

bill S. 2012, supra; which was ordered to lie on the table.

SA 3220. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3221. Mr. UDALL (for himself, Mr. PORTMAN, Mrs. BOXER, Mr. ALEXANDER, Mr. WYDEN, and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3222. Mr. WYDEN (for himself and Mr. MANCHIN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3223. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3224. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3225. Mr. GARDNER submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3226. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3227. Mr. TILLIS submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3228. Ms. MURKOWSKI (for herself and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3229. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3230. Mr. FRANKEN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3231. Mr. HELLER (for himself and Mr. REED) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 3184.** Mr. TOOMEY (for himself and Mr. CASEY) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

### TITLE —COAL REFUSE POWER PLANTS SEC. 01. SHORT TITLE.

This title may be cited as the “Satisfying Energy Needs and Saving the Environment Act” or the “SENSE Act”.

### SEC. 02. STANDARDS FOR COAL REFUSE POWER PLANTS.

(a) DEFINITIONS.—In this title:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) BOILER OPERATING DAY.—The term “boiler operating day” has the meaning given the term in section 63.10042 of title 40, Code of Federal Regulations (or a successor regulation).

(3) COAL REFUSE.—The term “coal refuse” means any byproduct of coal mining, physical coal cleaning, or coal preparation operation that contains coal, matrix material, clay, and other organic and inorganic material.

(4) COAL REFUSE ELECTRIC UTILITY STEAM GENERATING UNIT.—The term “coal refuse electric utility steam generating unit” means an electric utility steam generating unit that—

(A) is in operation as of the date of enactment of this Act;

(B) uses fluidized bed combustion technology to convert coal refuse into energy; and

(C) uses coal refuse as at least 75 percent of the annual fuel consumed, by heat input, of the unit.

(5) COAL REFUSE-FIRED FACILITY.—The term “coal refuse-fired facility” means a facility in which the coal refuse electric utility steam generating units are—

(A) located on 1 or more contiguous or adjacent properties;

(B) specified in the same Major Group (2-digit code), as described in the Standard Industrial Classification Manual (1987); and

(C) under common control of the same person (or persons under common control).

(6) CROSS-STATE AIR POLLUTION RULE.—The terms “Cross-State Air Pollution Rule” and “CSAPR” mean the regulatory program promulgated by the Administrator to address the interstate transport of air pollution in parts 51, 52, and 97 of title 40, Code of Federal Regulations (or successor regulations).

(7) ELECTRIC UTILITY STEAM GENERATING UNIT.—The term “electric utility steam generating unit” means—

(A) an electric utility steam generating unit, as the term is defined in section 63.10042 of title 40, Code of Federal Regulations (or a successor regulation); or

(B) an electricity generating unit or electric generating unit, as the terms are used in CSAPR.

(8) PHASE I.—The term “Phase I” means, with respect to CSAPR, the initial compliance period under CSAPR, identified for the 2015 and 2016 annual compliance periods.

(b) APPLICATION OF CSAPR TO CERTAIN COAL REFUSE ELECTRIC UTILITY STEAM GENERATING UNITS.—

(1) COAL REFUSE ELECTRIC UTILITY STEAM GENERATING UNITS COMBUSTING BITUMINOUS COAL REFUSE.—

(A) APPLICABILITY.—This paragraph applies to any coal refuse electric utility steam generating unit that—

(i) combusts coal refuse derived from the mining and processing of bituminous coal; and

(ii) is subject to sulfur dioxide allowance surrender provisions pursuant to CSAPR.

(B) CONTINUED APPLICABILITY OF PHASE I ALLOWANCE ALLOCATIONS.—In carrying out CSAPR, the Administrator shall provide that, for any compliance period, the allocation (whether through a Federal implementation plan or State implementation plan) of sulfur dioxide allowances for a coal refuse electric utility steam generating unit described in subparagraph (A) is equivalent to the allocation of the unit-specific sulfur dioxide allowance allocation identified for that unit for Phase I, as referenced in the notice entitled “Availability of Data on Allocations of Cross-State Air Pollution Rule Allowances

to Existing Electricity Generating Units” (79 Fed. Reg. 71674 (December 3, 2014)).

(C) RULES FOR ALLOWANCE ALLOCATIONS.—For any compliance period under CSAPR that commences on or after January 1, 2017, any sulfur dioxide allowance allocation provided by the Administrator to a coal refuse electric utility steam generating unit described in subparagraph (A)—

(i) shall not be transferable for use by any other source not located at the same coal refuse-fired facility as the relevant coal refuse electric utility steam generating unit;

(ii) may be transferable for use by another source located at the same coal refuse-fired facility as the relevant coal refuse electric utility steam generating unit;

(iii) may be banked for application to compliance obligations in future compliance periods under CSAPR; and

(iv) shall be surrendered on the date on which the operation of the coal refuse electric utility steam generating unit permanently ceases.

(2) OTHER SOURCES.—

(A) NO INCREASE IN OVERALL STATE BUDGET OF SULFUR DIOXIDE ALLOWANCE ALLOCATIONS.—For purposes of paragraph (1), the Administrator may not, for any compliance period under CSAPR, increase the total budget of sulfur dioxide allowance allocations for a State in which a unit described in paragraph (1)(A) is located.

(B) COMPLIANCE PERIODS 2017 THROUGH 2020.—For any compliance period under CSAPR that commences on or after January 1, 2017, but before December 31, 2020, the Administrator shall carry out subparagraph (A) by proportionally reducing, as necessary, the unit-specific sulfur dioxide allowance allocations from each source that—

(i) is located in a State in which a unit described in paragraph (1)(A) is located;

(ii) permanently ceases operation, or converts the primary fuel source from coal to natural gas, before the relevant compliance period; and

(iii) otherwise receives an allocation of sulfur dioxide allowances under CSAPR for the relevant compliance period.

(c) EMISSION LIMITATIONS TO ADDRESS HYDROGEN CHLORIDE AND SULFUR DIOXIDE AS HAZARDOUS AIR POLLUTANTS.—

(1) APPLICABILITY.—For purposes of regulating emissions of hydrogen chloride or sulfur dioxide from a coal refuse electric utility steam generating unit under section 112 of the Clean Air Act (42 U.S.C. 7412), the Administrator—

(A) shall authorize the operator of the coal refuse electric utility steam generating unit to elect that the coal refuse electric utility steam generating unit comply with either—

(i) an emissions standard for emissions of hydrogen chloride that meets the requirements of paragraph (2); or

(ii) an emission standard for emissions of sulfur dioxide that meets the requirements of paragraph (2); and

(B) may not require that the coal refuse electric utility steam generating unit comply with both an emission standard for emissions of hydrogen chloride and an emission standard for emissions of sulfur dioxide.

(2) RULES FOR EMISSION LIMITATIONS.—

(A) IN GENERAL.—The Administrator shall require an operator of a coal refuse electric utility steam generating unit to comply, at the election of the operator, with not more than 1 of the following emission standards:

(i) An emission standard for emissions of hydrogen chloride from a coal refuse electric utility steam generating unit that is not more stringent than an emission rate of 0.002 pounds per million British thermal units of heat input.

(ii) An emission standard for emissions of hydrogen chloride from a coal refuse electric

utility steam generating unit that is not more stringent than an emission rate of 0.02 pounds per megawatt-hour.

(iii) An emission standard for emissions of sulfur dioxide from a coal refuse electric utility steam generating unit that is not more stringent than an emission rate of 0.20 pounds per million British thermal units of heat input.

(iv) An emission standard for emissions of sulfur dioxide from a coal refuse electric utility steam generating unit that is not more stringent than an emission rate of 1.5 pounds per megawatt-hour.

(v) An emission standard for emissions of sulfur dioxide from a coal refuse electric utility steam generating unit that is not more stringent than capture and control of 93 percent of sulfur dioxide across the coal refuse electric utility steam generating unit or group of coal refuse electric utility steam generating units, as determined by comparing—

(I) the expected sulfur dioxide generated from combustion of fuels emissions calculated based on as-fired fuel samples; to

(II) the actual sulfur dioxide emissions as measured by a sulfur dioxide continuous emission monitoring system.

(B) MEASUREMENT.—An emission standard described in subparagraph (A) shall be measured as a 30-boiler operating day rolling average per coal refuse electric utility steam generating unit or group of coal refuse electric utility steam generating units located at a single coal refuse-fired facility.

**SA 3185.** Mr. DAINES submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE —MINERAL ECONOMIC COMMITTEE**

**SEC. 01. MINERAL ECONOMIC COMMITTEE.**

(a) IN GENERAL.—In accordance with this section, the Secretary of the Interior (referred to in this title as the “Secretary”) shall establish a Mineral Economic Committee (referred to in this title as the “Committee”) in order to further a more consultative process with key Federal, State, tribal, environmental, and energy stakeholders.

(b) PURPOSE.—The purpose of the Committee shall be to provide advice and guidance, through the Director of the Office of Natural Resource Revenue, to the Secretary and the Director of the Bureau of Land Management on the management of Federal and Indian mineral leases and revenues under the law governing the Department of the Interior.

(c) ACTIVITIES.—The Committee shall—

(1) review and comment on revenue management and other mineral- and energy-related policies; and

(2) provide a forum to convey the views of mineral lessees, operators, revenue payers, revenue recipients, governmental agencies, and public interest groups.

(d) CHARTER.—Not later than 180 days after the date of enactment of this Act, the Secretary shall form the Committee in accordance with—

(1) the lapsed charter of the Royalty Policy Committee that was signed by the Secretary on March 26, 2010; and

(2) this section.

(e) MEMBERSHIP.—

(1) IN GENERAL.—To ensure fair and balanced representation with consideration for the efficiency and fiscal economy of the Committee, the Committee shall include—

(A) non-Federal members; and

(B) Federal members.

(2) NON-FEDERAL MEMBERS.—

(A) APPOINTMENT.—The Secretary shall appoint to the Committee non-Federal members in accordance with subparagraph (B) and an alternate for each non-Federal member.

(B) COMPOSITION.—The non-Federal members of the Committee shall be composed of the following:

(i) Not fewer than 5 Governors (or designees) of States that receive over \$10,000,000 annually in royalty revenues from Federal mineral leases.

(ii) Not fewer than 5 representatives of Indian tribes producing Federal oil, gas, or coal on the land of the Indian tribes.

(iii) Not more than 5 representatives of various mineral or energy interests.

(iv) Not more than 3 representatives of public interest groups or nongovernmental organizations.

(C) TERM.—

(i) IN GENERAL.—Non-Federal members and the alternate for each non-Federal member shall serve on the Committee for staggered terms.

(ii) DURATION.—

(I) IN GENERAL.—Subject to subclause (II), each non-Federal member and the alternate for each non-Federal member shall serve on the Committee for not more than 3 years in duration.

(II) EXTENSION OF TERM.—Notwithstanding subclause (I), in the case of any new or reappointed non-Federal member of the Committee with a term that expires in the same calendar year as the terms of more than 1/3 of the other non-Federal members, the term of that new or reappointed non-Federal member may be extended for an additional 1-year or 2-year term.

(III) TERM LIMIT.—

(aa) IN GENERAL.—A non-Federal member shall not serve on the Committee for more than 6 consecutive calendar years.

(bb) BREAK IN SERVICE.—A non-Federal member subject to the term limit described in item (aa) shall be eligible for reappointment not earlier than 2 years after the date on which that non-Federal member discontinued service on the Committee.

(D) REVOCATION OF APPOINTMENT.—The Secretary may revoke the appointment of any non-Federal member or any alternate if the appointed non-Federal member or alternate fails to attend 2 consecutive Committee meetings.

(3) FEDERAL MEMBERS.—

(A) IN GENERAL.—The Federal members of the Committee shall be nonvoting, ex-officio members of the Committee.

(B) COMPOSITION.—The Federal members of the Committee shall be composed of—

(i) the Assistant Secretary of Indian Affairs (or a designee);

(ii) the Director of the Bureau of Land Management (or a designee);

(iii) the Director of the Office of Natural Resources Revenue (or a designee);

(iv) the Chairperson and Ranking Member of the Committee on Energy and Natural Resources of the Senate (or designees); and

(v) the Chairperson and Ranking Member of the Committee on Natural Resources of the House of Representatives (or designees).

(f) MEETINGS.—The Committee shall meet—

(1) not less than once each calendar year; and

(2) to consider any pending or proposed regulation related to—

(A) the management of Federal and Indian mineral leases and revenues; and

(B) any other mineral- or energy-related policy.

