.

(2) **FACTORS FOR CONSIDERATION.**—In conducting the study under paragraph (1), the Secretary shall consider—

(A) the quantity of recycled carbon fiber or production waste carbon fiber that would make the use of recycled carbon fiber or production waste carbon fiber economically viable;

(B) any existing or potential barriers to recycling carbon fiber or using recycled carbon fiber;

(C) any financial incentives that may be necessary for the development of recycled carbon fiber or production waste carbon fiber;

(D) the potential lifecycle savings in energy from producing recycled carbon fiber, as compared to producing new carbon fiber;

(E) the best and highest use for recycled carbon fiber;

(F) the potential reduction in carbon dioxide emissions from producing recycled carbon fiber, as compared to producing new carbon fiber;

(G) any economic benefits gained from using recycled carbon fiber or production waste carbon fiber;

(H) workforce training and skills needed to address labor demands in the development of recycled carbon fiber or production waste carbon fiber; and

(I) how the Department can leverage existing efforts in the industry on the use of production waste carbon fiber.

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

(b) RECYCLED CARBON FIBER DEMONSTRATION PROJECT.—On completion of the study required under subsection (a)(1), the Secretary shall consult with the aviation and automotive industries and existing programs of the Advanced Manufacturing Office of the Department to develop a carbon fiber recycling demonstration project.

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

SEC. 3702. ENERGY GENERATION AND REGULATORY RELIEF STUDY REGARDING RECOVERY AND CONVERSION OF NONRECYCLED MIXED PLASTICS.

(a) DEFINITIONS.—In this section:

(1) ENGINEERED FUEL.—The term “engineered fuel” means a solid fuel that is manufactured from nonrecycled constituents of municipal solid waste or other secondary materials.

(2) GASIFICATION.—The term “gasification” means a process through which nonrecycled waste is heated and converted to synthesis gas in an oxygen-deficient atmosphere, which can be converted into fuels such as ethanol or other chemical feedstocks.

(3) PYROLYSIS.—The term “pyrolysis” means a process through which nonrecycled plastics are heated in the absence of oxygen until melted and thermally decomposed, and are then cooled, condensed, and converted into synthetic crude oil or refined into synthetic fuels and feedstocks such as diesel or naphtha.

(b) STUDY.—With respect to nonrecycled mixed plastics that are part of municipal solid waste or other secondary materials in the United States (and are often deposited in landfills), the Secretary shall conduct a study to determine the manner in which the United States can make progress toward a cost-effective system (including with respect to environmental issues) through which pyrolysis, gasification, and other innovative technologies such as engineered fuels are used to convert such plastics, alone or in combination with other municipal solid waste or secondary materials, into materials that can be used to generate electric energy or fuels or as chemical feedstocks.

(c) COMPLETION OF STUDY.—Not later than 2 years after the date of enactment of this Act, the Secretary shall complete the study described in subsection (b) and submit to the appropriate committees of Congress reports providing findings and recommendations developed through the study.

(d) FUNDING.—The Secretary may use unobligated funds of the Department to carry out this section.

SEC. 3703. ELIGIBLE PROJECTS.

Section 1703(b)(1) of the Energy Policy Act of 2005 (42 U.S.C. 16513(b)(1)) is amended by inserting “(excluding the burning of commonly recycled paper that has been segregated from solid waste to generate electricity)” after “systems”.

SEC. 3704. PROMOTING USE OF RECLAIMED REFRIGERANTS IN FEDERAL FACILITIES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of General Services shall issue guidance relating to the procurement of reclaimed refrigerants to service existing equipment of Federal facilities.

(b) PREFERENCE.—The guidance issued under subsection (a) shall give preference to the use of reclaimed refrigerants, on the conditions that—

(1) the refrigerant has been reclaimed by a person or entity that is certified under the laboratory certification program of the Air Conditioning, Heating, and Refrigeration Institute; and

(2) the price of the reclaimed refrigerant does not exceed the price of a newly manufactured (virgin) refrigerant.

Subtitle I—Thermal Energy

SEC. 3801. MODIFYING THE DEFINITION OF RENEWABLE ENERGY TO INCLUDE THERMAL ENERGY.

(a) IN GENERAL.—Section 203 of the Energy Policy Act of 2005 (42 U.S.C. 15852) (as amended by section 3001(b)) is amended—

(1) in subsection (a), by inserting “a number equivalent to” before “the total amount of electric energy”;

(2) in subsection (b)—

(A) by redesignating paragraph (2) as paragraph (3);

(B) by inserting after paragraph (1) the following:

“(2) 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.”; and

(C) in paragraph (3) (as redesignated by subparagraph (A))—

(i) by striking “produced from” and inserting “produced or, if resulting from a thermal energy project placed in service after December 31, 2014, thermal energy generated from, or avoided by,”; and

(ii) by inserting “qualified waste heat resource,” after “municipal solid waste,”; and

(3) in subsection (c)—

(A) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively, and indenting appropriately;

(B) in the matter preceding subparagraph (A) (as so redesignated), by striking “For purposes” and inserting the following:

“(1) IN GENERAL.—For purposes”; and

(C) by adding at the end the following:

“(2) SEPARATE CALCULATION.—

“(A) IN GENERAL.—For purposes of determining compliance with the requirements of this section, any energy consumption that is avoided through the use of renewable energy shall be considered to be renewable energy produced.

“(B) DENIAL OF DOUBLE BENEFIT.—Avoided energy consumption that is considered to be renewable energy produced under subparagraph (A) shall not also be counted for purposes of achieving compliance with another Federal energy efficiency goal.”.

(b) CONFORMING AMENDMENT.—Section 2410q(a) of title 10, United States Code, is amended by striking “section 203(b)(2) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)(2))” and inserting “section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b))”.

TITLE IV—ACCOUNTABILITY

Subtitle A—Loan Programs

SEC. 4001. TERMS AND CONDITIONS FOR INCENTIVES FOR INNOVATIVE TECHNOLOGIES.

(a) BORROWER PAYMENT OF SUBSIDY COST.—

(1) IN GENERAL.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by adding at the end the following:

“(1) BORROWER PAYMENT OF SUBSIDY COST.—

“(1) IN GENERAL.—In addition to the requirement in subsection (b)(1), no guarantee shall be made unless the Secretary has received from the borrower not less than 25 percent of the cost of the guarantee.

“(2) ESTIMATE.—The Secretary shall provide to the borrower, as soon as practicable, an estimate or range of the cost of the guarantee under paragraph (1).”.

(2) CONFORMING AMENDMENT.—Section 1702(b) of the Energy Policy Act of 2005 (42 U.S.C. 16512(b)) is amended—

(A) by striking “(1) IN GENERAL.—No guarantee” and inserting the following: “Subject to subsection (1), no guarantee”; and

(B) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively, and indenting appropriately; and

(C) in paragraph (3) (as so redesignated)—

(i) by striking “subparagraph (A)” and inserting “paragraph (1)”; and

(ii) by striking “subparagraph (B)” and inserting “paragraph (2)”.

(3) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) shall take effect on October 1, 2019.

(b) PROHIBITION ON SUBORDINATION OF DEBT.—Section 1702(d)(3) of the Energy Policy Act of 2005 (42 U.S.C. 16512(d)(3)) is amended by striking “is not subordinate” and inserting “(including any reorganization, restructuring, or termination of the obligation) shall not at any time be subordinate”.

(c) LOAN PROGRAM TRANSPARENCY.—Section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513) is amended by adding at the end the following:

“(f) LOAN STATUS.—

“(1) REQUEST.—If the Secretary does not make a final decision on an application for a loan guarantee under this section by the date that is 270 days after receipt of the application by the Secretary, on that date and every 90 days thereafter until the final decision is made, the applicant may request that the Secretary provide to the applicant a description of the status of the application.

“(2) RESPONSE.—Not later than 10 days after receiving a request from an applicant under paragraph (1), the Secretary shall provide to the applicant a response that includes—

“(A) a summary of any factors that are delaying a final decision on the application; and

“(B) an estimate of when review of the application will be completed.”.

(d) TEMPORARY PROGRAM FOR RAPID DEPLOYMENT OF RENEWABLE ENERGY AND ELECTRIC POWER TRANSMISSION PROJECTS.—

(1) REPEAL.—Section 1705 of the Energy Policy Act of 2005 (42 U.S.C. 16516) is repealed.

(2) RESCISSION.—There is rescinded the unobligated balance of amounts made available to carry out the loan guarantee program established under section 1705 of the Energy Policy Act of 2005 (42 U.S.C. 16516) (before the amendment made by paragraph (1)).

(3) MANAGEMENT.—The Secretary shall ensure rigorous continued management and oversight of all outstanding loans guaranteed under the program described in subsection (b) until those loans have been repaid in full.

SEC. 4002. STATE LOAN ELIGIBILITY.

(a) **DEFINITIONS.**—Section 1701 of the Energy Policy Act of 2005 (42 U.S.C. 16511) is amended by adding at the end the following:

“(6) **STATE.**—The term ‘State’ has the meaning given the term in section 202 of the Energy Conservation and Production Act (42 U.S.C. 6802).

“(7) **STATE ENERGY FINANCING INSTITUTION.**—

“(A) **IN GENERAL.**—The term ‘State energy financing institution’ means a quasi-independent entity or an entity within a State agency or financing authority established by a State—

“(i) to provide financing support or credit enhancements, including loan guarantees and loan loss reserves, for eligible projects; and

“(ii) to create liquid markets for eligible projects, including warehousing and securitization, or take other steps to reduce financial barriers to the deployment of existing and new eligible projects.

“(B) **INCLUSION.**—The term ‘State energy financing institution’ includes an entity or organization established to achieve the purposes described in clauses (i) and (ii) of subparagraph (A) by an Indian tribal entity or an Alaska Native Corporation.”.

(b) **TERMS AND CONDITIONS.**—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) (as amended by section 4001(a)(1)) is amended—

(1) in subsection (a), by inserting “or to a State energy financing institution” after “for projects”; and

(2) by adding at the end the following:

“(m) **STATE ENERGY FINANCING INSTITUTIONS.**—

“(1) **ELIGIBILITY.**—To be eligible for a guarantee under this title, a State energy financing institution—

“(A) shall meet the requirements of section 1703(a)(1); and

“(B) shall not be required to meet the requirements of section 1703(a)(2).

“(2) **PARTNERSHIPS AUTHORIZED.**—In carrying out a project receiving a loan guarantee under this title, State energy financing institutions may enter into partnerships with private entities, tribal entities, and Alaska Native corporations.

“(3) **PROHIBITION ON USE OF APPROPRIATED FUNDS.**—Amounts appropriated to the Department of Energy before the date of enactment of this subsection shall not be available to be used for the cost of loan guarantees made to State energy financing institutions under this subsection.”.

SEC. 4003. GAO STUDY ON FOSSIL LOAN GUARANTEE INCENTIVE PROGRAM.

(a) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall carry out, and submit to Congress a report describing the results of, a study on the effectiveness of the advanced fossil loan guarantee incentive program and other incentive programs for advanced fossil energy of the Department.

(b) **CONTENTS.**—In carrying out the study under subsection (a), the Comptroller General of the United States shall—

(1) solicit industry and stakeholder input;

(2) evaluate the effectiveness of the advanced fossil loan guarantee incentive program, alone or in combination with other incentives, in advancing carbon capture and storage technology;

(3) review each Federal incentive provided by the Department and other Federal agencies for carbon capture and storage demonstration projects to determine the adequacy and effectiveness of the combined Federal incentives in advancing carbon capture and storage and advanced fossil energy technologies;

(4) assess whether combinations of the incentive programs in existence as of the date of enactment of this Act could be effective to advance carbon capture and storage and advanced fossil energy technologies; and

(5) evaluate the impact and costs of implementing the recommendations described in the January 2015 National Coal Council report entitled “Fossil Forward: Revitalizing CCS, Bringing Scale and Speed to CCS Deployment” on the effectiveness of the advanced fossil loan guarantee program.

SEC. 4004. PROGRAM ELIGIBILITY FOR VESSELS.

Subtitle B of title I of the Energy Independence and Security Act of 2007 (42 U.S.C. 17011 et seq.) is amended by adding at the end the following:

“SEC. 137. ADVANCED TECHNOLOGY VEHICLES MANUFACTURING INCENTIVE PROGRAM ELIGIBILITY FOR VESSELS.

“(a) **DEFINITION OF VESSEL.**—In this section, the term ‘vessel’ means a vessel (as defined in section 3 of title 1, United States Code), whether in existence or under construction, that has been issued a certificate of documentation as a United States flagged vessel under chapter 121 of title 46, United States Code and that meets the standards established under section 4005(a) of the Energy Policy Modernization Act of 2016.

“(b) **ELIGIBILITY.**—Subject to the terms and conditions of subsections (d) and (f) of section 136, projects for the reequipping, expanding, or establishing of a manufacturing facility in the United States to produce vessels shall be considered eligible for direct loans under section 136(d).

“(c) **FUNDING.**—

“(1) **PROHIBITION ON USE OF EXISTING CREDIT SUBSIDY.**—None of the projects made eligible under this section shall be eligible to receive any credit subsidy provided under section 136 before the date of enactment of this section.

“(2) **SPECIFIC APPROPRIATION OR CONTRIBUTION.**—The authority under this section to incur indebtedness, or enter into contracts, obligating amounts to be expended by the Federal Government shall be effective for any fiscal year only—

“(A)(i) to such extent or in such amounts as are provided in advance by appropriation Acts; and

“(ii) if the borrower has agreed to pay a reasonable percentage of the cost of the obligation; or

“(B) if the Secretary has received from the borrower a payment in full for the cost of the obligation and deposited the payment into the Treasury.”.

SEC. 4005. ADDITIONAL REFORMS.

(a) **ISSUANCE OF RULE.**—Not later than 180 days after the date of enactment of this Act and after consultation with, and taking into account comments from, the vessel industry, the Secretary shall issue a rule that specifies which energy efficiency improvement standards shall apply to applicants for loans under section 137 of the Energy Independence and Security Act of 2007 (as added by section 4004) for the manufacturing, retrofitting, or repowering vessels that have been issued certificates of documentation as United States flagged vessels under chapter 121 of title 46, United States Code.

(b) **FEES.**—Section 136 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013) is amended by striking subsection (f) and inserting the following:

“(f) **FEES.**—

“(1) **IN GENERAL.**—The Secretary shall charge and collect fees for loans provided under this section in amounts that the Secretary determines are sufficient to cover applicable administrative expenses associated with the loans, including reasonable closing fees on the loans.

“(2) **AVAILABILITY.**—Fees collected under paragraph (1) shall—

“(A) be deposited by the Secretary into the Treasury; and

“(B) remain available until expended, subject to such other conditions as are contained in annual appropriations Acts.”.

SEC. 4006. DEPARTMENT OF ENERGY INDIAN ENERGY EDUCATION PLANNING AND MANAGEMENT ASSISTANCE PROGRAM.

Section 2602(b)(6) of the Energy Policy Act of 1992 (25 U.S.C. 3502(b)(6)) is amended by striking “2016” and inserting “2026”.

Subtitle B—Energy-Water Nexus**SEC. 4101. NEXUS OF ENERGY AND WATER FOR SUSTAINABILITY.**

(a) **DEFINITIONS.**—In this section:

(1) **ENERGY-WATER NEXUS.**—The term “energy-water nexus” means the links between—

(A) the water needed to produce fuels, electricity, and other forms of energy; and

(B) the energy needed to transport, reclaim, and treat water and wastewater.

(2) **INTERAGENCY COORDINATION COMMITTEE.**—The term “Interagency Coordination Committee” means the Committee on the Nexus of Energy and Water for Sustainability (or the “NEWS Committee”) established under subsection (b)(1).

(3) **NEXUS OF ENERGY AND WATER SUSTAINABILITY OFFICE; NEWS OFFICE.**—The term “Nexus of Energy and Water Sustainability Office” or the “NEWS Office” means an office located at the Department and managed in cooperation with the Department of the Interior pursuant to an agreement between the 2 agencies to carry out leadership and administrative functions for the Interagency Coordination Committee.

(4) **RD&D ACTIVITIES.**—The term “RD&D activities” means research, development, and demonstration activities.

(b) **INTERAGENCY COORDINATION COMMITTEE.**—

(1) **ESTABLISHMENT.**—Not later than 180 days after the date of enactment of this Act, the Secretary and the Secretary of the Interior shall establish the joint NEWS Office and Interagency Coordination Committee on the Nexus of Energy and Water for Sustainability (or the “NEWS Committee”) to carry out the duties described in paragraph (3).

(2) **ADMINISTRATION.**—

(A) **CHAIRS.**—The Secretary and the Secretary of the Interior shall jointly manage the NEWS Office and serve as co-chairs of the Interagency Coordination Committee.

(B) **MEMBERSHIP; STAFFING.**—Membership and staffing shall be determined by the co-chairs.

(3) **DUTIES.**—The Interagency Coordination Committee shall—

(A) serve as a forum for developing common Federal goals and plans on energy-water nexus RD&D activities in coordination with the National Science and Technology Council;

(B) not later than 1 year after the date of enactment of this Act, and biannually thereafter, issue a strategic plan on energy-water nexus RD&D activities priorities and objectives;

(C) convene and promote coordination of the activities of Federal departments and agencies on energy-water nexus RD&D activities, including the activities of—

(i) the Department;

(ii) the Department of the Interior;

(iii) the Corps of Engineers;

(iv) the Department of Agriculture;

(v) the Department of Defense;

(vi) the Department of State;

(vii) the Environmental Protection Agency;

(viii) the Council on Environmental Quality;

(ix) the National Institute of Standards and Technology;

(x) the National Oceanic and Atmospheric Administration;

(xi) the National Science Foundation;

(xii) the Office of Management and Budget;

(xiii) the Office of Science and Technology Policy;

(xiv) the National Aeronautics and Space Administration; and

(xv) such other Federal departments and agencies as the Interagency Coordination Committee considers appropriate;

(D)(i) coordinate and develop capabilities and methodologies for data collection, management, and dissemination of information related to energy-water nexus RD&D activities from and to other Federal departments and agencies; and

(i) promote information exchange between Federal departments and agencies—

(I) to identify and document Federal and non-Federal programs and funding opportunities that support basic and applied research, development, and demonstration proposals to advance energy-water nexus related science and technologies;

(II) to leverage existing programs by encouraging joint solicitations, block grants, and matching programs with non-Federal entities; and

(III) to identify opportunities for domestic and international public-private partnerships, innovative financing mechanisms, information and data exchange;

(E) promote the integration of energy-water nexus considerations into existing Federal water, energy, and other natural resource, infrastructure, and science programs at the national and regional levels and with programs administered in partnership with non-Federal entities; and

(F) not later than 1 year after the date of enactment of this Act, issue a report on the potential benefits and feasibility of establishing an energy-water center of excellence within the National Laboratories (as that term is defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801)).

(4) NO REGULATION.—Nothing in this subsection grants to the Interagency Coordination Committee the authority to promulgate regulations or set standards.

(5) REVIEW; REPORT.—At the end of the 5-year period beginning on the date on which the Interagency Coordination Committee and NEWS Office are established, the NEWS Office shall—

(A) review the activities, relevance, and effectiveness of the Interagency Coordination Committee; and

(B) submit to the Committee on Energy and Natural Resources of the Senate and the Committees on Science, Space, and Technology, Energy and Commerce, and Natural Resources of the House of Representatives a report that—

(i) describes the results of the review conducted under subparagraph (A); and

(ii) includes a recommendation on whether the Interagency Coordination Committee should continue.

(c) CROSCUT BUDGET.—Not later than 30 days after the President submits the budget of the United States Government under section 1105 of title 31, United States Code, the co-chairs of the Interagency Coordination Committee (acting through the NEWS Office) shall submit to the Committee on Energy and Natural Resources of the Senate and the Committees on Science, Space, and Technology, Energy and Commerce, and Natural Resources of the House of Representatives, an interagency budget crosscut report that displays at the program-, project-, and activity-level for each of the Federal agencies that carry out or support (including through grants, contracts, interagency and intraagency transfers, and multiyear and no-year funds) basic and applied RD&D activi-

ties to advance the energy-water nexus related science and technologies—

(1) the budget proposed in the budget request of the President for the upcoming fiscal year;

(2) expenditures and obligations for the prior fiscal year; and

(3) estimated expenditures and obligations for the current fiscal year.

SEC. 4102. SMART ENERGY AND WATER EFFICIENCY PILOT PROGRAM.

Subtitle A of title IX of the Energy Policy Act of 2005 (42 U.S.C. 16191 et seq.) is amended by adding at the end the following:

“SEC. 918. SMART ENERGY AND WATER EFFICIENCY PILOT PROGRAM.

“(a) DEFINITIONS.—In this section:

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

“(A) a utility;

“(B) a municipality;

“(C) a water district;

“(D) an Indian tribe or Alaska Native village; and

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

“(2) 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 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 unique, advanced, or innovative technology-based solutions that will—

“(A) increase the energy efficiency of water, wastewater, and water reuse systems;

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

“(C) support the implementation of innovative and unique processes and the installation of established advanced automated systems that provide real-time data on energy and water; and

“(D) improve energy-water conservation and quality and predictive maintenance through technologies that utilize 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;

“(ii) the uniqueness, commercial viability, and reliability of the technology to be used;

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

“(iv) the anticipated cost-effectiveness of the pilot project through measurable energy efficiency savings, water savings or reuse, and infrastructure costs averted;

“(v) whether the technology can be deployed in a variety of geographic regions and the degree to which the technology can be implemented in a wide range of applications ranging in scale from small towns to large cities, including tribal communities;

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

“(vii) whether the technology was 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;

“(VII) a description of the ways in which the proposal would meet performance measures established by the Secretary; and

“(VIII) any other information that the Secretary determines to be necessary to complete the review and selection of a grant recipient.

“(4) ADMINISTRATION.—

“(A) IN GENERAL.—Not later than 300 days after the date of enactment of this section, the Secretary shall select grant recipients under this section.

“(B) EVALUATIONS.—

“(i) ANNUAL EVALUATIONS.—The Secretary shall annually carry out an evaluation of each project for which a grant is provided under this section that meets performance measures and benchmarks developed by the Secretary, consistent with the purposes of this section.

“(ii) REQUIREMENTS.—Consistent with the performance measures and benchmarks developed under clause (i), in carrying out an evaluation under that clause, the Secretary shall—

“(I) evaluate the progress and impact of the project; and

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

“(C) TECHNICAL AND POLICY ASSISTANCE.—On the request of a grant recipient, the Secretary shall provide technical and policy assistance.

“(D) BEST PRACTICES.—The Secretary shall make available to the public through the Internet and other means the Secretary considers to be appropriate—

“(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.

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

“(C) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$15,000,000, to remain available until expended.”.

Subtitle C—Innovation

SEC. 4201. AMERICA COMPETES PROGRAMS.

(a) BASIC RESEARCH.—Section 971(b) of the Energy Policy Act of 2005 (42 U.S.C. 16311(b)) is amended—

(1) in paragraph (6), by striking “and” at the end;

(2) in paragraph (7), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(8) \$5,423,000,000 for fiscal year 2016;

“(9) \$5,808,000,000 for fiscal year 2017;
 “(10) \$6,220,000,000 for fiscal year 2018;
 “(11) \$6,661,000,000 for fiscal year 2019; and
 “(12) \$7,134,000,000 for fiscal year 2020.”.

(b) **ADVANCED RESEARCH PROJECTS AGENCY-ENERGY.**—Section 5012 of the America COMPETES Act (42 U.S.C. 16538) is amended—

(1) in subsection (a)(3), by striking “subsection (n)(1)” and inserting “subsection (o)(1)”;

(2) in subsection (i), by striking paragraph (1) and inserting the following:

“(1) **IN GENERAL.**—To the maximum extent practicable, the Director shall ensure that—

“(A) the activities of ARPA-E are coordinated with, and do not duplicate the efforts of, programs and laboratories within the Department and other relevant research agencies; and

“(B) ARPA-E does not provide funding for a project unless the prospective grantee demonstrates sufficient attempts to secure private financing or indicates that the project is not independently commercially viable.”;

(3) by redesignating subsection (n) as subsection (o);

(4) by inserting after subsection (m) the following:

“(n) **PROTECTION OF INFORMATION.**—The following types of information collected by the ARPA-E from recipients of financial assistance awards shall be considered commercial and financial information obtained from a person and privileged or confidential and not subject to disclosure under section 552(b)(4) of title 5, United States Code:

“(1) Plans for commercialization of technologies developed under the award, including business plans, technology-to-market plans, market studies, and cost and performance models.

“(2) Investments provided to an awardee from third parties (such as venture capital firms, hedge funds, and private equity firms), including amounts and the percentage of ownership of the awardee provided in return for the investments.

“(3) Additional financial support that the awardee—

“(A) plans to or has invested into the technology developed under the award; or

“(B) is seeking from third parties.

“(4) Revenue from the licensing or sale of new products or services resulting from research conducted under the award.”; and

(5) in subsection (o) (as redesignated by paragraph (3))—

(A) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking “paragraphs (4) and (5)” and inserting “paragraph (4)”;

(ii) in subparagraph (D), by striking “and” at the end;

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

(iv) by adding at the end the following:

“(F) \$325,000,000 for each of fiscal years 2016 through 2018; and

“(G) \$375,000,000 for each of fiscal years 2019 and 2020.”; and

(B) in paragraph (4)(B), by striking “(c)(2)(D)” and inserting “(c)(2)(C)”.

SEC. 4202. INCLUSION OF EARLY STAGE TECHNOLOGY DEMONSTRATION IN AUTHORIZED TECHNOLOGY TRANSFER ACTIVITIES.

Section 1001 of the Energy Policy Act of 2005 (42 U.S.C. 16391) is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following:

“(g) **EARLY STAGE TECHNOLOGY DEMONSTRATION.**—The Secretary shall permit the directors of the National Laboratories to use funds authorized to support technology

transfer within the Department to carry out early stage and precommercial technology 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. 4203. SUPPORTING ACCESS OF SMALL BUSINESS CONCERNS TO NATIONAL LABORATORIES.

(a) **DEFINITIONS.**—In this section:

(1) **NATIONAL LABORATORY.**—The term “National Laboratory” has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(2) **SMALL BUSINESS CONCERN.**—The term “small business concern” has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632).

(b) **ACTIONS FOR INCREASED ACCESS AT NATIONAL LABORATORIES FOR SMALL BUSINESS CONCERNS.**—To promote the technology transfer of innovative energy technologies and enhance the competitiveness of the United States, the Secretary shall take such actions as are appropriate to facilitate access to the National Laboratories for small business concerns.

(c) **INFORMATION ON THE DOE WEBSITE RELATING TO NATIONAL LABORATORY PROGRAMS AVAILABLE TO SMALL BUSINESS CONCERNS.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Secretary, in coordination with the Directors of the National Laboratories, shall—

(A) publish in a consolidated manner on the website of the Department information relating to National Laboratory programs that are available to small business concerns;

(B) provide for the information published under subparagraph (A) to be kept up-to-date; and

(C) include in the information published under subparagraph (A), information on each available program under which small business concerns are eligible to enter into agreements to work with the National Laboratories.

(2) **COMPONENTS.**—The information published on the Department website under paragraph (1) shall include—

(A) a brief description of each agreement available to small business concerns to work with National Laboratories;

(B) a step-by-step guide for completing agreements to work with National Laboratories;

(C) best practices for working with National Laboratories;

(D) individual National Laboratory websites that provide information specific to technology transfer and working with small business concerns;

(E) links to funding opportunity announcements, nonfinancial resources, and other programs available to small business concerns; and

(F) any other information that the Secretary determines to be appropriate.

(3) **ACCESSIBILITY.**—The information published on the Department website under paragraph (1) shall be—

(A) readily accessible and easily found on the Internet by the public and members and committees of Congress; and

(B) presented in a searchable, machine-readable format.

(4) **GUIDANCE.**—The Secretary shall issue Departmental guidance to ensure that the information published on the Department website under paragraph (1) is provided in a manner that presents a coherent picture of all National Laboratory programs that are relevant to small business concerns.

SEC. 4204. MICROLAB TECHNOLOGY COMMERCIALIZATION.

(a) **DEFINITIONS.**—In this section:

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

(2) **NATIONAL LABORATORY.**—The term “national laboratory” means—

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

(B) a national security laboratory, as defined in section 3281 of the National Nuclear Security Administration Act (50 U.S.C. 2471).

(b) **ESTABLISHMENT OF MICROLAB PROGRAM.**—

(1) **IN GENERAL.**—The Secretary, in collaboration with the directors of national laboratories, may establish a microlab program under which the Secretary establishes microlabs that are located in close proximity to national laboratories and that are accessible to the public for the purposes of—

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

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

(C) promoting regional workforce development through science, technology, engineering, and mathematics (“STEM”) instruction and training.

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

(A) the commitment of a national laboratory to establishing a microlab;

(B) the existence of a joint research institute or a new facility that—

(i) is not on the main site of a national laboratory;

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

(iii) has the capability to house a microlab;

(C) whether employees of a national laboratory and persons from academia, industry, and government are available to be assigned to the microlab; and

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

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

(A) not later than 60 days after the date of enactment of this Act, begin the process of determining the placement of microlabs under paragraph (1); and

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

(c) **REPORTS.**—

(1) **INITIAL REPORT.**—Not later than 60 days after the date of implementation of the microlab program under subsection (b), the Secretary shall submit to the Committee on Armed Services of the Senate, the Committee on Armed Services of the House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the Committee on Science, Space, and Technology of the House of Representatives a report that provides an update on the implementation of the microlab program under subsection (b).

(2) **PROGRESS REPORT.**—Not later than 1 year after the date of implementation of the microlab program under subsection (b), the Secretary shall submit to the Committee on Armed Services of the Senate, the Committee on Armed Services of the House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the

Committee on Science, Space, and Technology of the House of Representatives a report on the microlab program under subsection (b), including findings and recommendations of the Secretary.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—

There is authorized to be appropriated to carry out this Act \$50,000,000 for fiscal year 2016.

SEC. 4205. SENSE OF THE SENATE ON ACCELERATING ENERGY INNOVATION.

It is the sense of the Senate that—

(1) although important progress has been made in cost reduction and deployment of clean energy technologies, accelerating clean energy innovation will help meet critical competitiveness, energy security, and environmental goals;

(2) accelerating the pace of clean energy innovation in the United States calls for—

(A) supporting existing research and development programs at the Department and the world-class National Laboratories (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801));

(B) exploring and developing new pathways for innovators, investors, and decision-makers to leverage the resources of the Department for addressing the challenges and comparative strengths of geographic regions; and

(C) recognizing the financial constraints of the Department, regularly reviewing clean energy programs to ensure that taxpayer investments are maximized;

(3) the energy supply, demand, policies, markets, and resource options of the United States vary by geographic region;

(4) a regional approach to innovation can bridge the gaps between local talent, institutions, and industries to identify opportunities and convert United States investment into domestic companies; and

(5) Congress, the Secretary, and energy industry participants should advance efforts that promote international, domestic, and regional cooperation on the research and development of energy innovations that—

(A) provide clean, affordable, and reliable energy for everyone;

(B) promote economic growth;

(C) are critical for energy security; and

(D) are sustainable without government support.

SEC. 4206. RESTORATION OF LABORATORY DIRECTED RESEARCH AND DEVELOPMENT PROGRAM.

The Secretary shall ensure that laboratory operating contractors do not allocate costs of general and administrative overhead to laboratory directed research and development.

SEC. 4207. NATIONAL SCIENCE AND TECHNOLOGY COUNCIL COORDINATING SUBCOMMITTEE FOR HIGH-ENERGY PHYSICS.

(a) **ESTABLISHMENT.**—Not later than 1 year after the date of enactment of this Act, the National Science and Technology Council shall establish a subcommittee to coordinate Federal efforts relating to high-energy physics research (referred to in this section as the “subcommittee”).

(b) **PURPOSES.**—The purposes of the subcommittee are—

(1) to maximize the efficiency and effectiveness of United States investment in high-energy physics; and

(2) to support a robust, internationally competitive United States high-energy physics program that includes—

(A) underground science and engineering research; and

(B) physical infrastructure.

(c) **CO-CHAIRS.**—The Director of the National Science Foundation and the Secretary shall serve as co-chairs of the subcommittee.

(d) **RESPONSIBILITIES.**—The responsibilities of the subcommittee shall be—

(1) to provide recommendations on planning for construction and stewardship of large facilities participating in high-energy physics;

(2) to provide recommendations on research coordination and collaboration among the programs and activities of Federal agencies;

(3) to establish goals and priorities for high-energy physics, underground science, and research and development that will strengthen United States competitiveness in high-energy physics;

(4) to propose methods for engagement with international, Federal, and State agencies and Federal laboratories not represented on the subcommittee to identify and reduce regulatory, logistical, and fiscal barriers that inhibit United States leadership in high-energy physics and related underground science; and

(5) to develop, and update once every 5 years, a strategic plan to guide Federal programs and activities in support of high-energy physics research.

(e) **ANNUAL REPORT.**—Annually, the subcommittee shall update Congress regarding—

(1) efforts taken in support of the strategic plan described in subsection (d)(5);

(2) an evaluation of the needs for maintaining United States leadership in high-energy physics; and

(3) identification of priorities in the area of high-energy physics.

(f) **SUNSET.**—The subcommittee shall terminate on the date that is 10 years after the date of enactment of this Act.

Subtitle D—Grid Reliability

SEC. 4301. BULK-POWER SYSTEM RELIABILITY IMPACT STATEMENT.

Section 215 of the Federal Power Act (16 U.S.C. 824o) is amended by adding at the end the following:

“(1) **RELIABILITY IMPACT STATEMENT.**—

“(1) **SOLICITATION BY COMMISSION.**—Not later than 15 days after the date on which the head of a Federal agency proposes a major rule (as defined in section 804 of title 5, United States Code) that may significantly affect the reliable operation of the bulk-power system, the Commission shall solicit from the ERO, who shall coordinate with regional entities affected by the proposed rule, a reliability impact statement with respect to the proposed rule.

“(2) **REQUIREMENTS.**—A reliability impact statement under paragraph (1) shall include a detailed statement on—

“(A) the impact of the proposed rule on the reliable operation of the bulk-power system;

“(B) any adverse effects on the reliable operation of the bulk-power system if the proposed rule was implemented; and

“(C) alternatives to cure the identified adverse reliability impacts, including a no-action alternative.

“(3) **SUBMISSION TO COMMISSION AND CONGRESS.**—On completion of a reliability impact statement under paragraph (1), the ERO shall submit to the Commission and Congress the reliability impact statement.

“(4) **TRANSMITTAL TO HEAD OF FEDERAL AGENCY.**—On receipt of a reliability impact statement submitted to the Commission under paragraph (3), the Commission shall transmit to the head of the applicable Federal agency the reliability impact statement prepared under this subsection for inclusion in the public record.

“(5) **INCLUSION OF DETAILED RESPONSE IN FINAL RULE.**—With respect to a final major rule subject to a reliability impact statement prepared under paragraph (1), the head of the Federal agency shall—

“(A) consider the reliability impact statement;

“(B) give due weight to the technical expertise of the ERO with respect to matters

that are the subject of the reliability impact statement; and

“(C) include in the final rule a detailed response to the reliability impact statement that reasonably addresses the detailed statements required under paragraph (2).”.

SEC. 4302. REPORT BY TRANSMISSION ORGANIZATION ON DIVERSITY OF SUPPLY.

(a) **DEFINITIONS.**—In this section:

(1) **ELECTRIC GENERATING CAPACITY RESOURCE.**—

(A) **IN GENERAL.**—The term “electric generating capacity resource” means an electric generating resource, as measured by the maximum load-carrying ability of the resource, exclusive of station use and planned, unplanned, or other outage or derating subject to dispatch by the transmission organization to meet the resource adequacy needs of the systems operated by the transmission organization.

(B) **EFFECT.**—The term “electric generating capacity resource” does not address non-electric generating resources that are qualified as capacity resources in the tariffs of various transmission organizations as of the date of enactment of this Act.

(2) **TRANSMISSION ORGANIZATION.**—The term “transmission organization” has the meaning given the term in section 3 of the Federal Power Act (16 U.S.C. 796).

(b) **REPORT.**—

(1) **NOTICE.**—Not later than 14 days after the date of enactment of this Act, the Commission (as the term is defined in section 3 of the Federal Power Act (16 U.S.C. 796)) shall submit to each transmission organization that has a tariff on file with the Commission that includes provisions addressing the procurement of electric generating capacity resources, a notice that the transmission organization is required to file with the Commission a report in accordance with paragraph (2).

(2) **REPORT.**—Not later than 180 days after the date on which a transmission organization receives a notice under paragraph (1), the transmission organization shall submit to the Commission a report that, to the maximum extent practicable—

(A)(i) identifies electric generating capacity resources that are available to the transmission organization as of the date of the report; and

(ii) describes the primary energy sources and operational characteristics of electric capacity resources available, in the aggregate, to the transmission organization;

(B) evaluates, using generally accepted metrics, the current operational performance, in the aggregate, of electric capacity resources;

(C) identifies, for the aggregate of electric generating capacity resources available to the transmission organization—

(i) over the short- and long-term periods in the planning cycle of the transmission organization, reasonable projections concerning the operational and economic risk profile of electric generating capacity resources;

(ii) the projected future needs of the transmission organization for electric generating capacity resources; and

(iii) the availability of transmission facilities and transmission support services necessary to provide for the transmission organization reasonable assurances of essential reliability services, including adequate voltage support; and

(D) assesses whether and to what extent the market rules of the transmission organization—

(i) yield capacity auction clearing prices that promote necessary and prudent investment;

(ii) yield energy market clearing prices that reflect the marginal cost of supply, taking into account transmission constraints

and other factors needed to ensure reliable grid operation;

(iii) produce meaningful price signals that clearly indicate where new supply and investment are needed;

(iv) reduce uncertainty or instability resulting from changes to market rules, processes, or protocols;

(v) promote transparency and communication by the market operator to market participants;

(vi) support a diverse generation portfolio and the availability of transmission facilities and transmission support services on a short- and long-term basis necessary to provide reasonable assurances of a continuous supply of electricity for customers of the transmission organization at the proper voltage and frequency; and

(vii) provide an enhanced opportunity for self-supply of electric generating capacity resources by electric cooperatives, Federal power marketing agencies, and State utilities with a service obligation (as those terms are defined in section 217(a)) of the Federal Power Act (16 U.S.C. 824q(a)) in a manner that is consistent with traditional utility business models and does not unduly affect wholesale market prices.

Subtitle E—Management

SEC. 4401. FEDERAL LAND MANAGEMENT.

(1) DEFINITIONS.—In this section:

(A) CADASTRE.—The term “cadastre” means an inventory of buildings and other real property (including associated infrastructure such as roads and utility transmission lines and pipelines) located on land administered by the Secretary, which is developed through collecting, storing, retrieving, or disseminating graphical or digital data and any information related to the data, including surveys, maps, charts, images, and services.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(b) CADASTRE OF FEDERAL REAL PROPERTY.—

(1) IN GENERAL.—The Secretary is authorized—

(A) to develop and maintain a current and accurate multipurpose cadastre to support Federal land management activities for the Department of the Interior;

(B) to incorporate any related inventories of Federal real property, including any inventories prepared under applicable land or resource management plans; and

(C) to enter into discussions with other Federal agencies to make the cadastre available for use by the agency to support agency management activities.

(2) COST-SHARING AGREEMENTS.—

(A) IN GENERAL.—The Secretary may enter into cost-sharing agreements with other Federal agencies, and with States, Indian tribes, and local governments, to include any non-Federal land in a State in the cadastre.

(B) COST SHARE.—The Federal share of any cost agreement described in subparagraph (A) shall not exceed 50 percent of the total cost to a State, Indian tribe, or local government for the development of the cadastre of non-Federal land.

(3) CONSOLIDATION AND REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report on the real property inventories or any components of any cadastre or related inventories that—

(A) exist as of the date of enactment of this Act;

(B) are authorized by law or conducted by the Secretary; and

(C) are of sufficient accuracy to be included in the cadastre authorized under paragraph (1).