(g) STATE AND TRIBAL RESOURCES BOARD.—

(1) IN GENERAL.—The Committee shall establish a subcommittee, to be known as the “State and Tribal Resources Board”, comprised of the members described in clauses (i) and (ii) of subsection (e)(2)(B).

(2) DURATION.—The State and Tribal Resources Board established under paragraph (1) shall terminate on the date that is 10 years after the date on which the Committee is established under this section.

(h) TERMINATION OF COMMITTEE.—The Committee shall terminate not later than 10 years after the date on which the Committee is established under this section.

(i) FUNDING.—Funding made available to carry out this section shall be available only to the extent and in the amount provided in advance in appropriations Acts.

**SEC. 02. PROPOSED REGULATIONS AND POLICIES.**

(a) CONSULTATION AND REPORT.—Not later than 180 days after the issuance of any proposed regulation or policy related to mineral leasing policy on Federal land (including valuation methodologies and royalty and lease rates for oil, gas, or coal), including any proposed regulation that is pending as of the date of enactment of this Act, the Committee shall—

(1) assess the proposed regulation or policy; and

(2) issue a report that describes the potential impact, including any State and tribal impact described in subsection (b), of the proposed regulation or policy.

(b) STATE AND TRIBAL IMPACT CERTIFICATION.—

(1) IN GENERAL.—Before the date on which any regulation related to mineral leasing policy on Federal land (including valuation methodologies and royalty and lease rates for oil, gas, or coal) is finalized, the State and Tribal Resources Board shall certify the impact of the new regulation on school funding, public safety, and other essential State or tribal government services.

(2) DELAY REQUEST.—If the State and Tribal Resources Board determines that a regulation described in paragraph (1) will have a negative State or tribal budgetary impact, the State and Tribal Resources Board may request a delay in the finalization of the regulation for the purposes of further—

(A) stakeholder consultation;

(B) budgetary review; and

(C) development of a proposal to mitigate the negative economic impact.

(3) LIMITATION.—A delay in the finalization of a regulation requested under paragraph (2) shall not exceed 180 days from the date on which the State and Tribal Resources Board requested the delay in finalization.

(c) REVISION OF PROPOSED REGULATION.—

(1) IN GENERAL.—Before the date on which any regulation related to mineral leasing policy on Federal land (including valuation methodologies and royalty and lease rates for oil, gas, or coal) is finalized, the Secretary shall revise the proposed regulation to avoid any negative impact reported by the Committee under subsection (a)(2).

(2) FINAL RULE.—Any final rule revised under paragraph (1) shall include the revisions made by the Secretary in accordance with that paragraph.

(d) FUNDING FOR COMMITTEE ACTIVITIES.—Funding made available to carry out Committee activities under this section shall be available only to the extent and in the amount provided in advance in appropriations Acts.

**SEC. 03. PROGRAMMATIC REVIEW.**

(a) IN GENERAL.—The programmatic review of coal leasing on Federal land (as described in section 4 of the order of the Secretary entitled “Discretionary Programmatic Environmental Impact Statement to Modernize

the Federal Coal Program”, numbered 3338, and dated January 15, 2016) shall be completed not later than January 15, 2019.

(b) PARTICIPANTS IN PROGRAMMATIC REVIEW.—

(1) IN GENERAL.—In carrying out the programmatic review described in subsection (a), the Secretary shall confer with, and take into consideration the views of, representatives appointed to the review board described in paragraph (2).

(2) REVIEW BOARD.—The Governors of States in which more than \$10,000,000 in Federal coal revenues are collected annually shall appoint not fewer than 3 representatives, 2 of whom shall be members of the State and Tribal Resources Board, to a review board that shall confer with the Secretary in carrying out the programmatic review described in subsection (a).

(c) LIMITATION.—No funds may be used to carry out the programmatic review of coal leasing on Federal land described in subsection (a) after January 15, 2019.

(d) NO IMPLEMENTATION REQUIREMENT.—Nothing in this section requires the Secretary to implement the programmatic review of coal leasing on Federal land described in subsection (a) after January 20, 2017.

**SEC. 404. EMERGENCY LEASING OF COAL RESERVES ON FEDERAL LAND.**

(a) IN GENERAL.—In response to an application under subpart 3425 of part 3420 of subchapter C of chapter II of subtitle B of title 43, Code of Federal Regulations (or successor regulation), the Secretary may hold an emergency lease sale for coal reserves on Federal land if the applicant demonstrates that—

(1)(A) the coal reserves on Federal land are needed not later than 5 years after the date on which the application is submitted to the Secretary—

(i) to maintain an existing mining operation at a rate of production, as of the date on which the application is submitted to the Secretary, that is the average of the annual production rates for the 5 calendar years before the date on which the application is submitted to the Secretary; or

(ii) to supply coal for any contract signed before January 15, 2016, as substantiated by a complete copy of the supply or delivery contract; or

(B) if the Secretary—

(i) does not lease the coal deposit on Federal land, that coal deposit would be bypassed in the reasonably foreseeable future; or

(ii) leases the coal deposit on Federal land, a portion of the tract containing the coal deposit would be used not later than 5 years after the date on which the application is submitted to the Secretary; and

(2) the need for the coal on Federal land has resulted from a circumstance—

(A) beyond the control of the applicant; or

(B) that could not have been reasonably foreseen in time to allow the planning necessary for the consideration of leasing the tract under section 3420.3 of title 43, Code of Federal Regulations (or successor regulation).

(b) LENGTH OF LEASE.—

(1) IN GENERAL.—If an applicant qualifies for an emergency lease under only clause (i) of subsection (a)(1)(A), the emergency lease shall not exceed 8 years of recoverable reserves at a rate of production not to exceed the average of the annual production rates for the 5 calendar years before the date on which the application is submitted to the Secretary under subpart 3425 of part 3420 of subchapter C of chapter II of subtitle B of title 43, Code of Federal Regulations (or successor regulation).

(2) HIGHER RATE OF PRODUCTION.—If an applicant qualifies for an emergency lease under clauses (i) and (ii) of subsection (a)(1)(A), the higher rate of production shall apply.

(c) NOTICE TO GOVERNOR.—Not later than 90 days after the date on which the Secretary receives an emergency lease application, the Secretary shall provide notice of the emergency lease application to the Governor of the affected State.

**SA 3186.** Mrs. FISCHER (for herself, Mr. COCHRAN, Mr. GRASSLEY, Mr. GARDNER, Mrs. ERNST, and Mr. MORAN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. 1001. OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION PROCESS SAFETY MANAGEMENT STANDARD.**

(a) WITHDRAWAL OF POLICY.—

(1) IN GENERAL.—The Secretary of Labor, acting through the Assistant Secretary of Labor for Occupational Safety and Health, shall withdraw the revised enforcement policy relating to the exemption of retail facilities from coverage of the process safety management of highly hazardous chemicals standard under section 1910.119(a)(2)(i) of title 29, Code of Federal Regulations, issued as a memorandum by the Occupational Safety and Health Administration on July 22, 2015.

(2) ENFORCEMENT.—The Secretary of Labor, acting through the Assistant Secretary of Labor for Occupational Safety and Health, shall enforce section 1910.119(a)(2)(i) of title 29, Code of Federal Regulations (or any corresponding similar regulation or ruling) in the same manner as such section was enforced on July 21, 2015, unless such section is amended in accordance with subsection (b).

(b) REQUIREMENTS FOR RULEMAKING.—

(1) PROPOSED RULE.—The Secretary may publish any proposed rule relating to the exemption of retail facilities from coverage of the process safety management of highly hazardous chemicals standard under section 1910.119(a)(2)(i) of title 29, Code of Federal Regulations (or any corresponding similar regulation or ruling) only if—

(A) the Secretary, acting through the Assistant Secretary of Labor for Occupational Safety and Health, arranges for an independent third party to conduct a cost analysis of such proposed rule, and the Secretary includes such analysis in the publication of the proposed rule; and

(B) the Bureau of the Census establishes a code for farm supply retailers under sector 44-45 (relating to retail trade) of the North American Industry Classification System.

(2) NOTICE AND COMMENT.—In promulgating any rule related to the exemption described in paragraph (1), the Secretary of Labor, acting through the Assistant Secretary of Labor for Occupational Safety and Health, shall—

(A) provide notice and comment rulemaking in accordance with section 553 of title 5, United States Code; and

(B) invite meaningful public participation in such rulemaking.

**SA 3187.** Mr. TOOMEY submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the en-

ergy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 169, line 6, after “717b(a)” insert the following: “and the Secretary shall deem the application to be consistent with the public interest”.

**SA 3188.** Mr. SULLIVAN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 4401. CORRECTION OF SURVEY FOR CERTAIN LAND IN THE STATE OF ALASKA.**

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

(1) correct the United States Survey numbered 11630 to conform with the map entitled “Swan Lake Project Boundary-Lot 2” and dated February 1, 2016; and

(2) issue a land patent to the State of Alaska for all Federal land within the corrected survey area pursuant to 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).

(b) EFFECT.—All actions taken by the Secretary of the Interior in carrying out this section—

(1) are nondiscretionary actions authorized and directed by Congress; and

(2) shall be considered to comply with all procedural and other requirements of the laws of the United States.

**SA 3189.** Ms. KLOBUCHAR (for herself and Mr. TILLIS) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 123, between lines 19 and 20, insert the following:

**SEC. 1107. INCLUSION OF SMART GRID CAPABILITY ON ENERGY GUIDE LABELS.**

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

“(J) SPECIAL NOTES ON SMART GRID CAPABILITIES.—

“(i) INITIATION OF RULEMAKING.—Not later than 1 year after the date of the enactment of this subparagraph, the Commission shall initiate a rulemaking to consider making a special note in a prominent manner on any Energy Guide label for any product that includes smart grid capability that—

“(I) smart grid capability is a feature of that product; and

“(II) the use and value of that feature depend on the smart grid capability of the utility system in which the product is installed and the active utilization of that feature by the customer.

“(ii) COMPLETION OF RULEMAKING.—Not later than 3 years after the date of the enactment of this subparagraph, the Commission shall complete the rulemaking initiated under clause (i).”.

**SA 3190.** Ms. CANTWELL (for herself and Mrs. MURRAY) submitted an amendment intended to be proposed to

amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE VI—YAKIMA RIVER BASIN WATER ENHANCEMENT PROJECT**

**SEC. 6001. SHORT TITLE.**

This title may be cited as the “Yakima River Basin Water Enhancement Project Phase III Act of 2016”.

**SEC. 6002. 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 Act, 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. 6003. 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”;

(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”;

(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. 6004. 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.—”;

(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”;

(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”;

(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

(ii) in subparagraph (B)(i), in the first sentence, by inserting “in proportion to the funding received” after “Program”;

(2) in subsection (b) (as amended by section 6002(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”;

(2) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “supplies” and inserting “management”;

(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”;

(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;

“(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;”;

(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”;

(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”;

(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”;

(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”;

(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. 6005. 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 habitat 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.”.

**SA 3191.** Mr. MERKLEY (for himself, Mr. SCHATZ, and Mr. MARKEY) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_\_ . SENSE OF THE SENATE REGARDING CLIMATE CHANGE.**

It is the sense of the Senate that—

(1) a global temperature increase of 3.6 degrees Fahrenheit or greater will lead to significant disruption to the natural systems of the earth, including—

- (A) increased droughts;
- (B) more intense wildfires;
- (C) rising seas;
- (D) increased desertification; and
- (E) acidifying oceans;

(2) the impacts referred to in paragraph (1) will result in economic disruption, including significant impacts on the farming, fishing, forestry, recreation, and other sectors of the United States economy;

(3) the international community, representing more than 195 countries, agreed to take steps to avert 3.6 degrees Fahrenheit of global temperature rise;

(4) in order to tackle climate change and achieve the goal of averting 3.6 degrees Fahrenheit of global temperature rise, all countries must meet and build on their pledged efforts and do their fair share to address climate change by transitioning to clean sources of energy;

(5) the final rule of the Administrator of the Environmental Protection Agency entitled “Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units” (80 Fed. Reg. 64662 (October 23, 2015)) (referred to in this section as the “Clean Power Plan”), has put the United States on a path to cut carbon emissions from the electricity sector by 32 percent from 2005 levels by 2030 and transition to a clean energy economy;

(6) to adequately address the threat of climate change to the United States economy, the President who takes office in January 2017, will need to fully implement the Clean Power Plan and other elements of the Climate Action Plan of President Obama and develop additional measures to continue progress toward greater reduction in greenhouse gas emissions and a faster transition to clean energy; and

(7) the President who takes office in January 2017, should work with Congress to develop a comprehensive plan by June 1, 2017, that—

(A) builds on the Climate Action Plan of President Obama; and

(B) continues—

(i) carbon emission reductions by the United States; and

(ii) global leadership of the United States in addressing climate change.

**SA 3192.** Mr. CASSIDY (for himself, Ms. MURKOWSKI, Mr. KAINE, Mr. SCOTT, Mr. VITTER, Mr. TILLIS, and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the mod-

ernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

**SEC. 3105. OIL AND GAS.**

(a) DISPOSITION OF OUTER CONTINENTAL SHELF REVENUES TO GULF PRODUCING STATES.—Section 105(f) of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109-432) is amended by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—Subject to paragraph (2), the total amount of qualified outer Continental Shelf revenues described in section 102(9)(A)(ii) that are made available under subsection (a)(2) shall not exceed—

“(A) for each of fiscal years 2017 through 2026, \$500,000,000;

“(B) for each of fiscal years 2027 through 2031, \$999,000,000; and

“(C) for each of fiscal years 2032 through 2055, \$500,000,000.”.

(b) DISTRIBUTION OF REVENUE TO ALASKA.—Section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338) is amended—

(1) by striking “All rentals,” and inserting the following:

“(a) IN GENERAL.—Except as provided in subsections (b) and (c), all rentals.”; and

(2) by adding at the end the following:

“(b) DISTRIBUTION OF REVENUE TO ALASKA.—

“(1) DEFINITIONS.—In this subsection:

“(A) COASTAL POLITICAL SUBDIVISION.—The term ‘coastal political subdivision’ means a county-equivalent or municipal subdivision of the State—

“(i) all or part of which lies within the coastal zone of the State (as defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453)); and

“(ii) (I) the closest coastal point of which is not more than 200 nautical miles from the geographical center of any leased tract in the Alaska outer Continental Shelf region; or

“(II) (aa) the closest point of which is more than 200 nautical miles from the geographical center of a leased tract in the Alaska outer Continental Shelf region; and

“(bb) that is determined by the State to be a significant staging area for oil and gas servicing, supply vessels, operations, suppliers, or workers.

“(B) QUALIFIED REVENUES.—

“(i) IN GENERAL.—The term ‘qualified revenues’ means all revenues derived from all rentals, royalties, bonus bids, and other sums due and payable to the United States from energy development in the Alaska outer Continental Shelf region.

“(ii) EXCLUSIONS.—The term ‘qualified revenues’ does not include revenues generated from leases subject to section 8(g).

“(C) STATE.—The term ‘State’ means the State of Alaska.

“(2) FISCAL YEARS 2027–2031.—For each of fiscal years 2027 through 2031, the Secretary shall deposit—

“(A) 62.5 percent of qualified revenues in the general fund of the Treasury, of which 12.5 percent shall be allocated to the Tribal Resilience Fund established by section 3105(e) of the Energy Policy Modernization Act of 2016;

“(B) 28 percent of qualified revenues in a special account in the Treasury, to be distributed by the Secretary to the State;

“(C) 7.5 percent of qualified revenues in a special account in the Treasury, to be distributed by the Secretary to coastal political subdivisions; and

“(D) 2 percent of qualified revenues in the general account of the Denali Commission.

“(3) ALLOCATION AMONG COASTAL POLITICAL SUBDIVISIONS.—Of the amount paid by the Secretary to coastal political subdivisions under paragraph (2)(C)—

“(A) 90 percent shall be allocated in amounts (based on a formula established by the Secretary by regulation) that are inversely proportional to the respective distances between the point in each coastal political subdivision that is closest to the geographic center of the applicable leased tract and not more than 200 miles from the geographic center of the leased tract; and

“(B) 10 percent shall be divided equally among each coastal political subdivision that—

“(i) is more than 200 nautical miles from the geographic center of a leased tract; and

“(ii) the State of Alaska determines to be a significant staging area for oil and gas servicing, supply vessels, operations, suppliers, or workers.

“(4) TIMING.—The amounts required to be deposited under paragraph (2) for the applicable fiscal year shall be made available in accordance with that paragraph during the fiscal year immediately following the applicable fiscal year.

“(5) ADMINISTRATION.—Amounts made available under paragraph (2) shall—

“(A) be made available, without further appropriation, in accordance with this subsection;

“(B) remain available until expended; and

“(C) be in addition to any amounts appropriated under any other provision of law.”.

(c) DISPOSITION OF REVENUES TO ATLANTIC STATES.—Section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338) (as amended by subsection (b)) is amended by adding at the end the following:

“(c) DISTRIBUTION OF REVENUE TO ATLANTIC STATES.—

“(1) DEFINITIONS.—In this subsection:

“(A) ATLANTIC STATE.—The term ‘Atlantic State’ means any of the following States, which are adjacent to the South Atlantic planning area:

- “(i) Georgia.
- “(ii) North Carolina.
- “(iii) South Carolina.
- “(iv) Virginia.

“(B) QUALIFIED REVENUES.—

“(i) IN GENERAL.—The term ‘qualified revenues’ means all revenues derived from all rentals, royalties, bonus bids, and other sums due and payable to the United States from energy development in the Atlantic planning region.

“(ii) EXCLUSIONS.—The term ‘qualified revenues’ does not include revenues generated from leases subject to section 8(g).

“(C) SOUTH ATLANTIC PLANNING AREA.—The term ‘South Atlantic planning area’ means the area of the outer Continental Shelf (as defined in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331)) that is located between the northern lateral seaward administrative boundary of the Commonwealth of Virginia and the southernmost lateral seaward administrative boundary of the State of Georgia.

“(2) DEPOSIT.—For each of fiscal years 2027 through 2031, the Secretary shall deposit—

“(A) 62.5 percent of any qualified revenues in the general fund of the Treasury, of which 12.5 percent shall be split equally among, and allocated to, or deposited in, as applicable—

“(i) programs for energy efficiency, renewable energy, and nuclear at the Department of Energy;

“(ii) the National Park Service Critical Maintenance and Revitalization Conservation Fund established by section 104908 of title 54, United States Code, for use in accordance with subsection (d) of that section; and



“(iii) the Secretary of Transportation to administer and award TIGER discretionary grants; and

“(B) 37.5 percent of any qualified revenues in a special account in the Treasury from which the Secretary shall disburse amounts to the Atlantic States in accordance with paragraph (3).

“(3) ALLOCATION TO STATES.—

“(A) IN GENERAL.—Subject to subparagraphs (B) and (C), effective for fiscal year 2017 and each fiscal year thereafter, the Secretary of the Treasury shall allocate the qualified revenues described in paragraph (2)(B) to each Atlantic State in amounts (based on a formula established by the Secretary, by regulation) that are inversely proportional to the respective distances between—

“(i) the point on the coastline of each Atlantic State that is closest to the geographical center of the applicable leased tract; and

“(ii) the geographical center of that leased tract.

“(B) MINIMUM ALLOCATION.—The amount allocated to an Atlantic State for each fiscal year under subparagraph (A) shall be not less than 10 percent of the amounts available under paragraph (2)(B).

“(C) STATE ALLOCATION.—Of the amounts received by a State under subparagraph (A), the Atlantic State may use, at the discretion of the Governor of the State—

“(i) 10 percent—

“(I) to enhance State land and water conservation efforts;

“(II) to improve State public transportation projects;

“(III) to establish alternative, renewable, and clean energy production and generation within each State; and

“(IV) to enhance beach nourishment and coastal dredging; and

“(ii) 2.5 percent to enhance geological and geophysical education for the energy future of the United States.

“(4) TIMING.—The amounts required to be deposited under paragraph (2) for the applicable fiscal year shall be made available in accordance with that paragraph during the fiscal year immediately following the applicable fiscal year.”

(d) TRIBAL RESILIENCE PROGRAM.—

(1) DEFINITION OF INDIAN TRIBE.—In this subsection, 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).

(2) ESTABLISHMENT.—The Secretary shall establish a program—

(A) to improve the resilience of Indian tribes to the effects of a changing climate;

(B) to support Native American leaders in building strong, resilient communities; and

(C) to ensure the development of modern, cost-effective infrastructure.

(3) GRANTS.—Subject to the availability of appropriations and amounts in the Tribal Resilience Fund established by subsection (e)(1), in carrying out the program described in paragraph (2), the Secretary shall make adaptation grants, in amounts not to exceed \$200,000,000 total per fiscal year, to Indian tribes for eligible activities described in paragraph (4).

(4) ELIGIBLE ACTIVITIES.—An Indian tribe receiving a grant under paragraph (3) may only use grant funds for 1 or more of the following eligible activities:

(A) Development and delivery of adaptation training.

(B) Adaptation planning, vulnerability assessments, emergency preparedness planning, and monitoring.

(C) Capacity building through travel support for training, technical sessions, and cooperative management forums.

(D) Travel support for participation in ocean and coastal planning.

(E) Development of science-based information and tools to enable adaptive resource management and the ability to plan for resilience.

(F) Relocation of villages or other communities experiencing or susceptible to coastal or river erosion.

(G) Construction of infrastructure to support emergency evacuations.

(H) Restoration or repair of infrastructure damaged by melting permafrost or coastal or river erosion.

(I) Installation and management of energy systems that reduce energy costs and greenhouse gas emissions compared to the energy systems in use before that installation and management.

(J) Construction and maintenance of social or cultural infrastructure that the Secretary determines supports resilience.

(5) APPLICATIONS.—An Indian tribe desiring an adaptation grant under paragraph (3) shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a description of the eligible activities to be undertaken using the grant.

(6) CAPITAL PROJECTS.—Of amounts made available to carry out this program, not less than 90 percent shall be used for the engineering, design, and construction or implementation of capital projects.

(7) INTERAGENCY COOPERATION.—The Secretary and the Administrator of the Environmental Protection Agency shall establish under the White House Council on Native American Affairs an interagency subgroup on tribal resilience—

(A) to work with Indian tribes to collect and share data and information, including traditional ecological knowledge, about how the effects of a changing climate are relevant to Indian tribes and Alaska Natives; and

(B) to identify opportunities for the Federal Government to improve collaboration and assist with adaptation and mitigation efforts that promote resilience.

(8) TRIBAL RESILIENCE LIAISON.—The Secretary shall establish a tribal resilience liaison—

(A) to coordinate with Indian tribes and relevant Federal agencies; and

(B) to help ensure tribal engagement in climate conversations at the Federal level.

(e) TRIBAL RESILIENCE FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury a fund, to be known as the “Tribal Resilience Fund” (referred to in this subsection as the “Fund”).

(2) DEPOSITS.—The Fund shall consist of the following:

(A) Amounts made available through an appropriation Act for deposit in the Fund.

(B) Amounts deposited into the Fund under subsection (b)(2)(A) of section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338) (as added by subsection (b)(2)).

(3) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—In addition to the amounts estimated by the Secretary to be deposited in the Fund under paragraph (2), there are authorized to be appropriated annually to the Fund out of any money in the Treasury not otherwise appropriated such amounts as are necessary to make the income of the Fund not more than \$200,000,000 for fiscal year 2027 and each fiscal year thereafter.

(B) AVAILABILITY OF DEPOSITS.—

(i) IN GENERAL.—Amounts deposited in the Fund under this paragraph shall remain available until expended, without fiscal year limitation.

(ii) USE.—Amounts deposited in the Fund under this paragraph and made available for obligation or expenditure from the Fund may be obligated or expended only to carry out the Tribal Resilience Program under subsection (d).

**SA 3193.** Mr. BOOKER submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title IV, add the following:

**SEC. 46. COMMUNITY AND SHARED SOLAR PROJECTS 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) COMMUNITY AND SHARED SOLAR PROJECTS PRIZE COMPETITION.—

“(1) DEFINITIONS.—

“(A) COMMUNITY SOLAR.—In this subsection:

“(i) IN GENERAL.—The term ‘community solar’ means a jointly owned or third-party owned shared solar photovoltaic system that allocates electricity to multiple businesses or households.