(4) COORDINATION.—In carrying out this subsection, the Secretary shall—

(A) participate (in accordance with section 216 of the E-Government Act of 2002 (44 U.S.C. 3501 note; Public Law 107-347)) in the establishment of such standards and common protocols as are necessary to ensure the interoperability of geospatial information pertaining to the cadastre for all users of the information;

(B) coordinate with, seek assistance and cooperation of, and provide liaison to the Federal Geographic Data Committee pursuant to Office of Management and Budget Circular A-16 and Executive Order 12906 (43 U.S.C. 1457 note; relating to coordinating geographic data acquisition and access: the National Spatial Data Infrastructure) for the implementation of and compliance with such standards as may be applicable to the cadastre;

(C) make the cadastre interoperable with the Federal Real Property Profile established pursuant to Executive Order 13327 (40 U.S.C. 121 note; relating to Federal real property asset management);

(D) integrate with and leverage, to the maximum extent practicable, cadastre activities of units of State and local government; and

(E) use contracts with the private sector, if practicable, to provide such products and services as are necessary to develop the cadastre.

(c) TRANSPARENCY AND PUBLIC ACCESS.—The Secretary shall—

(1) make the cadastre required under this section publicly available on the Internet in a graphically geoenabled and searchable format; and

(2) in consultation with the Secretary of Defense and the Secretary of Homeland Security, prevent the disclosure of the identity of any buildings or facilities, or information related to the buildings or facilities, if the disclosure would impair or jeopardize the national security or homeland defense of the United States.

(d) EFFECT.—Nothing in this section—

(1) creates any substantive or procedural right or benefit;

(2) authorizes any new surveying or mapping of Federal real property, except that a Federal agency may conduct a new survey to update the accuracy of the inventory data of the agency before storage on a cadaster; or

(3) authorizes—

(A) the evaluation of any real property owned by the United States for disposal; or

(B) new appraisals or assessments of the value of—

(i) real property; or

(ii) cultural or archaeological resources on any parcel of Federal land or other real property.

SEC. 4402. QUADRENNIAL ENERGY REVIEW.

(a) IN GENERAL.—Section 801 of the Department of Energy Organization Act (42 U.S.C. 7321) is amended to read as follows:

“SEC. 801. QUADRENNIAL ENERGY REVIEW.

“(a) QUADRENNIAL ENERGY REVIEW TASK FORCE.—

“(1) ESTABLISHMENT.—The President shall establish a Quadrennial Energy Review Task Force (referred to in this section as the ‘Task Force’) to coordinate the Quadrennial Energy Review.

“(2) COCHAIRPERSONS.—The President shall designate appropriate senior Federal Government officials to be cochairpersons of the Task Force.

“(3) MEMBERSHIP.—The Task Force may be comprised of representatives at level I or II of the Executive Schedule of—

“(A) the Department of Energy;

“(B) the Department of Commerce;

“(C) the Department of Defense;

“(D) the Department of State;

“(E) the Department of the Interior;

“(F) the Department of Agriculture;

“(G) the Department of the Treasury;

“(H) the Department of Transportation;

“(I) the Department of Homeland Security;

“(J) the Office of Management and Budget;

“(K) the National Science Foundation;

“(L) the Environmental Protection Agency; and

“(M) such other Federal agencies, and entities within the Executive Office of the President, as the President considers to be appropriate.

“(b) CONDUCT OF REVIEW.—

“(1) IN GENERAL.—Each Quadrennial Energy Review shall be conducted to—

“(A) provide an integrated view of important national energy objectives and Federal energy policy; and

“(B) identify the maximum practicable alignment of research programs, incentives, regulations, and partnerships.

“(2) ELEMENTS.—A Quadrennial Energy Review shall—

“(A) establish integrated, governmentwide national energy objectives in the context of economic, environmental, and security priorities;

“(B) recommend coordinated actions across Federal agencies;

“(C) assess and recommend priorities for research, development, and demonstration;

“(D) provide a strong analytical base for Federal energy policy decisions;

“(E) consider reasonable estimates of future Federal budgetary resources when making recommendations; and

“(F) be conducted with substantial input from—

“(i) Congress;

“(ii) the energy industry;

“(iii) academia;

“(iv) State, local, and tribal governments;

“(v) nongovernmental organizations; and

“(vi) the public.

“(c) SUBMISSION OF QUADRENNIAL ENERGY REVIEW TO CONGRESS.—

“(1) IN GENERAL.—The President—

“(A) shall publish and submit to Congress a report on the Quadrennial Energy Review once every 4 years; and

“(B) more frequently than once every 4 years, as the President determines to be appropriate, may prepare and publish interim reports as part of the Quadrennial Energy Review.

“(2) INCLUSIONS.—The reports described in paragraph (1) shall address or consider, as appropriate—

“(A) an integrated view of short-term, intermediate-term, and long-term objectives for Federal energy policy in the context of economic, environmental, and security priorities;

“(B) potential executive actions (including programmatic, regulatory, and fiscal actions) and resource requirements—

“(i) to achieve the objectives described in subparagraph (A); and

“(ii) to be coordinated across multiple agencies;

“(C) analysis of the existing and prospective roles of parties (including academia, industry, consumers, the public, and Federal agencies) in achieving the objectives described in subparagraph (A), including—

“(i) an analysis by energy use sector, including—

“(I) commercial and residential buildings;

“(II) the industrial sector;

“(III) transportation; and

“(IV) electric power;

“(ii) requirements for invention, adoption, development, and diffusion of energy technologies as they relate to each of the energy use sectors; and

“(iii) other research that informs strategies to incentivize desired actions;

“(D) assessment of policy options to increase domestic energy supplies and energy efficiency;

“(E) evaluation of national and regional energy storage, transmission, and distribution requirements, including requirements for renewable energy;

“(F) portfolio assessments that describe the optimal deployment of resources, including prioritizing financial resources for energy-relevant programs;

“(G) mapping of the linkages among basic research and applied programs, demonstration programs, and other innovation mechanisms across the Federal agencies;

“(H) identification of demonstration projects;

“(I) identification of public and private funding needs for various energy technologies, systems, and infrastructure, including consideration of public-private partnerships, loans, and loan guarantees;

“(J) assessment of global competitors and an identification of programs that can be enhanced with international cooperation;

“(K) identification of policy gaps that need to be filled to accelerate the adoption and diffusion of energy technologies, including consideration of—

“(i) Federal tax policies; and

“(ii) the role of Federal agencies as early adopters and purchasers of new energy technologies;

“(L) priority listing for implementation of objectives and actions taking into account estimated Federal budgetary resources;

“(M) analysis of—

“(i) points of maximum leverage for policy intervention to achieve outcomes; and

“(ii) areas of energy policy that can be most effective in meeting national goals for the energy sector; and

“(N) recommendations for executive branch organization changes to facilitate the development and implementation of Federal energy policies.

“(d) REPORT DEVELOPMENT.—The Secretary of Energy shall provide such support for the Quadrennial Energy Review with the necessary analytical, financial, and administrative support for the conduct of each Quadrennial Energy Review required under this section as may be requested by the cochairpersons designated under subsection (a)(2).

“(e) COOPERATION.—The heads of applicable Federal agencies shall cooperate with the Secretary and provide such assistance, information, and resources as the Secretary may require to assist in carrying out this section.”

(b) TABLE OF CONTENTS AMENDMENT.—The item relating to section 801 in the table of contents of such Act is amended to read as follows:

“Sec. 801. Quadrennial Energy Review.”

(c) ADMINISTRATION.—Nothing in this section or an amendment made by this section supersedes, modifies, amends, or repeals any provision of Federal law not expressly superseded, modified, amended, or repealed by this section.

SEC. 4403. STATE OVERSIGHT OF OIL AND GAS PROGRAMS.

On request of the Governor of a State, the Secretary of the Interior shall establish a program under which the Director of the Bureau of Land Management shall enter into a memorandum of understanding with the State to consider the costs and benefits of consistent rules and processes for the measurement of oil and gas production activities, inspection of meters or other measurement methodologies, and other operational activities, as determined by the Secretary of the Interior.

SEC. 4404. UNDER SECRETARY FOR SCIENCE AND ENERGY.

(a) IN GENERAL.—Section 202(b) of the Department of Energy Organization Act (42 U.S.C. 7132(b)) is amended—

(1) in paragraph (1), by striking “for Science” and inserting “for Science and Energy (referred to in this subsection as the ‘Under Secretary’)”;

(2) in paragraph (3), in the matter preceding subparagraph (A), by striking “for Science”; and

(3) in paragraph (4)—

(A) in the matter preceding subparagraph (A), by striking “for Science”;

(B) in subparagraph (F), by striking “and” at the end;

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

(D) by inserting after subparagraph (G) the following:

“(H) establish appropriate linkages between offices under the jurisdiction of the Under Secretary; and

“(I) perform such functions and duties as the Secretary shall prescribe, consistent with this section.”

(b) CONFORMING AMENDMENT.—Section 641(h)(2) of the United States Energy Storage Competitiveness Act of 2007 (42 U.S.C. 17231(h)(2)) is amended by striking “Under Secretary for Science” and inserting “Under Secretary for Science and Energy”.

SEC. 4405. WESTERN AREA POWER ADMINISTRATION PILOT PROJECT.

(a) IN GENERAL.—The Administrator of the Western Area Power Administration (referred to in this section as the “Administrator”) shall establish a pilot project, as part of the continuous process improvement program and to provide increased transparency for customers, to publish on a publicly available website of the Western Area Power Administration, a searchable database of the following information, beginning with fiscal year 2008, relating to the Western Area Power Administration:

(1) By power system, rates charged to customers for power and transmission service.

(2) By power system, the amount of capacity or energy sold.

(3) By region, a detailed accounting of the allocation of budget authority, including—

(A) overhead costs;

(B) the number of contractors; and

(C) the number of full-time equivalents.

(4) For the corporate services office, a detailed accounting of the allocation of budget authority, including—

(A) overhead costs;

(B) the number of contractors;

(C) the number of full-time equivalents; and

(D) expenses charged to other Federal agencies or programs for the administration of programs not related to the marketing, transmission, or wheeling of Federal hydro-power resources, including—

(i) overhead costs;

(ii) the number of contractors; and

(iii) the number of full-time equivalents.

(5) Capital expenditures, including—

(A) capital investments delineated by the year in which each investment is placed into service; and

(B) the sources of capital for each investment.

(b) REPORT.—Not less than once each year for the duration of the pilot project under this section, the Administrator shall submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a report that—

(1) describes the annual estimated avoided costs and the savings as a result of the pilot project under this section; and

(2) includes a certification from the Administrator that—

(A) the rates for each power system do not recover costs and expenses recovered by other power systems; and

(B) each expense allocated by the corporate services office to an individual power system is only recovered once.

(c) TERMINATION.—The pilot project under this section shall terminate on the date that is 10 years after the date of enactment of this Act.

SEC. 4406. RESEARCH GRANTS DATABASE.

(a) IN GENERAL.—The Secretary shall establish and maintain a public database, accessible on the website of the Department, that contains a searchable listing of every unclassified research and development project contract, grant, cooperative agreement, task order for federally funded research and development centers, or other transaction administered by the Department.

(b) CLASSIFIED PROJECTS.—Each year, the Secretary shall submit to the relevant committees of Congress a report that lists every classified project of the Department, including all relevant details of the projects.

(c) REQUIREMENTS.—Each listing described in subsections (a) and (b) shall include, at a minimum, for each listed project, the component carrying out the project, the project name, an abstract or summary of the project, funding levels, project duration, contractor or grantee name, and expected objectives and milestones.

(d) RELEVANT LITERATURE AND PATENTS.—To the maximum extent practicable, the Secretary shall provide information through the public database established under subsection (a) on relevant literature and patents that are associated with each research and development project contract, grant, or cooperative agreement, or other transaction, of the Department.

SEC. 4407. REVIEW OF ECONOMIC IMPACT OF BSEE RULE ON SMALL ENTITIES.

(a) DEFINITIONS.—In this section—

(1) the term “BSEE” means the Bureau of Safety and Environmental Enforcement;

(2) the term “Chief Counsel” means the Chief Counsel for Advocacy of the Small Business Administration;

(3) the term “covered proposed rule” means the proposed rule of the BSEE entitled “Oil and Gas and Sulphur Operations in the Outer Continental Shelf—Blowout Preventer Systems and Well Control” (80 Fed. Reg. 21504 (April 17, 2015)); and

(4) the term “small entity” has the meaning given the term in section 601 of title 5, United States Code.

(b) REQUIREMENT TO CONDUCT REVIEW.—

(1) IN GENERAL.—If the BSEE issues a final rule for the covered proposed rule, then not later than 1 year after the effective date of the final rule the BSEE, in consultation with the Chief Counsel, shall complete a review of the final rule under section 610 of title 5, United States Code.

(2) ASSESSMENT OF ECONOMIC IMPACT.—In conducting the review required under paragraph (1), the BSEE, in consultation with the Chief Counsel, shall assess the economic impact of the final rule on small entities in the oil and gas supply chain.

(3) REPORT.—Not later than 180 days after the date on which the review is completed under this subsection, the BSEE, in consultation with the Chief Counsel, shall submit to Congress a report on the findings of the review.

SEC. 4408. ENERGY EMERGENCY RESPONSE EFFORTS OF THE DEPARTMENT.

(a) CONGRESSIONAL DECLARATION OF PURPOSE.—Section 102 of the Department of Energy Organization Act (42 U.S.C. 7112) is amended by adding at the end the following:

“(20) To facilitate the development and implementation of a strategy for responding to energy infrastructure and supply emergencies through—

“(A) continuously monitoring and publishing information on the energy delivery and supply infrastructure of the United States, including electricity, liquid fuels, natural gas, and coal;

“(B) managing Federal strategic energy reserves;

“(C) advising national leadership during emergencies on ways to respond to and minimize energy disruptions; and

“(D) working with Federal agencies and State and local governments—

“(i) to enhance energy emergency preparedness; and

“(ii) to respond to and mitigate energy emergencies.”.

(b) UNDER SECRETARY FOR SCIENCE AND ENERGY.—Section 202(b)(4) of the Department of Energy Organization Act (42 U.S.C. 7132(b)(4)) (as amended by section 4404(a)(3)) is amended, in subparagraph (B), by inserting “and applied energy” before “programs of the”.

(c) RESPONSIBILITIES OF ASSISTANT SECRETARIES.—Section 203(a) of the Department of Energy Organization Act (42 U.S.C. 7133(a)) is amended by adding at the end the following:

“(12) Emergency response functions, including assistance in the prevention of, or in the response to, an emergency disruption of energy supply, transmission, and distribution.”.

SEC. 4409. GAO REPORT ON BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT STATUTORY AND REGULATORY AUTHORITY FOR THE PROCUREMENT OF HELICOPTER FUEL.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that defines the statutory and regulatory authority of the Bureau of Safety and Environmental Enforcement with respect to legally procuring privately owned helicopter fuel, without agreement, from lessees, permit holders, operators of federally leased offshore facilities, or independent third parties not under contract with the Bureau of Safety and Environmental Enforcement or an agent of the Bureau of Safety and Environmental Enforcement.

SEC. 4410. CONVEYANCE OF FEDERAL LAND WITHIN THE SWAN LAKE HYDROELECTRIC PROJECT BOUNDARY.

Not later than 18 months after the date of enactment of this Act, the Secretary of the Interior, after consultation with the Secretary of Agriculture, shall—

(1) survey the exterior boundaries of the tract of Federal land within the project boundary of the Swan Lake Hydroelectric Project (FERC No. 2911) as generally depicted and labeled “Lost Creek” on the map entitled “Swan Lake Project Boundary—Lot 2” and dated February 1, 2016; and

(2) issue a patent to the State of Alaska for the tract described in paragraph (1) in accordance with—

(A) the survey authorized under paragraph (1);

(B) section 6(a) of the Act of July 7, 1958 (commonly known as the “Alaska Statehood Act”) (48 U.S.C. note prec. 21; Public Law 85-508); and

(C) section 24 of the Federal Power Act (16 U.S.C. 818).

SEC. 4411. STUDY OF WAIVERS OF CERTAIN COST-SHARING REQUIREMENTS.

Not later than 180 days after the date of enactment of this Act, the Secretary shall—

(1) complete a study on the ability of, and any actions before the date of enactment of

this Act by, the Secretary to waive the cost-sharing requirement under section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352); and

(2) based on the results of the study under paragraph (1), make recommendations to Congress for the issuance of, and factors that should be considered with respect to, waivers of the cost-sharing requirement by the Secretary.

SEC. 4412. NATIONAL PARK CENTENNIAL.

(a) NATIONAL PARK CENTENNIAL CHALLENGE FUND.—

(1) IN GENERAL.—Chapter 1049 of title 54, United States Code (as amended by section 5001(a)), is amended by adding at the end the following:

“§104909. National Park Centennial Challenge Fund

“(a) PURPOSE.—The purpose of this section is to establish a fund in the Treasury—

“(1) to finance signature projects and programs to enhance the National Park System as the centennial of the National Park System approaches in 2016; and

“(2) to prepare the System for another century of conservation, preservation, and enjoyment.

“(b) DEFINITIONS.—In this section:

“(1) CHALLENGE FUND.—The term ‘Challenge Fund’ means the National Park Centennial Challenge Fund established by subsection (c)(1).

“(2) QUALIFIED DONATION.—The term ‘qualified donation’ means a cash donation or the pledge of a cash donation guaranteed by an irrevocable letter of credit to the Service that the Secretary certifies is to be used for a signature project or program.

“(3) SIGNATURE PROJECT OR PROGRAM.—The term ‘signature project or program’ means any project or program identified by the Secretary as a project or program that would further the purposes of the System or any System unit.

“(c) NATIONAL PARK CENTENNIAL CHALLENGE FUND.—

“(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the ‘National Park Centennial Challenge Fund’.

“(2) DEPOSITS.—The Challenge Fund shall consist of—

“(A) qualified donations that are transferred from the Service donation account, in accordance with subsection (e)(1); and

“(B) not more than \$17,500,000, to be appropriated from the general fund of the Treasury, in accordance with subsection (e)(2).

“(3) AVAILABILITY.—Amounts in the Challenge Fund shall—

“(A) be available to the Secretary for signature projects and programs under this title, without further appropriation; and

“(B) remain available until expended.

“(d) SIGNATURE PROJECTS AND PROGRAMS.—

“(1) DEVELOPMENT OF LIST.—Not later than 180 days after the date of enactment of this section, the Secretary shall develop a list of signature projects and programs eligible for funding from the Challenge Fund.

“(2) SUBMISSION TO CONGRESS.—The Secretary shall submit to the Committees on Appropriations and Energy and Natural Resources of the Senate and the Committees on Appropriations and Natural Resources of the House of Representatives the list developed under paragraph (1).

“(3) UPDATES.—Subject to the notice requirements under paragraph (2), the Secretary may add any signature project or program to the list developed under paragraph (1).

“(e) DONATIONS AND MATCHING FEDERAL FUNDS.—

“(1) QUALIFIED DONATIONS.—The Secretary may transfer any qualified donations to the Challenge Fund.

“(2) MATCHING AMOUNT.—There is authorized to be appropriated to the Challenge Fund for each fiscal year through fiscal year 2020 an amount equal to the amount of qualified donations received for the fiscal year.

“(3) SOLICITATION.—Nothing in this section expands any authority of the Secretary, the Service, or any employee of the Service to receive or solicit donations.

“(f) REPORT TO CONGRESS.—The Secretary shall provide with the submission of the budget of the President to Congress for each fiscal year a report on the status and funding of the signature projects and programs.”.

(2) CLERICAL AMENDMENT.—The table of sections affected for title 54, United States Code (as amended by section 5001(b)), is amended by inserting after the item relating to section 104908 the following:

“§104909. National Park Centennial Challenge Fund.”.

(b) SECOND CENTURY ENDOWMENT FOR THE NATIONAL PARK SYSTEM.—

(1) IN GENERAL.—Subchapter II of chapter 1011 of title 54, United States Code, is amended by adding at the end the following:

“§101121. Second Century Endowment for the National Park System

“(a) IN GENERAL.—The National Park Foundation shall establish an endowment, to be known as the ‘Second Century Endowment for the National Park System’ (referred to in this section as the ‘Endowment’).

“(b) CAMPAIGN.—To further the mission of the Service, the National Park Foundation may undertake a campaign to fund the Endowment through gifts, devises, or bequests, in accordance with section 101113.

“(c) USE OF PROCEEDS.—

“(1) IN GENERAL.—On request of the Secretary, the National Park Foundation shall expend proceeds from the Endowment in accordance with projects and programs in furtherance of the mission of the Service, as identified by the Secretary.

“(2) MANAGEMENT.—The National Park Foundation shall manage the Endowment in a manner that ensures that annual expenditures as a percentage of the principal are consistent with Internal Revenue Service guidelines for endowments maintained for charitable purposes.

“(d) INVESTMENTS.—The National Park Foundation shall—

“(1) maintain the Endowment in an interest-bearing account; and

“(2) invest Endowment proceeds with the purpose of supporting and enriching the System in perpetuity.

“(e) REPORT.—Each year, the National Park Foundation shall make publicly available information on the amounts deposited into, and expended from, the Endowment.”.

(2) CLERICAL AMENDMENT.—The table of sections affected for title 54, United States Code, is amended by inserting after the item relating to section 101120 the following:

“§101121. Second Century Endowment for the National Park System.”.

(c) NATIONAL PARK SERVICE INTELLECTUAL PROPERTY PROTECTION.—

(1) IN GENERAL.—Chapter 1049 of title 54, United States Code (as amended by subsection (a)(1)), is amended by adding at the end the following:

“§104910. Intellectual property

“(a) DEFINITIONS.—In this section:

“(1) SERVICE EMBLEM.—

“(A) IN GENERAL.—The term ‘Service emblem’ means any word, phrase, insignia, logo, logotype, trademark, service mark, symbol, design, graphic, image, color, badge, uniform, or any combination of emblems used to identify the Service or a component of the System.

“(B) INCLUSIONS.—The term ‘Service emblem’ includes—

“(i) the Service name;
 “(ii) an official System unit name;
 “(iii) any other name used to identify a Service component or program; and
 “(iv) the Arrowhead symbol.

“(2) SERVICE UNIFORM.—The term ‘Service uniform’ means any combination of apparel, accessories, or emblems, any distinctive clothing or other items of dress, or a representation of dress—

“(A) that is worn during the performance of official duties; and

“(B) that identifies the wearer as a Service employee.

“(b) PROHIBITED ACTS.—No person shall, without the written permission of the Secretary—

“(1) use any Service emblem or uniform, or any word, term, name, symbol or device or any combination of emblems to suggest any colorable likeness of the Service emblem or Service uniform in connection with goods or services in commerce if the use is likely to cause confusion, or to deceive the public into believing that the emblem or uniform is from or connected with the Service;

“(2) use any Service emblem or Service uniform or any word, term, name, symbol, device, or any combination of emblems or uniforms to suggest any likeness of the Service emblem or Service uniform in connection with goods or services in commerce in a manner reasonably calculated to convey the impression to the public that the goods or services are approved, endorsed, or authorized by the Service;

“(3) use in commerce any word, term, name, symbol, device or any combination of words, terms, names, symbols, or devices to suggest any likeness of the Service emblem or Service uniform in a manner that is reasonably calculated to convey the impression that the wearer of the item of apparel is acting pursuant to the legal authority of the Service; or

“(4) knowingly make any false statement for the purpose of obtaining permission to use any Service emblem or Service uniform.”.

(2) CLERICAL AMENDMENT.—The table of sections affected for title 54, United States Code, is amended by inserting after the item relating to section 104908 (as added by subsection (a)(2)) the following:

“§104910. Intellectual property.”.

(d) NATIONAL PARK SERVICE EDUCATION AND INTERPRETATION.—

(1) IN GENERAL.—Division A of subtitle I of title 54, United States Code, is amended by inserting after chapter 1007 the following:

“CHAPTER 1008—EDUCATION AND INTERPRETATION

“CHAPTER 1008—EDUCATION AND INTERPRETATION

“Sec.

“100801. Definitions.

“100802. Interpretation and education authority.

“100803. Interpretation and education evaluation and quality improvement.

“100804. Improved utilization of partners and volunteers in interpretation and education.

“§ 100801. Definitions

“In this chapter:

“(1) EDUCATION.—The term ‘education’ means enhancing public awareness, understanding, and appreciation of the resources of the System through learner-centered, place-based materials, programs, and activities that achieve specific learning objectives as identified in a curriculum.

“(2) INTERPRETATION.—The term ‘interpretation’ means—

“(A) providing opportunities for people to form intellectual and emotional connections

to gain awareness, appreciation, and understanding of the resources of the System; and

“(B) the professional career field of Service employees, volunteers, and partners who interpret the resources of the System.

“(3) RELATED AREA.—The term ‘related area’ means—

“(A) a component of the National Trails System;

“(B) a National Heritage Area; and

“(C) an affiliated area administered in connection with the System.

“§ 100802. Interpretation and education authority

“The Secretary shall ensure that management of System units and related areas is enhanced by the availability and utilization of a broad program of the highest quality interpretation and education.

“§ 100803. Interpretation and education evaluation and quality improvement

“The Secretary may undertake a program of regular evaluation of interpretation and education programs to ensure that the programs—

“(1) adjust to the ways in which people learn and engage with the natural world and shared heritage as embodied in the System;

“(2) reflect different cultural backgrounds, ages, education, gender, abilities, ethnicity, and needs;

“(3) demonstrate innovative approaches to management and appropriately incorporate emerging learning and communications technology; and

“(4) reflect current scientific and academic research, content, methods, and audience analysis.

“§ 100804. Improved utilization of partners and volunteers in interpretation and education

“The Secretary may—

“(1) coordinate with System unit partners and volunteers in the delivery of quality programs and services to supplement the programs and services provided by the Service as part of a Long-Range Interpretive Plan for a System unit;

“(2) support interpretive partners by providing opportunities to participate in interpretive training; and

“(3) collaborate with other Federal and non-Federal public or private agencies, organizations, or institutions for the purposes of developing, promoting, and making available educational opportunities related to resources of the System and programs.”.

(2) CLERICAL AMENDMENT.—The table of chapters for division A of subtitle I of title 54, United States Code, is amended by inserting after the item relating to chapter 1007 the following:

“1008. Education and Interpretation 100801”.

(e) PUBLIC LAND CORPS AMENDMENTS.—

(1) DEFINITIONS.—Section 203(10)(A) of the Public Lands Corps Act of 1993 (16 U.S.C. 1722(10)(A)) is amended by striking “25” and inserting “30”.

(2) PARTICIPANTS.—Section 204(b) of the Public Lands Corps Act of 1993 (16 U.S.C. 1723(b)) is amended in the first sentence by striking “25” and inserting “30”.

(3) HIRING.—Section 207(c)(2) of the Public Lands Corps Act of 1993 (16 U.S.C., 1726(c)(2)) is amended by striking “120 days” and inserting “2 years”.

(f) NATIONAL PARK FOUNDATION.—Subchapter II of chapter 1011 of title 54, United States Code, is amended—

(1) in section 101112—

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

“(a) MEMBERSHIP.—The National Park Foundation shall consist of a Board having as members at least 6 private citizens of the United States appointed by the Secretary,

with the Secretary and the Director serving as ex officio members of the Board.”; and

(B) by striking subsection (c) and inserting the following:

“(c) CHAIRMAN.—

“(1) SELECTION.—The Board shall select a Chairman of the Board from among the members of the Board.

“(2) TERM.—The Chairman of the Board shall serve for a 2-year term.”; and

(2) in section 101113(a)—

SEC. 4413. PROGRAM TO REDUCE THE POTENTIAL IMPACTS OF SOLAR ENERGY FACILITIES ON CERTAIN SPECIES.

In carrying out a program of the Department relating to solar energy or the conduct of solar energy projects using funds provided by the Department, the Secretary shall establish a program to undertake research that—

(1) identifies baseline avian populations and mortality; and

(2) quantifies the impacts of solar energy projects on birds, as compared to other threats to birds.

SEC. 4414. WILD HORSES IN AND AROUND THE CURRITUCK NATIONAL WILDLIFE REFUGE.

(a) GENETIC DIVERSITY.—The Secretary of the Interior (referred to in this section as the “Secretary”), in consultation with the North Carolina Department of Environment and Natural Resources, Currituck County, North Carolina, and the Corolla Wild Horse Fund, shall allow for the introduction of a small number of free-roaming wild horses from the Cape Lookout National Seashore as necessary to ensure the genetic diversity and viability of the wild horse population currently found in and around the Currituck National Wildlife Refuge, consistent with—

(1) the laws (including regulations) applicable to the Currituck National Wildlife Refuge and the Cape Lookout National Seashore; and

(2) the December 2014 Wild Horse Management Agreement approved by the United States Fish and Wildlife Service, the North Carolina Department of Environment and Natural Resources, Currituck County, North Carolina, and the Corolla Wild Horse Fund.

(b) AGREEMENT.—

(1) IN GENERAL.—The Secretary may enter into an agreement with the Corolla Wild Horse Fund to provide for the cost-effective management of the horses in and around the Currituck National Wildlife Refuge while ensuring that natural resources within the Currituck National Wildlife Refuge are not adversely impacted.

(2) REQUIREMENTS.—The agreement entered into under paragraph (1) shall specify that the Corolla Wild Horse Fund shall pay the costs associated with—

(A) coordinating and conducting a periodic census, and inspecting the health, of the horses;

(B) maintaining records of the horses living in the wild and in confinement;

(C) coordinating and conducting the removal and placement of horses and monitoring of any horses removed from the Currituck County Outer Banks; and

(D) administering a viable population control plan for the horses, including auctions, adoptions, contraceptive fertility methods, and other viable options.

Subtitle F—Markets

SEC. 4501. ENHANCED INFORMATION ON CRITICAL ENERGY SUPPLIES.

(a) IN GENERAL.—Section 205 of the Department of Energy Organization Act (42 U.S.C. 7135) is amended by adding at the end the following:

“(n) COLLECTION OF INFORMATION ON CRITICAL ENERGY SUPPLIES.—

“(1) IN GENERAL.—To ensure transparency of information relating to energy infrastructure and product ownership in the United

States and improve the ability to evaluate the energy security of the United States, the Administrator, in consultation with other Federal agencies (as necessary), shall—

“(A) not later than 120 days after the date of enactment of this subsection, develop and provide notice of a plan to collect, in cooperation with the Commodity Futures Trade Commission, information identifying all oil inventories, and other physical oil assets (including all petroleum-based products and the storage of such products in off-shore tankers), that are owned by the 50 largest traders of oil contracts (including derivative contracts), as determined by the Commodity Futures Trade Commission; and

“(B) not later than 90 days after the date on which notice is provided under subparagraph (A), implement the plan described in that subparagraph.

“(2) INFORMATION.—The plan required under paragraph (1) shall include a description of the plan of the Administrator for collecting company-specific data, including—

“(A) volumes of product under ownership; and

“(B) storage and transportation capacity (including owned and leased capacity).

“(3) PROTECTION OF PROPRIETARY INFORMATION.—Section 12(f) of the Federal Energy Information Administration Act of 1974 (15 U.S.C. 771(f)) shall apply to information collected under this subsection.

“(o) COLLECTION OF INFORMATION ON STORAGE CAPACITY FOR OIL AND NATURAL GAS.—

“(1) IN GENERAL.—Not later than 90 days after the date of enactment of this subsection, the Administrator of the Energy Information Administration shall collect information quantifying the commercial storage capacity for oil and natural gas in the United States.

“(2) UPDATES.—The Administrator shall update annually the information required under paragraph (1).

“(3) PROTECTION OF PROPRIETARY INFORMATION.—Section 12(f) of the Federal Energy Information Administration Act of 1974 (15 U.S.C. 771(f)) shall apply to information collected under this subsection.

“(p) FINANCIAL MARKET ANALYSIS OFFICE.—

“(1) ESTABLISHMENT.—There shall be within the Energy Information Administration a Financial Market Analysis Office.

“(2) DUTIES.—The Office shall—

“(A) be responsible for analysis of the financial aspects of energy markets;

“(B) review the reports required by section 4503(c) of the Energy Policy Modernization Act of 2016 in advance of the submission of the reports to Congress; and

“(C) not later than 1 year after the date of enactment of this subsection—

“(i) make recommendations to the Administrator of the Energy Information Administration that identify and quantify any additional resources that are required to improve the ability of the Energy Information Administration to more fully integrate financial market information into the analyses and forecasts of the Energy Information Administration, including the role of energy futures contracts, energy commodity swaps, and derivatives in price formation for oil;

“(ii) conduct a review of implications of policy changes (including changes in export or import policies) and changes in how crude oil and refined petroleum products are transported with respect to price formation of crude oil and refined petroleum products; and

“(iii) notify the Committee on Energy and Natural Resources, and the Committee on Appropriations, of the Senate and the Committee on Energy and Commerce, and the Committee on Appropriations, of the House of Representatives of the recommendations described in clause (i).

“(3) ANALYSES.—The Administrator of the Energy Information Administration shall take analyses by the Office into account in conducting analyses and forecasting of energy prices.”.

(b) CONFORMING AMENDMENT.—Section 645 of the Department of Energy Organization Act (42 U.S.C. 7255) is amended by inserting “(15 U.S.C. 3301 et seq.) and the Natural Gas Act (15 U.S.C. 717 et seq.)” after “Natural Gas Policy Act of 1978”.

SEC. 4502. WORKING GROUP ON ENERGY MARKETS.

(a) ESTABLISHMENT.—There is established a Working Group on Energy Markets (referred to in this section as the “Working Group”).

(b) COMPOSITION.—The Working Group shall be composed of—

- (1) the Secretary;
- (2) the Secretary of the Treasury;
- (3) the Chairman of the Federal Energy Regulatory Commission;
- (4) the Chairman of Federal Trade Commission;
- (5) the Chairman of the Securities and Exchange Commission;
- (6) the Chairman of the Commodity Futures Trading Commission; and
- (7) the Administrator of the Energy Information Administration.

(c) CHAIRPERSON.—The Secretary shall serve as the Chairperson of the Working Group.

(d) COMPENSATION.—A member of the Working Group shall serve without additional compensation for the work of the member of the Working Group.

(e) PURPOSE AND FUNCTION.—The Working Group shall—

- (1) investigate the effect of increased financial investment in energy commodities on energy prices and the energy security of the United States;
- (2) recommend to the President and Congress laws (including regulations) that may be needed to prevent excessive speculation in energy commodity markets in order to prevent or minimize the adverse impact of excessive speculation on energy prices on consumers and the economy of the United States; and
- (3) review energy security implications of developments in international energy markets.

(f) ADMINISTRATION.—The Secretary shall provide the Working Group with such administrative and support services as may be necessary for the performance of the functions of the Working Group.

(g) COOPERATION OF OTHER AGENCIES.—The heads of Executive departments, agencies, and independent instrumentalities shall, to the extent permitted by law, provide the Working Group with such information as the Working Group requires to carry out this section.

(h) CONSULTATION.—The Working Group shall consult, as appropriate, with representatives of the various exchanges, clearinghouses, self-regulatory bodies, other major market participants, consumers, and the general public.

SEC. 4503. STUDY OF REGULATORY FRAMEWORK FOR ENERGY MARKETS.

(a) STUDY.—The Working Group shall conduct a study—

- (1) to identify the factors that affect the pricing of crude oil and refined petroleum products, including an examination of the effects of market speculation on prices; and
- (2) to review and assess—

(A) existing statutory authorities relating to the oversight and regulation of markets critical to the energy security of the United States; and

(B) the need for additional statutory authority for the Federal Government to effectively

oversee and regulate markets critical to the energy security of the United States.

(b) ELEMENTS OF STUDY.—The study shall include—

(1) an examination of price formation of crude oil and refined petroleum products;

(2) an examination of relevant international regulatory regimes; and

(3) an examination of the degree to which changes in energy market transparency, liquidity, and structure have influenced or driven abuse, manipulation, excessive speculation, or inefficient price formation.

(c) REPORT AND RECOMMENDATIONS.—The Secretary 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 quarterly progress reports during the conduct of the study under this section, and a final report not later than 1 year after the date of enactment of this Act, that—

- (1) describes the results of the study; and
- (2) provides options and the recommendations of the Working Group for appropriate Federal coordination of oversight and regulatory actions to ensure transparency of crude oil and refined petroleum product pricing and the elimination of excessive speculation, including recommendations on data collection and analysis to be carried out by the Financial Market Analysis Office established by section 205(p) of the Department of Energy Organization Act (42 U.S.C. 7135(p)).

Subtitle G—Affordability

SEC. 4601. E-PRIZE COMPETITION PILOT PROGRAM.

Section 1008 of the Energy Policy Act of 2005 (42 U.S.C. 16396) is amended by adding at the end the following:

“(g) E-PRIZE COMPETITION PILOT PROGRAM.—

“(1) DEFINITIONS.—In this section:

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

“(i) a private sector for-profit or nonprofit entity;

“(ii) a public-private partnership; or

“(iii) a local, municipal, or tribal governmental entity.

“(B) HIGH-COST REGION.—The term ‘high-cost region’ means a region in which the average annual unsubsidized costs of electrical power retail rates or household space heating costs per square foot exceed 150 percent of the national average, as determined by the Secretary.

“(2) E-PRIZE COMPETITION PILOT PROGRAM.—

“(A) IN GENERAL.—The Secretary shall establish an e-prize competition or challenge pilot program to broadly implement sustainable community and regional energy solutions that seek to reduce energy costs through increased efficiency, conservation, and technology innovation in high-cost regions.

“(B) SELECTION.—In carrying out the pilot program under subparagraph (A), the Secretary shall award a prize purse, in amounts to be determined by the Secretary, to each eligible entity selected through 1 or more of the following competitions or challenges:

“(i) A point solution competition that rewards and spurs the development of solutions for a particular, well-defined problem.

“(ii) An exposition competition that helps identify and promote a broad range of ideas and practices that may not otherwise attract attention, facilitating further development of the idea or practice by third parties.

“(iii) A participation competition that creates value during and after the competition by encouraging contestants to change their behavior or develop new skills that may have beneficial effects during and after the competition.

“(iv) Such other types of prizes or challenges as the Secretary, in consultation with

relevant heads of Federal agencies, considers appropriate to stimulate innovation that has the potential to advance the mission of the applicable Federal agency.

“(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$10,000,000, to remain available until expended.”.

SEC. 4602. CARBON DIOXIDE CAPTURE TECHNOLOGY PRIZE.

Section 1008 of the Energy Policy Act of 2005 (42 U.S.C. 16396) (as amended by section 4601) is amended by adding at the end the following:

“(h) CARBON DIOXIDE CAPTURE TECHNOLOGY PRIZE.—

“(1) DEFINITIONS.—In this subsection:

“(A) BOARD.—The term ‘Board’ means the Carbon Dioxide Capture Technology Advisory Board established by paragraph (6).

“(B) DILUTE.—The term ‘dilute’ means a concentration of less than 1 percent by volume.

“(C) INTELLECTUAL PROPERTY.—The term ‘intellectual property’ means—

“(i) an invention that is patentable under title 35, United States Code; and

“(ii) any patent on an invention described in clause (i).

“(D) SECRETARY.—The term ‘Secretary’ means the Secretary of Energy or designee, in consultation with the Board.

“(2) AUTHORITY.—Not later than 1 year after the date of enactment of this subsection, as part of the program carried out under this section, the Secretary shall establish and award competitive technology financial awards for carbon dioxide capture from media in which the concentration of carbon dioxide is dilute.

“(3) DUTIES.—In carrying out this subsection, the Secretary shall—

“(A) subject to paragraph (4), develop specific requirements for—

“(i) the competition process;

“(ii) minimum performance standards for qualifying projects; and

“(iii) monitoring and verification procedures for approved projects;

“(B) establish minimum levels for the capture of carbon dioxide from a dilute medium that are required to be achieved to qualify for a financial award described in subparagraph (C);

“(C) offer financial awards for—

“(i) a design for a promising capture technology;

“(ii) a successful bench-scale demonstration of a capture technology;

“(iii) a design for a technology described in clause (i) that will—

“(I) be operated on a demonstration scale; and

“(II) achieve significant reduction in the level of carbon dioxide; and

“(iv) an operational capture technology on a commercial scale that meets the minimum levels described in subparagraph (B); and

“(D) submit to Congress—

“(i) an annual report that describes the progress made by the Board and recipients of financial awards under this subsection in achieving the demonstration goals established under subparagraph (C); and

“(ii) not later than 1 year after the date of enactment of this subsection, a report on the adequacy of authorized funding levels in this subsection.