“(ii) EXCLUSIONS.—The term ‘community solar’ does not include—

“(I) a financing mechanism in which a security holder has only an economic interest and does not use the energy; or

“(II) a collective purchasing program in which community members buy separate photovoltaic systems collectively.

“(B) ELIGIBLE APPLICANT.—The term ‘eligible applicant’ means—

“(i) a utility;

“(ii) a private business;

“(iii) a nonprofit organization; or

“(iv) a municipality.

“(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 to eligible applicants competitive technology financial awards or relevant cash prizes for community solar project designs.

“(3) REQUIREMENTS.—

“(A) IN GENERAL.—In awarding prizes under paragraph (2), the Secretary shall select innovative community solar project designs that—

“(i) increase access to solar energy;

“(ii) reduce upfront costs for participants;

“(iii) provide the greatest return on investment;

“(iv) can be replicated in other communities;

“(v) improve economies of scale;

“(vi) create local jobs; and

“(vii) provide local benefits through energy diversification.

“(B) CONSIDERATION.—In awarding prizes under paragraph (2), the Secretary shall select innovative community solar project designs that consider low- and moderate-income populations in the requirements described in subparagraph (A).

“(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as are necessary.”

**SA 3194.** Mrs. BOXER (for herself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms.

MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_\_ . ALISO CANYON NATURAL GAS LEAK TASK FORCE.**

(a) FINDINGS.—Congress finds that—

(1) on October 23, 2015, a natural gas leak was discovered at a well within the Aliso Canyon Natural Gas Storage Facility in Los Angeles County in the State of California, and as of January 27, 2016, attempts by the Southern California Gas Company (referred to in this section as the “Company”) to stop the leak have not been successful;

(2) the leak appears to be caused by damage to the well casing at approximately 500 feet underground;

(3) the Company has attempted several times to plug the well, but as of January 28, 2016, those efforts have been unsuccessful;

(4) many residents in the nearby community have reported adverse physical symptoms including dizziness, nausea, and nosebleeds as a result of the natural gas leak, and the continuing emissions from the leak have resulted in the relocation of thousands of people away from their homes and livelihoods;

(5) local schools have temporarily closed, many businesses have been negatively impacted, and regular public services such as mail delivery have also been disrupted;

(6) more than 86,500,000 kilograms of methane, a powerful greenhouse gas, have been emitted into the atmosphere, which is—

(A) the equivalent of 2,200,000 metric tons of carbon dioxide; or

(B) more greenhouse gas than 468,000 cars emit in 1 year;

(7) agencies of the State of California issued an emergency order on December 10, 2015, prohibiting injection of natural gas into the Aliso Canyon Storage Facility until further authorization; and

(8) on January 6, 2016, the Governor of the State of California declared a state of emergency for Los Angeles County due to the Aliso Canyon natural gas leak.

(b) 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”).

(c) 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.

(d) 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 final report under paragraph (1) 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.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary.

**SA 3195. Mr. MERKLEY (for himself and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:**

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

**SEC. 44 \_\_\_\_\_ . KLAMATH PROJECT WATER AND POWER.**

(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.—The Secretary may carry out any activities, including entering into an agreement or contract or otherwise making financial assistance available—**

**“(1) 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;**

**“(2) to plan and implement activities and projects that—**

**“(A) avoid or mitigate environmental effects of irrigation activities; or**

**“(B) restore habitats in the Klamath Basin watershed, including restoring tribal fishery resources held in trust; and**

**“(3) to limit the net delivered cost of power for covered power uses.**

**“(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, 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 the recommendations described in the report, 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.—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)).

“(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 resolving other natural resource conflicts, particularly through collaboratively developed agreements.

“(f) PUMPING PLANT D.—The Secretary may enter into 1 or more agreements with the Tulelake Irrigation District to reimburse the Tulelake Irrigation District for not more than 69 percent of the cost incurred by the Tulelake Irrigation District for the operation and maintenance of Pumping Plant D.”

(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, as authorized under the Act of June 17, 1902 (32 Stat. 388, chapter 1093).

(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 au-

thorized 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 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.)).

**SA 3196.** Mr. KIRK submitted an amendment intended to be proposed by him to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ FEDERAL DISASTER FUNDING FOR RECOVERY FROM LARGE-SCALE CYBER INCIDENTS.**

Section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) is amended—

(1) in paragraph (2), by striking “or explosion” and inserting “explosion, or cyber incident”; and

(2) by adding at the end the following:

“(13) CRITICAL INFRASTRUCTURE.—The term ‘critical infrastructure’ has the meaning given the term in section 1016(e) of Public Law 107-56 (42 U.S.C. 5195c(e)).

“(14) CYBER INCIDENT.—The term ‘cyber incident’ means actions taken against critical infrastructure through the use of computer networks that result in a significant adverse effect on the provision of essential services (as described in section 427(a)(1)), which—

“(A) lasts for a period of more than 24 hours; and

“(B) affects the provision of essential services in more than 1 State.”

**SA 3197.** Ms. COLLINS (for herself, Ms. MIKULSKI, and Ms. HIRONO) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 157, strike line 24 and insert the following:

**SEC. 225. CRITICAL ELECTRIC INFRASTRUCTURE AT GREATEST RISK.**

“(a) DEFINITIONS.—In this section:

“(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means—

“(A) the Select Committee on Intelligence of the Senate;

“(B) the Permanent Select Committee on Intelligence of the House of Representatives;

“(C) the Committee on Energy and Natural Resources of the Senate; and

“(D) the Committee on Energy and Commerce of the House of Representatives.

“(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) COVERED ENTITY.—The term ‘covered entity’ means an entity identified pursuant to section 9(a) of Executive Order 13636 of February 12, 2013 (78 Fed. Reg. 11742), relating to identification of critical infrastructure where a cybersecurity incident could reasonably result in catastrophic regional or national effects on public health or safety, economic security, or national security, that owns or operates critical electric infrastructure.

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

“(b) MITIGATION STRATEGY REQUIRED FOR CRITICAL ELECTRIC INFRASTRUCTURE AT GREATEST RISK.—Not later than 1 year after the date of enactment of this Act, the Commission, in consultation with the Secretary and each covered entity, shall identify and propose prioritized, risk-based actions to mitigate cyber risk for each covered entity such that, to the greatest extent practicable, a cyber security incident affecting that covered entity would be less likely to result in catastrophic regional or national effects on public health or safety, economic security, or national security, given current and projected cyber risks.

“(c) REPORT REQUIRED.—Not later than 60 days after the date on which the Commission has taken the actions required under subsection (b), the Commission shall submit to the appropriate congressional committees a report describing—

“(1) the current and projected cyber risks considered by the Commission; and

“(2) a summary of the type of actions proposed by the Commission.”

**SA 3198.** Mr. BROWN (for himself and Mr. KIRK) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 10 \_\_\_\_ INCREASING WATER EFFICIENCY IN FEDERAL BUILDINGS.**

(a) DEFINITIONS.—In this section:

(1) ANSI-ACCREDITED PLUMBING CODE.—The term “ANSI-accredited plumbing code” means a construction code for a plumbing system of a building that meets applicable codes established by the American National Standards Institute.

(2) ANSI-AUDITED DESIGNATOR.—The term “ANSI-audited designator” means an accredited developer that is recognized by the American National Standards Institute.

(3) GREEN PLUMBERS USA TRAINING PROGRAM.—The term “Green Plumbers USA training program” means the training and certification program teaching sustainability and water-savings practices that is established by the Green Plumbers organization.

(4) HELMETS TO HARDHATS PROGRAM.—The term “Helmets to Hardhats program” means

the national, nonprofit program that connects National Guard, Reserve, retired, and transitioning active-duty military service members with skilled training and quality career opportunities in the construction industry.

(5) **PLUMBING EFFICIENCY RESEARCH COALITION.**—The term “Plumbing Efficiency Research Coalition” means the industry coalition comprised of plumbing manufacturers, code developers, plumbing engineers, and water efficiency experts established to advance plumbing research initiatives that support the development of water efficiency and sustainable plumbing products, systems, and practices.

(b) **WATER EFFICIENCY STANDARDS.**—The Secretary shall work with ANSI-audited designators to promote the implementation and use in the construction of Federal building of plumbing products, systems, and practices that meet standards and codes that achieve the highest level of water efficiency and conservation practicable consistent with construction budgets and the goals of Executive Order 13514 (42 U.S.C. 4321 note; relating to Federal leadership in environmental, energy, and economic performance), including—

(1) the most recent version of the ANSI-accredited plumbing code; and

(2) if no ANSI-accredited plumbing code exists, alternative plumbing standards and codes established by the Secretary.

(c) **TRAINING PROGRAMS.**—The Secretary shall work with nationally recognized plumbing training programs that meet applicable plumbing licensing requirements to provide competency training for individuals who install and repair plumbing systems in Federal and other buildings, including—

(1) the Helmets to Hardhats training program; and

(2) the Green Plumbers USA training program.

(d) **WATER EFFICIENCY RESEARCH.**—The Secretary shall promote plumbing research that increases water efficiency and conservation in plumbing products, systems, and practices used in Federal and other buildings and reduces the unintended consequences of reduced flows in the building drains and water supply systems of the United States, which may include working with the Andrew W. Breidenbach Environmental Research Center and the Plumbing Efficiency Research Coalition—

(1) to provide and exchange experts to conduct water efficiency and conservation plumbing-related studies;

(2) to assist in creating public awareness of reports of the Plumbing Efficiency Research Coalition; and

(3) to provide financial assistance if applicable and available.

**SA 3199.** Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 10** .

(a) **USE OF FUNDS.**—Section 544 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17154) is amended—

(1) in the matter preceding paragraph (1), by striking “An eligible entity” and inserting the following:

“(a) **IN GENERAL.**—An eligible entity”; and

(2) by adding at the end the following:

“(b) **PRIORITY.**—An eligible entity receiving a grant under this subtitle shall

prioritize projects that use LED lighting, solar electricity generating, or energy efficiency building technologies at buildings and facilities within the jurisdiction of the eligible entity.”.

(b) **REVIEW AND EVALUATION.**—Section 547 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17157) is amended by adding at the end the following:

“(c) **PROCUREMENT IMPROVEMENT.**—Not later than 1 year after the date of enactment of this subsection, the Secretary, in consultation with eligible entities, shall revise the grant and procurement practices of the Department of Energy to ensure the most effective allocation and use of the funds made available under section 548.”.

(c) **FUNDING.**—Section 548(a) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17158(a)) is amended—

(1) in paragraph (1), by striking “2008 through 2012” and inserting “2018 through 2020”; and

(2) in paragraph (2), by striking subparagraphs (A) through (C) and inserting the following:

“(A) \$20,000,000 for fiscal year 2017; and  
“(B) \$25,000,000 for each of fiscal years 2018 through 2020.”.

**SA 3200.** Mr. WHITEHOUSE (for himself, Mr. MARKEY, Mr. SCHATZ, and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. . SENSE OF THE SENATE REGARDING ACTIVITIES OF CERTAIN COMPANIES.**

(a) **SENSE OF THE SENATE REGARDING TOBACCO COMPANIES.**—It is the sense of the Senate that—

(1) according to peer-reviewed scientific research and Federal courts, tobacco companies have long known about the harmful health effects of their products; and

(2) contrary to the scientific findings of the tobacco companies and of others about the danger tobacco poses to human health, tobacco companies—

(A) used a sophisticated and deceitful campaign that included funding think tanks to deny, counter, and obstruct peer-reviewed science; and

(B) used that misinformation campaign to mislead the public and cast doubt in order to protect their financial interest.

(b) **SENSE OF THE SENATE REGARDING LEAD-RELATED MANUFACTURERS.**—It is the sense of the Senate that—

(1) according to peer-reviewed scientific research and State courts, the harmful effects of lead in paint and other products were known to the paint industry, gasoline manufacturers, and lead producers throughout the 20th century; and

(2) contrary to the scientific findings of those companies and of others about the danger lead poses to human health, those companies—

(A) used a sophisticated and deceitful campaign that included funding think tanks to deny, counter, and obstruct peer-reviewed research; and

(B) used that misinformation campaign to mislead the public and cast doubt in order to protect their financial interest.

(c) **SENSE OF THE SENATE REGARDING FOSSIL FUEL COMPANIES.**—It is the sense of the Senate that—

(1) according to peer-reviewed scientific research and investigative reporting, fossil fuel companies have long known about the harmful climate effects of their products; and

(2) contrary to the scientific findings of the fossil fuel companies and of others about the danger fossil fuels pose to the climate, fossil fuel companies—

(A) used a sophisticated and deceitful campaign that included funding think tanks to deny, counter, and obstruct peer-reviewed research; and

(B) used that misinformation campaign to mislead the public and cast doubt in order to protect their financial interest?.