“(4) PUBLIC PARTICIPATION.—In carrying out paragraph (3)(A), the Board shall—

“(A) provide notice of and, for a period of at least 60 days, an opportunity for public comment on, any draft or proposed version of the requirements described in paragraph (3)(A); and

“(B) take into account public comments received in developing the final version of those requirements.

“(5) PEER REVIEW.—No financial awards may be provided under this subsection until the proposal for which the award is sought has been peer reviewed in accordance with such standards for peer review as are established by the Secretary.

“(6) CARBON DIOXIDE CAPTURE TECHNOLOGY ADVISORY BOARD.—

“(A) ESTABLISHMENT.—There is established an advisory board to be known as the ‘Carbon Dioxide Capture Technology Advisory Board’.

“(B) COMPOSITION.—The Board shall be composed of 9 members appointed by the President, who shall provide expertise in—

“(i) climate science;

“(ii) physics;

“(iii) chemistry;

“(iv) biology;

“(v) engineering;

“(vi) economics;

“(vii) business management; and

“(viii) such other disciplines as the Secretary determines to be necessary to achieve the purposes of this subsection.

“(C) TERM; VACANCIES.—

“(i) TERM.—A member of the Board shall serve for a term of 6 years.

“(ii) VACANCIES.—A vacancy on the Board—

“(I) shall not affect the powers of the Board; and

“(II) shall be filled in the same manner as the original appointment was made.

“(D) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Board have been appointed, the Board shall hold the initial meeting of the Board.

“(E) MEETINGS.—The Board shall meet at the call of the Chairperson.

“(F) QUORUM.—A majority of the members of the Board shall constitute a quorum, but a lesser number of members may hold hearings.

“(G) CHAIRPERSON AND VICE CHAIRPERSON.—The Board shall select a Chairperson and Vice Chairperson from among the members of the Board.

“(H) COMPENSATION.—Each member of the Board may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level V of the Executive Schedule for each day during which the member is engaged in the actual performance of the duties of the Board.

“(I) DUTIES.—The Board shall advise the Secretary on carrying out the duties of the Secretary under this subsection.

“(7) INTELLECTUAL PROPERTY.—

“(A) IN GENERAL.—As a condition of receiving a financial award under this subsection, an applicant shall agree to vest the intellectual property of the applicant derived from the technology in 1 or more entities that are incorporated in the United States.

“(B) RESERVATION OF LICENSE.—The United States—

“(i) may reserve a nonexclusive, non-transferable, irrevocable, paid-up license, to have practiced for or on behalf of the United States, in connection with any intellectual property described in subparagraph (A); but

“(ii) shall not, in the exercise of a license reserved under clause (i), publicly disclose proprietary information relating to the license.

“(C) TRANSFER OF TITLE.—Title to any intellectual property described in subparagraph (A) shall not be transferred or passed, except to an entity that is incorporated in the United States, until the expiration of the first patent obtained in connection with the intellectual property.

“(8) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection \$50,000,000, to remain available until expended.

“(9) TERMINATION OF AUTHORITY.—The Board and all authority provided under this subsection shall terminate on December 31, 2026.”.

Subtitle H—Code Maintenance

SEC. 4701. REPEAL OF OFF-HIGHWAY MOTOR VEHICLES STUDY.

(a) REPEAL.—Part I of title III of the Energy Policy and Conservation Act (42 U.S.C. 6373) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the Energy Policy and Conservation Act (Public Law 94-163; 89 Stat. 871) is amended—

(1) by striking the item relating to part I of title III; and

(2) by striking the item relating to section 385.

SEC. 4702. REPEAL OF METHANOL STUDY.

Section 400EE of the Energy Policy and Conservation Act (42 U.S.C. 6374d) is amended—

(1) by striking subsection (a); and

(2) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively.

SEC. 4703. REPEAL OF AUTHORIZATION OF APPROPRIATIONS PROVISION.

(a) REPEAL.—Section 208 of the Energy Conservation and Production Act (42 U.S.C. 6808) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the Energy Conservation and Production Act (Public Law 94-385; 90 Stat. 1126) is amended by striking the item relating to section 208.

SEC. 4704. REPEAL OF RESIDENTIAL ENERGY EFFICIENCY STANDARDS STUDY.

(a) REPEAL.—Section 253 of the National Energy Conservation Policy Act (42 U.S.C. 8232) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the National Energy Conservation Policy Act (Public Law 95-619; 92 Stat. 3206) is amended by striking the item relating to section 253.

SEC. 4705. REPEAL OF WEATHERIZATION STUDY.

(a) REPEAL.—Section 254 of the National Energy Conservation Policy Act (42 U.S.C. 8233) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the National Energy Conservation Policy Act (Public Law 95-619; 92 Stat. 3206) is amended by striking the item relating to section 254.

SEC. 4706. REPEAL OF REPORT TO CONGRESS.

(a) REPEAL.—Section 273 of the National Energy Conservation Policy Act (42 U.S.C. 8236b) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the National Energy Conservation Policy Act (Public Law 95-619; 92 Stat. 3206) is amended by striking the item relating to section 273.

SEC. 4707. REPEAL OF REPORT BY GENERAL SERVICES ADMINISTRATION.

(a) REPEAL.—Section 154 of the Energy Policy Act of 1992 (42 U.S.C. 8262a) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) 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 154.

(2) Section 159 of the Energy Policy Act of 1992 (42 U.S.C. 8262e) is amended by striking subsection (c).

SEC. 4708. REPEAL OF INTERGOVERNMENTAL ENERGY MANAGEMENT PLANNING AND COORDINATION WORKSHOPS.

(a) REPEAL.—Section 156 of the Energy Policy Act of 1992 (42 U.S.C. 8262b) 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. 4709. 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. 8262f) is amended by striking the section designation and heading and all that follows through “(c) INSPECTOR GENERAL REVIEW.—Each Inspector General” and inserting the following:

“SEC. 160. INSPECTOR GENERAL REVIEW.

“Each Inspector General”.

(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. 160. Inspector General review.”.

SEC. 4710. 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. 8262g) 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 161.

SEC. 4711. REPEAL OF NATIONAL ACTION PLAN FOR DEMAND RESPONSE.

(a) REPEAL.—Part 5 of title V of the National Energy Conservation Policy Act (42 U.S.C. 8279 et seq.) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the National Energy Conservation Policy Act (Public Law 95-619; 92 Stat. 3206; 121 Stat. 1665) is amended—

(1) by striking the item relating to part 5 of title V; and

(2) by striking the item relating to section 571.

SEC. 4712. REPEAL OF NATIONAL COAL POLICY STUDY.

(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 95-620; 92 Stat. 3289) is amended by striking the item relating to section 741.

SEC. 4713. REPEAL OF STUDY ON COMPLIANCE PROBLEM OF SMALL ELECTRIC UTILITY SYSTEMS.

(a) REPEAL.—Section 744 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8454) 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 744.

SEC. 4714. REPEAL OF STUDY OF SOCIO-ECONOMIC IMPACTS OF INCREASED COAL PRODUCTION AND OTHER ENERGY DEVELOPMENT.

(a) REPEAL.—Section 746 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8456) 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 746.

SEC. 4715. REPEAL OF STUDY OF THE USE OF PETROLEUM AND NATURAL GAS IN COMBUSTORS.

(a) REPEAL.—Section 747 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8457) 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 747.

SEC. 4716. REPEAL OF SUBMISSION OF REPORTS.

(a) REPEAL.—Section 807 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8483) 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. 4717. REPEAL OF ELECTRIC UTILITY CONSERVATION PLAN.

(a) REPEAL.—Section 808 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8484) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) TABLE OF CONTENTS.—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. 8422) is amended—

(A) by striking “(a) GENERALLY.—”; and

(B) by striking subsection (b).

SEC. 4718. EMERGENCY ENERGY CONSERVATION REPEALS.

(a) REPEALS.—

(1) Section 201 of the Emergency Energy Conservation Act of 1979 (42 U.S.C. 8501) is amended—

(A) in the section heading, by striking “FINDINGS AND”; and

(B) by striking subsection (a).

(2) Section 221 of the Emergency Energy Conservation Act of 1979 (42 U.S.C. 8521) is repealed.

(3) Section 222 of the Emergency Energy Conservation Act of 1979 (42 U.S.C. 8522) is repealed.

(4) 241 of the Emergency Energy Conservation Act of 1979 (42 U.S.C. 8531) 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. 4719. ENERGY SECURITY ACT REPEALS.

(a) BIOMASS ENERGY DEVELOPMENT PLANS.—Subtitle A of title II of the Energy Security Act (42 U.S.C. 8811 et seq.) is repealed.

(b) MUNICIPAL WASTE BIOMASS ENERGY.—Subtitle B of title II of the Energy Security Act (42 U.S.C. 8831 et seq.) is repealed.

(c) USE OF GASOLIN IN FEDERAL MOTOR VEHICLES.—Section 271 of the Energy Security Act (42 U.S.C. 8871) is repealed.

(d) CONFORMING AMENDMENTS.—

(1) The table of contents for the Energy Security Act (Public Law 96-294; 94 Stat. 611) is amended—

(A) by striking the items relating to subtitle A and B of title II;

(B) by striking the item relating to section 204 and inserting the following:

“Sec. 204. Funding.”; and

(C) by striking the item relating to section 271.

(2) Section 203 of the Biomass Energy and Alcohol Fuels Act of 1980 (42 U.S.C. 8802) is amended—

(A) by striking paragraph (16); and

(B) by redesignating paragraphs (17) through (19) as paragraphs (16) through (18), respectively.

(3) Section 204 of the Energy Security Act (42 U.S.C. 8803) is amended—

(A) in the section heading, by striking “FOR SUBTITLES A AND B”; and

(B) in subsection (a)—

(i) in paragraph (1), by adding “and” after the semicolon at the end;

(ii) in paragraph (2), by striking “; and” at the end and inserting a period; and

(iii) by striking paragraph (3).

SEC. 4720. NUCLEAR SAFETY RESEARCH, DEVELOPMENT, AND DEMONSTRATION ACT OF 1980 REPEALS.

Sections 5 and 6 of the Nuclear Safety Research, Development, and Demonstration Act of 1980 (42 U.S.C. 9704, 9705) are repealed.

SEC. 4721. ELIMINATION AND CONSOLIDATION OF CERTAIN AMERICA COMPETES PROGRAMS.

(a) ELIMINATION OF PROGRAM AUTHORITIES.—

(1) NUCLEAR SCIENCE TALENT EXPANSION PROGRAM FOR INSTITUTIONS OF HIGHER EDUCATION.—Section 5004 of the America COMPETES Act (42 U.S.C. 16532) is repealed.

(2) HYDROCARBON SYSTEMS SCIENCE TALENT EXPANSION PROGRAM FOR INSTITUTIONS OF HIGHER EDUCATION.—

(A) IN GENERAL.—Section 5005(e) of the America COMPETES Act (42 U.S.C. 16533(e)) is repealed.

(B) CONFORMING AMENDMENTS.—Section 5005(f) of the America COMPETES Act (42 U.S.C. 16533(f)) is amended—

(i) by striking paragraph (2);

(ii) by striking the subsection designation and heading and all that follows through “There are” in paragraph (1) and inserting the following:

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are”; and

(iii) by redesignating subparagraphs (A) through (F) as paragraphs (1) through (6), respectively, and indenting appropriately.

(3) DISCOVERY SCIENCE AND ENGINEERING INNOVATION INSTITUTES.—Section 5008 of the America COMPETES Act (42 U.S.C. 16535) is repealed.

(4) ELIMINATION OF DUPLICATIVE AUTHORITY FOR EDUCATION PROGRAMS.—Sections 3181 and 3185 of the Department of Energy Science Education Enhancement Act (42 U.S.C. 73811, 42 U.S.C. 7381n) are repealed.

(5) MENTORING PROGRAM.—Section 3195 of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381r) is repealed.

(b) REPEAL OF AUTHORIZATIONS.—

(1) DEPARTMENT OF ENERGY EARLY CAREER AWARDS FOR SCIENCE, ENGINEERING, AND MATHEMATICS RESEARCHERS.—Section 5006 of the America COMPETES Act (42 U.S.C. 16534) is amended by striking subsection (h).

(2) DISTINGUISHED SCIENTIST PROGRAM.—Section 5011 of the America COMPETES Act (42 U.S.C. 16537) is amended by striking subsection (j).

(3) PROTECTING AMERICA'S COMPETITIVE EDGE (PACE) GRADUATE FELLOWSHIP PROGRAM.—Section 5009 of the America COMPETES Act (42 U.S.C. 16536) is amended by striking subsection (f).

(c) CONSOLIDATION OF DUPLICATIVE PROGRAM AUTHORITIES.—

(1) UNIVERSITY NUCLEAR SCIENCE AND ENGINEERING SUPPORT.—Section 954 of the Energy Policy Act of 2005 (42 U.S.C. 16274) is amended—

(A) in subsection (a), by inserting “nuclear chemistry,” after “nuclear engineering,”; and

(B) in subsection (b)—

(i) by redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively; and

(ii) by inserting after paragraph (2) the following:

“(3) award grants, not to exceed 5 years in duration, to institutions of higher education with existing academic degree programs in nuclear sciences and related fields—

“(A) to increase the number of graduates in nuclear science and related fields;

“(B) to enhance the teaching and research of advanced nuclear technologies;

“(C) to undertake collaboration with industry and National Laboratories; and

“(D) to bolster or sustain nuclear infrastructure and research facilities of institutions of higher education, such as research and training reactors and laboratories;”.

(2) CONSOLIDATION OF DEPARTMENT OF ENERGY EARLY CAREER AWARDS FOR SCIENCE, ENGINEERING, AND MATHEMATICS RESEARCHERS PROGRAM AND DISTINGUISHED SCIENTIST PROGRAM.—

(A) FUNDING.—Section 971(c) of the Energy Policy Act of 2005 (42 U.S.C. 16311(c)) is amended by adding at the end the following:

“(8) For the Department of Energy early career awards for science, engineering, and mathematics researchers program under section 5006 of the America COMPETES Act (42 U.S.C. 16534) and the distinguished scientist program under section 5011 of that Act (42 U.S.C. 16537), \$150,000,000 for each of fiscal years 2016 through 2020, of which not more than 65 percent of the amount made available for a fiscal year under this paragraph may be used to carry out section 5006 or 5011 of that Act.”.

(B) DEPARTMENT OF ENERGY EARLY CAREER AWARDS FOR SCIENCE, ENGINEERING, AND MATHEMATICS RESEARCHERS.—Section 5006 of the America COMPETES Act (42 U.S.C. 16534) is amended—

(i) in subsection (b)(1)—

(I) in the matter preceding subparagraph (A)—

(aa) by inserting “average” before “amount”; and

(bb) by inserting “for each year” before “shall”;

(II) in subparagraph (A), by striking “\$80,000” and inserting “\$190,000”; and

(III) in subparagraph (B), by striking “\$125,000” and inserting “\$490,000”;

(ii) in subsection (c)(1)(C)—

(I) in clause (i)—

(aa) by striking “assistant professor or equivalent title” and inserting “untenured assistant or associate professor”; and

(bb) by inserting “or” after the semicolon at the end;

(II) by striking clause (ii); and

(III) by redesignating clause (iii) as clause (ii);

(iii) in subsection (d), by striking “on a competitive, merit-reviewed basis” and inserting “through a competitive process using merit-based peer review.”;

(iv) in subsection (e)—

(i) by striking “(e)” and all that follows through “To be eligible” and inserting the following:

“(e) SELECTION PROCESS AND CRITERIA.—To be eligible”; and

(II) by striking paragraph (2); and

(v) in subsection (f)(1), by striking “non-profit, nondegree-granting research organizations” and inserting “National Laboratories”.

(3) SCIENCE EDUCATION PROGRAMS.—Section 3164 of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381a) is amended—

(A) in subsection (b)—

(i) by striking paragraphs (1) and (2) and inserting the following:

“(1) IN GENERAL.—The Director of the Office of Science (referred to in this subsection as the ‘Director’) shall provide for appropriate coordination of science, technology, engineering, and mathematics education programs across all functions of the Department.

“(2) ADMINISTRATION.—In carrying out paragraph (1), the Director shall—

“(A) consult with—

“(i) the Assistant Secretary of Energy with responsibility for energy efficiency and renewable energy programs; and

“(ii) the Deputy Administrator for Defense Programs of the National Nuclear Security Administration; and

“(B) seek to increase the participation and advancement of women and underrepresented minorities at every level of science, technology, engineering, and mathematics education.”; and

(ii) in paragraph (3)—

(I) in subparagraph (D), by striking “and” at the end;

(II) by redesignating subparagraph (E) as subparagraph (F); and

(III) by inserting after subparagraph (D) the following:

“(E) represent the Department as the principal interagency liaison for all coordination activities under the President for science, technology, engineering, and mathematics education programs; and”;

(B) in subsection (d)—

(i) by striking “The Secretary” and inserting the following:

“(1) IN GENERAL.—The Secretary”; and

(ii) by adding at the end the following:

“(2) REPORT.—Not later than 180 days after the date of enactment of this subparagraph, the Director shall submit a report describing the impact of the activities assisted with the Fund established under paragraph (1) to—

“(A) the Committee on Science, Space, and Technology of the House of Representatives; and

“(B) the Committee on Energy and Natural Resources of the Senate.”.

(4) PROTECTING AMERICA’S COMPETITIVE EDGE (PACE) GRADUATE FELLOWSHIP PROGRAM.—Section 5009 of the America COMPETES Act (42 U.S.C. 16536) is amended—

(A) in subsection (c)—

(i) in paragraph (1) by striking “, involving” and all that follows through “Secretary”; and

(ii) in paragraph (2), by striking subparagraph (B) and inserting the following:

“(B) to demonstrate excellent academic performance and understanding of scientific or technical subjects; and”;

(B) in subsection (d)(1)(B)(i), by inserting “full or partial” before “graduate tuition”; and

(C) in subsection (e), in the matter preceding paragraph (1), by striking “Director of Science, Engineering, and Mathematics Education” and inserting “Director of the Office of Science.”.

(d) CONFORMING AMENDMENTS.—The table of contents for the America COMPETES ACT (Public Law 110-69; 121 Stat. 573) is amended by striking the items relating to sections 5004 and 5008.

SEC. 4722. 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. 1126) is amended by striking the item relating to section 207.

SEC. 4723. REPEAL OF SURVEY OF ENERGY SAVING POTENTIAL.

(a) REPEAL.—Section 550 of the National Energy Conservation Policy Act (42 U.S.C. 8258b) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) The table of contents for the National Energy Conservation Policy Act (Public Law 95-619; 92 Stat. 3206; 106 Stat. 2851) 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. 8253(d)(2)) is amended by striking “, incorporating any relevant information obtained from the survey conducted pursuant to section 550”.

SEC. 4724. 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. 3206) 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 569.

SEC. 4725. REPEAL OF ENERGY AUDITOR TRAINING AND CERTIFICATION.

(a) REPEAL.—Subtitle F of title V of the Energy Security Act (42 U.S.C. 8285 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.

SEC. 4726. REPEAL OF AUTHORIZATION OF APPROPRIATIONS.

(a) REPEAL.—Subtitle F of title VII of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8461) 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 subtitle F of title VII.

SEC. 4727. REPEAL OF RENEWABLE ENERGY AND ENERGY EFFICIENCY TECHNOLOGY COMPETITIVENESS ACT OF 1989.

(a) REPEAL.—The Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989 (42 U.S.C. 12001 et seq.) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 6(b)(3) of the Federal Non-nuclear Energy Research and Development Act of 1974 (42 U.S.C. 5905(b)(3)) is amended—

(A) in subparagraph (Q), by adding “and” after the semicolon;

(B) by striking subparagraph (R); and

(C) by redesignating subparagraph (S) as subparagraph (R).

(2) Section 1204 of the Energy Policy Act of 1992 (42 U.S.C. 13313) is amended—

(A) in subsection (b), in the matter preceding paragraph (1), in the first sentence, by striking “, in consultation with” and all that follows through “under section 6 of the Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989,”; and

(B) in subsection (c), by striking “, in consultation with the Advisory Committee,”.

SEC. 4728. REPEAL OF HYDROGEN RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROGRAM.

The Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (42 U.S.C. 12401 et seq.) is repealed.

SEC. 4729. REPEAL OF STUDY ON ALTERNATIVE FUEL USE IN NONROAD VEHICLES AND ENGINES.

(a) IN GENERAL.—Section 412 of the Energy Policy Act of 1992 (42 U.S.C. 13238) 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 412.

SEC. 4730. REPEAL OF LOW INTEREST LOAN PROGRAM FOR SMALL BUSINESS FLEET PURCHASES.

(a) IN GENERAL.—Section 414 of the Energy Policy Act of 1992 (42 U.S.C. 13239) 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 414.

SEC. 4731. REPEAL OF TECHNICAL AND POLICY ANALYSIS FOR REPLACEMENT FUEL DEMAND AND SUPPLY INFORMATION.

(a) IN GENERAL.—Section 506 of the Energy Policy Act of 1992 (42 U.S.C. 13256) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) 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 506.

(2) Section 507(m) of the Energy Policy Act of 1992 (42 U.S.C. 13257(m)) is amended by striking “and section 506”.

SEC. 4732. REPEAL OF 1992 REPORT ON CLIMATE CHANGE.

(a) IN GENERAL.—Section 1601 of the Energy Policy Act of 1992 (42 U.S.C. 13381) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) 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 1601.

(2) Section 1602(a) of the Energy Policy Act of 1992 (42 U.S.C. 13382(a)) is amended, in the matter preceding paragraph (1), in the third sentence, by striking “the report required under section 1601 and”.

SEC. 4733. REPEAL OF DIRECTOR OF CLIMATE PROTECTOR ESTABLISHMENT.

(a) IN GENERAL.—Section 1603 of the Energy Policy Act of 1992 (42 U.S.C. 13383) 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 1603.

SEC. 4734. REPEAL OF 1994 REPORT ON GLOBAL CLIMATE CHANGE EMISSIONS.

(a) IN GENERAL.—Section 1604 of the Energy Policy Act of 1992 (42 U.S.C. 13384) 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 1604.

SEC. 4735. REPEAL OF TELECOMMUTING STUDY.

(a) IN GENERAL.—Section 2028 of the Energy Policy Act of 1992 (42 U.S.C. 13438) 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 2028.

SEC. 4736. REPEAL OF ADVANCED BUILDINGS FOR 2005 PROGRAM.

(a) IN GENERAL.—Section 2104 of the Energy Policy Act of 1992 (42 U.S.C. 13454) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) 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 2104.

(2) Section 2101(a) of the Energy Policy Act of 1992 (42 U.S.C. 13451(a)) is amended, in the third sentence, by striking “2104.”.

SEC. 4737. REPEAL OF ENERGY RESEARCH, DEVELOPMENT, DEMONSTRATION, AND COMMERCIAL APPLICATION ADVISORY BOARD.

(a) IN GENERAL.—Section 2302 of the Energy Policy Act of 1992 (42 U.S.C. 13522) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) 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 2302.

(2) Section 6 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5905) is amended—

(A) in subsection (a), in the matter preceding paragraph (1), in the first sentence, by striking “, in consultation with the Advisory Board established under section 2302 of the Energy Policy Act of 1992,”;

(B) in subsection (b)—

(i) in paragraph (1), in the first sentence, by striking “, in consultation with the Advisory Board established under section 2302 of the Energy Policy Act of 1992,”; and

(ii) in paragraph (2), in the second sentence, by striking “, in consultation with the Advisory Board established under section 2302 of the Energy Policy Act of 1992,”; and

(C) in subsection (c), in the first sentence, by striking “, in consultation with the Advisory Board established under section 2302 of the Energy Policy Act of 1992.”.

(3) Section 2011(c) of the Energy Policy Act of 1992 (42 U.S.C. 13411(c)) is amended, in the second sentence, by striking “, and with the Advisory Board established under section 2302”.

(4) Section 2304 of the Energy Policy Act of 1992 (42 U.S.C. 13523), is amended—

(A) in subsection (a), by striking “, in consultation with the Advisory Board established under section 2302,”; and

(B) in subsection (c), in the matter preceding paragraph (1), in the first sentence, by striking “, with the advice of the Advisory Board established under section 2302 of this Act.”.

SEC. 4738. REPEAL OF STUDY ON USE OF ENERGY FUTURES FOR FUEL PURCHASE.

(a) IN GENERAL.—Section 3014 of the Energy Policy Act of 1992 (42 U.S.C. 13552) 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 3014.

SEC. 4739. REPEAL OF ENERGY SUBSIDY STUDY.

(a) IN GENERAL.—Section 3015 of the Energy Policy Act of 1992 (42 U.S.C. 13553) 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 3015.

SEC. 4740. MODERNIZATION OF TERMS RELATING TO MINORITIES.

(a) OFFICE OF MINORITY ECONOMIC IMPACT.—Section 211(f)(1) of the Department of Energy Organization Act (42 U.S.C. 7141(f)(1)) is amended by striking “a Negro, Puerto Rican, American Indian, Eskimo, Oriental, or Aleut or is a Spanish speaking individual of Spanish descent” and inserting “Asian American, Native Hawaiian, a Pacific Islander, African-American, Hispanic, Puerto Rican, Native American, or an Alaska Native”.

(b) MINORITY BUSINESS ENTERPRISES.—Section 106(f)(2) of the Local Public Works Capital Development and Investment Act of 1976 (42 U.S.C. 6705(f)(2)) is amended in the third sentence by striking “Negroes, Spanish-speaking, Orientals, Indians, Eskimos, and Aleuts” and inserting “Asian American, Native Hawaiian, Pacific Islanders, African-American, Hispanic, Native American, or Alaska Natives”.

TITLE V—CONSERVATION AUTHORIZATION

SEC. 5001. NATIONAL PARK SERVICE MAINTENANCE AND REVITALIZATION CONSERVATION FUND.

(a) IN GENERAL.—Chapter 1049 of title 54, United States Code, is amended by adding at the end the following:

“§ 104908. National Park Service Maintenance and Revitalization Conservation Fund

“(a) IN GENERAL.—There is established in the Treasury a fund, to be known as the ‘Na-

tional Park Service Critical Maintenance and Revitalization Conservation Fund’ (referred to in this section as the ‘Fund’).

“(b) DEPOSITS TO FUND.—Notwithstanding any provision of law providing that the proceeds shall be credited to miscellaneous receipts of the Treasury, for each fiscal year, there shall be deposited in the Fund, from revenues due and payable to the United States under section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338) \$150,000,000.

“(c) USE AND AVAILABILITY.—

“(1) IN GENERAL.—Amounts deposited in the Fund shall—

“(A) be used only for the purposes described in subsection (d); and

“(B) be available for expenditure only after the amounts are appropriated for those purposes.

“(2) AVAILABILITY.—Any amounts in the Fund not appropriated shall remain available in the Fund until appropriated.

“(3) NO LIMITATION.—Appropriations from the Fund pursuant to this section may be made without fiscal year limitation.

“(d) NATIONAL PARK SYSTEM CRITICAL DEFERRED MAINTENANCE.—The Secretary shall use amounts appropriated from the Fund for high-priority deferred maintenance needs of the Service that support critical infrastructure and visitor services.

“(e) LAND ACQUISITION PROHIBITION.—Amounts in the Fund shall not be used for land acquisition.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 1049 of title 54, United States Code, is amended by inserting after the item relating to section 104907 the following:

“§104908. National Park Service Maintenance and Revitalization Conservation Fund.”.

SEC. 5002. LAND AND WATER CONSERVATION FUND.

(a) REAUTHORIZATION.—Section 200302 of title 54, United States Code, is amended—

(1) in subsection (b), in the matter preceding paragraph (1), by striking “During the period ending September 30, 2018, there” and inserting “There”; and

(2) in subsection (c)(1), by striking “through September 30, 2018”.

(b) ALLOCATION OF FUNDS.—Section 200304 of title 54, United States Code, is amended—

(1) by striking “There” and inserting “(a) In General.—There”; and

(2) by striking the second sentence and inserting the following:

“(b) ALLOCATION.—Of the appropriations from the Fund—

“(1) not less than 40 percent shall be used collectively for Federal purposes under section 200306;

“(2) not less than 40 percent shall be used collectively—

“(A) to provide financial assistance to States under section 200305;

“(B) for the Forest Legacy Program established under section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c);

“(C) for cooperative endangered species grants authorized under section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1535); and

“(D) for the American Battlefield Protection Program established under chapter 3081; and

“(3) not less than 1.5 percent or \$10,000,000, whichever is greater, shall be used for projects that secure recreational public access to Federal public land for hunting, fishing, or other recreational purposes.”.

(c) CONSERVATION EASEMENTS.—Section 200306 of title 54, United States Code, is amended by adding at the end the following:

“(c) CONSERVATION EASEMENTS.—The Secretary and the Secretary of Agriculture shall consider the acquisition of conservation easements and other similar interests in land where appropriate and feasible.”.

(d) ACQUISITION CONSIDERATIONS.—Section 200306 of title 54, United States Code (as amended by subsection (c)), is amended by adding at the end the following:

“(d) ACQUISITION CONSIDERATIONS.—The Secretary and the Secretary of Agriculture shall take into account the following in determining the land or interests in land to acquire:

- “(1) Management efficiencies.
- “(2) Management cost savings.
- “(3) Geographic distribution.
- “(4) Significance of the acquisition.
- “(5) Urgency of the acquisition.

“(6) Threats to the integrity of the land to be acquired.

“(7) The recreational value of the land.”.

SEC. 5003. HISTORIC PRESERVATION FUND.

Section 303102 of title 54, United States Code, is amended by striking “of fiscal years 2012 to 2015” and inserting “fiscal year”.

SEC. 5004. CONSERVATION INCENTIVES LANDOWNER EDUCATION PROGRAM.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Interior shall establish a conservation incentives landowner education program (referred to in this section as the “program”).

(b) PURPOSE OF PROGRAM.—The program shall provide information on Federal conservation programs available to landowners interested in undertaking conservation actions on the land of the landowners, including options under each conservation program available to achieve the conservation goals of the program, such as—

- (1) fee title land acquisition;
- (2) donation; and

(3) perpetual and term conservation easements or agreements.

(c) AVAILABILITY.—The Secretary of the Interior shall ensure that the information provided under the program is made available to—

- (1) interested landowners; and
- (2) the public.

(d) NOTIFICATION.—In any case in which the Secretary of the Interior contacts a landowner directly about participation in a Federal conservation program, the Secretary shall, in writing—

- (1) notify the landowner of the program; and
- (2) make available information on the conservation program options that may be available to the landowner.

TITLE VI—INDIAN TRIBAL ENERGY DEVELOPMENT AND SELF-DETERMINATION

SECTION 6001. SHORT TITLE.

This title may be cited as the “Indian Tribal Energy Development and Self-Determination Act Amendments of 2016”.

Subtitle A—Indian Tribal Energy Development and Self-determination Act Amendments

SEC. 6011. INDIAN TRIBAL ENERGY RESOURCE DEVELOPMENT.

(a) IN GENERAL.—Section 2602(a) of the Energy Policy Act of 1992 (25 U.S.C. 3502(a)) is amended—

- (1) in paragraph (2)—

(A) in subparagraph (C), by striking “and” after the semicolon;

(B) in subparagraph (D), by striking the period at the end and inserting “; and”; and

- (C) by adding at the end the following:

“(E) consult with each applicable Indian tribe before adopting or approving a well spacing program or plan applicable to the en-

ergy resources of that Indian tribe or the members of that Indian tribe.”; and

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

“(4) PLANNING.—

“(A) IN GENERAL.—In carrying out the program established by paragraph (1), the Secretary shall provide technical assistance to interested Indian tribes to develop energy plans, including—

- “(i) plans for electrification;

“(ii) plans for oil and gas permitting, renewable energy permitting, energy efficiency, electricity generation, transmission planning, water planning, and other planning relating to energy issues;

“(iii) plans for the development of energy resources and to ensure the protection of natural, historic, and cultural resources; and

“(iv) any other plans that would assist an Indian tribe in the development or use of energy resources.

“(B) COOPERATION.—In establishing the program under paragraph (1), the Secretary shall work in cooperation with the Office of Indian Energy Policy and Programs of the Department of Energy.”.

(b) DEPARTMENT OF ENERGY INDIAN ENERGY EDUCATION PLANNING AND MANAGEMENT ASSISTANCE PROGRAM.—Section 2602(b)(2) of the Energy Policy Act of 1992 (25 U.S.C. 3502(b)(2)) is amended—

(1) in the matter preceding subparagraph (A), by inserting “, intertribal organization,” after “Indian tribe”; and

(2) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(3) by inserting after subparagraph (B) the following:

“(C) activities to increase the capacity of Indian tribes to manage energy development and energy efficiency programs;”.

(c) DEPARTMENT OF ENERGY LOAN GUARANTEE PROGRAM.—Section 2602(c) of the Energy Policy Act of 1992 (25 U.S.C. 3502(c)) is amended—

(1) in paragraph (1), by inserting “or a tribal energy development organization” after “Indian tribe”; and

- (2) in paragraph (3)—

(A) in the matter preceding subparagraph (A), by striking “guarantee” and inserting “guaranteed”; and

- (B) in subparagraph (A), by striking “or”; and

(C) in subparagraph (B), by striking the period at the end and inserting “; or”; and

- (D) by adding at the end the following:

“(C) a tribal energy development organization, from funds of the tribal energy development organization.”; and

(3) in paragraph (5), by striking “The Secretary of Energy may” and inserting “Not later than 1 year after the date of enactment of the Indian Tribal Energy Development and Self-Determination Act Amendments of 2016, the Secretary of Energy shall”.

SEC. 6012. INDIAN TRIBAL ENERGY RESOURCE REGULATION.

Section 2603(c) of the Energy Policy Act of 1992 (25 U.S.C. 3503(c)) is amended—

(1) in paragraph (1), by striking “on the request of an Indian tribe, the Indian tribe” and inserting “on the request of an Indian tribe or a tribal energy development organization, the Indian tribe or tribal energy development organization”; and

(2) in paragraph (2)(B), by inserting “or tribal energy development organization” after “Indian tribe”.

SEC. 6013. TRIBAL ENERGY RESOURCE AGREEMENTS.

(a) AMENDMENT.—Section 2604 of the Energy Policy Act of 1992 (25 U.S.C. 3504) is amended—

- (1) in subsection (a)—

- (A) in paragraph (1)—

(i) in subparagraph (A), by striking “or” after the semicolon at the end;

(ii) in subparagraph (B)—

(I) by striking clause (i) and inserting the following:

“(i) an electric production, generation, transmission, or distribution facility (including a facility that produces electricity from renewable energy resources) located on tribal land; or”; and

- (II) in clause (ii)—

(aa) by inserting “, at least a portion of which have been” after “energy resources”; and

(bb) by inserting “or produced from” after “developed on”; and

(cc) by striking “and” after the semicolon at the end and inserting “or”; and

- (iii) by adding at the end the following:

“(C) pooling, unitization, or communitization of the energy mineral resources of the Indian tribe located on tribal land with any other energy mineral resource (including energy mineral resources owned by the Indian tribe or an individual Indian in fee, trust, or restricted status or by any other persons or entities) if the owner, or, if appropriate, lessee, of the resources has consented or consents to the pooling, unitization, or communitization of the other resources under any lease or agreement; and”; and

(B) by striking paragraph (2) and inserting the following:

“(2) a lease or business agreement described in paragraph (1) shall not require review by, or the approval of, the Secretary under section 2103 of the Revised Statutes (25 U.S.C. 81), or any other provision of law (including regulations), if the lease or business agreement—

“(A) was executed—

“(i) in accordance with the requirements of a tribal energy resource agreement in effect under subsection (e) (including the periodic review and evaluation of the activities of the Indian tribe under the agreement, to be conducted pursuant to subparagraphs (D) and (E) of subsection (e)(2)); or

“(ii) by the Indian tribe and a tribal energy development organization for which the Indian tribe has obtained a certification pursuant to subsection (h); and

“(B) has a term that does not exceed—

“(i) 30 years; or

“(ii) in the case of a lease for the production of oil resources, gas resources, or both, 10 years and as long thereafter as oil or gas is produced in paying quantities.”;

(2) by striking subsection (b) and inserting the following:

“(b) RIGHTS-OF-WAY.—An Indian tribe may grant a right-of-way over tribal land without review or approval by the Secretary if the right-of-way—

“(1) serves—

“(A) an electric production, generation, transmission, or distribution facility (including a facility that produces electricity from renewable energy resources) located on tribal land;

“(B) a facility located on tribal land that extracts, produces, processes, or refines energy resources; or

“(C) the purposes, or facilitates in carrying out the purposes, of any lease or agreement entered into for energy resource development on tribal land;

“(2) was executed—

“(A) in accordance with the requirements of a tribal energy resource agreement in effect under subsection (e) (including the periodic review and evaluation of the activities of the Indian tribe under the agreement, to be conducted pursuant to subparagraphs (D) and (E) of subsection (e)(2)); or

“(B) by the Indian tribe and a tribal energy development organization for which the Indian tribe has obtained a certification pursuant to subsection (h); and

“(3) has a term that does not exceed 30 years.”;

(3) by striking subsection (d) and inserting the following:

“(d) VALIDITY.—No lease or business agreement entered into, or right-of-way granted, pursuant to this section shall be valid unless the lease, business agreement, or right-of-way is authorized by subsection (a) or (b).”;

(4) in subsection (e)—

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

“(1) IN GENERAL.—

“(A) AUTHORIZATION.—On or after the date of enactment of the Indian Tribal Energy Development and Self-Determination Act Amendments of 2016, a qualified Indian tribe may submit to the Secretary a tribal energy resource agreement governing leases, business agreements, and rights-of-way under this section.

“(B) NOTICE OF COMPLETE PROPOSED AGREEMENT.—Not later than 60 days after the date on which the tribal energy resource agreement is submitted under subparagraph (A), the Secretary shall—

“(i) notify the Indian tribe as to whether the agreement is complete or incomplete;

“(ii) if the agreement is incomplete, notify the Indian tribe of what information or documentation is needed to complete the submission; and

“(iii) identify and notify the Indian tribe of the financial assistance, if any, to be provided by the Secretary to the Indian tribe to assist in the implementation of the tribal energy resource agreement, including the environmental review of individual projects.

“(C) EFFECT.—Nothing in this paragraph precludes the Secretary from providing any financial assistance at any time to the Indian tribe to assist in the implementation of the tribal energy resource agreement.”;

(B) in paragraph (2)—

(i) by striking “(2)(A)” and all that follows through the end of subparagraph (A) and inserting the following:

“(2) PROCEDURE.—

“(A) EFFECTIVE DATE.—

“(i) IN GENERAL.—On the date that is 271 days after the date on which the Secretary receives a tribal energy resource agreement from a qualified Indian tribe under paragraph (1), the tribal energy resource agreement shall take effect, unless the Secretary disapproves the tribal energy resource agreement under subparagraph (B).

“(ii) REVISED TRIBAL ENERGY RESOURCE AGREEMENT.—On the date that is 91 days after the date on which the Secretary receives a revised tribal energy resource agreement from a qualified Indian tribe under paragraph (4)(B), the revised tribal energy resource agreement shall take effect, unless the Secretary disapproves the revised tribal energy resource agreement under subparagraph (B).”;

(ii) in subparagraph (B)—

(I) by striking “(B)” and all that follows through clause (ii) and inserting the following:

“(B) DISAPPROVAL.—The Secretary shall disapprove a tribal energy resource agreement submitted pursuant to paragraph (1) or (4)(B) only if—

“(i) a provision of the tribal energy resource agreement violates applicable Federal law (including regulations) or a treaty applicable to the Indian tribe;

“(ii) the tribal energy resource agreement does not include 1 or more provisions required under subparagraph (D); or”;

(II) in clause (iii)—

(aa) in the matter preceding subclause (I), by striking “includes” and all that follows through “section—” and inserting “does not include provisions that, with respect to any lease, business agreement, or right-of-way to

which the tribal energy resource agreement applies—”;

(bb) by striking subclauses (I), (II), (V), (VIII), and (XV);

(cc) by redesignating clauses (III), (IV), (VI), (VII), (IX) through (XIV), and (XVI) as clauses (I), (II), (III), (IV), (V) through (X), and (XI), respectively;

(dd) in item (bb) of subclause (XI) (as redesignated by item (cc))—

(AA) by striking “or tribal”; and

(BB) by striking the period at the end and inserting a semicolon; and

(ee) by adding at the end the following:

“(XII) include a certification by the Indian tribe that the Indian tribe has—

“(aa) carried out a contract or compact under title I or IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) for a period of not less than 3 consecutive years ending on the date on which the Indian tribe submits the application without material audit exception (or without any material audit exceptions that were not corrected within the 3-year period) relating to the management of tribal land or natural resources; or

“(bb) substantial experience in the administration, review, or evaluation of energy resource leases or agreements or has otherwise substantially participated in the administration, management, or development of energy resources located on the tribal land of the Indian tribe; and

“(XIII) at the option of the Indian tribe, identify which functions, if any, authorizing any operational or development activities pursuant to a lease, right-of-way, or business agreement approved by the Indian tribe, that the Indian tribe intends to conduct.”;

(iii) in subparagraph (C)—

(I) by striking clauses (i) and (ii);

(II) by redesignating clauses (iii) through (v) as clauses (ii) through (iv), respectively; and

(III) by inserting before clause (ii) (as redesignated by subclause (II)) the following:

“(i) a process for ensuring that—

“(I) the public is informed of, and has reasonable opportunity to comment on, any significant environmental impacts of the proposed action; and

“(II) the Indian tribe provides responses to relevant and substantive public comments on any impacts described in subclause (I) before the Indian tribe approves the lease, business agreement, or right-of-way.”;

(iv) in subparagraph (D)(ii), by striking “subparagraph (B)(iii)(XVI)” and inserting “subparagraph (B)(iv)(XI)”;

(v) by adding at the end the following:

“(F) EFFECTIVE PERIOD.—A tribal energy resource agreement that takes effect pursuant to this subsection shall remain in effect to the extent any provision of the tribal energy resource agreement is consistent with applicable Federal law (including regulations), unless the tribal energy resource agreement is—

“(i) rescinded by the Secretary pursuant to paragraph (7)(D)(iii)(II); or

“(ii) voluntarily rescinded by the Indian tribe pursuant to the regulations promulgated under paragraph (8)(B) (or successor regulations).”;

(C) in paragraph (4), by striking “date of disapproval” and all that follows through the end of subparagraph (C) and inserting the following: “date of disapproval, provide the Indian tribe with—

“(A) a detailed, written explanation of—

“(i) each reason for the disapproval; and

“(ii) the revisions or changes to the tribal energy resource agreement necessary to address each reason; and

“(B) an opportunity to revise and resubmit the tribal energy resource agreement.”;

(D) in paragraph (6)—

(i) in subparagraph (B)—

(I) by striking “(B) Subject to” and inserting the following:

“(B) Subject only to”; and

(II) by striking “subparagraph (D)” and inserting “subparagraphs (C) and (D)”;

(ii) in subparagraph (C), in the matter preceding clause (i), by inserting “to perform the obligations of the Secretary under this section and” before “to ensure”; and

(iii) in subparagraph (D), by adding at the end the following:

“(iii) Nothing in this section absolves, limits, or otherwise affects the liability, if any, of the United States for any—

“(I) term of any lease, business agreement, or right-of-way under this section that is not a negotiated term; or

“(II) losses that are not the result of a negotiated term, including losses resulting from the failure of the Secretary to perform an obligation of the Secretary under this section.”;

(E) in paragraph (7)—

(i) in subparagraph (A), by striking “has demonstrated” and inserting “the Secretary determines has demonstrated with substantial evidence”;

(ii) in subparagraph (B), by striking “any tribal remedy” and inserting “all remedies (if any) provided under the laws of the Indian tribe”;

(iii) in subparagraph (D)—

(I) in clause (i), by striking “determine” and all that follows through the end of the clause and inserting the following: “determine—

“(I) whether the petitioner is an interested party; and

“(II) if the petitioner is an interested party, whether the Indian tribe is not in compliance with the tribal energy resource agreement as alleged in the petition.”;

(II) in clause (ii), by striking “determination” and inserting “determinations”; and

(III) in clause (iii), in the matter preceding subclause (I) by striking “agreement” the first place it appears and all that follows through “, including” and inserting “agreement pursuant to clause (i), the Secretary shall only take such action as the Secretary determines necessary to address the claims of noncompliance made in the petition, including”;

(iv) in subparagraph (E)(i), by striking “the manner in which” and inserting “, with respect to each claim made in the petition, how”;

(v) by adding at the end the following:

“(G) Notwithstanding any other provision of this paragraph, the Secretary shall dismiss any petition from an interested party that has agreed with the Indian tribe to a resolution of the claims presented in the petition of that party.”;

(F) in paragraph (8)—

(i) by striking subparagraph (A);

(ii) by redesignating subparagraphs (B) through (D) as subparagraphs (A) through (C), respectively; and

(iii) in subparagraph (A) (as redesignated by clause (ii))—

(I) in clause (i), by striking “and” at the end;

(II) in clause (ii), by adding “and” after the semicolon; and

(III) by adding at the end the following:

“(iii) amend an approved tribal energy resource agreement to assume authority for approving leases, business agreements, or rights-of-way for development of another energy resource that is not included in an approved tribal energy resource agreement without being required to apply for a new tribal energy resource agreement.” and

(G) by adding at the end the following:

“(9) EFFECT.—Nothing in this section authorizes the Secretary to deny a tribal energy resource agreement or any amendment to a tribal energy resource agreement, or to limit the effect or implementation of this section, due to lack of promulgated regulations.”;

(5) by redesignating subsection (g) as subsection (j); and

(6) by inserting after subsection (f) the following:

“(g) FINANCIAL ASSISTANCE IN LIEU OF ACTIVITIES BY THE SECRETARY.—

“(1) IN GENERAL.—Any amounts that the Secretary would otherwise expend to operate or carry out any program, function, service, or activity (or any portion of a program, function, service, or activity) of the Department that, as a result of an Indian tribe carrying out activities under a tribal energy resource agreement, the Secretary does not expend, the Secretary shall, at the request of the Indian tribe, make available to the Indian tribe in accordance with this subsection.

“(2) ANNUAL FUNDING AGREEMENTS.—The Secretary shall make the amounts described in paragraph (1) available to an Indian tribe through an annual written funding agreement that is negotiated and entered into with the Indian tribe that is separate from the tribal energy resource agreement.

“(3) EFFECT OF APPROPRIATIONS.—Notwithstanding paragraph (1)—

“(A) the provision of amounts to an Indian tribe under this subsection is subject to the availability of appropriations; and

“(B) the Secretary shall not be required to reduce amounts for programs, functions, services, or activities that serve any other Indian tribe to make amounts available to an Indian tribe under this subsection.

“(4) DETERMINATION.—

“(A) IN GENERAL.—The Secretary shall calculate the amounts under paragraph (1) in accordance with the regulations adopted under section 6013(b) of the Indian Tribal Energy Development and Self-Determination Act Amendments of 2016.

“(B) APPLICABILITY.—The effective date or implementation of a tribal energy resource agreement under this section shall not be delayed or otherwise affected by—

“(i) a delay in the promulgation of regulations under section 6013(b) of the Indian Tribal Energy Development and Self-Determination Act Amendments of 2016;

“(ii) the period of time needed by the Secretary to make the calculation required under paragraph (1); or

“(iii) the adoption of a funding agreement under paragraph (2).

“(h) CERTIFICATION OF TRIBAL ENERGY DEVELOPMENT ORGANIZATION.—

“(1) IN GENERAL.—Not later than 90 days after the date on which an Indian tribe submits an application for certification of a tribal energy development organization in accordance with regulations promulgated under section 6013(b) of the Indian Tribal Energy Development and Self-Determination Act Amendments of 2016, the Secretary shall approve or disapprove the application.

“(2) REQUIREMENTS.—The Secretary shall approve an application for certification if—

“(A)(i) the Indian tribe has carried out a contract or compact under title I or IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.); and

“(ii) for a period of not less than 3 consecutive years ending on the date on which the Indian tribe submits the application, the contract or compact—

“(I) has been carried out by the Indian tribe without material audit exceptions (or without any material audit exceptions that

were not corrected within the 3-year period); and

“(II) has included programs or activities relating to the management of tribal land; and

“(B)(i) the tribal energy development organization is organized under the laws of the Indian tribe;

“(ii)(I) the majority of the interest in the tribal energy development organization is owned and controlled by the Indian tribe (or the Indian tribe and 1 or more other Indian tribes) the tribal land of which is being developed; and

“(II) the organizing document of the tribal energy development organization requires that the Indian tribe with jurisdiction over the land maintain at all times the controlling interest in the tribal energy development organization;

“(iii) the organizing document of the tribal energy development organization requires that the Indian tribe (or the Indian tribe and 1 or more other Indian tribes) the tribal land of which is being developed own and control at all times a majority of the interest in the tribal energy development organization; and

“(iv) the organizing document of the tribal energy development organization includes a statement that the organization shall be subject to the jurisdiction, laws, and authority of the Indian tribe.

“(3) ACTION BY SECRETARY.—If the Secretary approves an application for certification pursuant to paragraph (2), the Secretary shall, not more than 10 days after making the determination—

“(A) issue a certification stating that—

“(i) the tribal energy development organization is organized under the laws of the Indian tribe and subject to the jurisdiction, laws, and authority of the Indian tribe;

“(ii) the majority of the interest in the tribal energy development organization is owned and controlled by the Indian tribe (or the Indian tribe and 1 or more other Indian tribes) the tribal land of which is being developed;

“(iii) the organizing document of the tribal energy development organization requires that the Indian tribe with jurisdiction over the land maintain at all times the controlling interest in the tribal energy development organization;

“(iv) the organizing document of the tribal energy development organization requires that the Indian tribe (or the Indian tribe and 1 or more other Indian tribes) the tribal land of which is being developed own and control at all times a majority of the interest in the tribal energy development organization; and

“(v) the certification is issued pursuant to this subsection;

“(B) deliver a copy of the certification to the Indian tribe; and

“(C) publish the certification in the Federal Register.

“(i) SOVEREIGN IMMUNITY.—Nothing in this section waives the sovereign immunity of an Indian tribe.”

(b) REGULATIONS.—Not later than 1 year after the date of enactment of the Indian Tribal Energy Development and Self-Determination Act Amendments of 2016, the Secretary shall promulgate or update any regulations that are necessary to implement this section, including provisions to implement—

(1) section 2604(e)(8) of the Energy Policy Act of 1992 (25 U.S.C. 3504(e)(8)), including the process to be followed by an Indian tribe amending an existing tribal energy resource agreement to assume authority for approving leases, business agreements, or rights-of-way for development of an energy resource that is not included in the tribal energy resource agreement;

(2) section 2604(g) of the Energy Policy Act of 1992 (25 U.S.C. 3504(g)) including the man-

ner in which the Secretary, at the request of an Indian tribe, shall—

(A) identify the programs, functions, services, and activities (or any portions of programs, functions, services, or activities) that the Secretary will not have to operate or carry out as a result of the Indian tribe carrying out activities under a tribal energy resource agreement;

(B) identify the amounts that the Secretary would have otherwise expended to operate or carry out each program, function, service, and activity (or any portion of a program, function, service, or activity) identified pursuant to subparagraph (A); and

(C) provide to the Indian tribe a list of the programs, functions, services, and activities (or any portions of programs, functions, services, or activities) identified pursuant to subparagraph (A) and the amounts associated with each program, function, service, and activity (or any portion of a program, function, service, or activity) identified pursuant to subparagraph (B); and

(3) section 2604(h) of the Energy Policy Act of 1992 (25 U.S.C. 3504(h)), including the process to be followed by, and any applicable criteria and documentation required for, an Indian tribe to request and obtain the certification described in that section.

SEC. 6014. TECHNICAL ASSISTANCE FOR INDIAN TRIBAL GOVERNMENTS.

Section 2602(b) of the Energy Policy Act of 1992 (25 U.S.C. 3502(b)) is amended—

(1) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively; and

(2) by inserting after paragraph (2) the following:

“(3) TECHNICAL AND SCIENTIFIC RESOURCES.—In addition to providing grants to Indian tribes under this subsection, the Secretary shall collaborate with the Directors of the National Laboratories in making the full array of technical and scientific resources of the Department of Energy available for tribal energy activities and projects.”

SEC. 6015. CONFORMING AMENDMENTS.

(a) DEFINITION OF TRIBAL ENERGY DEVELOPMENT ORGANIZATION.—Section 2601 of the Energy Policy Act of 1992 (25 U.S.C. 3501) is amended—

(1) by redesignating paragraphs (9) through (12) as paragraphs (10) through (13), respectively;

(2) by inserting after paragraph (8) the following:

“(9) The term ‘qualified Indian tribe’ means an Indian tribe that has—

“(A) carried out a contract or compact under title I or IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) for a period of not less than 3 consecutive years ending on the date on which the Indian tribe submits the application without material audit exception (or without any material audit exceptions that were not corrected within the 3-year period) relating to the management of tribal land or natural resources; or

“(B) substantial experience in the administration, review, or evaluation of energy resource leases or agreements or has otherwise substantially participated in the administration, management, or development of energy resources located on the tribal land of the Indian tribe.”; and

(3) by striking paragraph (12) (as redesignated by paragraph (1)) and inserting the following:

“(12) The term ‘tribal energy development organization’ means—

“(A) any enterprise, partnership, consortium, corporation, or other type of business organization that is engaged in the development of energy resources and is wholly owned by an Indian tribe (including an organization incorporated pursuant to section 17

of the Indian Reorganization Act of 1934 (25 U.S.C. 477) or section 3 of the Act of June 26, 1936 (25 U.S.C. 503) (commonly known as the ‘Oklahoma Indian Welfare Act’); and

“(B) any organization of 2 or more entities, at least 1 of which is an Indian tribe, that has the written consent of the governing bodies of all Indian tribes participating in the organization to apply for a grant, loan, or other assistance under section 2602 or to enter into a lease or business agreement with, or acquire a right-of-way from, an Indian tribe pursuant to subsection (a)(2)(A)(ii) or (b)(2)(B) of section 2604.”.

(b) INDIAN TRIBAL ENERGY RESOURCE DEVELOPMENT.—Section 2602 of the Energy Policy Act of 1992 (25 U.S.C. 3502) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “tribal energy resource development organizations” and inserting “tribal energy development organizations”; and

(B) in paragraph (2), by striking “tribal energy resource development organizations” each place it appears and inserting “tribal energy development organizations”; and

(2) in subsection (b)(2), by striking “tribal energy resource development organization” and inserting “tribal energy development organization”.

(c) WIND AND HYDROPOWER FEASIBILITY STUDY.—Section 2606(c)(3) of the Energy Policy Act of 1992 (25 U.S.C. 3506(c)(3)) is amended by striking “energy resource development” and inserting “energy development”.

(d) CONFORMING AMENDMENTS.—Section 2604(e) of the Energy Policy Act of 1992 (25 U.S.C. 3504(e)) is amended—

(1) in paragraph (3)—

(A) by striking “(3) The Secretary” and inserting the following:

“(3) NOTICE AND COMMENT; SECRETARIAL REVIEW.—The Secretary”; and

(B) by striking “for approval”;

(2) in paragraph (4), by striking “(4) If the Secretary” and inserting the following:

“(4) ACTION IN CASE OF DISAPPROVAL.—If the Secretary”;

(3) in paragraph (5)—

(A) by striking “(5) If an Indian tribe” and inserting the following:

“(5) PROVISION OF DOCUMENTS TO SECRETARY.—If an Indian tribe”; and

(B) in the matter preceding subparagraph (A), by striking “approved” and inserting “in effect”;

(4) in paragraph (6)—

(A) by striking “(6)(A) In carrying out” and inserting the following:

“(6) SECRETARIAL OBLIGATIONS AND EFFECT OF SECTION.—

“(A) In carrying out”;

(B) in subparagraph (A), by indenting clauses (i) and (ii) appropriately;

(C) in subparagraph (B), by striking “approved” and inserting “in effect”; and

(D) in subparagraph (D)—

(i) in clause (i), by striking “an approved tribal energy resource agreement” and inserting “a tribal energy resource agreement in effect under this section”; and

(ii) in clause (ii), by striking “approved by the Secretary” and inserting “in effect”; and

(5) in paragraph (7)—

(A) by striking “(7)(A) In this paragraph” and inserting the following:

“(7) PETITIONS BY INTERESTED PARTIES.—

“(A) In this paragraph”;

(B) in subparagraph (A), by striking “approved by the Secretary” and inserting “in effect”;

(C) in subparagraph (B), by striking “approved by the Secretary” and inserting “in effect”; and

(D) in subparagraph (D)(iii)—

(i) in subclause (I), by striking “approved”; and

(ii) in subclause (II)—

(I) by striking “approval of” in the first place it appears; and

(II) by striking “subsection (a) or (b)” and inserting “subsection (a)(2)(A)(i) or (b)(2)(A)”.

SEC. 6016. REPORT.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary of the Interior shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report that details with respect to activities for energy development on Indian land, how the Department of the Interior—

(1) processes and completes the reviews of energy-related documents in a timely and transparent manner;

(2) monitors the timeliness of agency review for all energy-related documents;

(3) maintains databases to track and monitor the review and approval process for energy-related documents associated with conventional and renewable Indian energy resources that require Secretarial approval prior to development, including—

(A) any seismic exploration permits;

(B) permission to survey;

(C) archeological and cultural surveys;

(D) access permits;

(E) environmental assessments;

(F) oil and gas leases;

(G) surface leases;

(H) rights-of-way agreements; and

(I) communization agreements;

(4) identifies in the databases—

(A) the date lease applications and permits are received by the agency;

(B) the status of the review;

(C) the date the application or permit is considered complete and ready for review;

(D) the date of approval; and

(E) the start and end dates for any significant delays in the review process;

(5) tracks in the databases, for all energy-related leases, agreements, applications, and permits that involve multiple agency review—

(A) the dates documents are transferred between agencies;

(B) the status of the review;

(C) the date the required reviews are completed; and

(D) the date interim or final decisions are issued.

(b) INCLUSIONS.—The report under subsection (a) shall include—

(1) a description of any intermediate and final deadlines for agency action on any Secretarial review and approval required for Indian conventional and renewable energy exploration and development activities;

(2) a description of the existing geographic database established by the Bureau of Indian Affairs, explaining—

(A) how the database identifies—

(i) the location and ownership of all Indian oil and gas resources held in trust;

(ii) resources available for lease; and

(iii) the location of—

(I) any lease of land held in trust or restricted fee on behalf of any Indian tribe or individual Indian; and

(II) any rights-of-way on that land in effect;

(B) how the information from the database is made available to—

(i) the officials of the Bureau of Indian Affairs with responsibility over the management and development of Indian resources; and

(ii) resource owners; and

(C) any barriers to identifying the information described in subparagraphs (A) and (B) or any deficiencies in that information; and

(3) an evaluation of—

(A) the ability of each applicable agency to track and monitor the review and approval

process of the agency for Indian energy development; and

(B) the extent to which each applicable agency complies with any intermediate and final deadlines.

Subtitle B—Miscellaneous Amendments

SEC. 6201. ISSUANCE OF PRELIMINARY PERMITS OR LICENSES.

(a) IN GENERAL.—Section 7(a) of the Federal Power Act (16 U.S.C. 800(a)) is amended by striking “States and municipalities” and inserting “States, Indian tribes, and municipalities”.

(b) APPLICABILITY.—The amendment made by subsection (a) shall not affect—

(1) any preliminary permit or original license issued before the date of enactment of the Indian Tribal Energy Development and Self-Determination Act Amendments of 2016; or

(2) an application for an original license, if the Commission has issued a notice accepting that application for filing pursuant to section 4.32(d) of title 18, Code of Federal Regulations (or successor regulations), before the date of enactment of the Indian Tribal Energy Development and Self-Determination Act Amendments of 2016.

(c) DEFINITION OF INDIAN TRIBE.—For purposes of section 7(a) of the Federal Power Act (16 U.S.C. 800(a)) (as amended by subsection (a)), the term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

SEC. 6202. TRIBAL BIOMASS DEMONSTRATION PROJECT.

(a) PURPOSE.—The purpose of this section is to establish a biomass demonstration project for federally recognized Indian tribes and Alaska Native corporations to promote biomass energy production.

(b) TRIBAL BIOMASS DEMONSTRATION PROJECT.—The Tribal Forest Protection Act of 2004 (Public Law 108-278; 118 Stat. 868) is amended—

(1) in section 2(a), by striking “In this section” and inserting “In this Act”; and

(2) by adding at the end the following:

“SEC. 3. TRIBAL BIOMASS DEMONSTRATION PROJECT.

“(a) STEWARDSHIP CONTRACTS OR SIMILAR AGREEMENTS.—For each of fiscal years 2017 through 2021, the Secretary shall enter into stewardship contracts or similar agreements (excluding direct service contracts) with Indian tribes to carry out demonstration projects to promote biomass energy production (including biofuel, heat, and electricity generation) on Indian forest land and in nearby communities by providing reliable supplies of woody biomass from Federal land.

“(b) DEMONSTRATION PROJECTS.—In each fiscal year for which projects are authorized, at least 4 new demonstration projects that meet the eligibility criteria described in subsection (c) shall be carried out under contracts or agreements described in subsection (a).

“(c) ELIGIBILITY CRITERIA.—To be eligible to enter into a contract or agreement under this section, an Indian tribe shall submit to the Secretary an application—

“(1) containing such information as the Secretary may require; and

“(2) that includes a description of—

“(A) the Indian forest land or rangeland under the jurisdiction of the Indian tribe; and

“(B) the demonstration project proposed to be carried out by the Indian tribe.

“(d) SELECTION.—In evaluating the applications submitted under subsection (c), the Secretary shall—

“(1) take into consideration—

“(A) the factors set forth in paragraphs (1) and (2) of section 2(e); and

“(B) whether a proposed project would—

“(i) increase the availability or reliability of local or regional energy;

“(ii) enhance the economic development of the Indian tribe;

“(iii) result in or improve the connection of electric power transmission facilities serving the Indian tribe with other electric transmission facilities;

“(iv) improve the forest health or watersheds of Federal land or Indian forest land or rangeland;

“(v) demonstrate new investments in infrastructure; or

“(vi) otherwise promote the use of woody biomass; and

“(2) exclude from consideration any merchantable logs that have been identified by the Secretary for commercial sale.

“(e) IMPLEMENTATION.—The Secretary shall—

“(1) ensure that the criteria described in subsection (c) are publicly available by not later than 120 days after the date of enactment of this section; and

“(2) to the maximum extent practicable, consult with Indian tribes and appropriate intertribal organizations likely to be affected in developing the application and otherwise carrying out this section.

“(f) REPORT.—Not later than September 20, 2019, the Secretary shall submit to Congress a report that describes, with respect to the reporting period—

“(1) each individual tribal application received under this section; and

“(2) each contract and agreement entered into pursuant to this section.

“(g) INCORPORATION OF MANAGEMENT PLANS.—In carrying out a contract or agreement under this section, on receipt of a request from an Indian tribe, the Secretary shall incorporate into the contract or agreement, to the maximum extent practicable, management plans (including forest management and integrated resource management plans) in effect on the Indian forest land or rangeland of the respective Indian tribe.

“(h) TERM.—A contract or agreement entered into under this section—

“(1) shall be for a term of not more than 20 years; and

“(2) may be renewed in accordance with this section for not more than an additional 10 years.”.

(c) ALASKA NATIVE BIOMASS DEMONSTRATION PROJECT.—

(1) DEFINITIONS.—In this subsection:

(A) FEDERAL LAND.—The term “Federal land” means—

(i) land of the National Forest System (as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)) administered by the Secretary of Agriculture, acting through the Chief of the Forest Service; and

(ii) public lands (as defined in section 103 of the Federal Land Policy Management Act of 1976 (43 U.S.C. 1702)), the surface of which is administered by the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(B) INDIAN TRIBE.—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(C) SECRETARY.—The term “Secretary” means—

(i) the Secretary of Agriculture, with respect to land under the jurisdiction of the Forest Service; and

(ii) the Secretary of the Interior, with respect to land under the jurisdiction of the Bureau of Land Management.

(D) TRIBAL ORGANIZATION.—The term “tribal organization” has the meaning given the term in section 4 of the Indian Self-Deter-

mination and Education Assistance Act (25 U.S.C. 450b).

(2) AGREEMENTS.—For each of fiscal years 2017 through 2021, the Secretary shall enter into an agreement or contract with an Indian tribe or a tribal organization to carry out a demonstration project to promote biomass energy production (including biofuel, heat, and electricity generation) by providing reliable supplies of woody biomass from Federal land.

(3) DEMONSTRATION PROJECTS.—In each fiscal year for which projects are authorized, at least 1 new demonstration project that meets the eligibility criteria described in paragraph (4) shall be carried out under contracts or agreements described in paragraph (2).

(4) ELIGIBILITY CRITERIA.—To be eligible to enter into a contract or agreement under this subsection, an Indian tribe or tribal organization shall submit to the Secretary an application—

(A) containing such information as the Secretary may require; and

(B) that includes a description of the demonstration project proposed to be carried out by the Indian tribe or tribal organization.

(5) SELECTION.—In evaluating the applications submitted under paragraph (4), the Secretary shall—

(A) take into consideration whether a proposed project would—

(i) increase the availability or reliability of local or regional energy;

(ii) enhance the economic development of the Indian tribe;

(iii) result in or improve the connection of electric power transmission facilities serving the Indian tribe with other electric transmission facilities;

(iv) improve the forest health or watersheds of Federal land or non-Federal land;

(v) demonstrate new investments in infrastructure; or

(vi) otherwise promote the use of woody biomass; and

(B) exclude from consideration any merchantable logs that have been identified by the Secretary for commercial sale.

(6) IMPLEMENTATION.—The Secretary shall—

(A) ensure that the criteria described in paragraph (4) are publicly available by not later than 120 days after the date of enactment of this subsection; and

(B) to the maximum extent practicable, consult with Indian tribes and appropriate tribal organizations likely to be affected in developing the application and otherwise carrying out this subsection.

(7) REPORT.—Not later than September 20, 2019, the Secretary shall submit to Congress a report that describes, with respect to the reporting period—

(A) each individual application received under this subsection; and

(B) each contract and agreement entered into pursuant to this subsection.

(8) TERM.—A contract or agreement entered into under this subsection—

(A) shall be for a term of not more than 20 years; and

(B) may be renewed in accordance with this subsection for not more than an additional 10 years.

SEC. 6203. WEATHERIZATION PROGRAM.

Section 413(d) of the Energy Conservation and Production Act (42 U.S.C. 6863(d)) is amended—

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

“(1) RESERVATION OF AMOUNTS.—

“(A) IN GENERAL.—Subject to subparagraph (B) and notwithstanding any other provision of this part, the Secretary shall reserve from amounts that would otherwise be allocated

to a State under this part not less than 100 percent, but not more than 150 percent, of an amount which bears the same proportion to the allocation of that State for the applicable fiscal year as the population of all low-income members of an Indian tribe in that State bears to the population of all low-income individuals in that State.

“(B) RESTRICTIONS.—Subparagraph (A) shall apply only if—

“(i) the tribal organization serving the low-income members of the applicable Indian tribe requests that the Secretary make a grant directly; and

“(ii) the Secretary determines that the low-income members of the applicable Indian tribe would be equally or better served by making a grant directly than a grant made to the State in which the low-income members reside.

“(C) PRESUMPTION.—If the tribal organization requesting the grant is a tribally designated housing entity (as defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103)) that has operated without material audit exceptions (or without any material audit exceptions that were not corrected within a 3-year period), the Secretary shall presume that the low-income members of the applicable Indian tribe would be equally or better served by making a grant directly to the tribal organization than by a grant made to the State in which the low-income members reside.”;

(2) in paragraph (2)—

(A) by striking “The sums” and inserting “ADMINISTRATION.—The amounts”;

(B) by striking “on the basis of his determination”;

(C) by striking “individuals for whom such a determination has been made” and inserting “low-income members of the Indian tribe”;

(D) by striking “he” and inserting “the Secretary”;

(3) in paragraph (3), by striking “In order” and inserting “APPLICATION.—In order”.

SEC. 6204. APPRAISALS.

(a) IN GENERAL.—Title XXVI of the Energy Policy Act of 1992 (25 U.S.C. 3501 et seq.) is amended by adding at the end the following:

“SEC. 2607. APPRAISALS.

“(a) IN GENERAL.—For any transaction that requires approval of the Secretary and involves mineral or energy resources held in trust by the United States for the benefit of an Indian tribe or by an Indian tribe subject to Federal restrictions against alienation, any appraisal relating to fair market value of those resources required to be prepared under applicable law may be prepared by—

“(1) the Secretary;

“(2) the affected Indian tribe; or

“(3) a certified, third-party appraiser pursuant to a contract with the Indian tribe.

“(b) SECRETARIAL REVIEW AND APPROVAL.—Not later than 45 days after the date on which the Secretary receives an appraisal prepared by or for an Indian tribe under paragraph (2) or (3) of subsection (a), the Secretary shall—

“(1) review the appraisal; and

“(2) approve the appraisal unless the Secretary determines that the appraisal fails to meet the standards set forth in regulations promulgated under subsection (d).

“(c) NOTICE OF DISAPPROVAL.—If the Secretary determines that an appraisal submitted for approval under subsection (b) should be disapproved, the Secretary shall give written notice of the disapproval to the Indian tribe and a description of—

“(1) each reason for the disapproval; and

“(2) how the appraisal should be corrected or otherwise cured to meet the applicable standards set forth in the regulations promulgated under subsection (d).

“(d) REGULATIONS.—The Secretary shall promulgate regulations to carry out this section, including standards the Secretary shall use for approving or disapproving the appraisal described in subsection (a).”.

SEC. 6205. LEASES OF RESTRICTED LANDS FOR NAVAJO NATION.

(a) IN GENERAL.—Subsection (e)(1) of the first section of the Act of August 9, 1955 (commonly known as the “Long-Term Leasing Act”) (25 U.S.C. 415(e)(1)), is amended—

(1) by striking “, except a lease for” and inserting “, including a lease for”;

(2) by striking subparagraph (A) and inserting the following:

“(A) in the case of a business or agricultural lease, 99 years;”;

(3) in subparagraph (B), by striking the period at the end and inserting “; and”; and

(4) by adding at the end the following:

“(C) in the case of a lease for the exploration, development, or extraction of any mineral resource (including geothermal resources), 25 years, except that—

“(i) any such lease may include an option to renew for 1 additional term of not to exceed 25 years; and

“(ii) any such lease for the exploration, development, or extraction of an oil or gas resource shall be for a term of not to exceed 10 years, plus such additional period as the Navajo Nation determines to be appropriate in any case in which an oil or gas resource is produced in a paying quantity.”.

(b) GAO REPORT.—Not later than 5 years after the date of enactment of this Act, the Comptroller General of the United States shall prepare and submit to Congress a report describing the progress made in carrying out the amendment made by subsection (a).

SEC. 6206. EXTENSION OF TRIBAL LEASE PERIOD FOR THE CROW TRIBE OF MONTANA.

Subsection (a) of the first section of the Act of August 9, 1955 (25 U.S.C. 415(a)), is amended in the second sentence by inserting “, land held in trust for the Crow Tribe of Montana” after “Devils Lake Sioux Reservation”.

SEC. 6207. TRUST STATUS OF LEASE PAYMENTS.

(a) DEFINITION OF SECRETARY.—In this section, the term “Secretary” means the Secretary of the Interior.

(b) TREATMENT OF LEASE PAYMENTS.—

(1) IN GENERAL.—Except as provided in paragraph (2) and at the request of the Indian tribe or individual Indian, any advance payments, bid deposits, or other earnest money received by the Secretary in connection with the review and Secretarial approval under any other Federal law (including regulations) of a sale, lease, permit, or any other conveyance of any interest in any trust or restricted land of any Indian tribe or individual Indian shall, upon receipt and prior to Secretarial approval of the contract or conveyance instrument, be held in the trust fund system for the benefit of the Indian tribe and individual Indian from whose land the funds were generated.

(2) RESTRICTION.—If the advance payment, bid deposit, or other earnest money received by the Secretary results from competitive bidding, upon selection of the successful bidder, only the funds paid by the successful bidder shall be held in the trust fund system.

(c) USE OF FUNDS.—

(1) IN GENERAL.—On the approval of the Secretary of a contract or other instrument for a sale, lease, permit, or any other conveyance described in subsection (b)(1), the funds held in the trust fund system and described in subsection (b), along with all income generated from the investment of those funds, shall be disbursed to the Indian tribe or individual Indian landowners.

(2) ADMINISTRATION.—If a contract or other instrument for a sale, lease, permit, or any

other conveyance described in subsection (b)(1) is not approved by the Secretary, the funds held in the trust fund system and described in subsection (b), along with all income generated from the investment of those funds, shall be paid to the party identified in, and in such amount and on such terms as set out in, the applicable regulations, advertisement, or other notice governing the proposed conveyance of the interest in the land at issue.

(d) APPLICABILITY.—This section shall apply to any advance payment, bid deposit, or other earnest money received by the Secretary in connection with the review and Secretarial approval under any other Federal law (including regulations) of a sale, lease, permit, or any other conveyance of any interest in any trust or restricted land of any Indian tribe or individual Indian on or after the date of enactment of this Act.

TITLE VII—BROWNFIELDS REAUTHORIZATION

SEC. 7001. SHORT TITLE.

This title may be cited as the “Brownfields Utilization, Investment, and Local Development Act of 2016” or the “BUILD Act”.

SEC. 7002. EXPANDED ELIGIBILITY FOR NON-PROFIT ORGANIZATIONS.

Section 104(k)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)(1)) is amended—

(1) in subparagraph (G), by striking “or” after the semicolon;

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

(3) by adding at the end the following:

“(I) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of that Code;

“(J) a limited liability corporation in which all managing members are organizations described in subparagraph (I) or limited liability corporations whose sole members are organizations described in subparagraph (I);

“(K) a limited partnership in which all general partners are organizations described in subparagraph (I) or limited liability corporations whose sole members are organizations described in subparagraph (I); or

“(L) a qualified community development entity (as defined in section 45D(c)(1) of the Internal Revenue Code of 1986).”.

SEC. 7003. MULTIPURPOSE BROWNFIELDS GRANTS.

Section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)) is amended—

(1) by redesignating paragraphs (4) through (9) and (10) through (12) as paragraphs (5) through (10) and (13) through (15), respectively;

(2) in paragraph (3)(A), by striking “subject to paragraphs (4) and (5)” and inserting “subject to paragraphs (5) and (6)”;

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

“(4) MULTIPURPOSE BROWNFIELDS GRANTS.—

“(A) IN GENERAL.—Subject to subparagraph (D) and paragraphs (5) and (6), the Administrator shall establish a program to provide multipurpose grants to an eligible entity based on the considerations under paragraph (3)(C), to carry out inventory, characterization, assessment, planning, or remediation activities at 1 or more brownfield sites in a proposed area.

“(B) GRANT AMOUNTS.—

“(i) INDIVIDUAL GRANT AMOUNTS.—Each grant awarded under this paragraph shall not exceed \$950,000.

“(ii) CUMULATIVE GRANT AMOUNTS.—The total amount of grants awarded for each fis-

cal year under this paragraph shall not exceed 15 percent of the funds made available for the fiscal year to carry out this subsection.

“(C) CRITERIA.—In awarding a grant under this paragraph, the Administrator shall consider the extent to which an eligible entity is able—

“(i) to provide an overall plan for revitalization of the 1 or more brownfield sites in the proposed area in which the multipurpose grant will be used;

“(ii) to demonstrate a capacity to conduct the range of eligible activities that will be funded by the multipurpose grant; and

“(iii) to demonstrate that a multipurpose grant will meet the needs of the 1 or more brownfield sites in the proposed area.

“(D) CONDITION.—As a condition of receiving a grant under this paragraph, each eligible entity shall expend the full amount of the grant not later than the date that is 3 years after the date on which the grant is awarded to the eligible entity unless the Administrator, in the discretion of the Administrator, provides an extension.”.

SEC. 7004. TREATMENT OF CERTAIN PUBLICLY OWNED BROWNFIELD SITES.

Section 104(k)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)(2)) is amended by adding at the end the following:

“(C) EXEMPTION FOR CERTAIN PUBLICLY OWNED BROWNFIELD SITES.—Notwithstanding any other provision of law, an eligible entity that is a governmental entity may receive a grant under this paragraph for property acquired by that governmental entity prior to January 11, 2002, even if the governmental entity does not qualify as a bona fide prospective purchaser (as that term is defined in section 101(40)), so long as the eligible entity has not caused or contributed to a release or threatened release of a hazardous substance at the property.”.

SEC. 7005. INCREASED FUNDING FOR REMEDIATION GRANTS.

Section 104(k)(3)(A)(ii) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)(3)(A)(ii)) is amended by striking “\$200,000 for each site to be remediated” and inserting “\$500,000 for each site to be remediated, which limit may be waived by the Administrator, but not to exceed a total of \$650,000 for each site, based on the anticipated level of contamination, size, or ownership status of the site”.

SEC. 7006. ALLOWING ADMINISTRATIVE COSTS FOR GRANT RECIPIENTS.

Paragraph (5) of section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)) (as redesignated by section 3(1)) is amended—

(1) in subparagraph (B)—

(A) in clause (i)—

(i) by striking subclause (III); and

(ii) by redesignating subclauses (IV) and (V) as subclauses (III) and (IV), respectively;

(B) by striking clause (ii);

(C) by redesignating clause (iii) as clause (ii); and

(D) in clause (ii) (as redesignated by subparagraph (C)), by striking “Notwithstanding clause (i)(IV)” and inserting “Notwithstanding clause (i)(III)”;

(2) by adding at the end the following:

“(E) ADMINISTRATIVE COSTS.—

“(i) IN GENERAL.—An eligible entity may use up to 8 percent of the amounts made available under a grant or loan under this subsection for administrative costs.

“(ii) RESTRICTION.—For purposes of clause (i), the term ‘administrative costs’ does not include—

“(I) investigation and identification of the extent of contamination;

“(II) design and performance of a response action; or

“(III) monitoring of a natural resource.”.

SEC. 7007. SMALL COMMUNITY TECHNICAL ASSISTANCE GRANTS.

Paragraph (7)(A) of section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)) (as redesignated by section 7003(1)) is amended—

(1) by striking “The Administrator may provide,” and inserting the following:

“(i) DEFINITIONS.—In this subparagraph:

“(I) DISADVANTAGED AREA.—The term ‘disadvantaged area’ means an area with an annual median household income that is less than 80 percent of the State-wide annual median household income, as determined by the latest available decennial census.

“(II) SMALL COMMUNITY.—The term ‘small community’ means a community with a population of not more than 15,000 individuals, as determined by the latest available decennial census.

“(ii) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish a program to provide grants that provide,”; and

(2) by adding at the end the following:

“(iii) SMALL OR DISADVANTAGED COMMUNITY RECIPIENTS.—

“(I) IN GENERAL.—Subject to subclause (II), in carrying out the program under clause (ii), the Administrator shall use not more than \$600,000 of the amounts made available to carry out this paragraph to provide grants to States that receive amounts under section 128(a) to assist small communities, Indian tribes, rural areas, or disadvantaged areas in achieving the purposes described in clause (ii).

“(II) LIMITATION.—Each grant awarded under subclause (I) shall be not more than \$7,500.”.

SEC. 7008. WATERFRONT BROWNFIELDS GRANTS.

Section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)) is amended by inserting after paragraph (10) (as redesignated by section 7003(1)) the following:

“(11) WATERFRONT BROWNFIELD SITES.—

“(A) DEFINITION OF WATERFRONT BROWNFIELD SITE.—In this paragraph, the term ‘waterfront brownfield site’ means a brownfield site that is adjacent to a body of water or a federally designated floodplain.