(d) **SENSE OF THE SENATE REGARDING CERTAIN CORPORATIONS.**—It is the sense of the Senate that the Senate—

(1) disapproves of activities by certain corporations and organizations funded by those corporations to deliberately undermine peer-reviewed scientific research about the dangers of their products and cast doubt on science in order to protect their financial interests; and

(2) urges fossil fuel companies to cooperate with active or future investigations into their climate-change related activities and what the companies knew and when they knew it.

**SA 3201.** Mr. WARNER (for himself and Mr. KAINE) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE VI—MISCELLANEOUS**  
**SEC. 6001. INTERAGENCY TRANSFER OF LAND ALONG GEORGE WASHINGTON MEMORIAL PARKWAY.**

(a) **DEFINITION.**—In this section:

(1) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(2) **RESEARCH CENTER.**—The term “Research Center” means the Federal Highway Administration’s Turner-Fairbank Highway Research Center.

(3) **MAP.**—The term “Map” means the map titled “George Washington Memorial Parkway—Claude Moore Farm Proposed Boundary Adjustment”, numbered 850\_130815, and dated December 2015.

(b) **ADMINISTRATIVE JURISDICTION TRANSFER.**—

(1) **TRANSFER OF JURISDICTION.**—The Secretary and the Secretary of Transportation, as appropriate, are authorized to exchange administrative jurisdiction of—

(A) approximately 0.342 acres of Federal land under the jurisdiction of the Department of the Interior within the boundary of the George Washington Memorial Parkway, generally depicted as “B” on the Map; and

(B) the approximately 0.479 acres of Federal land within the boundary of the Research Center land under the jurisdiction of the Department of Transportation adjacent to the boundary of the George Washington Memorial Parkway, generally depicted as “A” on the Map.

(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 north 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 obstruct the view from the Research Center into the George Washington Memorial Parkway.

(3) REIMBURSEMENT OR CONSIDERATION.—The transfers of administrative jurisdiction under this section shall occur without 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 lands discussed in that Agreement.

(B) ACCESS TO RESTRICTED LAND.—

(i) IN GENERAL.—Subject to clauses (ii) and (iii), the Secretary shall allow the Research Center to access the land described in paragraph (1)(B) 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 land.

(ii) PRUNING AND REMOVAL OF TRESS.—No tree on the land described in paragraph (1)(B) that is 6 inches or more in diameter shall be pruned or removed without the advance written permission of the Secretary.

(iii) PESTICIDES.—The use of pesticides on the land described in paragraph (1)(B) shall be approved in writing by the Secretary prior to application of the pesticides.

(C) MANAGEMENT OF TRANSFERRED LANDS.—

(1) INTERIOR LAND.—The Federal land transferred to the Secretary under this section shall be included in the boundaries of the George Washington Memorial Parkway and shall be administered by the National Park Service as part of the parkway subject to applicable laws and regulations.

(2) TRANSPORTATION LAND.—The Federal land transferred to the Secretary of Transportation under this section shall be included in the boundary of the Research Center and shall be removed from the boundary of parkway.

(3) RESTRICTED-USE LAND.—The Federal land 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, Department of Interior.

**SA 3202.** Mr. ISAKSON (for himself, Mr. BENNET, Mr. PORTMAN, Mrs. SHAHEEN, and Mr. COONS) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

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

**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 in-

clude 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 between 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.

**SA 3203.** Mr. COONS submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 44. 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.

**SA 3204.** Mr. CARPER submitted an amendment intended to be proposed to



amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**TITLE \_\_\_\_\_—PREVENTING RADIOLOGICAL TERRORISM ACT**

**SEC. 001. SHORT TITLE.**

This title may be cited as the “Preventing Radiological Terrorism Act of 2016”.

**SEC. 002. STRATEGY FOR SECURING HIGH ACTIVITY RADIOLOGICAL SOURCES.**

(a) IN GENERAL.—The Administrator for Nuclear Security shall—

(1) in coordination with the Chairman of the Nuclear Regulatory Commission and the Secretary of Homeland Security, develop a strategy to enhance the security of all risk-significant radiological materials as soon as possible; and

(2) not later than 120 days after the date of the enactment of this Act, submit to the appropriate congressional committees a report describing the strategy required by paragraph (1).

(b) ELEMENTS.—The report required by subsection (a)(2) shall include the following:

(1) A description of activities of the National Nuclear Security Administration, ongoing as of the date of the enactment of this Act—

(A) to secure risk-significant radiological materials; and

(B) to secure radiological materials and prevent the illicit trafficking of such materials as part of the Global Nuclear Detection Architecture.

(2) A list of any gaps in the legal authority of United States Government agencies needed to secure all risk-significant radiological materials.

(3) An estimate of the cost of securing all risk-significant radiological materials.

(4) A list, in the classified annex authorized by subsection (c), of all locations where risk-significant radiological material is kept under conditions that fail to meet the enhanced physical security standards promulgated by the Office of Global Material Security of the National Nuclear Security Administration.

(c) FORM OF REPORT.—The report required by subsection (a) shall be submitted in unclassified form and shall include a classified annex.

(d) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Armed Services, the Committee on Energy and Natural Resources, the Committee on Environment and Public Works, and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Armed Services, the Committee on Energy and Commerce, and the Committee on Homeland Security of the House of Representatives.

(2) RISK-SIGNIFICANT RADIOLOGICAL MATERIAL.—The term “risk-significant radiological material” means category 1 and category 2 radioactive materials, as determined by the Nuclear Regulatory Commission, located within the United States.

(3) SECURE.—The terms “secure” and “security”, with respect to risk-significant radiological materials, refer to all activities to prevent terrorists from acquiring such sources, including enhanced physical security and tracking measures, removal and disposal of such sources that are not used, replacement of such sources with nonradio-

logical technologies where feasible, and detection of illicit trafficking of such sources.

**SEC. 003. PREVENTING TERRORIST ACCESS TO DOMESTIC RADIOLOGICAL SOURCES.**

(a) COMMERCIAL LICENSES.—Section 103 of the Atomic Energy Act of 1954 (42 U.S.C. 2133) is amended—

(1) in subsection d., in the third sentence, by inserting “under a circumstance described in subsection g., or” after “within the United States”; and

(2) by adding at the end the following:

“g. In addition to the limitations described in subsection d. and the limitations provided at the discretion of the Commission, the Commission shall not grant a license to any individual who is—

“(1) listed in the terrorist screening database maintained by the Federal Government Terrorist Screening Center of the Federal Bureau of Investigation; or

“(2) convicted of any offense under any Federal, State, or local law or ordinance, an element of which is—

“(A) engaging in conduct constituting, in preparation of, in aid of, or related to terrorism;

“(B) providing material support or resources for terrorism; or

“(C) the making of a terrorist threat or terroristic threat.

“h. The Commission shall suspend immediately any license granted under this section if the Commission discovers that the licensee is providing unescorted access to any employee who is—

“(1) listed in the terrorist screening database maintained by the Federal Government Terrorist Screening Center of the Federal Bureau of Investigation; or

“(2) convicted of any offense under any Federal, State, or local law or ordinance, an element of which is—

“(A) engaging in conduct constituting, in preparation of, in aid of, or related to terrorism;

“(B) providing material support or resources for terrorism; or

“(C) the making of a terrorist threat or terroristic threat.

“i. The Commission may lift the suspension of a license made pursuant to subsection h. if—

“(1) the licensee has revoked unescorted access privileges to the employee;

“(2) the licensee has alerted the appropriate Federal, State, and local law enforcement offices of the provision and revocation of unescorted access to the employee; and

“(3) the Commission has conducted a review of the security of the licensee and determined that reinstatement of the licensee would not be inimical to the national security interests of the United States.”

(b) MEDICAL THERAPY AND RESEARCH AND DEVELOPMENT.—Section 104 of the Atomic Energy Act of 1954 (42 U.S.C. 2134) is amended—

(1) in subsection d., in the third sentence, by inserting “under a circumstance described in subsection e., or” after “within the United States”; and

(2) by adding at the end the following:

“e. In addition to the limitations described in subsection d. and the limitations provided at the discretion of the Commission, the Commission shall not grant a license to any individual who is—

“(1) listed in the terrorist screening database maintained by the Federal Government Terrorist Screening Center of the Federal Bureau of Investigation; or

“(2) convicted of any offense under any Federal, State, or local law or ordinance, an element of which is—

“(A) engaging in conduct constituting, in preparation of, in aid of, or related to terrorism;

“(B) providing material support or resources for terrorism; or

“(C) the making of a terrorist threat or terroristic threat.

“f. The Commission shall suspend immediately any license granted under this section if the Commission discovers that the licensee is providing unescorted access to any employee who is—

“(1) listed in the terrorist screening database maintained by the Federal Government Terrorist Screening Center of the Federal Bureau of Investigation; or

“(2) convicted of any offense under any Federal, State, or local law or ordinance, an element of which is—

“(A) engaging in conduct constituting, in preparation of, in aid of, or related to terrorism;

“(B) providing material support or resources for terrorism; or

“(C) the making of a terrorist threat or terroristic threat.

“g. The Commission may lift the suspension of a license made pursuant to subsection f. if—

“(1) the licensee has revoked unescorted access privileges to the employee;

“(2) the licensee has alerted the appropriate Federal, State, and local law enforcement offices of the provision and revocation of unescorted access to the employee; and

“(3) the Commission has conducted a review of the security of the licensee and determined that reinstatement of the licensee would not be inimical to the national security interests of the United States.”

(c) COOPERATION WITH STATES.—Section 274 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2021(b)) is amended—

(1) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively, and indenting appropriately;

(2) in the matter preceding subparagraph (A) (as so redesignated), by striking “b. Except as” and inserting the following:

“b. AUTHORIZATION TO ENTER INTO AGREEMENTS.—

“(1) IN GENERAL.—Subject to paragraph (2), except as”; and

(3) by adding at the end the following:

“(2) REQUIREMENT.—

“(A) IN GENERAL.—The Commission shall not enter into an agreement with the Governor of a State under paragraph (1) unless the Governor agrees that the State—

“(i) shall not grant a license to any individual who is—

“(I) listed in the terrorist screening database maintained by the Federal Government Terrorist Screening Center of the Federal Bureau of Investigation; or

“(II) convicted of any offense under any Federal, State, or local law or ordinance, an element of which is—

“(aa) engaging in conduct constituting, in preparation of, in aid of, or related to terrorism;

“(bb) providing material support or resources for terrorism; or

“(cc) the making of a terrorist threat or terroristic threat; and

“(ii) shall suspend the license of a licensee if the Commission or the State discovers that the licensee is providing unescorted access to any employee who is—

“(I) listed in the terrorist screening database maintained by the Federal Government Terrorist Screening Center of the Federal Bureau of Investigation; or

“(II) convicted of any offense under any Federal, State, or local law or ordinance, an element of which is—

“(aa) engaging in conduct constituting, in preparation of, in aid of, or related to terrorism;

“(bb) providing material support or resources for terrorism; or

“(cc) the making of a terrorist threat or terrorist threat.

“(B) EXISTING AGREEMENTS.—With respect to a State with an agreement in effect as of the date of enactment of this paragraph, the Commission shall terminate the agreement pursuant to subsection j, unless the Governor of the State agrees that the State shall not grant a license to any individual who is—

“(i) listed in the terrorist screening database maintained by the Federal Government Terrorist Screening Center of the Federal Bureau of Investigation; or

“(ii) convicted of any offense under any Federal, State, or local law or ordinance, an element of which is—

“(I) engaging in conduct constituting, in preparation of, in aid of, or related to terrorism;

“(II) providing material support or resources for terrorism; or

“(III) the making of a terrorist threat or terrorist threat.

“(C) SUSPENSION OF EXISTING AGREEMENTS.—With respect to a State with an agreement in effect as of the date of enactment of this paragraph, the Governor of the State shall suspend immediately any license granted by the State if the Commission or the State discovers that the licensee is providing unescorted access to any employee who is—

“(i) listed in the terrorist screening database maintained by the Federal Government Terrorist Screening Center of the Federal Bureau of Investigation; or

“(ii) convicted of any offense under any Federal, State, or local law or ordinance, an element of which is—

“(I) engaging in conduct constituting, in preparation of, in aid of, or related to terrorism;

“(II) providing material support or resources for terrorism; or

“(III) the making of a terrorist threat or terrorist threat.