“(B) REQUIREMENTS.—In providing grants under this subsection, the Administrator shall—

“(i) take into consideration whether the brownfield site to be served by the grant is a waterfront brownfield site; and

“(ii) give consideration to waterfront brownfield sites.”.

SEC. 7009. CLEAN ENERGY BROWNFIELDS GRANTS.

Section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)) (as amended by section 7008) is amended by inserting after paragraph (11) the following:

“(12) CLEAN ENERGY PROJECTS AT BROWNFIELD SITES.—

“(A) DEFINITION OF CLEAN ENERGY PROJECT.—In this paragraph, the term ‘clean energy project’ means—

“(i) a facility that generates renewable electricity from wind, solar, or geothermal energy; and

“(ii) any energy efficiency improvement project at a facility, including combined heat and power and district energy.

“(B) ESTABLISHMENT.—The Administrator shall establish a program to provide grants—

“(i) to eligible entities to carry out inventory, characterization, assessment, planning, feasibility analysis, design, or remediation

activities to locate a clean energy project at 1 or more brownfield sites; and

“(ii) to capitalize a revolving loan fund for the purposes described in clause (i).

“(C) MAXIMUM AMOUNT.—A grant under this paragraph shall not exceed \$500,000.”.

SEC. 7010. TARGETED FUNDING FOR STATES.

Paragraph (15) of section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)) (as redesignated by section 7003(1)) is amended by adding at the end the following:

“(C) TARGETED FUNDING.—Of the amounts made available under subparagraph (A) for a fiscal year, the Administrator may use not more than \$2,000,000 to provide grants to States for purposes authorized under section 128(a), subject to the condition that each State that receives a grant under this subparagraph shall have used at least 50 percent of the amounts made available to that State in the previous fiscal year to carry out assessment and remediation activities under section 128(a).”.

SEC. 7011. AUTHORIZATION OF APPROPRIATIONS.

(a) BROWNFIELDS REVITALIZATION FUNDING.—Paragraph (15)(A) of section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)) (as redesignated by section 7003(1)) is amended by striking “2006” and inserting “2018”.

(b) STATE RESPONSE PROGRAMS.—Section 128(a)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9628(a)(3)) is amended by striking “2006” and inserting “2018”.

TITLE VIII—MISCELLANEOUS

SEC. 8001. REMOVAL OF USE RESTRICTION.

Public Law 101-479 (104 Stat. 1158) is amended—

(1) by striking section 2(d); and

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

“SEC. 4. REMOVAL OF USE RESTRICTION.

“(a) The approximately 1-acre portion of the land referred to in section 3 that is used for purposes of a child care center, as authorized by this Act, shall not be subject to the use restriction imposed in the deed referred to in section 3.

“(b) Upon enactment of this section, the Secretary of the Interior shall execute an instrument to carry out subsection (a).”.

TITLE IX—MISCELLANEOUS

SEC. 9001. INTERAGENCY TRANSFER OF LAND ALONG GEORGE WASHINGTON MEMORIAL PARKWAY.

(a) DEFINITIONS.—In this section:

(1) MAP.—The term “Map” means the map entitled “George Washington Memorial Parkway—Claude Moore Farm Proposed Boundary Adjustment”, numbered 850_130815, and dated February 2016.

(2) RESEARCH CENTER.—The term “Research Center” means the Turner-Fairbank Highway Research Center of the Federal Highway Administration.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(b) ADMINISTRATIVE JURISDICTION TRANSFER.—

(1) TRANSFER OF JURISDICTION.—

(A) GEORGE WASHINGTON MEMORIAL PARKWAY LAND.—Administrative jurisdiction over the approximately 0.342 acres of Federal land under the jurisdiction of the Secretary within the boundary of the George Washington Memorial Parkway, as generally depicted as “B” on the Map, is transferred from the Secretary to the Secretary of Transportation.

(B) RESEARCH CENTER LAND.—Administrative jurisdiction over the approximately 0.479 acres of Federal land within the boundary of the Research Center land under the ju-

risdiction of the Secretary of Transportation adjacent to the boundary of the George Washington Memorial Parkway, as generally depicted as “A” on the Map, is transferred from the Secretary of Transportation to the Secretary.

(2) USE RESTRICTION.—The Secretary shall restrict the use of 0.139 acres of Federal land within the boundary of the George Washington Memorial Parkway immediately adjacent to part of the perimeter fence of the Research Center, generally depicted as “C” on the Map, by prohibiting the storage, construction, or installation of any item that may interfere with the access of the Research Center to the restricted land for security and maintenance purposes.

(3) REIMBURSEMENT OR CONSIDERATION.—The transfers of administrative jurisdiction under this subsection shall not be subject to reimbursement or consideration.

(4) COMPLIANCE WITH AGREEMENT.—

(A) AGREEMENT.—The National Park Service and the Federal Highway Administration shall comply with all terms and conditions of the agreement entered into by the parties on September 11, 2002, regarding the transfer of administrative jurisdiction, management, and maintenance of the land described in the agreement.

(B) ACCESS TO RESTRICTED LAND.—

(i) IN GENERAL.—Subject to the terms of the agreement described in subparagraph (A), the Secretary shall allow the Research Center—

(I) to access the Federal land described in paragraph (1)(B) for purposes of transportation to and from the Research Center; and

(II) to access the Federal land described in paragraphs (1)(B) and (2) for purposes of maintenance in accordance with National Park Service standards, including grass mowing, weed control, tree maintenance, fence maintenance, and maintenance of the visual appearance of the Federal land.

(c) MANAGEMENT OF TRANSFERRED LAND.—

(1) INTERIOR LAND.—The Federal land transferred to the Secretary under subsection (b)(1)(B) shall be—

(A) included in the boundary of the George Washington Memorial Parkway; and

(B) administered by the Secretary as part of the George Washington Memorial Parkway, subject to applicable laws (including regulations).

(2) TRANSPORTATION LAND.—The Federal land transferred to the Secretary of Transportation under subsection (b)(1)(A) shall be—

(A) included in the boundary of the Research Center land; and

(B) removed from the boundary of the George Washington Memorial Parkway.

(3) RESTRICTED-USE LAND.—The Federal land that the Secretary has designated for restricted use under subsection (b)(2) shall be maintained by the Research Center.

(d) MAP ON FILE.—The Map shall be available for public inspection in the appropriate offices of the National Park Service.

TITLE X—NATURAL RESOURCES

Subtitle A—Land Conveyances and Related Matters

SEC. 10001. 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 depicted 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. A lot described in this subsection may be included in the

boundary adjustment only after 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 land 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. 539j).

(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, 1965.

(d) **PUBLIC MOTORIZED USE.**—Nothing in this section opens 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. 539j(f)) regarding motorized travel, the owners of any non-Federal lands within the boundary described in subsection (a) who historically have accessed their lands through lands now or hereafter owned by the United States within the boundary described in subsection (a) shall have the continued right of motorized access to their lands across the existing roadway.

SEC. 10002. 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. 772), 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-Leverich 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 lessee of Federal oil and gas lease COC-75070 and any other valid existing rights; and

(2) shall reserve to the United States the right to collect rent and royalty payments 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 exterior boundary of the White River National Forest 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.

SEC. 10003. LAND EXCHANGE IN CRAGS, COLORADO.

(a) **PURPOSES.**—The purposes of this section 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 For-

est near Pikes Peak, Colorado, via acquisition of the non-Federal land and trail easement.

(b) **DEFINITIONS.**—In this section:

(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 of the United States in and to approximately 83 acres of land within the Pike National Forest, El Paso County, Colorado, together with a non-exclusive perpetual access easement to BHI to and from such land on Forest Service Road 371, as generally depicted on the map entitled “Proposed Crags Land Exchange—Federal Parcel—Emerald Valley Ranch”, dated March 2015.

(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—Non-Federal Parcel—Crags Property”, 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 considered 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.

(c) **LAND EXCHANGE.**—

(1) **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.

(2) **LAND TITLE.**—Title to the non-Federal land conveyed and donated to the Secretary under this section shall be acceptable to the Secretary and shall conform to the title approval standards of the Attorney General of the United States applicable to land acquisitions by the Federal Government.

(3) **PERPETUAL ACCESS EASEMENT TO BHI.**—The nonexclusive perpetual access easement to be granted to BHI as shown on the map referred to in subsection (b)(2) shall allow—

(A) BHI to fully maintain, at BHI's expense, and use Forest Service Road 371 from its junction with Forest Service Road 368 in accordance with historic use and maintenance patterns by BHI; and

(B) full and continued 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.

(4) **ROUTE AND CONDITION OF ROAD.**—BHI and the Secretary may mutually agree to improve, relocate, reconstruct, or otherwise alter the route and condition of all or portions of such road as the Secretary, in close consultation with BHI, may determine advisable.

(5) **EXCHANGE COSTS.**—BHI shall pay for all land survey, appraisal, and other costs to the Secretary as may be necessary to process and consummate the exchange directed by this section, including reimbursement to the Secretary, if the Secretary so requests, for staff time spent in such processing and consummation.

(d) **EQUAL VALUE EXCHANGE AND APPRAISALS.**—

(1) **APPRAISALS.**—The values of the lands to be exchanged under this section shall be determined by the Secretary through appraisals performed in accordance with—

(A) the Uniform Appraisal Standards for Federal Land Acquisitions;

(B) the Uniform Standards of Professional Appraisal Practice;

(C) appraisal instructions issued by the Secretary; and

(D) shall be performed by an appraiser mutually agreed to by the Secretary and BHI.

(2) **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:

(A) **SURPLUS OF FEDERAL LAND VALUE.**—If the final appraised value of the Federal land exceeds the final appraised value of the non-Federal land parcel identified in subsection (b)(3)(A), BHI shall make a cash equalization payment to the United States as necessary to achieve equal value, including, if necessary, an amount in excess of that authorized pursuant to section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)).

(B) **USE OF FUNDS.**—Any cash equalization moneys received by the Secretary under subparagraph (A) shall be—

(i) deposited in the fund established under Public Law 90-171 (commonly known as the “Sisk Act”; 16 U.S.C. 484a); and

(ii) made available to the Secretary for the acquisition of land or interests in land in Region 2 of the Forest Service.

(C) **SURPLUS OF NON-FEDERAL LAND VALUE.**—If the final appraised value of the non-Federal land parcel identified in subsection (b)(3)(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 by BHI to the United States for all purposes of law.

(3) **APPRAISAL EXCLUSIONS.**—

(A) **SPECIAL USE PERMIT.**—The appraised value of the Federal land 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.

(B) **BARR TRAIL EASEMENT.**—The Barr Trail easement donation identified in subsection (b)(3)(B) shall not be appraised for purposes of this section.

(e) **MISCELLANEOUS PROVISIONS.**—

(1) **WITHDRAWAL PROVISIONS.**—

(A) **WITHDRAWAL.**—Lands acquired by the Secretary under this section shall, without further action by the Secretary, be permanently withdrawn from all forms of appropriation and disposal under the public land laws (including the mining and mineral leasing laws) and the Geothermal Steam Act of 1930 (30 U.S.C. 1001 et seq.).

(B) **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.

(C) **WITHDRAWAL OF FEDERAL LAND.**—All Federal land authorized to be exchanged under this section, 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.

(2) **POSTEXCHANGE LAND MANAGEMENT.**—Land acquired by the Secretary under this section shall become part of the Pike-San Isabel National Forest and be managed in accordance with the laws, rules, and regulations applicable to the National Forest System.

(3) **EXCHANGE TIMETABLE.**—It is the intent of Congress that the land exchange directed by this section be consummated no later than 1 year after the date of the enactment of this Act.

(4) MAPS, ESTIMATES, AND DESCRIPTIONS.—

(A) 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.

(B) CONFLICT.—If there is a conflict between a map, an acreage estimate, or a description of land under this section, the map shall control unless the Secretary and BHI mutually agree otherwise.

(C) 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 referred to in this section.

SEC. 10004. CERRO DEL YUTA AND RÍO SAN ANTONIO WILDERNESS AREAS.

(a) DEFINITIONS.—In this section:

(1) MAP.—The term “map” means the map entitled “Río Grande del Norte National Monument Proposed Wilderness Areas” and dated July 28, 2015.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(3) WILDERNESS AREA.—The term “wilderness area” means a wilderness area designated by subsection (b)(1).

(b) DESIGNATION OF CERRO DEL YUTA AND RÍO SAN ANTONIO WILDERNESS AREAS.—

(1) IN GENERAL.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the Río Grande del Norte National Monument are designated as wilderness and as components of the National Wilderness Preservation System:

(A) CERRO DEL YUTA WILDERNESS.—Certain land administered by the Bureau of Land Management in Taos County, New Mexico, comprising approximately 13,420 acres as generally depicted on the map, which shall be known as the “Cerro del Yuta Wilderness”.

(B) RÍO SAN ANTONIO WILDERNESS.—Certain land administered by the Bureau of Land Management in Río Arriba County, New Mexico, comprising approximately 8,120 acres, as generally depicted on the map, which shall be known as the “Río San Antonio Wilderness”.

(2) MANAGEMENT OF WILDERNESS AREAS.—Subject to valid existing rights, the wilderness areas shall be administered in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this section, except that with respect to the wilderness areas designated by this subsection—

(A) any reference to the effective date of the Wilderness Act shall be considered to be a reference to the date of enactment of this Act; and

(B) any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary.

(3) INCORPORATION OF ACQUIRED LAND AND INTERESTS IN LAND.—Any land or interest in land within the boundary of the wilderness areas that is acquired by the United States shall—

(A) become part of the wilderness area in which the land is located; and

(B) be managed in accordance with—

(i) the Wilderness Act (16 U.S.C. 1131 et seq.);

(ii) this section; and

(iii) any other applicable laws.

(4) GRAZING.—Grazing of livestock in the wilderness areas, where established before the date of enactment of this Act, shall be administered in accordance with—

(A) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(B) the guidelines set forth in appendix A of the Report of the Committee on Interior

and Insular Affairs to accompany H.R. 2570 of the 101st Congress (H. Rept. 101-405).

(5) BUFFER ZONES.—

(A) IN GENERAL.—Nothing in this section creates a protective perimeter or buffer zone around the wilderness areas.

(B) ACTIVITIES OUTSIDE WILDERNESS AREAS.—The fact that an activity or use on land outside a wilderness area can be seen or heard within the wilderness area shall not preclude the activity or use outside the boundary of the wilderness area.

(6) RELEASE OF WILDERNESS STUDY AREAS.—Congress finds that, for purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the public land within the San Antonio Wilderness Study Area not designated as wilderness by this subsection—

(A) has been adequately studied for wilderness designation;

(B) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(C) shall be managed in accordance with this section.

(7) MAPS AND LEGAL DESCRIPTIONS.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file the map and legal descriptions of the wilderness areas with—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(B) FORCE OF LAW.—The map and legal descriptions filed under subparagraph (A) shall have the same force and effect as if included in this section, except that the Secretary may correct errors in the legal description and map.

(C) PUBLIC AVAILABILITY.—The map and legal descriptions filed under subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(8) NATIONAL LANDSCAPE CONSERVATION SYSTEM.—The wilderness areas shall be administered as components of the National Landscape Conservation System.

(9) FISH AND WILDLIFE.—Nothing in this section affects the jurisdiction of the State of New Mexico with respect to fish and wildlife located on public land in the State.

(10) WITHDRAWALS.—Subject to valid existing rights, any Federal land within the wilderness areas designated by paragraph (1), including any land or interest in land that is acquired by the United States after the date of enactment of this Act, is withdrawn from—

(A) entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(11) TREATY RIGHTS.—Nothing in this section enlarges, diminishes, or otherwise modifies any treaty rights.

SEC. 10005. CLARIFICATION RELATING TO A CERTAIN LAND DESCRIPTION UNDER THE NORTHERN ARIZONA LAND EXCHANGE AND VERDE RIVER BASIN PARTNERSHIP ACT OF 2005.

Section 104(a)(5) of the Northern Arizona Land Exchange and Verde River Basin Partnership Act of 2005 (Public Law 109-110; 119 Stat. 2356) is amended by inserting before the period at the end “, which, notwithstanding section 102(a)(4)(B), includes the N½, NE¼, SW¼, SW¼, the N½, N½, SE¼, SW¼, and the N½, N½, SW¼, SE¼, sec. 34, T. 22 N., R. 2 E., Gila and Salt River Meridian, Coconino County, comprising approximately 25 acres”.

SEC. 10006. COOPER SPUR LAND EXCHANGE CLARIFICATION AMENDMENTS.

Section 1206(a) of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 1018) is amended—

(1) in paragraph (1)—

(A) in subparagraph (C), by striking “120 acres” and inserting “107 acres”; and

(B) in subparagraph (E)(ii), by inserting “improvements,” after “buildings,”; and

(2) in paragraph (2)—

(A) in subparagraph (D)—

(i) in clause (i), by striking “As soon as practicable after the date of enactment of this Act, the Secretary and Mt. Hood Meadows shall select” and inserting “Not later than 120 days after the date of the enactment of the Energy Policy Modernization Act of 2016, the Secretary and Mt. Hood Meadows shall jointly select”;

(ii) in clause (ii), in the matter preceding subclause (I), by striking “An appraisal under clause (i) shall” and inserting “Except as provided under clause (iii), an appraisal under clause (i) shall assign a separate value to each tax lot to allow for the equalization of values and”; and

(iii) by adding at the end the following:

“(iii) FINAL APPRAISED VALUE.—

“(I) IN GENERAL.—Subject to subclause (II), after the final appraised value of the Federal land and the non-Federal land are determined and approved by the Secretary, the Secretary shall not be required to reappraise or update the final appraised value for a period of up to 3 years, beginning on the date of the approval by the Secretary of the final appraised value.

“(II) EXCEPTION.—Subclause (I) shall not apply if the condition of either the Federal land or the non-Federal land referred to in subclause (I) is significantly and substantially altered by fire, windstorm, or other events.

“(iv) PUBLIC REVIEW.—Before completing the land exchange under this Act, the Secretary shall make available for public review the complete appraisals of the land to be exchanged.”; and

(B) by striking subparagraph (G) and inserting the following:

“(G) REQUIRED CONVEYANCE CONDITIONS.—Prior to the exchange of the Federal and non-Federal land—

“(i) the Secretary and Mt. Hood Meadows may mutually agree for the Secretary to reserve a conservation easement to protect the identified wetland in accordance with applicable law, subject to the requirements that—

“(I) the conservation easement shall be consistent with the terms of the September 30, 2015, mediation between the Secretary and Mt. Hood Meadows; and

“(II) in order to take effect, the conservation easement shall be finalized not later than 120 days after the date of enactment of the Energy Policy Modernization Act of 2016; and

“(ii) the Secretary shall reserve a 24-foot-wide nonexclusive trail easement at the existing trail locations on the Federal land that retains for the United States existing rights to construct, reconstruct, maintain, and permit nonmotorized use by the public of existing trails subject to the right of the owner of the Federal land—

“(I) to cross the trails with roads, utilities, and infrastructure facilities; and

“(II) to improve or relocate the trails to accommodate development of the Federal land.

“(H) EQUALIZATION OF VALUES.—

“(i) IN GENERAL.—Notwithstanding subparagraph (A), in addition to or in lieu of monetary compensation, a lesser area of Federal land or non-Federal land may be conveyed if necessary to equalize appraised values of the exchange properties, without

limitation, consistent with the requirements of this Act and subject to the approval of the Secretary and Mt. Hood Meadows.

“(ii) TREATMENT OF CERTAIN COMPENSATION OR CONVEYANCES AS DONATION.—If, after payment of compensation or adjustment of land area subject to exchange under this Act, the amount by which the appraised value of the land and other property conveyed by Mt. Hood Meadows under subparagraph (A) exceeds the appraised value of the land conveyed by the Secretary under subparagraph (A) shall be considered a donation by Mt. Hood Meadows to the United States.”.

SEC. 10007. 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, is—

(A) acting in a not-for-profit capacity; and
(B) composed entirely of members who, at the time of the good Samaritan 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 1 or more missing 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 clarify that—

(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 54, United States Code;

(C) chapter 171 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; and

(D) chapter 81 of title 5, United States Code (commonly known as the “Federal Employees Compensation Act”), shall not apply to an eligible organization or individual conducting a good Samaritan search-and-recovery mission under this section, and the conduct of the good Samaritan search-and-recovery mission shall not constitute civilian employment.

(c) RELEASE OF FEDERAL GOVERNMENT FROM LIABILITY.—The Secretary shall not require an eligible organization or individual to have liability insurance as a condition of accessing Federal land under this section, if the eligible organization or individual—

(1) acknowledges and consents, in writing, to the provisions described in subparagraphs (A) through (D) of subsection (b)(2); and

(2) signs a waiver releasing the Federal Government from all liability relating to the access granted under this section and agrees to indemnify and hold harmless the United States from any claims or lawsuits arising

from any conduct 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 from 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 (e)(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 (e)(2).

SEC. 10008. BLACK HILLS NATIONAL CEMETERY BOUNDARY MODIFICATION.

(a) DEFINITIONS.—In this section:

(1) CEMETERY.—The term “Cemetery” means the Black Hills National Cemetery in Sturgis, South Dakota.

(2) FEDERAL LAND.—The term “Federal land” means the approximately 200 acres of Bureau of Land Management land adjacent to the Cemetery, generally depicted as “Proposed National Cemetery Expansion” on the map entitled “Proposed Expansion of Black Hills National Cemetery-South Dakota” and dated September 28, 2015.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(b) TRANSFER AND WITHDRAWAL OF BUREAU OF LAND MANAGEMENT LAND FOR CEMETERY USE.—

(1) TRANSFER OF ADMINISTRATIVE JURISDICTION.—

(A) IN GENERAL.—Subject to valid existing rights, administrative jurisdiction over the Federal land is transferred from the Secretary to the Secretary of Veterans Affairs for use as a national cemetery in accordance with chapter 24 of title 38, United States Code.

(B) LEGAL DESCRIPTIONS.—

(i) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall publish in the Federal Register a notice containing a legal description of the Federal land.

(ii) EFFECT.—A legal description published under clause (i) shall have the same force and effect as if included in this section, except that the Secretary may correct any clerical and typographical errors in the legal description.

(iii) AVAILABILITY.—Copies of the legal description published under clause (i) shall be

available for public inspection in the appropriate offices of—

(I) the Bureau of Land Management; and

(II) the National Cemetery Administration.

(iv) COSTS.—The Secretary of Veterans Affairs shall reimburse the Secretary for the costs incurred by the Secretary in carrying out this subparagraph, including the costs of any surveys and other reasonable costs.

(2) WITHDRAWAL.—Subject to valid existing rights, for any period during which the Federal land is under the administrative jurisdiction of the Secretary of Veterans Affairs, the Federal land—

(A) is withdrawn from all forms of appropriation under the public land laws, including the mining laws, the mineral leasing laws, and the geothermal leasing laws; and

(B) shall be treated as property as defined under section 102(9) of title 40, United States Code.

(3) BOUNDARY MODIFICATION.—The boundary of the Cemetery is modified to include the Federal land.

(4) MODIFICATION OF PUBLIC LAND ORDER.—Public Land Order 2112, dated June 6, 1960 (25 Fed. Reg. 5243), is modified to exclude the Federal land.

(c) SUBSEQUENT TRANSFER OF ADMINISTRATIVE JURISDICTION.—

(1) NOTICE.—On a determination by the Secretary of Veterans Affairs that all or a portion of the Federal land is not being used for purposes of the Cemetery, the Secretary of Veterans Affairs shall notify the Secretary of the determination.

(2) TRANSFER OF ADMINISTRATIVE JURISDICTION.—Subject to paragraphs (3) and (4), the Secretary of Veterans Affairs shall transfer to the Secretary administrative jurisdiction over the Federal land subject to a notice under paragraph (1).

(3) DECONTAMINATION.—The Secretary of Veterans Affairs shall be responsible for the costs of any decontamination of the Federal land subject to a notice under paragraph (1) that the Secretary determines to be necessary for the Federal land to be restored to public land status.

(4) RESTORATION TO PUBLIC LAND STATUS.—The Federal land subject to a notice under paragraph (1) shall only be restored to public land status on—

(A) acceptance by the Secretary of the Federal land subject to the notice; and

(B) a determination by the Secretary that the Federal land subject to the notice is suitable for—

(i) restoration to public land status; and

(ii) the operation of 1 or more of the public land laws with respect to the Federal land.

(5) ORDER.—If the Secretary accepts the Federal land under paragraph (4)(A) and makes a determination of suitability under paragraph (4)(B), the Secretary may—

(A) open the accepted Federal land to operation of 1 or more of the public land laws; and

(B) issue an order to carry out the opening authorized under subparagraph (A).

Subtitle B—National Park Management, Studies, and Related Matters

SEC. 10101. REFUND OF FUNDS USED BY STATES TO OPERATE NATIONAL PARKS DURING SHUTDOWN.

(a) IN GENERAL.—The Director of the National Park Service shall refund to each State all funds of the State that were used to reopen and temporarily operate a unit of the National Park System during the period in October 2013 in which there was a lapse in appropriations for the unit.

(b) FUNDING.—Funds of the National Park Service that are appropriated after the date of enactment of this Act shall be used to carry out this section.

SEC. 10102. LOWER FARMINGTON AND SALMON BROOK RECREATIONAL RIVERS.

(a) DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following new paragraph:

“(213) LOWER FARMINGTON RIVER AND SALMON BROOK, CONNECTICUT.—Segments of the main stem and its tributary, Salmon Brook, totaling approximately 62 miles, to be administered by the Secretary of the Interior as follows:

“(A) The approximately 27.2-mile segment of the Farmington River beginning 0.2 miles below the tailrace of the Lower Collinsville Dam and extending to the site of the Spoonville Dam in Bloomfield and East Granby as a recreational river.

“(B) The approximately 8.1-mile segment of the Farmington River extending from 0.5 miles below the Rainbow Dam to the confluence with the Connecticut River in Windsor as a recreational river.

“(C) The approximately 2.4-mile segment of the main stem of Salmon Brook extending from the confluence of the East and West Branches to the confluence with the Farmington River as a recreational river.

“(D) The approximately 12.6-mile segment of the West Branch of Salmon Brook extending from its headwaters in Hartland, Connecticut to its confluence with the East Branch of Salmon Brook as a recreational river.

“(E) The approximately 11.4-mile segment of the East Branch of Salmon Brook extending from the Massachusetts-Connecticut State line to the confluence with the West Branch of Salmon Brook as a recreational river.”.

(b) MANAGEMENT.—

(1) IN GENERAL.—The river segments designated by subsection (a) shall be managed in accordance with the management plan and such amendments to the management plan as the Secretary determines are consistent with this section. The management plan shall be deemed to satisfy the requirements for a comprehensive management plan pursuant to section 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).

(2) COMMITTEE.—The Secretary shall coordinate the management responsibilities of the Secretary under this section with the Lower Farmington River and Salmon Brook Wild and Scenic Committee, as specified in the management plan.

(3) COOPERATIVE AGREEMENTS.—

(A) IN GENERAL.—In order to provide for the long-term protection, preservation, and enhancement of the river segment designated by subsection (a), the Secretary is authorized to enter into cooperative agreements pursuant to sections 10(e) and 11(b)(1) of the Wild and Scenic Rivers Act with—

(i) the State of Connecticut;

(ii) the towns of Avon, Bloomfield, Burlington, East Granby, Farmington, Granby, Hartland, Simsbury, and Windsor in Connecticut; and

(iii) appropriate local planning and environmental organizations.

(B) CONSISTENCY.—All cooperative agreements provided for under this section shall be consistent with the management plan and may include provisions for financial or other assistance from the United States.

(4) LAND MANAGEMENT.—

(A) ZONING ORDINANCES.—For the purposes of the segments designated in subsection (a), the zoning ordinances adopted by the towns in Avon, Bloomfield, Burlington, East Granby, Farmington, Granby, Hartland, Simsbury, and Windsor in Connecticut, including provisions for conservation of floodplains, wetlands and watercourses associated with the segments, shall be deemed to satisfy the standards and requirements of

section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)).

(B) ACQUISITION OF LAND.—The provisions of section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)) that prohibit Federal acquisition of lands by condemnation shall apply to the segments designated in subsection (a). The authority of the Secretary to acquire lands for the purposes of the segments designated in subsection (a) shall be limited to acquisition by donation or acquisition with the consent of the owner of the lands, and shall be subject to the additional criteria set forth in the management plan.

(5) RAINBOW DAM.—The designation made by subsection (a) shall not be construed to—

(A) prohibit, pre-empt, or abridge the potential future licensing of the Rainbow Dam and Reservoir (including any and all aspects of its facilities, operations and transmission lines) by the Federal Energy Regulatory Commission as a federally licensed hydroelectric generation project under the Federal Power Act, provided that the Commission may, in the discretion of the Commission and consistent with this section, establish such reasonable terms and conditions in a hydropower license for Rainbow Dam as are necessary to reduce impacts identified by the Secretary as invading or unreasonably diminishing the scenic, recreational, and fish and wildlife values of the segments designated by subsection (a); or

(B) affect the operation of, or impose any flow or release requirements on, the unlicensed hydroelectric facility at Rainbow Dam and Reservoir.

(6) RELATION TO NATIONAL PARK SYSTEM.—Notwithstanding section 10(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(c)), the Lower Farmington River shall not be administered as part of the National Park System or be subject to regulations which govern the National Park System.

(c) FARMINGTON RIVER, CONNECTICUT, DESIGNATION REVISION.—Section 3(a)(156) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended in the first sentence—

(1) by striking “14-mile” and inserting “15.1-mile”; and

(2) by striking “to the downstream end of the New Hartford-Canton, Connecticut town line” and inserting “to the confluence with the Nepaug River”.

(d) DEFINITIONS.—For the purposes of this section:

(1) MANAGEMENT PLAN.—The term “management plan” means the management plan prepared by the Salmon Brook Wild and Scenic Study Committee entitled the “Lower Farmington River and Salmon Brook Management Plan” and dated June 2011.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

SEC. 10103. SPECIAL RESOURCE STUDY OF PRESIDENT STREET STATION.

(a) DEFINITIONS.—In this section:

(1) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(2) STUDY AREA.—The term “study area” means the President Street Station, a railroad terminal in Baltimore, Maryland, the history of which is tied to the growth of the railroad industry in the 19th century, the Civil War, the Underground Railroad, and the immigrant influx of the early 20th century.

(b) SPECIAL RESOURCE STUDY.—

(1) STUDY.—The Secretary shall conduct a special resource study of the study area.

(2) CONTENTS.—In conducting the study under paragraph (1), the Secretary shall—

(A) evaluate the national significance of the study area;

(B) determine the suitability and feasibility of designating the study area as a unit of the National Park System;

(C) consider other alternatives for preservation, protection, and interpretation of the study area by the Federal Government, State or local government entities, or private and nonprofit organizations;

(D) consult with interested Federal agencies, State or local governmental entities, private and nonprofit organizations, or any other interested individuals; and

(E) identify cost estimates for any Federal acquisition, development, interpretation, operation, and maintenance associated with the alternatives.

(3) APPLICABLE LAW.—The study required under paragraph (1) shall be conducted in accordance with section 100507 of title 54, United States Code.

(4) REPORT.—Not later than 3 years after the date on which funds are first made available for the study under paragraph (1), 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 a report that describes—

(A) the results of the study; and

(B) any conclusions and recommendations of the Secretary.

SEC. 10104. SPECIAL RESOURCE STUDY OF THURGOOD MARSHALL'S ELEMENTARY SCHOOL.

(a) DEFINITIONS.—In this section:

(1) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(2) STUDY AREA.—The term “study area” means—

(A) P.S. 103, the public school located in West Baltimore, Maryland, which Thurgood Marshall attended as a youth; and

(B) any other resources in the neighborhood surrounding P.S. 103 that relate to the early life of Thurgood Marshall.

(b) SPECIAL RESOURCE STUDY.—

(1) STUDY.—The Secretary shall conduct a special resource study of the study area.

(2) CONTENTS.—In conducting the study under paragraph (1), the Secretary shall—

(A) evaluate the national significance of the study area;

(B) determine the suitability and feasibility of designating the study area as a unit of the National Park System;

(C) consider other alternatives for preservation, protection, and interpretation of the study area by the Federal Government, State or local government entities, or private and nonprofit organizations;

(D) consult with interested Federal agencies, State or local governmental entities, private and nonprofit organizations, or any other interested individuals; and

(E) identify cost estimates for any Federal acquisition, development, interpretation, operation, and maintenance associated with the alternatives.

(3) APPLICABLE LAW.—The study required under paragraph (1) shall be conducted in accordance with section 100507 of title 54, United States Code.

(4) REPORT.—Not later than 3 years after the date on which funds are first made available to carry out the study under paragraph (1), 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 a report that describes—

(A) the results of the study; and

(B) any conclusions and recommendations of the Secretary.

SEC. 10105. SPECIAL RESOURCE STUDY OF JAMES K. POLK PRESIDENTIAL HOME.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this section as the “Secretary”) shall conduct a special resource study of the site of the James K. Polk Home in Columbia, Tennessee, and adjacent

property (referred to in this section as the “site”).

(b) **CRITERIA.**—The Secretary shall conduct the study under subsection (a) in accordance with section 100507 of title 54, United States Code.

(c) **CONTENTS.**—In conducting the study under subsection (a), the Secretary shall—

(1) evaluate the national significance of the site;

(2) determine the suitability and feasibility of designating the site as a unit of the National Park System;

(3) include cost estimates for any necessary acquisition, development, operation, and maintenance of the site;

(4) consult with interested Federal, State, or local governmental entities, private and nonprofit organizations, or other interested individuals; and

(5) identify alternatives for the management, administration, and protection of the site.

(d) **REPORT.**—Not later than 3 years after the date on which funds are made available to carry out 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 a report that describes—

(1) the findings and conclusions of the study; and

(2) any recommendations of the Secretary.

SEC. 10106. NORTH COUNTRY NATIONAL SCENIC TRAIL ROUTE ADJUSTMENT.

(a) **ROUTE ADJUSTMENT.**—Section 5(a)(8) of the National Trails System Act (16 U.S.C. 1244(a)(8)) is amended in the first sentence—

(1) by striking “thirty two hundred miles, extending from eastern New York State” and inserting “4,600 miles, extending from the Appalachian Trail in Vermont”; and

(2) by striking “Proposed North Country Trail” and all that follows through “June 1975.” and inserting “‘North Country National Scenic Trail, Authorized Route’ dated February 2014, and numbered 649/116870.”

(b) **NO CONDEMNATION.**—Section 5(a)(8) of the National Trails System Act (16 U.S.C. 1244(a)(8)) is amended by adding at the end the following: “No land or interest in land outside of the exterior boundary of any Federally administered area may be acquired by the Federal Government for the trail by condemnation.”

SEC. 10107. DESIGNATION OF JAY S. HAMMOND WILDERNESS AREA.

(a) **DESIGNATION.**—The approximately 2,600,000 acres of National Wilderness Preservation System land located within the Lake Clark National Park and Preserve designated by section 201(e)(7)(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 410hh(e)(7)(a)) shall be known and designated as the “Jay S. Hammond Wilderness Area”.

(b) **REFERENCES.**—Any reference in a law, map, regulation, document, paper, or other record of the United States to the wilderness area referred to in subsection (a) shall be deemed to be a reference to the “Jay S. Hammond Wilderness Area”.

SEC. 10108. ADVISORY COUNCIL ON HISTORIC PRESERVATION.

Section 304101(a) of title 54, United States Code, is amended—

(1) by redesignating paragraphs (8), (9), (10), and (11) as paragraphs (9), (10), (11), and (12), respectively; and

(2) by inserting after paragraph (7) the following:

“(8) The General Chairman of the National Association of Tribal Historic Preservation Officers.”

SEC. 10109. ESTABLISHMENT OF A VISITOR SERVICES FACILITY ON THE ARLINGTON RIDGE TRACT.

(a) **DEFINITION OF ARLINGTON RIDGE TRACT.**—In this section, the term “Arlington

Ridge tract” means the parcel of Federal land located in Arlington County, Virginia, known as the “Nevius Tract” and transferred to the Department of the Interior in 1953, that is bounded generally by—

(1) Arlington Boulevard (United States Route 50) to the north;

(2) Jefferson Davis Highway (Virginia Route 110) to the east;

(3) Marshall Drive to the south; and

(4) North Meade Street to the west.

(b) **ESTABLISHMENT OF VISITOR SERVICES FACILITY.**—Notwithstanding section 2863(g) of the Military Construction Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1332), the Secretary of the Interior may construct a structure for visitor services to include a public restroom facility on the Arlington Ridge tract in the area of the United States Marine Corps War Memorial.

Subtitle C—Sportsmen’s Access and Land Management Issues

PART I—NATIONAL POLICY

SEC. 10201. CONGRESSIONAL DECLARATION OF NATIONAL POLICY.

(a) **IN GENERAL.**—Congress declares that it is the policy of the United States that Federal departments and agencies, in accordance with the missions of the departments and agencies, Executive Orders 12962 and 13443 (60 Fed. Reg. 30769 (June 7, 1995); 72 Fed. Reg. 46537 (August 16, 2007)), and applicable law, shall—

(1) facilitate the expansion and enhancement of hunting, fishing, and recreational shooting opportunities on Federal land, in consultation with the Wildlife and Hunting Heritage Conservation Council, the Sport Fishing and Boating Partnership Council, State and tribal fish and wildlife agencies, and the public;

(2) conserve and enhance aquatic systems and the management of game species and the habitat of those species on Federal land, including through hunting and fishing, in a manner that respects—

(A) State management authority over wildlife resources; and

(B) private property rights; and

(3) consider hunting, fishing, and recreational shooting opportunities as part of all Federal plans for land, resource, and travel management.

(b) **EXCLUSION.**—In this subtitle, the term “fishing” does not include commercial fishing in which fish are harvested, either in whole or in part, that are intended to enter commerce through sale.

PART II—SPORTSMEN’S ACCESS TO FEDERAL LAND

SEC. 10211. DEFINITIONS.

In this part:

(1) **FEDERAL LAND.**—The term “Federal land” means—

(A) any land in the National Forest System (as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a))) that is administered by the Secretary of Agriculture, acting through the Chief of the Forest Service; and

(B) public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)), the surface of which is administered by the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(2) **SECRETARY CONCERNED.**—The term “Secretary concerned” means—

(A) the Secretary of Agriculture, with respect to land described in paragraph (1)(A); and

(B) the Secretary of the Interior, with respect to land described in paragraph (1)(B).

SEC. 10212. FEDERAL LAND OPEN TO HUNTING, FISHING, AND RECREATIONAL SHOOTING.

(a) **IN GENERAL.**—Subject to subsection (b), Federal land shall be open to hunting, fishing, and recreational shooting, in accordance with applicable law, unless the Secretary concerned closes an area in accordance with section 6213.

(b) **EFFECT OF PART.**—Nothing in this part opens to hunting, fishing, or recreational shooting any land that is not open to those activities as of the date of enactment of this Act.

SEC. 10213. CLOSURE OF FEDERAL LAND TO HUNTING, FISHING, AND RECREATIONAL SHOOTING.

(a) **AUTHORIZATION.**—

(1) **IN GENERAL.**—Subject to paragraph (2) and in accordance with section 302(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732(b)), the Secretary concerned may designate any area on Federal land in which, and establish any period during which, for reasons of public safety, administration, or compliance with applicable laws, no hunting, fishing, or recreational shooting shall be permitted.

(2) **REQUIREMENT.**—In making a designation under paragraph (1), the Secretary concerned shall designate the smallest area for the least amount of time that is required for public safety, administration, or compliance with applicable laws.

(b) **CLOSURE PROCEDURES.**—

(1) **IN GENERAL.**—Except in an emergency, before permanently or temporarily closing any Federal land to hunting, fishing, or recreational shooting, the Secretary concerned shall—

(A) consult with State fish and wildlife agencies; and

(B) provide public notice and opportunity for comment under paragraph (2).

(2) **PUBLIC NOTICE AND COMMENT.**—

(A) **IN GENERAL.**—Public notice and comment shall include—

(i) a notice of intent—

(I) published in advance of the public comment period for the closure—

(aa) in the Federal Register;

(bb) on the website of the applicable Federal agency;

(cc) on the website of the Federal land unit, if available; and

(dd) in at least 1 local newspaper;

(II) made available in advance of the public comment period to local offices, chapters, and affiliate organizations in the vicinity of the closure that are signatories to the memorandum of understanding entitled “Federal Lands Hunting, Fishing, and Shooting Sports Roundtable Memorandum of Understanding”; and

(III) that describes—

(aa) the proposed closure; and

(bb) the justification for the proposed closure, including an explanation of the reasons and necessity for the decision to close the area to hunting, fishing, or recreational shooting; and

(ii) an opportunity for public comment for a period of—

(I) not less than 60 days for a permanent closure; or

(II) not less than 30 days for a temporary closure.

(B) **FINAL DECISION.**—In a final decision to permanently or temporarily close an area to hunting, fishing, or recreation shooting, the Secretary concerned shall—

(i) respond in a reasoned manner to the comments received;

(ii) explain how the Secretary concerned resolved any significant issues raised by the comments; and

(iii) show how the resolution led to the closure.

(c) TEMPORARY CLOSURES.—

(1) IN GENERAL.—A temporary closure under this section may not exceed a period of 180 days.

(2) RENEWAL.—Except in an emergency, a temporary closure for the same area of land closed to the same activities—

(A) may not be renewed more than 3 times after the first temporary closure; and

(B) must be subject to a separate notice and comment procedure in accordance with subsection (b)(2).

(3) EFFECT OF TEMPORARY CLOSURE.—Any Federal land that is temporarily closed to hunting, fishing, or recreational shooting under this section shall not become permanently closed to that activity without a separate public notice and opportunity to comment in accordance with subsection (b)(2).

(d) REPORTING.—On an annual basis, the Secretaries concerned shall—

(1) publish on a public website a list of all areas of Federal land temporarily or permanently subject to a closure under this section; and

(2) submit to the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Natural Resources and the Committee on Agriculture of the House of Representatives a report that identifies—

(A) a list of each area of Federal land temporarily or permanently subject to a closure;

(B) the acreage of each closure; and

(C) a survey of—

(i) the aggregate areas and acreage closed under this section in each State; and

(ii) the percentage of Federal land in each State closed under this section with respect to hunting, fishing, and recreational shooting.

(e) APPLICATION.—This section shall not apply if the closure is—

(1) less than 14 days in duration; and

(2) covered by a special use permit.

SEC. 10214. SHOOTING RANGES.

(a) IN GENERAL.—Except as provided in subsection (b), the Secretary concerned may, in accordance with this section and other applicable law, lease or permit the use of Federal land for a shooting range.

(b) EXCEPTION.—The Secretary concerned shall not lease or permit the use of Federal land for a shooting range, within—

(1) a component of the National Landscape Conservation System;

(2) a component of the National Wilderness Preservation System;

(3) any area that is—

(A) designated as a wilderness study area;

(B) administratively classified as—

(i) wilderness-eligible; or

(ii) wilderness-suitable; or

(C) a primitive or semiprimitive area;

(4) a national monument, national volcanic monument, or national scenic area; or

(5) a component of the National Wild and Scenic Rivers System (including areas designated for study for potential addition to the National Wild and Scenic Rivers System).

SEC. 10215. FEDERAL ACTION TRANSPARENCY.

(a) MODIFICATION OF EQUAL ACCESS TO JUSTICE PROVISIONS.—

(1) AGENCY PROCEEDINGS.—Section 504 of title 5, United States Code, is amended—

(A) in subsection (c)(1), by striking “, United States Code”;

(B) by redesignating subsection (f) as subsection (i); and

(C) by striking subsection (e) and inserting the following:

“(e)(1) Not later than March 31 of the first fiscal year beginning after the date of enactment of the Energy Policy Modernization Act of 2016, and every fiscal year thereafter,

the Chairman of the Administrative Conference of the United States, after consultation with the Chief Counsel for Advocacy of the Small Business Administration, shall submit to Congress and make publicly available online a report on the amount of fees and other expenses awarded during the preceding fiscal year under this section.

“(2) Each report under paragraph (1) shall describe the number, nature, and amount of the awards, the claims involved in the controversy, and any other relevant information that may aid Congress in evaluating the scope and impact of such awards.

“(3)(A) Each report under paragraph (1) shall account for all payments of fees and other expenses awarded under this section that are made pursuant to a settlement agreement, regardless of whether the settlement agreement is sealed or otherwise subject to a nondisclosure provision.

“(B) The disclosure of fees and other expenses required under subparagraph (A) shall not affect any other information that is subject to a nondisclosure provision in a settlement agreement.

“(f) As soon as practicable, and in any event not later than the date on which the first report under subsection (e)(1) is required to be submitted, the Chairman of the Administrative Conference of the United States shall create and maintain online a searchable database containing, with respect to each award of fees and other expenses under this section made on or after the date of enactment of the Energy Policy Modernization Act of 2016, the following information:

“(1) The case name and number of the adversary adjudication, if available, hyperlinked to the case, if available.

“(2) The name of the agency involved in the adversary adjudication.

“(3) A description of the claims in the adversary adjudication.

“(4) The name of each party to whom the award was made as such party is identified in the order or other court document making the award.

“(5) The amount of the award.

“(6) The basis for the finding that the position of the agency concerned was not substantially justified.

“(g) The online searchable database described in subsection (f) may not reveal any information the disclosure of which is prohibited by law or a court order.

“(h) The head of each agency shall provide to the Chairman of the Administrative Conference of the United States in a timely manner all information requested by the Chairman to comply with the requirements of subsections (e), (f), and (g).”

(2) COURT CASES.—Section 2412(d) of title 28, United States Code, is amended by adding at the end the following:

“(5)(A) Not later than March 31 of the first fiscal year beginning after the date of enactment of the Energy Policy Modernization Act of 2016, and every fiscal year thereafter, the Chairman of the Administrative Conference of the United States shall submit to Congress and make publicly available online a report on the amount of fees and other expenses awarded during the preceding fiscal year pursuant to this subsection.

“(B) Each report under subparagraph (A) shall describe the number, nature, and amount of the awards, the claims involved in the controversy, and any other relevant information that may aid Congress in evaluating the scope and impact of such awards.

“(C)(i) Each report under subparagraph (A) shall account for all payments of fees and other expenses awarded under this subsection that are made pursuant to a settlement agreement, regardless of whether the settlement agreement is sealed or otherwise subject to a nondisclosure provision.

“(ii) The disclosure of fees and other expenses required under clause (i) shall not affect any other information that is subject to a nondisclosure provision in a settlement agreement.

“(D) The Chairman of the Administrative Conference of the United States shall include and clearly identify in each annual report under subparagraph (A), for each case in which an award of fees and other expenses is included in the report—

“(i) any amounts paid under section 1304 of title 31 for a judgment in the case;

“(ii) the amount of the award of fees and other expenses; and

“(iii) the statute under which the plaintiff filed suit.

“(6) As soon as practicable, and in any event not later than the date on which the first report under paragraph (5)(A) is required to be submitted, the Chairman of the Administrative Conference of the United States shall create and maintain online a searchable database containing, with respect to each award of fees and other expenses under this subsection made on or after the date of enactment of the Energy Policy Modernization Act of 2016, the following information:

“(A) The case name and number, hyperlinked to the case, if available.

“(B) The name of the agency involved in the case.

“(C) The name of each party to whom the award was made as such party is identified in the order or other court document making the award.

“(D) A description of the claims in the case.

“(E) The amount of the award.

“(F) The basis for the finding that the position of the agency concerned was not substantially justified.

“(7) The online searchable database described in paragraph (6) may not reveal any information the disclosure of which is prohibited by law or a court order.

“(8) The head of each agency (including the Attorney General of the United States) shall provide to the Chairman of the Administrative Conference of the United States in a timely manner all information requested by the Chairman to comply with the requirements of paragraphs (5), (6), and (7).”

(3) TECHNICAL AND CONFORMING AMENDMENTS.—Section 2412 of title 28, United States Code, is amended—

(A) in subsection (d)(3), by striking “United States Code,”; and

(B) in subsection (e)—

(i) by striking “of section 2412 of title 28, United States Code,” and inserting “of this section”; and

(ii) by striking “of such title” and inserting “of this title”.

(b) JUDGMENT FUND TRANSPARENCY.—Section 1304 of title 31, United States Code, is amended by adding at the end the following:

“(d) Beginning not later than the date that is 60 days after the date of enactment of the Energy Policy Modernization Act of 2016, and unless the disclosure of such information is otherwise prohibited by law or a court order, the Secretary of the Treasury shall make available to the public on a website, as soon as practicable, but not later than 30 days after the date on which a payment under this section is tendered, the following information with regard to that payment:

“(1) The name of the specific agency or entity whose actions gave rise to the claim or judgment.

“(2) The name of the plaintiff or claimant.

“(3) The name of counsel for the plaintiff or claimant.

“(4) The amount paid representing principal liability, and any amounts paid representing any ancillary liability, including attorney fees, costs, and interest.

“(5) A brief description of the facts that gave rise to the claim.

“(6) The name of the agency that submitted the claim.”.

PART III—FILMING ON FEDERAL LAND MANAGEMENT AGENCY LAND

SEC. 10221. COMMERCIAL FILMING.

(a) IN GENERAL.—Section 1 of Public Law 106-206 (16 U.S.C. 4601-6d) is amended—

(1) by redesignating subsections (a) through (f) as subsections (b) through (g), respectively;

(2) by inserting before subsection (b) (as so redesignated) the following:

“(a) DEFINITION OF SECRETARY.—The term ‘Secretary’ means the Secretary of the Interior or the Secretary of Agriculture, as applicable, with respect to land under the respective jurisdiction of the Secretary.”;

(3) in subsection (b) (as so redesignated)—

(A) in paragraph (1)—

(i) in the first sentence, by striking “of the Interior or the Secretary of Agriculture (hereafter individually referred to as the ‘Secretary’ with respect to land (except land in a System unit as defined in section 100102 of title 54, United States Code) under their respective jurisdictions)”;

(ii) in subparagraph (B), by inserting “, except in the case of film crews of 3 or fewer individuals” before the period at the end; and (B) by adding at the end the following:

“(3) FEE SCHEDULE.—Not later than 180 days after the date of enactment of the Energy Policy Modernization Act of 2016, to enhance consistency in the management of Federal land, the Secretaries shall publish a single joint land use fee schedule for commercial filming and still photography.”;

(4) in subsection (c) (as so redesignated), in the second sentence, by striking “subsection (a)” and inserting “subsection (b)”;

(5) in subsection (d) (as so redesignated), in the heading, by inserting “Commercial” before “Still”;

(6) in paragraph (1) of subsection (f) (as so redesignated), by inserting “in accordance with the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801 et seq.)” after “without further appropriation.”;

(7) in subsection (g) (as so redesignated)—

(A) by striking “The Secretary shall” and inserting the following:

“(1) IN GENERAL.—The Secretary shall”;

and (B) by adding at the end the following:

“(2) CONSIDERATIONS.—The Secretary shall not consider subject matter or content as a criterion for issuing or denying a permit under this Act.”; and

(8) by adding at the end the following:

“(h) EXEMPTION FROM COMMERCIAL FILMING OR STILL PHOTOGRAPHY PERMITS AND FEES.—

The Secretary shall not require persons holding commercial use authorizations or special recreation permits to obtain an additional permit or pay a fee for commercial filming or still photography under this Act if the filming or photography conducted is—

“(1) incidental to the permitted activity that is the subject of the commercial use authorization or special recreation permit; and

“(2) the holder of the commercial use authorization or special recreation permit is an individual or small business concern (within the meaning of section 3 of the Small Business Act (15 U.S.C. 632)).

“(i) EXCEPTION FROM CERTAIN FEES.—Commercial filming or commercial still photography shall be exempt from fees under this Act, but not from recovery of costs under subsection (c), if the activity—

“(1) is conducted by an entity that is a small business concern (within the meaning of section 3 of the Small Business Act (15 U.S.C. 632));

“(2) is conducted by a crew of not more than 3 individuals; and

“(3) uses only a camera and tripod.

“(j) APPLICABILITY TO NEWS GATHERING ACTIVITIES.—

“(1) IN GENERAL.—News gathering shall not be considered a commercial activity.

“(2) INCLUDED ACTIVITIES.—In this subsection, the term ‘news gathering’ includes, at a minimum, the gathering, recording, and filming of news and information related to news in any medium.”.

(b) CONFORMING AMENDMENTS.—Chapter 1009 of title 54, United States Code, is amended—

(1) by striking section 100905; and

(2) in the table of sections for chapter 1009 of title 54, United States Code, by striking the item relating to section 100905.

PART IV—BOWS, WILDLIFE MANAGEMENT, AND ACCESS OPPORTUNITIES FOR RECREATION, HUNTING, AND FISHING

SEC. 10231. BOWS IN PARKS.

(a) IN GENERAL.—Chapter 1049 of title 54, United States Code (as amended by section 5001(a)), is amended by adding at the end the following:

“§ 104909. Bows in parks

“(a) DEFINITION OF NOT READY FOR IMMEDIATE USE.—The term ‘not ready for immediate use’ means—

“(1) a bow or crossbow, the arrows of which are secured or stowed in a quiver or other arrow transport case; and

“(2) with respect to a crossbow, uncocked.

“(b) VEHICULAR TRANSPORTATION AUTHORIZED.—The Director shall not promulgate or enforce any regulation that prohibits an individual from transporting bows and crossbows that are not ready for immediate use across any System unit in the vehicle of the individual if—

“(1) the individual is not otherwise prohibited by law from possessing the bows and crossbows;

“(2) the bows or crossbows that are not ready for immediate use remain inside the vehicle of the individual throughout the period during which the bows or crossbows are transported across System land; and

“(3) the possession of the bows and crossbows is in compliance with the law of the State in which the System unit is located.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 1049 of title 54, United States Code (as amended by section 5001(b)), is amended by inserting after the item relating to section 104908 the following:

“104909. Bows in parks.”.

SEC. 10232. WILDLIFE MANAGEMENT IN PARKS.

(a) IN GENERAL.—Chapter 1049 of title 54, United States Code (as amended by section 6231(a)), is amended by adding at the end the following:

“SEC. 104910. WILDLIFE MANAGEMENT IN PARKS.

“(a) USE OF QUALIFIED VOLUNTEERS.—If the Secretary determines it is necessary to reduce the size of a wildlife population on System land in accordance with applicable law (including regulations), the Secretary may use qualified volunteers to assist in carrying out wildlife management on System land.

“(b) REQUIREMENTS FOR QUALIFIED VOLUNTEERS.—Qualified volunteers providing assistance under subsection (a) shall be subject to—

“(1) any training requirements or qualifications established by the Secretary; and

“(2) any other terms and conditions that the Secretary may require.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 1049 of title 54 (as amended by section 6231(b)), United States Code, is amended by inserting after the item relating to section 104909 the following:

“104910. Wildlife management in parks.”.

SEC. 10233. IDENTIFYING OPPORTUNITIES FOR RECREATION, HUNTING, AND FISHING ON FEDERAL LAND.

(a) DEFINITIONS.—In this section:

(1) SECRETARY.—The term “Secretary” means—

(A) the Secretary of the Interior, with respect to land administered by—

(i) the Director of the National Park Service;

(ii) the Director of the United States Fish and Wildlife Service; and

(iii) the Director of the Bureau of Land Management; and

(B) the Secretary of Agriculture, with respect to land administered by the Chief of the Forest Service.

(2) STATE OR REGIONAL OFFICE.—The term “State or regional office” means—

(A) a State office of the Bureau of Land Management; or

(B) a regional office of—

(i) the National Park Service;

(ii) the United States Fish and Wildlife Service; or

(iii) the Forest Service.

(3) TRAVEL MANAGEMENT PLAN.—The term “travel management plan” means a plan for the management of travel—

(A) with respect to land under the jurisdiction of the National Park Service, on park roads and designated routes under section 4.10 of title 36, Code of Federal Regulations (or successor regulations);

(B) with respect to land under the jurisdiction of the United States Fish and Wildlife Service, on the land under a comprehensive conservation plan prepared under section 4(e) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(e));

(C) with respect to land under the jurisdiction of the Forest Service, on National Forest System land under part 212 of title 36, Code of Federal Regulations (or successor regulations); and

(D) with respect to land under the jurisdiction of the Bureau of Land Management, under a resource management plan developed under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(b) PRIORITY LISTS REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, annually during the 10-year period beginning on the date on which the first priority list is completed, and every 5 years after the end of the 10-year period, the Secretary shall prepare a priority list, to be made publicly available on the website of the applicable Federal agency referred to in subsection (a)(1), which shall identify the location and acreage of land within the jurisdiction of each State or regional office on which the public is allowed, under Federal or State law, to hunt, fish, or use the land for other recreational purposes but—

(A) to which there is no public access or egress; or

(B) to which public access or egress to the legal boundaries of the land is significantly restricted (as determined by the Secretary).

(2) MINIMUM SIZE.—Any land identified under paragraph (1) shall consist of contiguous acreage of at least 640 acres.

(3) CONSIDERATIONS.—In preparing the priority list required under paragraph (1), the Secretary shall consider with respect to the land—

(A) whether access is absent or merely restricted, including the extent of the restriction;

(B) the likelihood of resolving the absence of or restriction to public access;

(C) the potential for recreational use;

(D) any information received from the public or other stakeholders during the nomination process described in paragraph (5); and

(E) any other factor as determined by the Secretary.

(4) ADJACENT LAND STATUS.—For each parcel of land on the priority list, the Secretary shall include in the priority list whether resolving the issue of public access or egress to the land would require acquisition of an easement, right-of-way, or fee title from—

- (A) another Federal agency;
- (B) a State, local, or tribal government; or
- (C) a private landowner.

(5) NOMINATION PROCESS.—In preparing a priority list under this section, the Secretary shall provide an opportunity for members of the public to nominate parcels for inclusion on the priority list.

(c) ACCESS OPTIONS.—With respect to land included on a priority list described in subsection (b), the Secretary shall develop and submit to the Committees on Appropriations and Energy and Natural Resources of the Senate and the Committees on Appropriations and Natural Resources of the House of Representatives a report on options for providing access that—

(1) identifies how public access and egress could reasonably be provided to the legal boundaries of the land in a manner that minimizes the impact on wildlife habitat and water quality;

(2) specifies the steps recommended to secure the access and egress, including acquiring an easement, right-of-way, or fee title from a willing owner of any land that abuts the land or the need to coordinate with State land management agencies or other Federal, State, or tribal governments to allow for such access and egress; and

(3) is consistent with the travel management plan in effect on the land.

(d) PROTECTION OF PERSONALLY IDENTIFYING INFORMATION.—In making the priority list and report prepared under subsections (b) and (c) available, the Secretary shall ensure that no personally identifying information is included, such as names or addresses of individuals or entities.

(e) WILLING OWNERS.—For purposes of providing any permits to, or entering into agreements with, a State, local, or tribal government or private landowner with respect to the use of land under the jurisdiction of the government or landowner, the Secretary shall not take into account whether the State, local, or tribal government or private landowner has granted or denied public access or egress to the land.

(f) MEANS OF PUBLIC ACCESS AND EGRESS INCLUDED.—In considering public access and egress under subsections (b) and (c), the Secretary shall consider public access and egress to the legal boundaries of the land described in those subsections, including access and egress—

- (1) by motorized or non-motorized vehicles; and
- (2) on foot or horseback.

(g) EFFECT.—

(1) IN GENERAL.—This section shall have no effect on whether a particular recreational use shall be allowed on the land included in a priority list under this section.

(2) EFFECT OF ALLOWABLE USES ON AGENCY CONSIDERATION.—In preparing the priority list under subsection (b), the Secretary shall only consider recreational uses that are allowed on the land at the time that the priority list is prepared.

PART V—FEDERAL LAND TRANSACTION FACILITATION ACT

SEC. 10241. FEDERAL LAND TRANSACTION FACILITATION ACT.

(a) IN GENERAL.—The Federal Land Transaction Facilitation Act is amended—

(1) in section 203(2) (43 U.S.C. 2302(2)), by striking “on the date of enactment of this Act was” and inserting “is”;

(2) in section 205 (43 U.S.C. 2304)—

(A) in subsection (a), by striking “(as in effect on the date of enactment of this Act)”;

and

(B) by striking subsection (d);

(3) in section 206 (43 U.S.C. 2305), by striking subsection (f); and

(4) in section 207(b) (43 U.S.C. 2306(b))—

(A) in paragraph (1)—

(i) by striking “96-568” and inserting “96-586”; and

(ii) by striking “; or” and inserting a semicolon;

(B) in paragraph (2)—

(i) by inserting “Public Law 105-263;” before “112 Stat.”; and

(ii) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(3) the White Pine County Conservation, Recreation, and Development Act of 2006 (Public Law 109-432; 120 Stat. 3028);

“(4) the Lincoln County Conservation, Recreation, and Development Act of 2004 (Public Law 108-424; 118 Stat. 2403);

“(5) subtitle F of title I of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 1132 note; Public Law 111-11);

“(6) subtitle O of title I of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 460www note, 1132 note; Public Law 111-11);

“(7) section 2601 of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 1108); or

“(8) section 2606 of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 1121).”

(b) FUNDS TO TREASURY.—Of the amounts deposited in the Federal Land Disposal Account, there shall be transferred to the general fund of the Treasury \$1,000,000 for each of fiscal years 2016 through 2025.

PART VI—FISH AND WILDLIFE CONSERVATION

SEC. 10251. AMENDMENTS TO PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT.

(a) PURPOSE.—The purpose of this section is 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.

(b) DEFINITION OF PUBLIC TARGET RANGE.—In this section, the term “public target range” means a specific location that—

- (1) is identified by a governmental agency for recreational shooting;
- (2) is open to the public;
- (3) may be supervised; and
- (4) may accommodate archery or rifle, pistol, or shotgun shooting.

(c) AMENDMENTS TO PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT.—

(1) DEFINITIONS.—Section 2 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669a) is amended—

(A) by redesignating paragraphs (2) through (8) as paragraphs (3) through (9), respectively; and

(B) by inserting after paragraph (1) the following:

“(2) the term ‘public target range’ means a specific location that—

“(A) is identified by a governmental agency for recreational shooting;

“(B) is open to the public;

“(C) may be supervised; and

“(D) may accommodate archery or rifle, pistol, or shotgun shooting.”

(2) EXPENDITURES FOR MANAGEMENT OF WILDLIFE AREAS AND RESOURCES.—Section 8(b) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669g(b)) is amended—

(A) by striking “(b) Each State” and inserting the following:

“(b) EXPENDITURES FOR MANAGEMENT OF WILDLIFE AREAS AND RESOURCES.—

“(1) IN GENERAL.—Except as provided in paragraph (2), each State”;

(B) in paragraph (1) (as so designated), by striking “construction, operation,” and inserting “operation”;

(C) in the second sentence, by striking “The non-Federal share” and inserting the following:

“(3) NON-FEDERAL SHARE.—The non-Federal share”;

(D) in the third sentence, by striking “The Secretary” and inserting the following:

“(4) REGULATIONS.—The Secretary”; and

(E) by inserting after paragraph (1) (as designated by subparagraph (A)) the following:

“(2) EXCEPTION.—Notwithstanding the limitation described in paragraph (1), a State may pay up to 90 percent of the cost of acquiring land for, expanding, or constructing a public target range.”

(3) FIREARM AND BOW HUNTER EDUCATION AND SAFETY PROGRAM GRANTS.—Section 10 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h-1) is amended—

(A) in subsection (a), by adding at the end the following:

“(3) ALLOCATION OF ADDITIONAL AMOUNTS.—Of the amount apportioned to a State for any fiscal year under section 4(b), the State may elect to allocate not more than 10 percent, to be combined with the amount apportioned to the State under paragraph (1) for that fiscal year, for acquiring land for, expanding, or constructing a public target range.”;

(B) by striking subsection (b) and inserting the following:

“(b) COST SHARING.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the Federal share of the cost of any activity carried out using a grant under this section shall not exceed 75 percent of the total cost of the activity.

“(2) PUBLIC TARGET RANGE CONSTRUCTION OR EXPANSION.—The Federal share of the cost of acquiring land for, expanding, or constructing a public target range in a State on Federal or non-Federal land pursuant to this section or section 8(b) shall not exceed 90 percent of the cost of the activity.”; and

(C) in subsection (c)(1)—

(i) by striking “Amounts made” and inserting the following:

“(A) IN GENERAL.—Except as provided in subparagraph (B), amounts made”; and

(ii) by adding at the end the following:

“(B) EXCEPTION.—Amounts provided for acquiring land for, constructing, or expanding a public target range shall remain available for expenditure and obligation during the 5-fiscal-year period beginning on October 1 of the first fiscal year for which the amounts are made available.”

(d) SENSE OF CONGRESS REGARDING COOPERATION.—It is the sense of Congress that, consistent with applicable laws (including 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 or marksmanship training.

SEC. 10252. NORTH AMERICAN WETLANDS CONSERVATION ACT.

(a) CONSERVATION INCENTIVES LANDOWNER EDUCATION PROGRAM.—Any acquisition of land (including any interest in land) under the North American Wetlands Conservation Act (16 U.S.C. 4401 et seq.) shall be subject to the notification requirements under section 150 (d).

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 7(c) of the North American Wetlands Conservation Act (16 U.S.C. 4406(c)) is amended—

(1) in paragraph (4), by striking “and”;

(2) in paragraph (5), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(6) \$50,000,000 for each of fiscal years 2015 through 2020.”.

SEC. 10253. NATIONAL FISH HABITAT CONSERVATION.

(a) **SHORT TITLE.**—This section may be cited as the “National Fish Habitat Conservation Through Partnerships Act”.

(b) **PURPOSE.**—The purpose of this section is to encourage partnerships among public agencies and other interested parties to promote fish conservation—

(1) to achieve measurable habitat conservation results through strategic actions of Fish Habitat Partnerships that lead to better fish habitat conditions and increased fishing opportunities by—

(A) improving ecological conditions;

(B) restoring natural processes; or

(C) preventing the decline of intact and healthy systems;

(2) to establish a consensus set of national conservation strategies as a framework to guide future actions and investment by Fish Habitat Partnerships;

(3) to broaden the community of support for fish habitat conservation by—

(A) increasing fishing opportunities;

(B) fostering the participation of local communities, especially young people in local communities, in conservation activities; and

(C) raising public awareness of the role healthy fish habitat play in the quality of life and economic well-being of local communities;

(4) to fill gaps in the National Fish Habitat Assessment and the associated database of the National Fish Habitat Assessment—

(A) to empower strategic conservation actions supported by broadly available scientific information; and

(B) to integrate socioeconomic data in the analysis to improve the lives of humans in a manner consistent with fish habitat conservation goals; and

(5) to communicate to the public and conservation partners—

(A) the conservation outcomes produced collectively by Fish Habitat Partnerships; and

(B) new opportunities and voluntary approaches for conserving fish habitat.

(c) **DEFINITIONS.**—In this section:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) **BOARD.**—The term “Board” means the National Fish Habitat Board established by subsection (d)(1)(A).

(3) **DIRECTOR.**—The term “Director” means the Director of the United States Fish and Wildlife Service.

(4) **EPA ASSISTANT ADMINISTRATOR.**—The term “EPA Assistant Administrator” means the Assistant Administrator for Water of the Environmental Protection Agency.

(5) **INDIAN TRIBE.**—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(6) **NOAA ASSISTANT ADMINISTRATOR.**—The term “NOAA Assistant Administrator” means the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration.

(7) **PARTNERSHIP.**—The term “Partnership” means a self-governed entity designated by the Board as a Fish Habitat Conservation Partnership pursuant to subsection (e)(1).

(8) **REAL PROPERTY INTEREST.**—The term “real property interest” means an ownership interest in—

(A) land; or

(B) water (including water rights).

(9) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(10) **STATE.**—The term “State” means each of the several States.

(11) **STATE AGENCY.**—The term “State agency” means—

(A) the fish and wildlife agency of a State; and

(B) any department or division of a department or agency of a State that manages in the public trust the inland or marine fishery resources or sustains the habitat for those fishery resources of the State pursuant to State law or the constitution of the State.

(d) **NATIONAL FISH HABITAT BOARD.**—

(1) **ESTABLISHMENT.**—

(A) **FISH HABITAT BOARD.**—There is established a board, to be known as the “National Fish Habitat Board”, whose duties are—

(i) to promote, oversee, and coordinate the implementation of this section;

(ii) to establish national goals and priorities for fish habitat conservation;

(iii) to approve Partnerships; and

(iv) to review and make recommendations regarding fish habitat conservation projects.

(B) **MEMBERSHIP.**—The Board shall be composed of 25 members, of whom—

(i) 1 shall be a representative of the Department of the Interior;

(ii) 1 shall be a representative of the United States Geological Survey;

(iii) 1 shall be a representative of the Department of Commerce;

(iv) 1 shall be a representative of the Department of Agriculture;

(v) 1 shall be a representative of the Association of Fish and Wildlife Agencies;

(vi) 4 shall be representatives of State agencies, 1 of whom shall be nominated by a regional association of fish and wildlife agencies from each of the Northeast, Southeast, Midwest, and Western regions of the United States;

(vii) 1 shall be a representative of either—

(I) Indian tribes in the State of Alaska; or

(II) Indian tribes in States other than the State of Alaska;

(viii) 1 shall be a representative of either—

(I) the Regional Fishery Management Councils established under section 302 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852); or

(II) a representative of the Marine Fisheries Commissions, which is composed of—

(aa) the Atlantic States Marine Fisheries Commission;

(bb) the Gulf States Marine Fisheries Commission; and

(cc) the Pacific States Marine Fisheries Commission;

(ix) 1 shall be a representative of the Sportfishing and Boating Partnership Council;

(x) 7 shall be representatives selected from each of—

(I) the recreational sportfishing industry;

(II) the commercial fishing industry;

(III) marine recreational anglers;

(IV) freshwater recreational anglers;

(V) habitat conservation organizations; and

(VI) science-based fishery organizations;

(xi) 1 shall be a representative of a national private landowner organization;

(xii) 1 shall be a representative of an agricultural production organization;

(xiii) 1 shall be a representative of local government interests involved in fish habitat restoration;

(xiv) 2 shall be representatives from different sectors of corporate industries, which may include—

(I) natural resource commodity interests, such as petroleum or mineral extraction;

(II) natural resource user industries; and

(III) industries with an interest in fish and fish habitat conservation; and

(xv) 1 shall be a leadership private sector or landowner representative of an active partnership.

(C) **COMPENSATION.**—A member of the Board shall serve without compensation.

(D) **TRAVEL EXPENSES.**—A member of the Board may be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Board.

(2) **APPOINTMENT AND TERMS.**—

(A) **IN GENERAL.**—Except as otherwise provided in this subsection, a member of the Board described in any of clauses (vi) through (xiv) of paragraph (1)(B) shall serve for a term of 3 years.

(B) **INITIAL BOARD MEMBERSHIP.**—

(i) **IN GENERAL.**—The initial Board will consist of representatives as described in clauses (i) through (vi) of paragraph (1)(B).

(ii) **REMAINING MEMBERS.**—Not later than 60 days after the date of enactment of this Act, the representatives of the initial Board pursuant to clause (i) shall appoint the remaining members of the Board described in clauses (vii) through (xiv) of paragraph (1)(B).

(iii) **TRIBAL REPRESENTATIVES.**—Not later than 60 days after the enactment of this Act, the Secretary shall provide to the Board a recommendation of not fewer than 3 tribal representatives, from which the Board shall appoint 1 representative pursuant to clause (vii) of paragraph (1)(B).

(C) **TRANSITIONAL TERMS.**—Of the members described in paragraph (1)(B)(x) initially appointed to the Board—

(i) 2 shall be appointed for a term of 1 year;

(ii) 2 shall be appointed for a term of 2 years; and

(iii) 3 shall be appointed for a term of 3 years.

(D) **VACANCIES.**—

(i) **IN GENERAL.**—A vacancy of a member of the Board described in any of clauses (viii) through (xiv) of paragraph (1)(B) shall be filled by an appointment made by the remaining members of the Board.

(ii) **TRIBAL REPRESENTATIVES.**—Following a vacancy of a member of the Board described in clause (vii) of paragraph (1)(B), the Secretary shall recommend to the Board a list of not fewer than 3 tribal representatives, from which the remaining members of the Board shall appoint a representative to fill the vacancy.

(E) **CONTINUATION OF SERVICE.**—An individual whose term of service as a member of the Board expires may continue to serve on the Board until a successor is appointed.

(F) **REMOVAL.**—If a member of the Board described in any of clauses (viii) through (xiv) of paragraph (1)(B) misses 3 consecutive regularly scheduled Board meetings, the members of the Board may—

(i) vote to remove that member; and

(ii) appoint another individual in accordance with subparagraph (D).

(3) **CHAIRPERSON.**—

(A) **IN GENERAL.**—The representative of the Association of Fish and Wildlife Agencies appointed pursuant to paragraph (1)(B)(v) shall serve as Chairperson of the Board.

(B) **TERM.**—The Chairperson of the Board shall serve for a term of 3 years.

(4) **MEETINGS.**—

(A) **IN GENERAL.**—The Board shall meet—

(i) at the call of the Chairperson; but

(ii) not less frequently than twice each calendar year.

(B) PUBLIC ACCESS.—All meetings of the Board shall be open to the public.

(5) PROCEDURES.—

(A) IN GENERAL.—The Board shall establish procedures to carry out the business of the Board, including—

(i) a requirement that a quorum of the members of the Board be present to transact business;

(ii) a requirement that no recommendations may be adopted by the Board, except by the vote of $\frac{2}{3}$ of all members;

(iii) procedures for establishing national goals and priorities for fish habitat conservation for the purposes of this section;

(iv) procedures for designating Partnerships under subsection (e); and

(v) procedures for reviewing, evaluating, and making recommendations regarding fish habitat conservation projects.

(B) QUORUM.—A majority of the members of the Board shall constitute a quorum.

(e) FISH HABITAT PARTNERSHIPS.—

(1) AUTHORITY TO APPROVE.—The Board may approve and designate Fish Habitat Partnerships in accordance with this subsection.

(2) PURPOSES.—The purposes of a Partnership shall be—

(A) to work with other regional habitat conservation programs to promote cooperation and coordination to enhance fish and fish habitats;

(B) to engage local and regional communities to build support for fish habitat conservation;

(C) to involve diverse groups of public and private partners;

(D) to develop collaboratively a strategic vision and achievable implementation plan that is scientifically sound;

(E) to leverage funding from sources that support local and regional partnerships;

(F) to use adaptive management principles, including evaluation of project success and functionality;

(G) to develop appropriate local or regional habitat evaluation and assessment measures and criteria that are compatible with national habitat condition measures; and

(H) to implement local and regional priority projects that improve conditions for fish and fish habitat.

(3) CRITERIA FOR APPROVAL.—An entity seeking to be designated as a Partnership shall—

(A) submit to the Board an application at such time, in such manner, and containing such information as the Board may reasonably require; and

(B) demonstrate to the Board that the entity has—

(i) a focus on promoting the health of important fish and fish habitats;

(ii) an ability to coordinate the implementation of priority projects that support the goals and national priorities set by the Board that are within the Partnership boundary;

(iii) a self-governance structure that supports the implementation of strategic priorities for fish habitat;

(iv) the ability to develop local and regional relationships with a broad range of entities to further strategic priorities for fish and fish habitat;

(v) a strategic plan that details required investments for fish habitat conservation that addresses the strategic fish habitat priorities of the Partnership and supports and meets the strategic priorities of the Board;

(vi) the ability to develop and implement fish habitat conservation projects that address strategic priorities of the Partnership and the Board; and

(vii) the ability to develop fish habitat conservation priorities based on sound science and data, the ability to measure the effectiveness of fish habitat projects of the Partnership, and a clear plan as to how Partnership science and data components will be integrated with the overall Board science and data effort.

(4) APPROVAL.—The Board may approve an application for a Partnership submitted under paragraph (3) if the Board determines that the applicant—

(A) identifies representatives to provide support and technical assistance to the Partnership from a diverse group of public and private partners, which may include State or local governments, nonprofit entities, Indian tribes, and private individuals, that are focused on conservation of fish habitats to achieve results across jurisdictional boundaries on public and private land;

(B) is organized to promote the health of important fish species and important fish habitats, including reservoirs, natural lakes, coastal and marine environments, and estuaries;

(C) identifies strategic fish and fish habitat priorities for the Partnership area in the form of geographical focus areas or key stressors or impairments to facilitate strategic planning and decisionmaking;

(D) is able to address issues and priorities on a nationally significant scale;

(E) includes a governance structure that—

(i) reflects the range of all partners; and

(ii) promotes joint strategic planning and decisionmaking by the applicant;

(F) demonstrates completion of, or significant progress toward the development of, a strategic plan to address the decline in fish populations, rather than simply treating symptoms, in accordance with the goals and national priorities established by the Board; and

(G) promotes collaboration in developing a strategic vision and implementation program that is scientifically sound and achievable.

(f) FISH HABITAT CONSERVATION PROJECTS.—

(1) SUBMISSION TO BOARD.—Not later than March 31 of each calendar year, each Partnership shall submit to the Board a list of priority fish habitat conservation projects recommended by the Partnership for annual funding under this section.

(2) RECOMMENDATIONS BY BOARD.—Not later than July 1 of each calendar year, the Board shall submit to the Secretary a priority list of fish habitat conservation projects that includes the description, including estimated costs, of each project that the Board recommends that the Secretary approve and fund under this section for the following fiscal year.

(3) CRITERIA FOR PROJECT SELECTION.—The Board shall select each fish habitat conservation project to be recommended to the Secretary under paragraph (2) after taking into consideration, at a minimum, the following information:

(A) A recommendation of the Partnership that is, or will be, participating actively in implementing the fish habitat conservation project.

(B) The capabilities and experience of project proponents to implement successfully the proposed project.

(C) The extent to which the fish habitat conservation project—

(i) fulfills a local or regional priority that is directly linked to the strategic plan of the Partnership and is consistent with the purpose of this section;

(ii) addresses the national priorities established by the Board;

(iii) is supported by the findings of the Habitat Assessment of the Partnership or

the Board, and aligns or is compatible with other conservation plans;

(iv) identifies appropriate monitoring and evaluation measures and criteria that are compatible with national measures;

(v) provides a well-defined budget linked to deliverables and outcomes;

(vi) leverages other funds to implement the project;

(vii) addresses the causes and processes behind the decline of fish or fish habitats; and

(viii) includes an outreach or education component that includes the local or regional community.

(D) The availability of sufficient non-Federal funds to match Federal contributions for the fish habitat conservation project, as required by paragraph (5);

(E) The extent to which the local or regional fish habitat conservation project—

(i) will increase fish populations in a manner that leads to recreational fishing opportunities for the public;

(ii) will be carried out through a cooperative agreement among Federal, State, and local governments, Indian tribes, and private entities;

(iii) increases public access to land or water for fish and wildlife-dependent recreational opportunities;

(iv) advances the conservation of fish and wildlife species that have been identified by the States as species of greatest conservation need;

(v) where appropriate, advances the conservation of fish and fish habitats under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) and other relevant Federal law and State wildlife action plans; and

(vi) promotes strong and healthy fish habitats so that desired biological communities are able to persist and adapt.

(F) The substantiality of the character and design of the fish habitat conservation project.

(4) LIMITATIONS.—

(A) REQUIREMENTS FOR EVALUATION.—No fish habitat conservation project may be recommended by the Board under paragraph (2) or provided financial assistance under this section unless the fish habitat conservation project includes an evaluation plan designed using applicable Board guidance—

(i) to appropriately assess the biological, ecological, or other results of the habitat protection, restoration, or enhancement activities carried out using the assistance;

(ii) to reflect appropriate changes to the fish habitat conservation project if the assessment substantiates that the fish habitat conservation project objectives are not being met;

(iii) to identify improvements to existing fish populations, recreational fishing opportunities and the overall economic benefits for the local community of the fish habitat conservation project; and

(iv) to require the submission to the Board of a report describing the findings of the assessment.