“(D) LIFTING OF SUSPENSION.—The Governor of the State may lift the suspension of a license made pursuant to subparagraph (A)(ii) or subparagraph (C) if—

“(i) the licensee has revoked unescorted access privileges to the employee;

“(ii) the licensee has alerted the appropriate Federal, State, and local law enforcement offices of the provision and revocation of unescorted access to the employee; and

“(iii) the Commission has conducted a review of the security of the licensee and determined that reinstatement of the licensee would not be inimical to the national security interests of the United States.

“(E) TERMINATION.—If the Governor of a State does not suspend a license under subparagraph (A)(ii) or subparagraph (C), the Commission shall suspend the agreement with the Governor of the State until the Governor of the State suspends the license.”.

#### SEC. 404. OUTREACH TO STATE AND LOCAL LAW ENFORCEMENT AGENCIES ON RADIOLOGICAL THREATS.

Section 201(d) of the Homeland Security Act of 2002 (6 U.S.C. 121(d)) is amended by adding at the end the following:

“(26)(A) Not later than every 2 years, the Secretary shall submit a written certification to Congress that field staff of the Department have briefed State and local law enforcement representatives about radiological security threats.

“(B) A briefing conducted under subparagraph (A) shall include information on—

“(i) the presence and current security status of all risk-significant radiological materials housed within the jurisdiction of the law enforcement agency being briefed;

“(ii) the threat that risk-significant radiological materials could pose to their commu-

nities and to the national security of the United States if these sources were lost, stolen or subject to sabotage by criminal or terrorist actors; and

“(iii) guidelines and best practices for mitigating the impact of emergencies involving risk-significant radiological materials.

“(C) The National Nuclear Security Administration, the Nuclear Regulatory Commission, and Federal law enforcement agencies shall provide information to the Department in order for the Department to submit the written certification described in subparagraph (A).

“(D) A written certification described in subparagraph (A) shall include a report on the activity of the field staff of the Department to brief State and local law enforcement representatives, including, as provided to field staff of the Department by State and local law enforcement agencies—

“(i) an aggregation of incidents regarding radiological material; and

“(ii) information on current activities undertaken to address the vulnerabilities of these risk-significant radiological materials.

“(E) In this paragraph, the term ‘risk-significant radiological material’ means category 1 and category 2 radioactive materials, as determined by the Nuclear Regulatory Commission, located within the United States.”.

**SA 3205.** Mr. INHOFE (for himself and Mr. KING) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; as follows:

On page 196, between lines 7 and 8, insert the following:

(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.

**SA 3206.** Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

#### SEC. 44. 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.

(e) SAVINGS PROVISIONS.—Unless expressly provided in this section, nothing in this section 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.

**SA 3207.** Mr. THUNE submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . GROUND-LEVEL OZONE STANDARDS.**

Notwithstanding any other provision of law (including regulations), in implementing the final rule entitled “National Ambient Air Quality Standards for Ozone” (80 Fed. Reg. 65292 (October 26, 2015)), the Administrator of the Environmental Protection Agency—

(1) shall not implement or enforce a national primary or secondary ambient air quality standard for ozone that is lower than the standard established under section 50.15 of title 40, Code of Federal Regulations (as in effect on January 1, 2015), until at least 85 percent of the counties that were nonattainment areas under that standard as of January 30, 2015, achieve full compliance with that standard; and

(2) shall only consider all or part of a county to be a nonattainment area under the standard on the basis of direct air quality monitoring.

**SA 3208.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . INDEPENDENT RELIABILITY ANALYSIS.**

(a) DEFINITIONS.—In this section:

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

(2) FINAL RULE.—The term “final rule” means the final rule of the Administrator entitled “Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units” (80 Fed. Reg. 64662 (October 23, 2015)).

(b) RELIABILITY ANALYSIS REQUIRED.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the final rule shall not go into effect until the date on which the Federal Energy Regulatory Commission and the Electric Reliability Organization jointly conduct an independent reliability analysis of the final rule to evaluate anticipated effects of implementation and enforcement of the final rule on—

(A) electric reliability and resource adequacy;

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

(C) the operation of wholesale electricity markets; and

(D) energy delivery and infrastructure, including electric transmission facilities and natural gas pipelines.

(2) ANALYSES FROM OTHER ENTITIES.—The Electric Reliability Organization, regional entities, regional transmission organizations, independent system operators, and other reliability coordinators and planning

authorities shall timely conduct analyses and provide such information as may be reasonably requested by the Commission.

(3) AVAILABILITY.—Not later than 120 days after the date of enactment of this Act, the Federal Energy Regulatory Commission shall submit to Congress and make publicly available—

(A) the reliability analysis described in paragraph (1); and

(B) any relevant special assessment or seasonal or long-term reliability assessment completed by the Electric Reliability Organization.

**SA 3209.** Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . REPEAL OF CREDIT FOR ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE RESOURCES.**

(a) REPEAL OF CREDIT.—

(1) REPEAL OF CERTAIN QUALIFIED ENERGY RESOURCES.—

(A) IN GENERAL.—Section 45 of the Internal Revenue Code of 1986 is amended—

(i) in subsection (c)—

(I) in paragraph (1), by striking subparagraphs (B) through (I), and

(II) by striking paragraphs (2) through (10), and

(ii) in subsection (d), by striking paragraphs (2) through (11).

(B) EFFECTIVE DATE.—The amendments made by this paragraph shall apply to electricity, and refined coal, produced and sold after December 31, 2026.

(2) REPEAL OF CREDIT FOR WIND FACILITIES AND ELIMINATION OF SECTION 45 OF THE INTERNAL REVENUE CODE OF 1986.—

(A) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by striking section 45 (and by striking the item relating to such section in the table of sections for such subpart).

(B) CONFORMING AMENDMENTS.—

(i) Section 38 of such Code is amended—

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

(II) in subsection (c)(4)(B), by striking clause (iii).

(ii) Section 45J of such Code is amended by adding at the end the following new subsection:

“(f) REFERENCES TO SECTION 45.—Any reference in this section to any provision of section 45 shall be treated as a reference to such provision as in effect immediately before its repeal.”

(iii) Section 45K(g)(2) of such Code is amended by striking subparagraph (E).

(iv) Section 48 of such Code is amended by adding at the end the following new subsection:

“(e) REFERENCES TO SECTION 45.—Any reference in this section to any provision of section 45 shall be treated as a reference to such provision as in effect immediately before its repeal.”

(v) Section 54(d)(2)(A) of such Code is amended by inserting “(as in effect immediately before its repeal)” after “section 45(d)”.

(vi) Section 54C(d)(1) of such Code is amended by inserting “(as in effect immediately before its repeal)” after “section 45(d)”.

(vii) Section 54D(f)(1)(A)(iv) of such Code is amended by inserting “(as in effect immediately before its repeal)” after “section 45(d)”.

(viii) Section 55(c)(1) of such Code is amended by striking “45(e)(11)(C).”

(C) EFFECTIVE DATE.—The amendments made by this paragraph shall take effect on January 1, 2032.

(b) SENSE OF CONGRESS REGARDING FURTHER EXTENSION.—It is the sense of the Congress that the credit under section 45 of the Internal Revenue Code of 1986 should be allowed to expire and should not be extended beyond the expiration dates specified in such section as of the date of the enactment of this Act.

**SA 3210.** Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 426, after line 23, add the following:

(e) CERTAIN LAND ACQUISITION REQUIREMENTS.—Section 200306 of title 54, United States Code (as amended by subsection (d)), is amended by adding at the end the following:

“(e) NON-ROAD DEFERRED MAINTENANCE BACKLOG.—If the non-road deferred maintenance backlog on Federal land is greater than \$1,000,000,000, acquisitions of land under this section may not exceed the level of deferred maintenance backlog funding.

“(f) MAINTENANCE NEEDS.—In making an acquisition of land under this section, funds appropriated for the acquisition shall include any funds necessary to address maintenance needs at the time of acquisition on the acquired land.

“(g) CONGRESSIONAL APPROVAL OF CERTAIN LAND ACQUISITIONS.—For any acquisition of land under this section for which the cost of the land is greater than \$50,000 per acre—

“(1) before acquiring the land, the Secretary shall submit to Congress a report that describes the land proposed to be acquired; and

“(2) no acquisition may be made unless the proposed acquisition is—

“(A) reported to Congress in accordance with paragraph (1); and

“(B) approved by the enactment of a bill or joint resolution.”

**SA 3211.** Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . WAIVER OF JONES ACT REQUIREMENTS FOR OIL AND GASOLINE TANKERS.**

(a) IN GENERAL.—Section 12112 of title 46, United States Code, is amended—

(1) in subsection (a), by striking “A coastwise” and inserting “Except as provided in subsection (b), a coastwise”;

(2) by redesignating subsection (b) as subsection (c); and

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

“(b) WAIVER FOR OIL, GASOLINE, AND LIQUEFIED NATURAL GAS TANKERS.—The requirements of subsection (a) shall not apply to an oil, gasoline, or liquefied natural gas tanker vessel or barge and a coastwise endorsement may be issued for any such tanker vessel or barge that otherwise qualifies under the laws

of the United States to engage in the coastwise trade.”.

(b) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Commandant of the United States Coast Guard shall issue regulations to implement the amendments made by subsection (a). Such regulations shall require that an oil, gasoline, or liquefied natural gas tanker vessel or barge permitted to engaged in the coastwise trade pursuant to subsection (b) of section 12112 of title 46, United States Code, as amended by subsection (a), meets all appropriate safety and security requirements.

**SA 3212.** Mr. HELLER (for himself, Mr. HEINRICH, Mr. GARDNER, Mr. TESTER, Mr. BENNET, and Mr. RISCH) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 244, between lines 13 and 14, insert the following:

**Subpart B—Development of Geothermal, Solar, and Wind Energy on Public Land**  
**SEC. 3011A. 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. 3011B. 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. 3011C. 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.

environmental impact statement conducted under section 3011B(d), to the maximum extent practicable when analyzing the potential impacts of the project.

**SEC. 3011D. 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.

On page 244, line 14, strike “**Subpart B**” and insert “**Subpart C**”.

**SA 3213.** Mr. WARNER (for himself and Mr. PETERS) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title II, insert the following:

**SEC. 23 . REPORT ON USING SMART TECHNOLOGIES TO ADVANCE ENERGY EFFICIENCY AND GRID MODERNIZATION.**

Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committees on Energy and Natural Resource and Finance of the Senate and the Committees on Natural Resources and Financial Services of the House of Representatives a report that includes recommendations of the Secretary regarding measures (including measures to be enacted by Congress) that could be carried out throughout the United States to use smart technologies to advance energy efficiency and grid modernization in the 21st century energy economy, unless a similar report and recommendations are included in a separate analysis prepared and submitted to Congress by not later than 1 year after that date of enactment, such as the Quadrennial Energy Review under section 801 of the Department of Energy Organization Act (42 U.S.C. 7321) (as amended by section 4402(a)).

**SA 3214.** Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 44 . 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.”.

**SA 3215.** Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 44 . EXEMPTION FROM COST-SHARING REQUIREMENTS FOR CERTAIN RESEARCH AND DEVELOPMENT PROGRAMS.**

Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) is amended by adding at the end the following:

“(g) EXEMPTION.—The Secretary may exempt from the requirements of subsection (b) a small business concern (as defined in section 3 of the Small Business Act (15 U.S.C. 632)) that is eligible to receive an award under the SBIR program (as defined in section 9(e) of that Act (15 U.S.C. 638(e))) of the Department.”.

**SA 3216.** Mr. KAINÉ (for himself, Mr. VITTER, and Ms. BALDWIN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3602 and insert the following:

**SEC. 3602. ENERGY WORKFORCE PILOT GRANT PROGRAM.**

(a) GRANTS FOR JOB TRAINING AND EDUCATION PROGRAMS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Labor, the Secretary of Education, and the Secretary of Transportation, shall establish a pilot program to award grants on a competitive basis to eligible entities for job training and education programs that lead to an industry-recognized credential.

(2) IMPLEMENTATION GRANTS.—The Secretary may award grants, to nonprofit organizations with a track record of at least 10 years of expertise in working with community colleges on developing workforce development programs, to provide assistance to the Secretary in implementing the requirements of this section, including developing the grant program described in paragraph (1).