(B) ACQUISITION AUTHORITIES.—

(i) IN GENERAL.—A State, local government, or other non-Federal entity is eligible to receive funds for the acquisition of real property from willing sellers under this section if the acquisition ensures 1 of—

(I) public access for compatible fish and wildlife-dependent recreation; or

(II) a scientifically based, direct enhancement to the health of fish and fish populations, as determined by the Board.

(ii) STATE AGENCY APPROVAL.—

(I) IN GENERAL.—All real property interest acquisition projects funded under this section are required to be approved by the State agency in the State in which the project is occurring.

(II) PROHIBITION.—The Board may not recommend, and the Secretary may not provide any funding for, any real property interest acquisition that has not been approved by the State agency.

(iii) ASSESSMENT OF OTHER AUTHORITIES.—The Fish Habitat Partnership shall conduct a project assessment, submitted with the funding request and approved by the Board, to demonstrate all other Federal, State, and local authorities for the acquisition of real property have been exhausted.

(iv) RESTRICTIONS.—A real property interest may not be acquired pursuant to a fish habitat conservation project by a State, local government, or other non-Federal entity, unless—

(I) the owner of the real property authorizes the State, local government, or other non-Federal entity to acquire the real property; and

(II) the Secretary and the Board determine that the State, local government, or other non-Federal entity would benefit from undertaking the management of the real property being acquired because that is in accordance with the goals of a partnership.

(5) NON-FEDERAL CONTRIBUTIONS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), no fish habitat conservation project may be recommended by the Board under paragraph (2) or provided financial assistance under this section unless at least 50 percent of the cost of the fish habitat conservation project will be funded with non-Federal funds.

(B) NON-FEDERAL SHARE.—The non-Federal share of the cost of a fish habitat conservation project—

(i) may not be derived from another Federal grant program; but

(ii) may include in-kind contributions and cash.

(C) SPECIAL RULE FOR INDIAN TRIBES.—Notwithstanding subparagraph (A) or any other provision of law, any funds made available to an Indian tribe pursuant to this section may be considered to be non-Federal funds for the purpose of subparagraph (A).

(6) APPROVAL.—

(A) IN GENERAL.—Not later than 90 days after the date of receipt of the recommended priority list of fish habitat conservation projects under paragraph (2), subject to the limitations of paragraph (4), and based, to the maximum extent practicable, on the criteria described in paragraph (3), the Secretary, after consulting with the Secretary of Commerce on marine or estuarine projects, shall approve or reject any fish habitat conservation project recommended by the Board.

(B) FUNDING.—If the Secretary approves a fish habitat conservation project under subparagraph (A), the Secretary shall use amounts made available to carry out this section to provide funds to carry out the fish habitat conservation project.

(C) NOTIFICATION.—If the Secretary rejects any fish habitat conservation project recommended by the Board under paragraph (2), not later than 180 days after the date of receipt of the recommendation, the Secretary shall provide to the Board, the appropriate Partnership, and the appropriate congressional committees a written statement of the reasons that the Secretary rejected the fish habitat conservation project.

(g) TECHNICAL AND SCIENTIFIC ASSISTANCE.—

(1) IN GENERAL.—The Director, the NOAA Assistant Administrator, the EPA Assistant Administrator, and the Director of the United States Geological Survey, in coordination with the Forest Service and other appropriate Federal departments and agencies, may provide scientific and technical assistance to the Partnerships, participants in fish

habitat conservation projects, and the Board.

(2) INCLUSIONS.—Scientific and technical assistance provided pursuant to paragraph (1) may include—

(A) providing technical and scientific assistance to States, Indian tribes, regions, local communities, and nongovernmental organizations in the development and implementation of Partnerships;

(B) providing technical and scientific assistance to Partnerships for habitat assessment, strategic planning, and prioritization;

(C) supporting the development and implementation of fish habitat conservation projects that are identified as high priorities by Partnerships and the Board;

(D) supporting and providing recommendations regarding the development of science-based monitoring and assessment approaches for implementation through Partnerships;

(E) supporting and providing recommendations for a national fish habitat assessment;

(F) ensuring the availability of experts to assist in conducting scientifically based evaluation and reporting of the results of fish habitat conservation projects; and

(G) providing resources to secure state agency scientific and technical assistance to support Partnerships, participants in fish habitat conservation projects, and the Board.

(h) COORDINATION WITH STATES AND INDIAN TRIBES.—The Secretary shall provide a notice to, and cooperate with, the appropriate State agency or tribal agency, as applicable, of each State and Indian tribe within the boundaries of which an activity is planned to be carried out pursuant to this section, including notification, by not later than 30 days before the date on which the activity is implemented.

(i) INTERAGENCY OPERATIONAL PLAN.—Not later than 1 year after the date of enactment of this Act, and every 5 years thereafter, the Director, in cooperation with the NOAA Assistant Administrator, the EPA Assistant Administrator, the Director of the United States Geological Survey, and the heads of other appropriate Federal departments and agencies (including at a minimum, those agencies represented on the Board) shall develop an interagency operational plan that describes—

(1) the functional, operational, technical, scientific, and general staff, administrative, and material needs for the implementation of this section; and

(2) any interagency agreements between or among Federal departments and agencies to address those needs.

(j) ACCOUNTABILITY AND REPORTING.—

(1) REPORTING.—

(A) IN GENERAL.—Not later than 5 years after the date of enactment of this Act, and every 5 years thereafter, the Board shall submit to the appropriate congressional committees a report describing the progress of this section.

(B) CONTENTS.—Each report submitted under subparagraph (A) shall include—

(i) an estimate of the number of acres, stream miles, or acre-feet, or other suitable measures of fish habitat, that was maintained or improved by partnerships of Federal, State, or local governments, Indian tribes, or other entities in the United States during the 5-year period ending on the date of submission of the report;

(ii) a description of the public access to fish habitats established or improved during that 5-year period;

(iii) a description of the improved opportunities for public recreational fishing; and

(iv) an assessment of the status of fish habitat conservation projects carried out with funds provided under this section dur-

ing that period, disaggregated by year, including—

(I) a description of the fish habitat conservation projects recommended by the Board under subsection (f)(2);

(II) a description of each fish habitat conservation project approved by the Secretary under subsection (f)(6), in order of priority for funding;

(III) a justification for—

(aa) the approval of each fish habitat conservation project; and

(bb) the order of priority for funding of each fish habitat conservation project;

(IV) a justification for any rejection of a fish habitat conservation project recommended by the Board under subsection (f)(2) that was based on a factor other than the criteria described in subsection (f)(3); and

(V) an accounting of expenditures by Federal, State, or local governments, Indian tribes, or other entities to carry out fish habitat conservation projects.

(2) STATUS AND TRENDS REPORT.—Not later than December 31, 2016, and every 5 years thereafter, the Board shall submit to the appropriate congressional committees a report that includes—

(A) a status of all Partnerships approved under this section;

(B) a description of the status of fish habitats in the United States as identified by established Partnerships; and

(C) enhancements or reductions in public access as a result of—

(i) the activities of the Partnerships; or

(ii) any other activities carried out pursuant to this section.

(3) REVISIONS.—Not later than December 31, 2016, and every 5 years thereafter, the Board shall consider revising the goals of the Board, after consideration of each report required by paragraph (2).

(k) EFFECT OF SECTION.—

(1) WATER RIGHTS.—Nothing in this section—

(A) establishes any express or implied reserved water right in the United States for any purpose;

(B) affects any water right in existence on the date of enactment of this Act;

(C) preempts or affects any State water law or interstate compact governing water; or

(D) affects any Federal or State law in existence on the date of enactment of the Act regarding water quality or water quantity.

(2) AUTHORITY TO ACQUIRE WATER RIGHTS OR RIGHTS TO PROPERTY.—Under this section, only a State, local government, or other non-Federal entity may acquire, under State law, water rights or rights to property.

(3) STATE AUTHORITY.—Nothing in this section—

(A) affects the authority, jurisdiction, or responsibility of a State to manage, control, or regulate fish and wildlife under the laws and regulations of the State; or

(B) authorizes the Secretary to control or regulate within a State the fishing or hunting of fish and wildlife.

(4) EFFECT ON INDIAN TRIBES.—Nothing in this section abrogates, abridges, affects, modifies, supersedes, or alters any right of an Indian tribe recognized by treaty or any other means, including—

(A) an agreement between the Indian tribe and the United States;

(B) Federal law (including regulations);

(C) an Executive order; or

(D) a judicial decree.

(5) ADJUDICATION OF WATER RIGHTS.—Nothing in this section diminishes or affects the ability of the Secretary to join an adjudication of rights to the use of water pursuant to subsection (a), (b), or (c) of section 208 of the

Department of Justice Appropriation Act, 1953 (43 U.S.C. 666).

(6) **DEPARTMENT OF COMMERCE AUTHORITY.**—Nothing in this section affects the authority, jurisdiction, or responsibility of the Department of Commerce to manage, control, or regulate fish or fish habitats under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(7) **EFFECT ON OTHER AUTHORITIES.**—

(A) **PRIVATE PROPERTY PROTECTION.**—Nothing in this section permits the use of funds made available to carry out this section to acquire real property or a real property interest without the written consent of each owner of the real property or real property interest.

(B) **MITIGATION.**—Nothing in this section permits the use of funds made available to carry out this section for fish and wildlife mitigation purposes under—

(i) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(ii) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(iii) the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4082); or

(iv) any other Federal law or court settlement.

(C) **CLEAN WATER ACT.**—Nothing in this section affects any provision of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), including any definition in that Act.

(1) **NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to—

(i) the Board; or

(2) any Partnership.

(m) **FUNDING.**—

(1) **AUTHORIZATION OF APPROPRIATIONS.**—

(A) **FISH HABITAT CONSERVATION PROJECTS.**—There is authorized to be appropriated to the Secretary \$7,200,000 for each of fiscal years 2016 through 2021 to provide funds for fish habitat conservation projects approved under subsection (f)(6), of which 5 percent shall be made available for each fiscal year for projects carried out by Indian tribes.

(B) **ADMINISTRATIVE AND PLANNING EXPENSES.**—There is authorized to be appropriated to the Secretary for each of fiscal years 2016 through 2021 an amount equal to 5 percent of the amount appropriated for the applicable fiscal year pursuant to subparagraph (A)—

(i) for administrative and planning expenses; and

(ii) to carry out subsection (j).

(C) **TECHNICAL AND SCIENTIFIC ASSISTANCE.**—There is authorized to be appropriated for each of fiscal years 2016 through 2021 to carry out, and provide technical and scientific assistance under, subsection (g)—

(i) \$500,000 to the Secretary for use by the United States Fish and Wildlife Service;

(ii) \$500,000 to the NOAA Assistant Administrator for use by the National Oceanic and Atmospheric Administration;

(iii) \$500,000 to the EPA Assistant Administrator for use by the Environmental Protection Agency; and

(iv) \$500,000 to the Secretary for use by the United States Geological Survey.

(2) **AGREEMENTS AND GRANTS.**—The Secretary may—

(A) on the recommendation of the Board, and notwithstanding sections 6304 and 6305 of title 31, United States Code, and the Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note; Public Law 106-107), enter into a grant agreement, cooperative agreement, or contract with a Partnership or other entity for a fish habitat conservation project or restoration or enhancement project;

(B) apply for, accept, and use a grant from any individual or entity to carry out the purposes of this section; and

(C) make funds available to any Federal department or agency for use by that department or agency to provide grants for any fish habitat protection project, restoration project, or enhancement project that the Secretary determines to be consistent with this section.

(3) **DONATIONS.**—

(A) **IN GENERAL.**—The Secretary may—

(i) enter into an agreement with any organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of that Code to solicit private donations to carry out the purposes of this section; and

(ii) accept donations of funds, property, and services to carry out the purposes of this section.

(B) **TREATMENT.**—A donation accepted under this section—

(i) shall be considered to be a gift or bequest to, or otherwise for the use of, the United States; and

(ii) may be—

(I) used directly by the Secretary; or

(II) provided to another Federal department or agency through an interagency agreement.

SEC. 10254. GULF STATES MARINE FISHERIES COMMISSION REPORT ON GULF OF MEXICO OUTER CONTINENTAL SHELF STATE BOUNDARY EXTENSION.

(a) **REPORT ON RESOURCE MANAGEMENT OUTCOMES.**—Not later than March 1, 2017, the Gulf States Marine Fisheries Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committees on Natural Resources and Transportation and Infrastructure of the House of Representatives a report on the economic, conservation and management, and law enforcement impacts of the implementation of section 110 of division B of the Consolidated Appropriations Act, 2016 (Public Law 114-113).

(b) **INFORMATION REQUIRED.**—The report required under subsection (a) shall include a detailed accounting of how the implementation of section 110 of division B of the Consolidated Appropriations Act, 2016 (Public Law 114-113) has affected—

(1) the economies of the States of Alabama, Florida, Louisiana, Mississippi, and Texas;

(2) the sustained participation of fishing communities;

(3) conservation and management of living resources under all applicable Federal laws;

(4) enforcement of Federal maritime laws; and

(5) the ability of the governments of the States described in paragraph (1) to effectively manage activities pursuant to the fishery management plan for reef fish resources of the Gulf of Mexico.

(c) **FUNDING.**—

(1) **IN GENERAL.**—Subject to the availability of appropriations, the Secretary of Commerce shall make available to the Gulf States Marine Fisheries Commission \$500,000 to carry out the report required under subsection (a).

(2) **SUBSEQUENT APPROPRIATIONS.**—Amounts made available under paragraph (1) shall be available only to the extent specifically provided for in advance in subsequent appropriations Acts.

SEC. 10255. GAO REPORT ON GULF OF MEXICO OUTER CONTINENTAL SHELF STATE BOUNDARY EXTENSION.

(a) **REPORT ON RESOURCE MANAGEMENT OUTCOMES.**—Not later than March 1, 2017, the Comptroller General of the United States shall submit to the Committee on Commerce, Science, and Transportation of the

Senate and the Committee on Natural Resources and the Committee on Transportation and Infrastructure of the House of Representatives a report on the economic, conservation and management, and law enforcement impacts of section 110 of division B of the Consolidated Appropriations Act, 2016 (Public Law 114-113).

(b) **INFORMATION REQUIRED.**—The report required by subsection (a) shall include a detailed accounting of how section 110 of division B of the Consolidated Appropriations Act, 2016 (Public Law 114-113) has affected—

(1) the economies of Alabama, Florida, Louisiana, Mississippi, and Texas;

(2) the sustained participation of fishing communities;

(3) conservation and management of living resources under all applicable Federal laws;

(4) enforcement of Federal maritime laws; and

(5) the ability of the governments of Alabama, Florida, Louisiana, Mississippi, and Texas to effectively manage activities pursuant to the fishery management plan for reef fish resources of the Gulf of Mexico.

PART VII—MISCELLANEOUS

SEC. 10261. RESPECT FOR TREATIES AND RIGHTS.

Nothing in this subtitle or the amendments made by this subtitle—

(1) affects or modifies any treaty or other right of any federally recognized Indian tribe; or

(2) modifies any provision of Federal law relating to migratory birds or to endangered or threatened species.

SEC. 10262. NO PRIORITY.

Nothing in this subtitle or the amendments made by this subtitle provides a preference to hunting, fishing, or recreational shooting over any other use of Federal land or water.

Subtitle D—Water Infrastructure and Related Matters

PART I—FONTENELLE RESERVOIR

SEC. 10301. AUTHORITY TO MAKE ENTIRE ACTIVE CAPACITY OF FONTENELLE RESERVOIR AVAILABLE FOR USE.

(a) **IN GENERAL.**—The Secretary of the Interior, in cooperation with the State of Wyoming, may amend the Definite Plan Report for the Seedskadee Project authorized under the first section of the Act of April 11, 1956 (commonly known as the “Colorado River Storage Project Act”) (43 U.S.C. 620), to provide for the study, design, planning, and construction activities that will enable the use of all active storage capacity (as may be defined or limited by legal, hydrologic, structural, engineering, economic, and environmental considerations) of Fontenelle Dam and Reservoir, including the placement of sufficient riprap on the upstream face of Fontenelle Dam to allow the active storage capacity of Fontenelle Reservoir to be used for those purposes for which the Seedskadee Project was authorized.

(b) **COOPERATIVE AGREEMENTS.**—

(1) **IN GENERAL.**—The Secretary of the Interior may enter into any contract, grant, cooperative agreement, or other agreement that is necessary to carry out subsection (a).

(2) **STATE OF WYOMING.**—

(A) **IN GENERAL.**—The Secretary of the Interior shall enter into a cooperative agreement with the State of Wyoming to work in cooperation and collaboratively with the State of Wyoming for planning, design, related preconstruction activities, and construction of any modification of the Fontenelle Dam under subsection (a).

(B) **REQUIREMENTS.**—The cooperative agreement under subparagraph (A) shall, at a minimum, specify the responsibilities of the Secretary of the Interior and the State of Wyoming with respect to—

(i) completing the planning and final design of the modification of the Fontenelle Dam under subsection (a);

(ii) any environmental and cultural resource compliance activities required for the modification of the Fontenelle Dam under subsection (a) including compliance with—

(I) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(II) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(III) subdivision 2 of division A of subtitle III of title 54, United States Code; and

(iii) the construction of the modification of the Fontenelle Dam under subsection (a).

(c) **FUNDING BY STATE OF WYOMING.**—Pursuant to the Act of March 4, 1921 (41 Stat. 1404, chapter 161; 43 U.S.C. 395), and as a condition of providing any additional storage under subsection (a), the State of Wyoming shall provide to the Secretary of the Interior funds for any work carried out under subsection (a).

(d) **OTHER CONTRACTING AUTHORITY.**—

(1) **IN GENERAL.**—The Secretary of the Interior may enter into contracts with the State of Wyoming, on such terms and conditions as the Secretary of the Interior and the State of Wyoming may agree, for division of any additional active capacity made available under subsection (a).

(2) **TERMS AND CONDITIONS.**—Unless otherwise agreed to by the Secretary of the Interior and the State of Wyoming, a contract entered into under paragraph (1) shall be subject to the terms and conditions of Bureau of Reclamation Contract No. 14-06-400-2474 and Bureau of Reclamation Contract No. 14-06-400-6193.

SEC. 10302. SAVINGS PROVISIONS.

Unless expressly provided in this part, nothing in this part modifies, conflicts with, preempts, or otherwise affects—

(1) the Act of December 31, 1928 (43 U.S.C. 617 et seq.) (commonly known as the “Boulder Canyon Project Act”);

(2) the Colorado River Compact of 1922, as approved by the Presidential Proclamation of June 25, 1929 (46 Stat. 3000);

(3) the Act of July 19, 1940 (43 U.S.C. 618 et seq.) (commonly known as the “Boulder Canyon Project Adjustment Act”);

(4) the Treaty between the United States of America and Mexico relating to the utilization of waters of the Colorado and Tijuana Rivers and of the Rio Grande, and supplementary protocol signed November 14, 1944, signed at Washington February 3, 1944 (59 Stat. 1219);

(5) the Upper Colorado River Basin Compact as consented to by the Act of April 6, 1949 (63 Stat. 31);

(6) the Act of April 11, 1956 (commonly known as the “Colorado River Storage Project Act”) (43 U.S.C. 620 et seq.);

(7) the Colorado River Basin Project Act (Public Law 90-537; 82 Stat. 885); or

(8) any State of Wyoming or other State water law.

PART II—BUREAU OF RECLAMATION TRANSPARENCY

SEC. 10311. DEFINITIONS.

In this part:

(1) **ASSET.**—

(A) **IN GENERAL.**—The term “asset” means any of the following assets that are used to achieve the mission of the Bureau of Reclamation to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the people of the United States:

(i) Capitalized facilities, buildings, structures, project features, power production equipment, recreation facilities, or quarters.

(ii) Capitalized and noncapitalized heavy equipment and other installed equipment.

(B) **INCLUSIONS.**—The term “asset” includes assets described in subparagraph (A) that are considered to be mission critical.

(2) **ASSET MANAGEMENT REPORT.**—The term “Asset Management Report” means—

(A) the annual plan prepared by the Bureau of Reclamation known as the “Asset Management Plan”; and

(B) any publicly available information relating to the plan described in subparagraph (A) that summarizes the efforts of the Bureau of Reclamation to evaluate and manage infrastructure assets of the Bureau of Reclamation.

(3) **MAJOR REPAIR AND REHABILITATION NEED.**—The term “major repair and rehabilitation need” means major nonrecurring maintenance at a Reclamation facility, including maintenance related to the safety of dams, extraordinary maintenance of dams, deferred major maintenance activities, and all other significant repairs and extraordinary maintenance.

(4) **RECLAMATION FACILITY.**—The term “Reclamation facility” means each of the infrastructure assets that are owned by the Bureau of Reclamation at a Reclamation project.

(5) **RECLAMATION PROJECT.**—The term “Reclamation project” means a project that is owned by the Bureau of Reclamation, including all reserved works and transferred works owned by the Bureau of Reclamation.

(6) **RESERVED WORKS.**—The term “reserved works” means buildings, structures, facilities, or equipment that are owned by the Bureau of Reclamation for which operations and maintenance are performed by employees of the Bureau of Reclamation or through a contract entered into by the Bureau of Reclamation, regardless of the source of funding for the operations and maintenance.

(7) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(8) **TRANSFERRED WORKS.**—The term “transferred works” means a Reclamation facility at which operations and maintenance of the facility is carried out by a non-Federal entity under the provisions of a formal operations and maintenance transfer contract or other legal agreement with the Bureau of Reclamation.

SEC. 10312. ASSET MANAGEMENT REPORT ENHANCEMENTS FOR RESERVED WORKS.

(a) **IN GENERAL.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress an Asset Management Report that—

(1) describes the efforts of the Bureau of Reclamation—

(A) to maintain in a reliable manner all reserved works at Reclamation facilities; and

(B) to standardize and streamline data reporting and processes across regions and areas for the purpose of maintaining reserved works at Reclamation facilities; and

(2) expands on the information otherwise provided in an Asset Management Report, in accordance with subsection (b).

(b) **INFRASTRUCTURE MAINTENANCE NEEDS ASSESSMENT.**—

(1) **IN GENERAL.**—The Asset Management Report submitted under subsection (a) shall include—

(A) a detailed assessment of major repair and rehabilitation needs for all reserved works at all Reclamation projects; and

(B) to the extent practicable, an itemized list of major repair and rehabilitation needs of individual Reclamation facilities at each Reclamation project.

(2) **INCLUSIONS.**—To the extent practicable, the itemized list of major repair and rehabilitation needs under paragraph (1)(B) shall include—

(A) a budget level cost estimate of the appropriations needed to complete each item; and

(B) an assignment of a categorical rating for each item, consistent with paragraph (3).

(3) **RATING REQUIREMENTS.**—

(A) **IN GENERAL.**—The system for assigning ratings under paragraph (2)(B) shall be—

(i) consistent with existing uniform categorization systems to inform the annual budget process and agency requirements; and

(ii) subject to the guidance and instructions issued under subparagraph (B).

(B) **GUIDANCE.**—As soon as practicable after the date of enactment of this Act, the Secretary shall issue guidance that describes the applicability of the rating system applicable under paragraph (2)(B) to Reclamation facilities.

(4) **PUBLIC AVAILABILITY.**—Except as provided in paragraph (5), the Secretary shall make publicly available, including on the Internet, the Asset Management Report required under subsection (a).

(5) **CONFIDENTIALITY.**—The Secretary may exclude from the public version of the Asset Management Report made available under paragraph (4) any information that the Secretary identifies as sensitive or classified, but shall make available to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a version of the report containing the sensitive or classified information.

(c) **UPDATES.**—Not later than 2 years after the date on which the Asset Management Report is submitted under subsection (a) and biennially thereafter, the Secretary shall update the Asset Management Report, subject to the requirements of section 6313(b)(2).

(d) **CONSULTATION.**—To the extent that such consultation would assist the Secretary in preparing the Asset Management Report under subsection (a) and updates to the Asset Management Report under subsection (c), the Secretary shall consult with—

(1) the Secretary of the Army (acting through the Chief of Engineers); and

(2) water and power contractors.

SEC. 10313. ASSET MANAGEMENT REPORT ENHANCEMENTS FOR TRANSFERRED WORKS.

(a) **IN GENERAL.**—The Secretary shall coordinate with the non-Federal entities responsible for the operation and maintenance of transferred works in developing reporting requirements for Asset Management Reports with respect to major repair and rehabilitation needs for transferred works that are similar to the reporting requirements described in section 6312(b).

(b) **GUIDANCE.**—

(1) **IN GENERAL.**—After considering input from water and power contractors of the Bureau of Reclamation, the Secretary shall develop and implement a rating system for transferred works that incorporates, to the maximum extent practicable, the rating system for major repair and rehabilitation needs for reserved works developed under section 6312(b)(3).

(2) **UPDATES.**—The ratings system developed under paragraph (1) shall be included in the updated Asset Management Reports under section 6312(c).

SEC. 10314. OFFSET.

Notwithstanding any other provision of law, in the case of the project authorized by section 1617 of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h-12c), the maximum amount of the Federal share of the cost of the project under section 1631(d)(1) of that Act (43 U.S.C. 390h-13(d)(1)) otherwise available as of the date of enactment of this Act shall be reduced by \$2,000,000.

PART III—BASIN WATER MANAGEMENT
Subpart A—Yakima River Basin Water Enhancement

SEC. 10321. SHORT TITLE.

This subpart may be cited as the “Yakima River Basin Water Enhancement Project Phase III Act of 2016”.

SEC. 10322. MODIFICATION OF TERMS, PURPOSES, AND DEFINITIONS.

(a) MODIFICATION OF TERMS.—Title XII of Public Law 103-434 (108 Stat. 4550) is amended—

(1) by striking “Yakama Indian” each place it appears (except section 1204(g)) and inserting “Yakama”; and

(2) by striking “Superintendent” each place it appears and inserting “Manager”.

(b) MODIFICATION OF PURPOSES.—Section 1201 of Public Law 103-434 (108 Stat. 4550) is amended—

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

“(1) to protect, mitigate, and enhance fish and wildlife and the recovery and maintenance of self-sustaining harvestable populations of fish and other aquatic life, both anadromous and resident species, throughout their historic distribution range in the Yakima Basin through—

“(A) improved water management and the constructions of fish passage at storage and diversion dams, as authorized under the Hoover Power Plant Act of 1984 (43 U.S.C. 619 et seq.);

“(B) improved instream flows and water supplies;

“(C) improved water quality, watershed, and ecosystem function;

“(D) protection, creation, and enhancement of wetlands; and

“(E) other appropriate means of habitat improvement;”;

(2) in paragraph (2), by inserting “, municipal, industrial, and domestic water supply and use purposes, especially during drought years, including reducing the frequency and severity of water supply shortages for prorable irrigation entities” before the semicolon at the end;

(3) by striking paragraph (4);

(4) by redesignating paragraph (3) as paragraph (4);

(5) by inserting after paragraph (2) the following:

“(3) to authorize the Secretary to make water available for purchase or lease for meeting municipal, industrial, and domestic water supply purposes;”;

(6) by redesignating paragraphs (5) and (6) as paragraphs (6) and (8), respectively;

(7) by inserting after paragraph (4) (as so redesignated) the following:

“(5) to realize sufficient water savings from implementing the Yakima River Basin Integrated Water Resource Management Plan, so that not less than 85,000 acre feet of water savings are achieved by implementing the first phase of the Integrated Plan pursuant to section 1213(a), in addition to the 165,000 acre feet of water savings targeted through the Basin Conservation Program, as authorized on October 31, 1994;”;

(8) in paragraph (6) (as so redesignated)—

(A) by inserting “an increase in” before “voluntary”; and

(B) by striking “and” at the end;

(9) by inserting after paragraph (6) (as so redesignated) the following:

“(7) to encourage an increase in the use of, and reduce the barriers to, water transfers, leasing, markets, and other voluntary transactions among public and private entities to enhance water management in the Yakima River basin;”;

(10) in paragraph (8) (as redesignated by paragraph (6)), by striking the period at the end and inserting a semicolon; and

(11) by adding at the end the following:

“(9) to improve the resilience of the ecosystems, economies, and communities in the Basin as they face drought, hydrologic changes, and other related changes and variability in natural and human systems, for the benefit of both the people and the fish and wildlife of the region; and

“(10) to authorize and implement the Yakima River Basin Integrated Water Resource Management Plan as Phase III of the Yakima River Basin Water Enhancement Project, as a balanced and cost-effective approach to maximize benefits to the communities and environment in the Basin.”.

(c) MODIFICATION OF DEFINITIONS.—Section 1202 of Public Law 103-434 (108 Stat. 4550) is amended—

(1) by redesignating paragraphs (6), (7), (8), (9), (10), (11), (12), (13), and (14) as paragraphs (8), (10), (11), (13), (14), (15), (16), (18), and (19), respectively;

(2) by inserting after paragraph (5) the following:

“(6) DESIGNATED FEDERAL OFFICIAL.—The term ‘designated Federal official’ means the Commissioner of Reclamation (or a designee), acting pursuant to the charter of the Conservation Advisory Group.

“(7) INTEGRATED PLAN.—The terms ‘Integrated Plan’ and ‘Yakima River Basin Integrated Water Resource Plan’ mean the plan and activities authorized by the Yakima River Basin Water Enhancement Project Phase III Act of 2016 and the amendments made by that subpart, to be carried out in cooperation with and in addition to activities of the State of Washington and Yakama Nation.”;

(3) by inserting after paragraph (8) (as redesignated by paragraph (1)) the following:

“(9) MUNICIPAL, INDUSTRIAL, AND DOMESTIC WATER SUPPLY AND USE.—The term ‘municipal, industrial, and domestic water supply and use’ means the supply and use of water for—

“(A) domestic consumption (whether urban or rural);

“(B) maintenance and protection of public health and safety;

“(C) manufacture, fabrication, processing, assembly, or other production of a good or commodity;

“(D) production of energy;

“(E) fish hatcheries; or

“(F) water conservation activities relating to a use described in subparagraphs (A) through (E).”;

(4) by inserting after paragraph (11) (as redesignated by paragraph (1)) the following:

“(12) PRORATABLE IRRIGATION ENTITY.—The term ‘prorable irrigation entity’ means a district, project, or State-recognized authority, board of control, agency, or entity located in the Yakima River basin that—

“(A) manages and delivers irrigation water to farms in the basin; and

“(B) possesses, or the members of which possess, water rights that are prorable during periods of water shortage.”;

(5) by inserting after paragraph (16) (as redesignated by paragraph (1)) the following:

“(17) YAKIMA ENHANCEMENT PROJECT; YAKIMA RIVER BASIN WATER ENHANCEMENT PROJECT.—The terms ‘Yakima Enhancement Project’ and ‘Yakima River Basin Water Enhancement Project’ mean the Yakima River basin water enhancement project authorized by Congress pursuant to this Act and other Acts (including Public Law 96-162 (93 Stat. 1241), section 109 of Public Law 98-381 (16 U.S.C. 839b note; 98 Stat. 1340), Public Law 105-62 (111 Stat. 1320), and Public Law 106-372 (114 Stat. 1425)) to promote water conservation, water supply, habitat, and stream enhancement improvements in the Yakima River basin.”.

SEC. 10323. YAKIMA RIVER BASIN WATER CONSERVATION PROGRAM.

Section 1203 of Public Law 103-434 (108 Stat. 4551) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the second sentence, by striking “title” and inserting “section”; and

(ii) in the third sentence, by striking “within 5 years of the date of enactment of this Act”; and

(B) in paragraph (2), by striking “irrigation” and inserting “the number of irrigated acres”;

(2) in subsection (c)—

(A) in paragraph (2)—

(i) in each of subparagraphs (A) through (D), by striking the comma at the end and inserting a semicolon;

(ii) in subparagraph (E), by striking the comma at the end and inserting “; and”; and

(iii) in subparagraph (F), by striking “Department of Wildlife of the State of Washington, and” and inserting “Department of Fish and Wildlife of the State of Washington.”; and

(iv) by striking subparagraph (G);

(B) in paragraph (3)—

(i) in each of subparagraphs (A) through (C), by striking the comma at the end and inserting a semicolon;

(ii) in subparagraph (D), by striking “, and” and inserting a semicolon;

(iii) in subparagraph (E), by striking the period at the end and inserting “; and”; and

(iv) by adding at the end the following:

“(F) provide recommendations to advance the purposes and programs of the Yakima Enhancement Project, including the Integrated Plan.”; and

(C) by striking paragraph (4) and inserting the following:

“(4) AUTHORITY OF DESIGNATED FEDERAL OFFICIAL.—The designated Federal official may—

“(A) arrange and provide logistical support for meetings of the Conservation Advisory Group;

“(B) use a facilitator to serve as a moderator for meetings of the Conservation Advisory Group or provide additional logistical support; and

“(C) grant any request for a facilitator by any member of the Conservation Advisory Group.”;

(3) in subsection (d), by adding at the end the following:

“(4) PAYMENT OF LOCAL SHARE BY STATE OR FEDERAL GOVERNMENT.—

“(A) IN GENERAL.—The State or the Federal Government may fund not more than the 17.5 percent local share of the costs of the Basin Conservation Program in exchange for the long-term use of conserved water, subject to the requirement that the funding by the Federal Government of the local share of the costs shall provide a quantifiable public benefit in meeting Federal responsibilities in the Basin and the purposes of this title.

“(B) USE OF CONSERVED WATER.—The Yakima Project Manager may use water resulting from conservation measures taken under this title, in addition to water that the Bureau of Reclamation may acquire from any willing seller through purchase, donation, or lease, for water management uses pursuant to this title.”;

(4) in subsection (e), by striking the first sentence and inserting the following: “To participate in the Basin Conservation Program, as described in subsection (b), an entity shall submit to the Secretary a proposed water conservation plan.”;

(5) in subsection (i)(3)—

(A) by striking “purchase or lease” each place it appears and inserting “purchase, lease, or management”; and

(B) in the third sentence, by striking “made immediately upon availability” and all that follows through “Committee” and inserting “continued as needed to provide water to be used by the Yakima Project Manager as recommended by the System Operations Advisory Committee and the Conservation Advisory Group”; and

(6) in subsection (j)(4), in the first sentence, by striking “initial acquisition” and all that follows through “flushing flows” and inserting “acquisition of water from willing sellers or lessors specifically to provide improved instream flows for anadromous and resident fish and other aquatic life, including pulse flows to facilitate outward migration of anadromous fish”.

SEC. 10324. YAKIMA BASIN WATER PROJECTS, OPERATIONS, AND AUTHORIZATIONS.

(a) YAKAMA NATION PROJECTS.—Section 1204 of Public Law 103-434 (108 Stat. 4555) is amended—

(1) in subsection (a)(2), in the first sentence, by striking “not more than \$23,000,000” and inserting “not more than \$100,000,000”; and

(2) in subsection (g)—

(A) by striking the subsection heading and inserting “REDESIGNATION OF YAKAMA INDIAN NATION TO YAKAMA NATION.—”; and

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

“(1) REDESIGNATION.—The Confederated Tribes and Bands of the Yakama Indian Nation shall be known and designated as the ‘Confederated Tribes and Bands of the Yakama Nation’.”; and

(C) in paragraph (2), by striking “deemed to be a reference to the ‘Confederated Tribes and Bands of the Yakama Indian Nation’.” and inserting “deemed to be a reference to the ‘Confederated Tribes and Bands of the Yakama Nation’.”.

(b) OPERATION OF YAKIMA BASIN PROJECTS.—Section 1205 of Public Law 103-434 (108 Stat. 4557) is amended—

(1) in subsection (a)—

(A) in paragraph (4)—

(i) in subparagraph (A)—

(I) in clause (i)—

(aa) by inserting “additional” after “secure”; and

(bb) by striking “flushing” and inserting “pulse”; and

(cc) by striking “uses” and inserting “uses, in addition to the quantity of water provided under the treaty between the Yakama Nation and the United States”; and

(II) by striking clause (ii);

(III) by redesignating clause (iii) as clause (ii); and

(IV) in clause (ii) (as so redesignated) by inserting “and water rights mandated” after “goals”; and

(i) in subparagraph (B)(i), in the first sentence, by inserting “in proportion to the funding received” after “Program”; and

(2) in subsection (b) (as amended by section 6322(a)(2)), in the second sentence, by striking “instream flows for use by the Yakima Project Manager as flushing flows or as otherwise” and inserting “fishery purposes, as”; and

(3) in subsection (e), by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—Additional purposes of the Yakima Project shall be any of the following:

“(A) To recover and maintain self-sustaining harvestable populations of native fish, both anadromous and resident species, throughout their historic distribution range in the Yakima Basin.

“(B) To protect, mitigate, and enhance aquatic life and wildlife.

“(C) Recreation.

“(D) Municipal, industrial, and domestic use.”.

(c) LAKE CLE ELUM AUTHORIZATION OF APPROPRIATIONS.—Section 1206(a)(1) of Public Law 103-434 (108 Stat. 4560), is amended, in the matter preceding subparagraph (A), by striking “at September” and all that follows through “to—” and inserting “not more than \$12,000,000 to—”.

(d) ENHANCEMENT OF WATER SUPPLIES FOR YAKIMA BASIN TRIBUTARIES.—Section 1207 of Public Law 103-434 (108 Stat. 4560) is amended—

(1) in the heading, by striking “SUPPLIES” and inserting “MANAGEMENT”; and

(2) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “supplies” and inserting “management”; and

(B) in paragraph (1), by inserting “and water supply entities” after “owners”; and

(C) in paragraph (2)—

(i) in subparagraph (A), by inserting “that choose not to participate or opt out of tributary enhancement projects pursuant to this section” after “water right owners”; and

(ii) in subparagraph (B), by inserting “non-participating” before “tributary water users”; and

(3) in subsection (b)—

(A) in paragraph (1)—

(i) by striking the paragraph designation and all that follows through “(but not limited to)—” and inserting the following:

“(1) IN GENERAL.—The Secretary, following consultation with the State of Washington, tributary water right owners, and the Yakama Nation, and on agreement of appropriate water right owners, is authorized to conduct studies to evaluate measures to further Yakima Project purposes on tributaries to the Yakima River. Enhancement programs that use measures authorized by this subsection may be investigated and implemented by the Secretary in tributaries to the Yakima River, including Taneum Creek, other areas, or tributary basins that currently or could potentially be provided supplemental or transfer water by entities, such as the Kittitas Reclamation District or the Yakima-Tieton Irrigation District, subject to the condition that activities may commence on completion of applicable and required feasibility studies, environmental reviews, and cost-benefit analyses that include favorable recommendations for further project development, as appropriate. Measures to evaluate include—”;

(ii) by indenting subparagraphs (A) through (F) appropriately;

(iii) in subparagraph (A), by inserting before the semicolon at the end the following:

“, including irrigation efficiency improvements (in coordination with programs of the Department of Agriculture), consolidation of diversions or administration, and diversion scheduling or coordination”;

(iv) by redesignating subparagraphs (C) through (F) as subparagraphs (E) through (H), respectively;

(v) by inserting after subparagraph (B) the following:

“(C) improvements in irrigation system management or delivery facilities within the Yakima River basin when those improvements allow for increased irrigation system conveyance and corresponding reduction in diversion from tributaries or flow enhancements to tributaries through direct flow supplementation or groundwater recharge; and

“(D) improvements of irrigation system management or delivery facilities to reduce or eliminate excessively high flows caused by the use of natural streams for conveyance or irrigation water or return water”; and

(vi) in subparagraph (E) (as redesignated by clause (iv)), by striking “ground water” and inserting “groundwater recharge and”;

(vii) in subparagraph (G) (as redesignated by clause (iv)), by inserting “or transfer” after “purchase”; and

(viii) in subparagraph (H) (as redesignated by clause (iv)), by inserting “stream processes and” before “stream habitats”;

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking “the Taneum Creek study” and inserting “studies under this subsection”; and

(ii) in subparagraph (B)—

(I) by striking “and economic” and inserting “, infrastructure, economic, and land use”; and

(II) by striking “and” at the end;

(iii) in subparagraph (C), by striking the period at the end and inserting “; and”; and

(iv) by adding at the end the following:

“(D) any related studies already underway or undertaken.”; and

(C) in paragraph (3), in the first sentence, by inserting “of each tributary or group of tributaries” after “study”; and

(4) in subsection (c)—

(A) in the heading, by inserting “AND NON-SURFACE STORAGE” after “NONSTORAGE”; and

(B) in the matter preceding paragraph (1), by inserting “and nonsurface storage” after “nonstorage”; and

(5) by striking subsection (d);

(6) by redesignating subsection (e) as subsection (d); and

(7) in paragraph (2) of subsection (d) (as so redesignated)—

(A) in the first sentence—

(i) by inserting “and implementation” after “investigation”; and

(ii) by striking “other” before “Yakima River”; and

(iii) by inserting “and other water supply entities” after “owners”; and

(B) by striking the second sentence.