(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a)(1), an entity shall be a public organization or a consortium of public organizations that—

(1) includes an advisory board with proportional participation, as determined by the Secretary, of relevant organizations, including representatives from—

(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 individuals who plan to work in the energy industries, and support those individuals in the successful completion of relevant job training and education programs; and

(4) provides students who complete the proposed job training and education program with an industry-recognized credential.

(c) APPLICATIONS.—An eligible entity desiring a grant under subsection (1)(1) shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a description of the proposed program leading to the industry-recognized credential.

(d) PRIORITY.—In selecting eligible entities to receive grants under subsection (a)(1), the Secretary shall prioritize an applicant that—

(1) provides the job training and education program through—

(A) a community college or institution of higher education that includes basic science and math education in the curriculum of the community college or institution of higher education; or

(B) an apprenticeship program registered with the Department of Labor or a State;

(2) works with the Secretary of Defense or a veterans organization to transition members of the Armed Forces and veterans to careers in the energy sector;

(3) works with an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b));

(4) applies as a State or regional consortium, providing the job training and education program through a community college or institution of higher education described in paragraph (1), to leverage best practices already available in the State or region in which the community college or institution of higher education is located;

(5) is a consortium that includes a State-supported entity;

(6) includes an apprenticeship program registered with the Department of Labor or a State as part of the job training and education program;

(7) provides support services and career coaching;

(8) provides introductory energy workforce development activities;

(9) works with minority-serving institutions to provide job training to increase the number of skilled minorities and women in the energy sector;

(10) provides job training for displaced and unemployed workers in the energy sector;

(11) establishes a community college or 2-year technical college-based “Center of Excellence” for an energy and maritime workforce technical training program, such as a program of a community college located in a coastal area;

(12) is located in close proximity to marine or port facilities in the Gulf of Mexico, Atlantic Ocean, Pacific Ocean, or Great Lakes; or

(13) has established associations with—

(A) port authorities or other established seaport or inland port facilities; and

(B) appropriate Federal agencies.

(e) **ADDITIONAL CONSIDERATION.**—In making grants under subsection (a)(1), 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 subsection (a)(1) during any 1 fiscal year.

(g) **LIMITATIONS ON AMOUNT OF GRANT.**—The amount of an individual grant under subsection (a)(1) 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 subsection (a)(1) shall be not greater than 65 percent.

(2) **NON-FEDERAL SHARE.**—

(A) **IN GENERAL.**—Not less than 50 percent of the non-Federal share of the cost of a job training and education program carried out using a grant under subsection (a)(1) shall be provided in cash.

(B) **LIMITATION.**—Not more than 50 percent of the non-Federal contribution of the cost of a job training and education program carried out using a grant under subsection (a)(1) shall be in kind, fairly evaluated, including plant, equipment, or services.

(i) **REDUCTION OF DUPLICATION.**—Prior to submitting an application for a grant under subsection (a)(1), each applicant shall consult with the appropriate Federal agencies and coordinate the proposed activities of the applicant with existing State and local programs.

(j) **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 (as of the date of the provision) job training and education programs of the Department.

(k) **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 under subsection (a)(1);

(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 such a grant; and

(5) an assessment of the results achieved by the program established under this section.

(l) **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.

**SA 3217.** Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . SMALL BUSINESS ENERGY EFFICIENCY.**  
Section 501(d)(3) of the Small Business Investment Act of 1958 (15 U.S.C. 695(d)(3)) is amended—

(1) in subparagraph (K), by striking “producers, or” and inserting “producers.”;

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

(3) by inserting after subparagraph (L) the following:

“(M) enhanced ability for small business concerns to achieve savings through energy efficiency.”.

**SA 3218.** Ms. STABENOW (for herself, Mr. BOOZMAN, Ms. BALDWIN, Mr. CARPER, and Mr. ISAKSON) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3703 and insert the following:

**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, to generate electricity, of commonly recycled paper that has been segregated from solid waste to generate electricity or commonly recycled paper that is collected as part of a collection system that commingles the paper with other solid waste at any point from collection through the materials recovery process)” after “systems”.

**SA 3219.** Mr. CASEY submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 370, strike lines 14 and 15 and insert the following:

proper voltage and frequency;

(vii) ensure the availability of a financial day-ahead transmission market that will be aligned with the existing financial monthly transmission market; and

(viii) provide an enhanced opportunity

**SA 3220.** Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 325, strike line 9 and all that follows through page 327, line 5 and insert the following:

(1) **DEFINITION OF RECYCLED CARBON FIBER.**—In this subsection, the term “recycled carbon fiber” includes—

(A) carbon fiber composite recycling; and

(B) carbon fiber recovery or reuse of carbon fiber composites and the components of carbon fiber composites.

(2) **STUDY.**—The Secretary shall conduct a study on—

(A) the technology of recycled carbon fiber, carbon fiber recovery, and production waste carbon fiber; and

(B) the potential lifecycle energy savings and economic impact of recycled carbon fiber and carbon fiber recovery.

(3) **FACTORS FOR CONSIDERATION.**—In conducting the study under paragraph (2), the Secretary shall consider—

(A) the quantity of recycled carbon fiber, recovered carbon fiber, or production waste carbon fiber that would make the use of recycled carbon fiber, carbon fiber recovery, or production waste carbon fiber economically viable;

(B) any existing or potential barriers to carbon fiber recovery, recycling carbon fiber, or using recovered or recycled carbon fiber;

(C) any financial incentives that may be necessary for the development of carbon fiber recovery, recycled carbon fiber, or production waste carbon fiber;

(D) the potential lifecycle savings in energy from carbon fiber recovery or producing recycled carbon fiber, as compared to producing new carbon fiber;

(E) the best and highest uses for recovered carbon fiber and recycled carbon fiber;

(F) the potential reduction in carbon dioxide emissions from carbon fiber recovery and producing recycled carbon fiber, as compared to producing new carbon fiber;

(G) any economic benefits gained from using recovered carbon fiber and recycled carbon fiber or production waste carbon fiber;

(H) workforce training and skills needed to address labor demands in the development of recovered carbon fiber and 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.

(4) **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 (2).

(b) **RECYCLED CARBON FIBER DEMONSTRATION PROJECT.**—On completion of the study required under subsection (a)(2), the Secretary shall consult with the

**SA 3221.** Mr. UDALL (for himself, Mr. PORTMAN, Mrs. BOXER, Mr. ALEXANDER, Mr. WYDEN, and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . 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 established 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 amend-

ed by inserting after the item relating to section 324A the following:

“Sec. 324B. WaterSense.”.

**SA 3222.** Mr. WYDEN (for himself and Mr. MANCHIN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, add the following:

**SEC. 220 . MARKET-DRIVEN REINSTATEMENT OF OIL EXPORT BAN.**

(a) DEFINITIONS.—In this section:

(1) AVERAGE NATIONAL PRICE OF GASOLINE.—The term “average national price of gasoline” means the average of retail regular gasoline prices in the United States, as calculated (on a weekday basis) by, and published on the Internet website of, the Energy Information Administration.

(2) GASOLINE INDEX PRICE.—The term “gasoline index price” means the average of retail regular gasoline prices in the United States, as calculated (on a monthly basis) by, and published on the Internet website of, the Energy Information Administration, during the 60-month period preceding the date of the calculation.

(b) REINSTATEMENT OF OIL EXPORT BAN.—

(1) IN GENERAL.—Effective on the date on which the event described in paragraph (2) occurs, subsections (a), (b), (c), and (d) of section 101 of division O of the Consolidated Appropriations Act, 2016 (Public Law 114–113), are repealed, and the provisions of law amended or repealed by those subsections are restored or revived as if those subsections had not been enacted.

(2) EVENT DESCRIBED.—The event referred to in paragraph (1) is the date on which the average national price of gasoline has been 50 percent greater than the gasoline index price for 30 consecutive days.

(c) PRESIDENTIAL AUTHORITY.—Notwithstanding subsection (b), the President may affirmatively allow the export of crude oil from the United States to continue for a period of not more than 1 year after the date of the reinstatement described in subsection (b), if the President—

(1) declares a national emergency and formally notices the declaration of a national emergency in the Federal Register; or

(2) finds and reports to Congress that a ban on the export of crude oil pursuant to this section has caused undue economic hardship.

(d) EFFECTIVE DATE.—This section takes effect on the date that is 5 years after the date of enactment of the Consolidated Appropriations Act, 2016 (Public Law 114–113).

**SA 3223.** Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. . GREENHOUSE GAS EMISSIONS REPORT.**

Not later than 180 days after the date of enactment of this Act, the Administrator of the Energy Information Administration shall prepare and publish a report on the influence of the provisions of this Act on greenhouse gas emissions.

**SA 3224.** Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title IV, add the following:

**SEC. 42 . CLEAN ENERGY TECHNOLOGY INNOVATION REGIONAL PARTNERSHIPS.**

(a) PURPOSE.—The purpose of this section is to accelerate the pace of innovation in clean energy technologies through the formation of regional clean energy innovation partnerships that are responsive to the energy resources, customer needs, and innovation capabilities of various regions of the country.

(b) DEFINITION OF CLEAN ENERGY TECHNOLOGY.—In this section, the term “clean energy technology” means any process or product, or system of products and processes, that—

(1) can be applied at any stage of the energy cycle, from production to consumption, the application of which will result in the reduction of net greenhouse gas emissions; and

(2) can result in the reduction of 1 or more of—

(A) demand for water resources;

(B) waste;

(C) emissions of air pollutants other than greenhouse gas emissions; or

(D) concentrations of contaminants in wastewater discharges.

(c) RESEARCH AND DEVELOPMENT PROGRAM.—

(1) IN GENERAL.—The Secretary shall carry out a program of research, development, demonstration, and commercial application of clean energy technologies through regional clean energy innovation partnerships established under subsection (e).

(2) DELEGATION AUTHORIZED.—The Secretary may delegate the responsibilities of the Secretary under this subsection, on the condition that—

(A) sufficient high-level management oversight is maintained; and

(B) the partnerships are implemented as a cross-cutting initiative not subject to any single technology program.

(d) CLEAN ENERGY INNOVATION REGIONS.—

(1) ESTABLISHMENT.—The Secretary shall by rulemaking establish up to 10 clean energy regions in the United States based on the analysis and application of the criteria described in paragraph (2).

(2) CRITERIA.—The criteria referred to in paragraph (1) include—

(A)(i) geographic continuity; or

(ii) in the case of Alaska, Hawaii, and the territories and possessions of the United States, geographic similarities; and

(B) the presence of major energy innovation resources, including research universities, National Laboratories (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801)), and other research institutions.

(3) STATES.—The Secretary shall place a State in only 1 region under this subsection.

(e) CLEAN ENERGY INNOVATION REGIONAL PARTNERSHIPS.—

(1) ESTABLISHMENT.—The Secretary may, through an open, competitive process, select for designation as a clean energy innovation regional partnership not more than 1 eligible partnership, consisting of 2 or more eligible entities, for each region established under subsection (d).

(2) ELIGIBILITY.—Entities eligible to be part of a partnership include—

(A) institutions of higher education;

(B) National Laboratories;  
 (C) other research institutions;  
 (D) units of State or local government;  
 (E) tribal governments;  
 (F) regional organizations;  
 (G) economic development organizations;  
 and

(H) non-governmental entities and corporations.

(3) REQUIREMENT FOR PARTNERSHIPS.—To be eligible to be selected as a clean energy innovation regional partnership under paragraph (1), a partnership shall be an organization described in section 501(c) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of that Code.

(4) APPLICATION PROCESS.—An eligible partnership desiring selection as a clean energy innovation regional partnership under paragraph (1) shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including, at a minimum—

(A) a description of all entities comprising the proposed partnership;

(B) identification of appropriate information on the qualifications of the key management personnel of the proposed partnership;

(C) a full description of the governance structure and management processes of the partnership, including conflict of interest policy;

(D) a description of the policies and procedures for managing new intellectual property created by the partnership;

(E) a description of how the applicant would carry out the activities of the clean energy innovation regional partnership, as described in this subsection; and

(F) a recommendation for the clean energy innovation regional partnership program of the scope of work for initial year activities and future program focus.