(e) CHANDLER PUMPING PLANT AND POWER-PLANT-OPERATIONS AT PROSSER DIVERSION DAM.—Section 1208(d) of Public Law 103-434 (108 Stat. 4562; 114 Stat. 1425) is amended by inserting “negatively” before “affected”.

(f) INTERIM COMPREHENSIVE BASIN OPERATING PLAN.—Section 1210(c) of Public Law 103-434 (108 Stat. 4564) is amended by striking “\$100,000” and inserting “\$200,000”.

(g) ENVIRONMENTAL COMPLIANCE.—Section 1211 of Public Law 103-434 (108 Stat. 4564) is amended by striking “\$2,000,000” and inserting “\$5,000,000”.

SEC. 10325. AUTHORIZATION OF PHASE III OF YAKIMA RIVER BASIN WATER ENHANCEMENT PROJECT.

Title XII of Public Law 103-434 (108 Stat. 4550) is amended by adding at the end the following:

“SEC. 1213. AUTHORIZATION OF THE INTEGRATED PLAN AS PHASE III OF YAKIMA RIVER BASIN WATER ENHANCEMENT PROJECT.

“(a) INTEGRATED PLAN.—

“(1) IN GENERAL.—The Secretary shall implement the Integrated Plan as Phase III of the Yakima River Basin Water Enhancement Project in accordance with this section and applicable laws.

“(2) INITIAL DEVELOPMENT PHASE OF THE INTEGRATED PLAN.—

“(A) IN GENERAL.—The Secretary, in coordination with the State of Washington and Yakama Nation and subject to feasibility studies, environmental reviews, and the availability of appropriations, shall implement an initial development phase of the Integrated Plan, to—

“(i) complete the planning, design, and construction or development of upstream and downstream fish passage facilities, as previously authorized by the Hoover Power Plant Act of 1984 (43 U.S.C. 619 et seq.) at Cle Elum Reservoir and another Yakima Project reservoir identified by the Secretary as consistent with the Integrated Plan, subject to

the condition that, if the Yakima Project reservoir identified by the Secretary contains a hydropower project licensed by the Federal Energy Regulatory Commission, the Secretary shall cooperate with the Federal Energy Regulatory Commission in a timely manner to ensure that actions taken by the Secretary are consistent with the applicable hydropower project license;

“(ii) negotiate long-term agreements with participating proratable irrigation entities in the Yakima Basin and, acting through the Bureau of Reclamation, coordinate between Bureaus of the Department of the Interior and with the heads of other Federal agencies to negotiate agreements concerning leases, easements, and rights-of-way on Federal land, and other terms and conditions determined to be necessary to allow for the non-Federal financing, construction, operation, and maintenance of—

“(I) new facilities needed to access and deliver inactive storage in Lake Kachess for the purpose of providing drought relief for irrigation (known as the ‘Kachess Drought Relief Pumping Plant’); and

“(II) a conveyance system to allow transfer of water between Keechelus Reservoir to Kachess Reservoir for purposes of improving operational flexibility for the benefit of both fish and irrigation (known as the ‘K to K Pipeline’);

“(iii) participate in, provide funding for, and accept non-Federal financing for—

“(I) water conservation projects, not subject to the provisions of the Basin Conservation Program described in section 1203, that are intended to partially implement the Integrated Plan by providing 85,000 acre-feet of conserved water to improve tributary and mainstem stream flow; and

“(II) aquifer storage and recovery projects;

“(iv) study, evaluate, and conduct feasibility analyses and environmental reviews of fish passage, water supply (including groundwater and surface water storage), conservation, habitat restoration projects, and other alternatives identified as consistent with the purposes of this Act, for the initial and future phases of the Integrated Plan;

“(v) coordinate with and assist the State of Washington in implementing a robust water market to enhance water management in the Yakima River basin, including—

“(I) assisting in identifying ways to encourage and increase the use of, and reduce the barriers to, water transfers, leasing, markets, and other voluntary transactions among public and private entities in the Yakima River basin;

“(II) providing technical assistance, including scientific data and market information; and

“(III) negotiating agreements that would facilitate voluntary water transfers between entities, including as appropriate, the use of federally managed infrastructure; and

“(vi) enter into cooperative agreements with, or, subject to a minimum non-Federal cost-sharing requirement of 50 percent, make grants to, the Yakama Nation, the State of Washington, Yakima River basin irrigation districts, water districts, conservation districts, other local governmental entities, nonprofit organizations, and land owners to carry out this title under such terms and conditions as the Secretary may require, including the following purposes:

“(I) Land and water transfers, leases, and acquisitions from willing participants, so long as the acquiring entity shall hold title and be responsible for any and all required operations, maintenance, and management of that land and water.

“(II) To combine or relocate diversion points, remove fish barriers, or for other activities that increase flows or improve habi-

tat in the Yakima River and its tributaries in furtherance of this title.

“(III) To implement, in partnership with Federal and non-Federal entities, projects to enhance the health and resilience of the watershed.

“(B) COMMENCEMENT DATE.—The Secretary shall commence implementation of the activities included under the initial development phase pursuant to this paragraph—

“(i) on the date of enactment of this section; and

“(ii) on completion of applicable feasibility studies, environmental reviews, and cost-benefit analyses that include favorable recommendations for further project development.

“(3) INTERMEDIATE AND FINAL PHASES.—

“(A) IN GENERAL.—The Secretary, in coordination with the State of Washington and in consultation with the Yakama Nation, shall develop plans for intermediate and final development phases of the Integrated Plan to achieve the purposes of this Act, including conducting applicable feasibility studies, environmental reviews, and other relevant studies needed to develop the plans.

“(B) INTERMEDIATE PHASE.—The Secretary shall develop an intermediate development phase to implement the Integrated Plan that, subject to authorization and appropriation, would commence not later than 10 years after the date of enactment of this section.

“(C) FINAL PHASE.—The Secretary shall develop a final development phase to implement the Integrated Plan that, subject to authorization and appropriation, would commence not later than 20 years after the date of enactment of this section.

“(4) CONTINGENCIES.—The implementation by the Secretary of projects and activities identified for implementation under the Integrated Plan shall be—

“(A) subject to authorization and appropriation;

“(B) contingent on the completion of applicable feasibility studies, environmental reviews, and cost-benefit analyses that include favorable recommendations for further project development;

“(C) implemented on public review and a determination by the Secretary that design, construction, and operation of a proposed project or activity is in the best interest of the public; and

“(D) in compliance with all applicable laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

“(5) PROGRESS REPORT.—

“(A) IN GENERAL.—Not later than 5 years after the date of enactment of this section, the Secretary, in conjunction with the State of Washington and in consultation with the Yakama Nation, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a progress report on the development and implementation of the Integrated Plan.

“(B) REQUIREMENTS.—The progress report under this paragraph shall—

“(i) provide a review and reassessment, if needed, of the objectives of the Integrated Plan, as applied to all elements of the Integrated Plan;

“(ii) assess, through performance metrics developed at the initiation of, and measured throughout the implementation of, the Integrated Plan, the degree to which the implementation of the initial development phase addresses the objectives and all elements of the Integrated Plan;

“(iii) identify the amount of Federal funding and non-Federal contributions received

and expended during the period covered by the report;

“(iv) describe the pace of project development during the period covered by the report;

“(v) identify additional projects and activities proposed for inclusion in any future phase of the Integrated Plan to address the objectives of the Integrated Plan, as applied to all elements of the Integrated Plan; and

“(vi) for water supply projects—

“(I) provide a preliminary discussion of the means by which—

“(aa) water and costs associated with each recommended project would be allocated among authorized uses; and

“(bb) those allocations would be consistent with the objectives of the Integrated Plan; and

“(II) establish a plan for soliciting and formalizing subscriptions among individuals and entities for participation in any of the recommended water supply projects that will establish the terms for participation, including fiscal obligations associated with subscription.

“(b) FINANCING, CONSTRUCTION, OPERATION, AND MAINTENANCE OF KACHESS DROUGHT RELIEF PUMPING PLANT AND K TO K PIPELINE.—

“(1) AGREEMENTS.—Long-term agreements negotiated between the Secretary and participating proratable irrigation entities in the Yakima Basin for the non-Federal financing, construction, operation, and maintenance of the Drought Relief Pumping Plant and K to K Pipeline shall include provisions regarding—

“(A) responsibilities of the participating proratable irrigation entities for the planning, design, and construction of infrastructure in consultation and coordination with the Secretary;

“(B) property titles and responsibilities of the participating proratable irrigation entities for the maintenance of and liability for all infrastructure constructed under this title;

“(C) operation and integration of the projects by the Secretary in the operation of the Yakima Project;

“(D) costs associated with the design, financing, construction, operation, maintenance, and mitigation of projects, with the costs of Federal oversight and review to be nonreimbursable to the participating proratable irrigation entities and the Yakima Project; and

“(E) responsibilities for the pumping and operational costs necessary to provide the total water supply available made inaccessible due to drought pumping during the preceding 1 or more calendar years, in the event that the Kachess Reservoir fails to refill as a result of pumping drought storage water during the preceding 1 or more calendar years, which shall remain the responsibility of the participating proratable irrigation entities.

“(2) USE OF KACHESS RESERVOIR STORED WATER.—

“(A) IN GENERAL.—The additional stored water made available by the construction of facilities to access and deliver inactive storage in Kachess Reservoir under subsection (a)(2)(A)(ii)(I) shall—

“(i) be considered to be Yakima Project water;

“(ii) not be part of the total water supply available, as that term is defined in various court rulings; and

“(iii) be used exclusively by the Secretary—

“(I) to enhance the water supply in years when the total water supply available is not sufficient to provide 70 percent of proratable entitlements in order to make that additional water available up to 70 percent of

proratable entitlements to the Kittitas Reclamation District, the Roza Irrigation District, or other proratable irrigation entities participating in the construction, operation, and maintenance costs of the facilities under this title under such terms and conditions to which the districts may agree, subject to the conditions that—

“(aa) the Bureau of Indian Affairs, the Wapato Irrigation Project, and the Yakama Nation, on an election to participate, may also obtain water from Kachess Reservoir inactive storage to enhance applicable existing irrigation water supply in accordance with such terms and conditions to which the Bureau of Indian Affairs and the Yakama Nation may agree; and

“(bb) the additional supply made available under this clause shall be available to participating individuals and entities in proportion to the proratable entitlements of the participating individuals and entities, or in such other proportion as the participating entities may agree; and

“(II) to facilitate reservoir operations in the reach of the Yakima River between Keechelus Dam and Easton Dam for the propagation of anadromous fish.

“(B) EFFECT OF PARAGRAPH.—Nothing in this paragraph affects (as in existence on the date of enactment of this section) any contract, law (including regulations) relating to repayment costs, water right, or Yakama Nation treaty right.

“(3) COMMENCEMENT.—The Secretary shall not commence entering into agreements pursuant to subsection (a)(2)(A)(ii) or subsection (b)(1) or implementing any activities pursuant to the agreements before the date on which—

“(A) all applicable and required feasibility studies, environmental reviews, and cost-benefit analyses have been completed and include favorable recommendations for further project development, including an analysis of—

“(i) the impacts of the agreements and activities conducted pursuant to subsection (a)(2)(A)(ii) on adjacent communities, including potential fire hazards, water access for fire districts, community and homeowner wells, future water levels based on projected usage, recreational values, and property values; and

“(ii) specific options and measures for mitigating the impacts, as appropriate;

“(B) the Secretary has made the agreements and any applicable project designs, operations plans, and other documents available for public review and comment in the Federal Register for a period of not less than 60 days; and

“(C) the Secretary has made a determination, consistent with applicable law, that the agreements and activities to which the agreements relate—

“(i) are in the public interest; and

“(ii) could be implemented without significant adverse impacts to the environment.

“(4) ELECTRICAL POWER ASSOCIATED WITH KACHESS DROUGHT RELIEF PUMPING PLANT.—

“(A) IN GENERAL.—The Administrator of the Bonneville Power Administration, pursuant to the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839 et seq.), shall provide to the Secretary project power to operate the Kachess Pumping Plant constructed under this title if inactive storage in Kachess Reservoir is needed to provide drought relief for irrigation, subject to the requirements of subparagraphs (B) and (C).

“(B) DETERMINATION.—Power may be provided under subparagraph (A) only if—

“(i) there is in effect a drought declaration issued by the State of Washington;

“(ii) there are conditions that have led to 70 percent or less water delivery to proratable

irrigation districts, as determined by the Secretary; and

“(iii) the Secretary determines that it is appropriate to provide power under that subparagraph.

“(C) PERIOD OF AVAILABILITY.—Power under subparagraph (A) shall be provided until the date on which the Secretary determines that power should no longer be provided under that subparagraph, but for not more than a 1-year period or the period during which the Secretary determines that drought mitigation measures are necessary in the Yakima River basin.

“(D) RATE.—The Administrator of the Bonneville Power Administration shall provide power under subparagraph (A) at the then-applicable lowest Bonneville Power Administration rate for public body, cooperative, and Federal agency customers firm obligations, which as of the date of enactment of this section is the priority firm Tier 1 rate, and shall not include any irrigation discount.

“(E) LOCAL PROVIDER.—During any period in which power is not being provided under subparagraph (A), the power needed to operate the Kachess Pumping Plant shall be obtained by the Secretary from a local provider.

“(F) COSTS.—The cost of power for such pumping, station service power, and all costs of transmitting power from the Federal Columbia River Power System to the Yakima Enhancement Project pumping facilities shall be borne by irrigation districts receiving the benefits of that water.

“(G) DUTIES OF COMMISSIONER.—The Commissioner of Reclamation shall be responsible for arranging transmission for deliveries of Federal power over the Bonneville system through applicable tariff and business practice processes of the Bonneville system and for arranging transmission for deliveries of power obtained from a local provider.

“(c) DESIGN AND USE OF GROUNDWATER RECHARGE PROJECTS.—

“(1) IN GENERAL.—Any water supply that results from an aquifer storage and recovery project shall not be considered to be a part of the total water supply available if—

“(A) the water for the aquifer storage and recovery project would not be available for use, but instead for the development of the project;

“(B) the aquifer storage and recovery project will not otherwise impair any water supply available for any individual or entity entitled to use the total water supply available; and

“(C) the development of the aquifer storage and recovery project will not impair fish or other aquatic life in any localized stream reach.

“(2) PROJECT TYPES.—The Secretary may provide technical assistance for, and participate in, any of the following 3 types of groundwater recharge projects (including the incorporation of groundwater recharge projects into Yakima Project operations, as appropriate):

“(A) Aquifer recharge projects designed to redistribute Yakima Project water within a water year for the purposes of supplementing stream flow during the irrigation season, particularly during storage control, subject to the condition that if such a project is designed to supplement a mainstem reach, the water supply that results from the project shall be credited to instream flow targets, in lieu of using the total water supply available to meet those targets.

“(B) Aquifer storage and recovery projects that are designed, within a given water year or over multiple water years—

“(i) to supplement or mitigate for municipal uses;

“(ii) to supplement municipal supply in a subsurface aquifer; or

“(iii) to mitigate the effect of groundwater use on instream flow or senior water rights.

“(C) Aquifer storage and recovery projects designed to supplement existing irrigation water supply, or to store water in subsurface aquifers, for use by the Kittitas Reclamation District, the Roza Irrigation District, or any other proratable irrigation entity participating in the repayment of the construction, operation, and maintenance costs of the facilities under this section during years in which the total water supply available is insufficient to provide to those proratable irrigation entities all water to which the entities are entitled, subject to the conditions that—

“(i) the Bureau of Indian Affairs, the Wapato Irrigation Project, and the Yakama Nation, on an election to participate, may also obtain water from aquifer storage to enhance applicable existing irrigation water supply in accordance with such terms and conditions to which the Bureau of Indian Affairs and the Yakama Nation may agree; and

“(ii) nothing in this subparagraph affects (as in existence on the date of enactment of this section) any contract, law (including regulations) relating to repayment costs, water right, or Yakama Nation treaty right.

“(d) FEDERAL COST-SHARE.—

“(1) IN GENERAL.—The Federal cost-share of a project carried out under this section shall be determined in accordance with the applicable laws (including regulations) and policies of the Bureau of Reclamation.

“(2) INITIAL PHASE.—The Federal cost-share for the initial development phase of the Integrated Plan shall not exceed 50 percent of the total cost of the initial development phase.

“(3) STATE AND OTHER CONTRIBUTIONS.—The Secretary may accept as part of the non-Federal cost-share of a project carried out under this section, and expend as if appropriated, any contribution (including in-kind services) by the State of Washington or any other individual or entity that the Secretary determines will enhance the conduct and completion of the project.

“(4) LIMITATION ON USE OF OTHER FEDERAL FUNDS.—Except as otherwise provided in this title, other Federal funds may not be used to provide the non-Federal cost-share of a project carried out under this section.

“(e) SAVINGS AND CONTINGENCIES.—Nothing in this section shall—

“(1) be a new or supplemental benefit for purposes of the Reclamation Reform Act of 1982 (43 U.S.C. 390aa et seq.);

“(2) affect any contract in existence on the date of enactment of the Yakima River Basin Water Enhancement Project Phase III Act of 2016 that was executed pursuant to the reclamation laws;

“(3) affect any contract or agreement between the Bureau of Indian Affairs and the Bureau of Reclamation;

“(4) affect, waive, abrogate, diminish, define, or interpret the treaty between the Yakama Nation and the United States; or

“(5) constrain the continued authority of the Secretary to provide fish passage in the Yakima Basin in accordance with the Hoover Power Plant Act of 1984 (43 U.S.C. 619 et seq.).

“SEC. 1214. OPERATIONAL CONTROL OF WATER SUPPLIES.

“The Secretary shall retain authority and discretion over the management of project supplies to optimize operational use and flexibility to ensure compliance with all applicable Federal and State laws, treaty rights of the Yakama Nation, and legal obligations, including those contained in this Act. That authority and discretion includes

the ability of the United States to store, deliver, conserve, and reuse water supplies deriving from projects authorized under this title.”.

Subpart B—Klamath Project Water and Power

SEC. 10329. KLAMATH PROJECT.

(a) ADDRESSING WATER MANAGEMENT AND POWER COSTS FOR IRRIGATION.—The Klamath Basin Water Supply Enhancement Act of 2000 (Public Law 106-498; 114 Stat. 2221) is amended—

(1) by redesignating sections 4 through 6 as sections 5 through 7, respectively; and

(2) by inserting after section 3 the following:

“SEC. 4. POWER AND WATER MANAGEMENT.

“(a) DEFINITIONS.—In this section:

“(1) COVERED POWER USE.—The term ‘covered power use’ means a use of power to develop or manage water for irrigation, wildlife purposes, or drainage on land that is—

“(A) associated with the Klamath Project, including land within a unit of the National Wildlife Refuge System that receives water due to the operation of Klamath Project facilities; or

“(B) irrigated by the class of users covered by the agreement dated April 30, 1956, between the California Oregon Power Company and Klamath Basin Water Users Protective Association and within the Off Project Area (as defined in the Upper Basin Comprehensive Agreement entered into on April 18, 2014), only if each applicable owner and holder of a possessory interest of the land is a party to that agreement (or a successor agreement that the Secretary determines provides a comparable benefit to the United States).

“(2) KLAMATH PROJECT.—

“(A) IN GENERAL.—The term ‘Klamath Project’ means the Bureau of Reclamation project in the States of California and Oregon.

“(B) INCLUSIONS.—The term ‘Klamath Project’ includes any dams, canals, and other works and interests for water diversion, storage, delivery, and drainage, flood control, and similar functions that are part of the project described in subparagraph (A).

“(3) POWER COST BENCHMARK.—The term ‘power cost benchmark’ means the average net delivered cost of power for irrigation and drainage at Reclamation projects in the area surrounding the Klamath Project that are similarly situated to the Klamath Project, including Reclamation projects that—

“(A) are located in the Pacific Northwest; and

“(B) receive project-use power.

“(b) WATER, ENVIRONMENTAL, AND POWER ACTIVITIES.—

“(1) IN GENERAL.—Pursuant to the reclamation laws and subject to appropriations and required environmental reviews, the Secretary may carry out activities, including entering into an agreement or contract or otherwise making financial assistance available—

“(A) to plan, implement, and administer programs to align water supplies and demand for irrigation water users associated with the Klamath Project, with a primary emphasis on programs developed or endorsed by local entities comprised of representatives of those water users;

“(B) to plan and implement activities and projects that—

“(i) avoid or mitigate environmental effects of irrigation activities; or

“(ii) restore habitats in the Klamath Basin watershed, including restoring tribal fishery resources held in trust; and

“(C) to limit the net delivered cost of power for covered power uses.

“(2) EFFECT.—Nothing in subparagraph (A) or (B) of paragraph (1) authorizes the Secretary—

“(A) to develop or construct new facilities for the Klamath Project without appropriate approval from Congress under section 9 of the Reclamation Projects Act of 1939 (43 U.S.C. 485h); or

“(B) to carry out activities that have not otherwise been authorized.

“(c) REDUCING POWER COSTS.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Energy Policy Modernization Act of 2016, the Secretary, in consultation with interested irrigation interests that are eligible for covered power use and representative organizations of those interests, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that—

“(A) identifies the power cost benchmark; and

“(B) recommends actions that, in the judgment of the Secretary, are necessary and appropriate to ensure that the net delivered power cost for covered power use is equal to or less than the power cost benchmark, including a description of—

“(i) actions to immediately reduce power costs and to have the net delivered power cost for covered power use be equal to or less than the power cost benchmark in the near term, while longer-term actions are being implemented;

“(ii) actions that prioritize water and power conservation and efficiency measures and, to the extent actions involving the development or acquisition of power generation are included, renewable energy technologies (including hydropower);

“(iii) the potential costs and timeline for the actions recommended under this subparagraph;

“(iv) provisions for modifying the actions and timeline to adapt to new information or circumstances; and

“(v) a description of public input regarding the proposed actions, including input from water users that have covered power use and the degree to which those water users concur with the recommendations.

“(2) IMPLEMENTATION.—Not later than 180 days after the date of submission of the report under paragraph (1), the Secretary shall implement those recommendations described in the report that the Secretary determines will ensure that the net delivered power cost for covered power use is equal to or less than the power cost benchmark, subject to availability of appropriations, on the fastest practicable timeline.

“(3) ANNUAL REPORTS.—The Secretary shall submit to each Committee described in paragraph (1) annual reports describing progress achieved in meeting the requirements of this subsection.

“(d) TREATMENT OF POWER PURCHASES.—

“(1) IN GENERAL.—Any purchase of power by the Secretary under this section shall be considered to be an authorized sale for purposes of section 5(b)(3) of the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839c(b)(3)).

“(2) EFFECT.—Nothing in this section authorizes the Bonneville Power Administration to make a sale of power from the Federal Columbia River Power System at rates, terms, or conditions better than those afforded preference customers of the Bonneville Power Administration.

“(e) GOALS.—The goals of activities under subsections (b) and (c) shall include, as applicable—

“(1) the short-term and long-term reduction and resolution of conflicts relating to water in the Klamath Basin watershed; and

“(2) compatibility and utility for protecting natural resources throughout the Klamath Basin watershed, including the protection, preservation, and restoration of Klamath River tribal fishery resources, particularly through collaboratively developed agreements.

“(f) PUMPING PLANT D.—The Secretary may enter into 1 or more agreements with the Tululake Irrigation District to reimburse the Tululake Irrigation District for not more than 69 percent of the cost incurred by the Tululake Irrigation District for the operation and maintenance of Pumping Plant D, on the condition that the cost benefits the United States.”.

(b) CONVEYANCE OF NON-PROJECT WATER; REPLACEMENT OF C CANAL.—

(1) DEFINITION OF KLAMATH PROJECT.—In this subsection:

(A) IN GENERAL.—The term “Klamath Project” means the Bureau of Reclamation project in the States of California and Oregon.

(B) INCLUSIONS.—The term “Klamath Project” includes any dams, canals, and other works and interests for water diversion, storage, delivery, and drainage, flood control, and similar functions that are part of the project described in subparagraph (A).

(2) CONVEYANCE OF NON-PROJECT WATER.—

(A) IN GENERAL.—An entity operating under a contract entered into with the United States for the operation and maintenance of Klamath Project works or facilities, and an entity operating any work or facility not owned by the United States that receives Klamath Project water, may use any of the Klamath Project works or facilities to convey non-Klamath Project water for any authorized purpose of the Klamath Project, subject to subparagraphs (B) and (C).

(B) PERMITS; MEASUREMENT.—An addition, conveyance, and use of water pursuant to subparagraph (A) shall be subject to the requirements that—

(i) the applicable entity shall secure all permits required under State or local laws; and

(ii) all water delivered into, or taken out of, a Klamath Project facility pursuant to that subparagraph shall be measured.

(C) EFFECT.—A use of non-Klamath Project water under this paragraph shall not—

(i) adversely affect the delivery of water to any water user or land served by the Klamath Project; or

(ii) result in any additional cost to the United States.

(3) REPLACEMENT OF C CANAL FLUME.—The replacement of the C Canal flume within the Klamath Project shall be considered to be, and shall receive the treatment authorized for, emergency extraordinary operation and maintenance work in accordance with Federal reclamation law (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.)).

(c) ADMINISTRATION.—

(1) COMPLIANCE.—In implementing this section and the amendments made by this section, the Secretary of the Interior shall comply with—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(C) all other applicable laws.

(2) EFFECT.—Nothing in this section—

(A) modifies the authorities or obligations of the United States with respect to the tribal trust and treaty obligations of the United States; or

(B) creates or determines water rights or affects water rights or water right claims in existence on the date of enactment of this Act.

PART IV—RESERVOIR OPERATION IMPROVEMENT

SEC. 10331. RESERVOIR OPERATION IMPROVEMENT.

(a) DEFINITIONS.—In this section:

(1) RESERVED WORKS.—The term “reserved works” means any Bureau of Reclamation project facility at which the Secretary of the Interior carries out the operation and maintenance of the project facility.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Army.

(3) TRANSFERRED WORKS.—The term “transferred works” means a Bureau of Reclamation project facility, the operation and maintenance of which is carried out by a non-Federal entity, under the provisions of a formal operation and maintenance transfer contract.

(4) TRANSFERRED WORKS OPERATING ENTITY.—The term “transferred works operating entity” means the organization that is contractually responsible for operation and maintenance of transferred works.

(b) REPORT.—Not later than 360 days after the date of enactment of this Act, the Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Environment and Public Works of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives a report including, for any State in which a county designated by the Secretary of Agriculture as a drought disaster area during water year 2015 is located, a list of projects, including Corps of Engineers projects, and those non-Federal projects and transferred works that are operated for flood control in accordance with rules prescribed by the Secretary pursuant to section 7 of the Act of December 22, 1944 (commonly known as the “Flood Control Act of 1944”) (58 Stat. 890, chapter 665), including, as applicable—

(1) the year the original water control manual was approved;

(2) the year for any subsequent revisions to the water control plan and manual of the project;

(3) a list of projects for which—

(A) operational deviations for drought contingency have been requested;

(B) the status of the request; and

(C) a description of how water conservation and water quality improvements were addressed; and

(4) a list of projects for which permanent or seasonal changes to storage allocations have been requested, and the status of the request.

(c) PROJECT IDENTIFICATION.—Not later than 60 days after the date of completion of the report under subsection (b), the Secretary shall identify any projects described in the report—

(1) for which the modification of the water operations manuals, including flood control rule curve, would be likely to enhance existing authorized project purposes, including for water supply benefits and flood control operations;

(2) for which the water control manual and hydrometeorological information establishing the flood control rule curves of the project have not been substantially revised during the 15-year period ending on the date of review by the Secretary; and

(3) for which the non-Federal sponsor or sponsors of a Corps of Engineers project, the owner of a non-Federal project, or the non-Federal transferred works operating entity, as applicable, has submitted to the Secretary a written request to revise water operations manuals, including flood control rule curves, based on the use of improved weather forecasting or run-off forecasting methods, new watershed data, changes to project operations, or structural improvements.

(d) PILOT PROJECTS.—

(1) IN GENERAL.—Not later than 1 year after the date of identification of projects under subsection (c), if any, the Secretary shall carry out not fewer than 15 pilot projects, which shall include not less than 6 non-Federal projects, to implement revisions of water operations manuals, including flood control rule curves, based on the best available science, which may include—

(A) forecast-informed operations;

(B) new watershed data; and

(C) if applicable, in the case of non-Federal projects, structural improvements.

(2) CONSULTATION.—In implementing a pilot project under this subsection, the Secretary shall consult with all affected interests, including—

(A) non-Federal entities responsible for operations and maintenance costs of a Federal facility;

(B) individuals and entities with storage entitlements; and

(C) local agencies with flood control responsibilities downstream of a facility.

(e) COORDINATION WITH NON-FEDERAL PROJECT ENTITIES.—If a project identified under subsection (c) is—

(1) a non-Federal project, the Secretary, prior to carrying out an activity under this section, shall—

(A) consult with the non-Federal project owner; and

(B) enter into a cooperative agreement, memorandum of understanding, or other agreement with the non-Federal project owner describing the scope and goals of the activity and the coordination among the parties; and

(2) a Federal project, the Secretary, prior to carrying out an activity under this section, shall—

(A) consult with each Federal and non-Federal entity (including a municipal water district, irrigation district, joint powers authority, transferred works operating entity, or other local governmental entity) that currently—

(i) manages (in whole or in part) a Federal dam or reservoir; or

(ii) is responsible for operations and maintenance costs; and

(B) enter into a cooperative agreement, memorandum of understanding, or other agreement with each such entity describing the scope and goals of the activity and the coordination among the parties.

(f) CONSIDERATION.—In designing and implementing a forecast-informed reservoir operations plan under subsection (d) or (g), the Secretary may consult with the appropriate agencies within the Department of the Interior and the Department of Commerce with expertise in atmospheric, meteorological, and hydrologic science to consider—

(1) the relationship between ocean and atmospheric conditions, including—

(A) the El Niño and La Niña cycles; and

(B) the potential for above-normal, normal, and below-normal rainfall for the coming water year, including consideration of atmospheric river forecasts;

(2) the precipitation and runoff index specific to the basin and watershed of the relevant dam or reservoir, including incorporating knowledge of hydrological and meteorological conditions that influence the timing and quantity of runoff;

(3) improved hydrologic forecasting for precipitation, snowpack, and soil moisture conditions;

(4) an adjustment of operational flood control rule curves to optimize water supply storage and reliability, hydropower production, environmental benefits for flows and temperature, and other authorized project benefits, without a reduction in flood safety; and

(5) proactive management in response to changes in forecasts.

(g) FUNDING.—The Secretary may accept and expend amounts from non-Federal entities and other Federal agencies to fund all or a portion of the cost of carrying out a review or revision of operational documents, including water control plans, water control manuals, water control diagrams, release schedules, rule curves, operational agreements with non-Federal entities, and any associated environmental documentation for—

(1) a Corps of Engineers project;

(2) a non-Federal project regulated for flood control by the Secretary; or

(3) a Bureau of Reclamation transferred works regulated for flood control by the Secretary.

(h) EFFECT.—

(1) MANUAL REVISIONS.—A revision of a manual shall not interfere with the authorized purposes of a Federal project or the existing purposes of a non-Federal project regulated for flood control by the Secretary.

(2) EFFECT OF SECTION.—

(A) Nothing in this section authorizes the Secretary to carry out, at a Federal dam or reservoir, any project or activity for a purpose not otherwise authorized as of the date of enactment of this Act.

(B) Nothing in this section affects or modifies any obligation of the Secretary under State law.

(C) Nothing in this section affects or modifies any obligation to comply with any applicable Federal law.

(3) BUREAU OF RECLAMATION RESERVED WORKS EXCLUDED.—This section—

(A) shall not apply to any dam or reservoir operated by the Bureau of Reclamation as a reserved work, unless all non-Federal project sponsors of a reserved work jointly provide to the Secretary a written request for application of this section to the project; and

(B) shall apply only to Bureau of Reclamation transferred works at the written request of the transferred works operating entity.

(4) PRIOR STUDIES.—The Secretary shall—

(A) to the maximum extent practicable, coordinate the efforts of the Secretary in carrying out subsections (b), (c), and (d) with the efforts of the Secretary in completing—

(i) the report required under section 1046(a)(2)(A) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2319 note; Public Law 113-121); and

(ii) the updated report required under subsection (a)(2)(B) of that section; and

(B) if the reports are available before the date on which the Secretary carries out the actions described in subsections (b), (c), and (d), consider the findings of the reports described in clauses (i) and (ii) of subparagraph (A).

(i) MODIFICATIONS TO MANUALS AND CURVES.—Not later than 180 days after the date of completion of a modification to an operations manual or flood control rule curve, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report regarding the components of the forecast-based reservoir operations plan incorporated into the change.

PART V—HYDROELECTRIC PROJECTS

SEC. 10341. TERROR LAKE HYDROELECTRIC PROJECT UPPER HIDDEN BASIN DIVERSION AUTHORIZATION.

(a) DEFINITIONS.—In this section:

(1) TERROR LAKE HYDROELECTRIC PROJECT.—The term “Terror Lake Hydroelectric Project” means the project identified in section 1325 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3212), and which is Federal Energy Regulatory Commission project number 2743.

(2) UPPER HIDDEN BASIN DIVERSION EXPANSION.—The term “Upper Hidden Basin Diversion Expansion” means the expansion of the Terror Lake Hydroelectric Project as generally described in Exhibit E to the Upper Hidden Basin Grant Application dated July 2, 2014 and submitted to the Alaska Energy Authority Renewable Energy Fund Round VIII by Kodiak Electric Association, Inc.

(b) AUTHORIZATION.—The licensee for the Terror Lake Hydroelectric Project may occupy not more than 20 acres of Federal land to construct, operate, and maintain the Upper Hidden Basin Diversion Expansion without further authorization of the Secretary of the Interior or under the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.).

(c) SAVINGS CLAUSE.—The Upper Hidden Basin Diversion Expansion shall be subject to appropriate terms and conditions included in an amendment to a license issued by the Federal Energy Regulatory Commission pursuant to the Federal Power Act (16 U.S.C. 791a et seq.), including section 4(e) of that Act (16 U.S.C. 797(e)), following an environmental review by the Commission under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 10342. STAY AND REINSTATEMENT OF FERC LICENSE NO. 11393 FOR THE MAHONEY LAKE HYDROELECTRIC PROJECT.

(a) DEFINITIONS.—In this section:

(1) COMMISSION.—The term “Commission” means the Federal Energy Regulatory Commission.

(2) LICENSE.—The term “license” means the license for Commission project number 11393.

(3) LICENSEE.—The term “licensee” means the holder of the license.

(b) STAY OF LICENSE.—On the request of the licensee, the Commission shall issue an order continuing the stay of the license.

(c) LIFTING OF STAY.—On the request of the licensee, but not later than 10 years after the date of enactment of this Act, the Commission shall—

(1) issue an order lifting the stay of the license under subsection (b); and

(2) make the effective date of the license the date on which the stay is lifted under paragraph (1).

(d) EXTENSION OF LICENSE.—On the request of the licensee and notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) for commencement of construction of the project subject to the license, the Commission shall, after reasonable notice and 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 not more than 3 consecutive 2-year periods, notwithstanding any other provision of law.

(e) EFFECT.—Nothing in this section prioritizes, or creates any advantage or disadvantage to, Commission project number 11393 under Federal law, including the Federal Power Act (16 U.S.C. 791a et seq.) or the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.), as compared to—

(1) any electric generating facility in existence on the date of enactment of this Act; or

(2) any electric generating facility that may be examined, proposed, or developed during the period of any stay or extension of the license under this section.

SEC. 10343. EXTENSION OF DEADLINE FOR HYDROELECTRIC PROJECT.

(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 (referred to in this section as

the “Commission”) project numbered 12642, 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 procedures of the Commission under that section, extend the time period during which the licensee is required to commence the construction of the project for up to 3 consecutive 2-year periods from the date of the expiration of the extension originally issued by the Commission.

(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 enactment of this Act—

(1) the Commission shall reinstate the license effective as of the date of the expiration of the license; and

(2) the first extension authorized under subsection (a) shall take effect on that expiration date.

SEC. 10344. EXTENSION OF DEADLINE FOR CERTAIN OTHER HYDROELECTRIC PROJECTS.

(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 (referred to in this section as the “Commission”) projects numbered 12737 and 12740, the Commission may, at the request of the licensee for the applicable project, and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the procedures of the Commission under that section, extend the time period during which the licensee is required to commence the construction of the applicable project for up to 3 consecutive 2-year periods from the date of the expiration of the extension originally issued by the Commission.

(b) REINSTATEMENT OF EXPIRED LICENSE.—If the period required for commencement of construction of a project described in subsection (a) has expired prior to the date of enactment of this Act—

(1) the Commission may reinstate the license for the applicable project effective as of the date of the expiration of the license; and

(2) the first extension authorized under subsection (a) shall take effect on that expiration date.

SEC. 10345. EQUUS BEDS DIVISION EXTENSION.

Section 10(h) of Public Law 86-787 (74 Stat. 1026; 120 Stat. 1474) is amended by striking “10 years” and inserting “20 years”.

SEC. 10346. EXTENSION OF TIME FOR A FEDERAL ENERGY REGULATORY COMMISSION PROJECT INVOLVING CANNONSVILLE 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 13287, 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 good faith, due diligence, and public interest requirements of that section and the procedures of the Commission under that section, extend the time period during which the licensee is required to commence construction of the project for up to 4 consecutive 2-year periods after the required date of the commencement of construction described in Article 301 of the license.

(b) REINSTATEMENT OF EXPIRED LICENSE.—

(1) IN GENERAL.—If the required date of the commencement of construction described in subsection (a) has expired prior to the date

of enactment of this Act, the Commission may reinstate the license effective as of that date of expiration.

(2) EXTENSION.—If the Commission reinstates the license under paragraph (1), the first extension authorized under subsection (a) shall take effect on the date of that expiration.

PART VI—PUMPED STORAGE HYDROPOWER COMPENSATION

SEC. 10351. PUMPED STORAGE HYDROPOWER COMPENSATION.

Not later than 180 days after the date of enactment of this Act, the Federal Energy Regulatory Commission shall initiate a proceeding to identify and determine the market, procurement, and cost recovery mechanisms that would—

(1) encourage development of pumped storage hydropower assets; and

(2) properly compensate those assets for the full range of services provided to the power grid, including—

(A) balancing electricity supply and demand;

(B) ensuring grid reliability; and

(C) cost-effectively integrating intermittent power sources into the grid.

The PRESIDING OFFICER. The Senator from Alaska.

MORNING BUSINESS

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alaska.

ENERGY POLICY MODERNIZATION BILL

Ms. MURKOWSKI. Mr. President, I thank my colleagues for their support of the Energy Policy Modernization Act. I think the vote we have just concluded is indicative of what I have been saying for years now. I have a relatively lengthy policy manual or handbook, if you will, of how I view the energy space and how we can work to advance our energy policies, but, as with so much nowadays, if you put down a 115-page book or if you have a multipage white paper, it kind of goes by the way. So I have framed my energy policy into three simple words. I don't have it on a chart this afternoon, but it is basically pretty simple: “Energy is good.” I think that is what we have concluded with passage of the Energy Policy Modernization Act of 2016, with 85 Members supporting us in this effort.

I thank my ranking member, Senator CANTWELL, for working with me throughout this very collaborative process. The way we built this bill was not just the two of us as colleagues on the Energy Committee but working with Members on the committee across the aisle, working with other Members of this body in a very open and transparent manner. And it was not just colleagues here within the Senate; it was the outreach we did with numerous listening sessions and the administration.