(5) SELECTION CRITERIA.—The Secretary shall establish criteria for the selection of clean energy innovation regional partnerships, including—

(A) strength of the governance structure, including representation of the regional energy economy;

(B) expertise and experience of key research management personnel;

(C) demonstrated knowledge of regional energy markets and technologies;

(D) capability for regional energy analysis and planning;

(E) capability to conduct assessments of innovative clean energy technologies;

(F) commitments of co-funding from non-Federal sources;

(G) capability for attracting matching funds from both non-Federal and non-governmental sources for follow-on investment in widespread application of successful projects; and

(H) capability and experience in managing technology transfer programs.

(6) FUNCTIONS.—A clean energy innovation regional partnership selected under this subsection shall be responsible for—

(A) developing an annual clean energy regional innovation plan;

(B) establishing open, transparent processes for soliciting project applications consistent with the plan;

(C) selecting projects for financial assistance;

(D) awarding financial assistance, including grants, cost-sharing, prizes, revolving funds and loans, or other forms of credit enhancement;

(E) incentivizing collaborative research, development, demonstration, and deployment programs within the designated region of the partnership;

(F) facilitating the use of National Laboratory resources and other Federal research facilities;

(G) collaborating with other funding entities to provide financial assistance for regional clean energy innovation projects consistent with the annual plan developed under subparagraph (A);

(H) arranging for sharing of prototyping and production facilities for clean energy technologies;

(I) promoting training opportunities in clean energy technologies;

(J) providing information sharing and conducting technology transfer activities, including assistance to clean energy technology start-up ventures;

(K) coordinating with other regional clean energy innovation partnerships on projects relevant to more than 1 region; and

(L) performing such other duties and providing such reports as the Secretary may require.

(7) LIMITATIONS.—A clean energy innovation regional partnership selected under this subsection shall not—

(A) perform in-house research, development, demonstration, or deployment activities; or

(B) use Federal funding for the construction or rehabilitation of buildings or facilities.

(8) CONFLICT OF INTEREST.—

(A) PROCEDURES.—The Secretary shall establish procedures—

(i) to ensure that each board member, officer, or employee of the clean energy innovation regional partnership selected under this subsection who is in a decision making capacity to exercise any of the functions described in paragraph (6) shall disclose to the Secretary any financial interests in, or financial relationships with, applicants for, or recipients of, awards under this section, including any financial interests in, or financial relationships with, applicants for, or recipients of, awards under this section of the spouse or minor child of the board member, officer, or employee; and

(ii) to require any board member, officer, or employee with a financial relationship or interest disclosed under clause (i) to recuse himself or herself from any oversight functions under paragraph (6) with respect to that applicant or recipient.

(B) FAILURE TO COMPLY.—The Secretary may disqualify an application or revoke an award under this section if a board member, officer, or employee has failed to comply with procedures required under subparagraph (A).

(f) FUNDING AGREEMENT.—

(1) MULTIYEAR AGREEMENT.—The Secretary may enter into a funding agreement for up to 5 years, with options for renewal, with each clean energy innovation regional partnership selected under this subsection.

(2) FUNDING INSTRUMENT.—The Secretary may fund agreements under paragraph (1) through grants, cooperative agreements, or other transactions under section 646 of the Department of Energy Organization Act (42 U.S.C. 7256), as determined appropriate by the Secretary.

(3) FUNDING LIMITATIONS.—

(A) IN GENERAL.—Each funding agreement entered into under paragraph (1) shall be subject to the funding levels and allocations established by the Secretary under subsection (j).

(B) ADDITIONAL LIMITATION.—No funds shall be provided under an agreement entered into under paragraph (1) for the cost of—

(i) facilities occupied by the clean energy innovation regional partnership; or

(ii) any in-house research project activities as described in subsection (e)(7)(A).

(g) ANNUAL PLAN.—

(1) IN GENERAL.—Each clean energy innovation regional partnership shall carry out a program pursuant to an annual plan prepared by the partnership and approved by the Secretary.

(2) PLAN CONTENT.—The annual plan shall—

(A) describe the ongoing and prospective activities of the partnership; and

(B) meet the requirements established by the Secretary under paragraph (3).

(3) REQUIREMENTS.—The Secretary shall establish requirements for the content of each annual plan, which shall include—

(A) a proposed portfolio of clean energy programs and projects, including both individual technologies and system approaches, reflecting regional characteristics and priorities, with priority given to clean energy technologies that meet the most characteristics described in subsection (e)(5);

(B) a description of the process, including a list of any solicitations, for making awards to carry out research development, demonstration, or commercial application activities, including—

(i) the topics of those activities;

(ii) a description of who would be eligible to apply;

(iii) selection criteria to be used; and

(iv) the duration of awards;

(C) a description of the status of ongoing projects, including the progress in meeting project milestones;

(D) a description of the policies and procedures for managing the dissemination of new intellectual property developed under the annual plan;

(E) a description of technology transfer and commercialization activities that may follow from successful projects; and

(F) a description of all other activities planned to carry out the functions described subsection (e)(6).

(4) PLAN DEVELOPMENT.—

(A) SOLICITATION RECOMMENDATIONS.—Before drafting an annual plan under this subsection, each clean energy innovation regional partnership shall establish a process to solicit specific written recommendations from stakeholders within the region.

(B) CONSULTATION.—Each clean energy innovation regional partnership shall consult regularly with the Secretary in the preparation of the annual plan.

(5) PUBLICATION.—The Secretary shall publish in the Federal Register, and provide opportunity for comment for, each annual plan submitted under this subsection.

(6) PLAN APPROVAL.—

(A) IN GENERAL.—The Secretary shall review and approve or disapprove, in whole or in part, each annual plan submitted under this subsection.

(B) AUTOMATIC APPROVAL.—If the Secretary does not approve or disapprove an annual plan by the date that is 60 days after the date of submission of the annual plan, the annual shall be deemed approved.

(7) PLAN IMPLEMENTATION.—

(A) AWARDS.—On approval of the annual plan by the Secretary, each clean energy innovation regional partnership shall make awards to research performers to carry out research, development, demonstration, and commercial application activities under the program under this section.

(B) CONFLICT OF INTEREST.—An entity that is a member of the clean energy innovation regional partnership may receive an award under subparagraph (A) on the condition that the conflict of interest procedures described in subsection (e)(8)(A) are followed.

(C) OVERSIGHT.—The clean energy innovation regional partnership shall oversee the implementation of awards under this subsection, consistent with the annual plan of the clean energy innovation regional partnership, including through—

(i) disbursing funds; and  
 (ii) monitoring activities carried by the recipient of an award for compliance with the terms and conditions of the award.

(h) ADMINISTRATIVE COSTS.—

(1) AUTHORIZATION.—The Secretary may allow each clean energy innovation regional partnership to allocate a portion, not to exceed 10 percent in any 1 fiscal year, of the funding received under subsection (f), to be used to implement the annual plan of the clean energy innovation regional partnership.

(2) ADVANCE.—The Secretary may advance funds to a clean energy innovation regional partnership on or after the date of selection of the clean energy innovation regional partnership under subsection (e)(1), which shall be deducted from amounts to be provided in the funding agreement entered into under subsection (f).

(i) AUDIT.—The Secretary shall audit each clean energy innovation regional partnership on a periodic basis, as appropriate, to determine the extent to which funds provided to each clean energy innovation regional partnership, and funds provided under awards made under subsection (g)(7)(A) have been expended in a manner consistent with the purposes and requirements of this section.

(j) FUNDING.—

(1) FUND ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund to be known as the “Clean Energy Innovation Regional Partnership Fund” (referred to in this subsection as the “Fund”).

(2) AUTHORIZATION.—The Secretary of the Treasury may transfer to the Fund, from the General Fund of the Treasury—

(A) for fiscal 2017, \$110,000,000;

(B) for fiscal 2018, \$500,000,000;

(C) for fiscal 2019, \$800,000,000;

(D) for fiscal 2020, \$1,350,000,000; and

(E) for fiscal 2021, \$1,750,000,000.

(3) AVAILABILITY.—

(A) PERIOD.—Amounts transferred to the Fund under paragraph (2) shall remain available until expended.

(B) OBLIGATION AUTHORITY.—Amounts in the Fund shall be available to the Secretary for obligation under this section only in amounts provided in annual appropriations Acts.

(4) ALLOCATION.—The Secretary shall allocate the funding available for obligation under paragraph (3) for each fiscal year among approved annual plans for clean energy innovation regional partnerships based on a formula that takes into account certain criteria that include—

(A) regional energy consumption expenditures;

(B) regional energy production levels;

(C) regional Population; and

(D) such other region-specific factors that the Secretary may specify.

(5) STUDY; REPORT.—

(A) STUDY.—The Secretary shall conduct a study of the feasibility of establishing 1 or more funding sources that can provide a dedicated, stable source of financing for clean energy innovation regional partnership.

(B) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress a report that contains findings and recommendations based on the study conducted under subparagraph (A).

**SA 3225.** Mr. GARDNER submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . VOLUNTARY VEGETATION MANAGEMENT OUTSIDE RIGHTS-OF-WAY.**

(a) AUTHORIZATION.—The Secretary of the Interior or the Secretary of Agriculture may authorize an owner or operator of an electric transmission or distribution facility to manage vegetation selectively within 150 feet of the exterior boundary of the right-of-way near structures for selective thinning and fuel reduction.

(b) REQUIREMENTS.—Management of vegetation under this section shall—

(1) be limited to wildfire prevention, such as hazardous fuel buildup near structures and hazard trees;

(2) be at the expense of the right-of-way holder; and

(3) not include commercial timber harvesting, logging, prescribed burning, or clear cutting.

(c) STATUS OF REMOVED VEGETATION.—Any vegetation removed pursuant to this section shall be the property of the United States and not available for sale by the owner or operator.

(d) LIMITATION ON LIABILITY.—An owner or operator of an electric transmission or distribution facility shall not be held liable for wildfire, damage, loss, or injury, including the cost of fire suppression, resulting from activities carried out pursuant to subsection (a), except in the case of harm resulting from the gross negligence or criminal misconduct of the owner or operator.

**SA 3226.** Mr. THUNE submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 44 \_\_\_\_ . 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).

**SA 3227.** Mr. TILLIS submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 44 \_\_\_\_ . WILD HORSES IN AND AROUND THE CURRITUCK NATIONAL WILDLIFE REFUGE.**

(a) AGREEMENT REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior (referred to in this section as the “Secretary”) shall enter into an agreement with the Corolla Wild Horse Fund (a nonprofit corporation established under the laws of the State of North Carolina), the County of Currituck, North Carolina, and the State of North Carolina to provide for management of free-roaming wild horses in and around the Currituck National Wildlife Refuge.

(2) TERMS.—The agreement shall—

(A) allow a herd of not fewer than 110 and not more than 130 free-roaming wild horses in and around the refuge, with a target population of between 120 and 130 free-roaming wild horses;

(B) provide for cost-effective management of the horses while ensuring that natural resources within the refuge are not adversely impacted;

(C) provide for introduction of a small number of free-roaming wild horses from the herd at Cape Lookout National Seashore as is necessary to maintain the genetic viability of the herd in and around the Currituck National Wildlife Refuge; and

(D) specify that the Corolla Wild Horse Fund shall pay the costs associated with—

(i) coordinating a periodic census and inspecting the health of the horses;

(ii) maintaining records of the horses living in the wild and in confinement;

(iii) coordinating the removal and placement of horses and monitoring of any horses removed from the Currituck County Outer Banks; and

(iv) administering a viable population control plan for the horses, including auctions, adoptions, contraceptive fertility methods, and other viable options.

(b) CONDITIONS FOR EXCLUDING WILD HORSES FROM REFUGE.—The Secretary shall not exclude free-roaming wild horses from any portion of the Currituck National Wildlife Refuge unless—

(1) the Secretary finds that the presence of free-roaming wild horses on a portion of that refuge threatens the survival of an endangered species for which that land is designated as critical habitat under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(2) the finding is based on a credible peer-reviewed scientific assessment; and

(3) the Secretary provides a period of public notice and comment on that finding.

(c) REQUIREMENTS FOR INTRODUCTION OF HORSES FROM CAPE LOOKOUT NATIONAL SEASHORE.—During the effective period of the memorandum of understanding between the National Park Service and the Foundation for Shackelford Horses, Inc. (a nonprofit corporation organized under the laws of and doing business in the State of North Carolina) signed in 2007, no horse may be removed from Cape Lookout National Seashore for introduction at Currituck National Wildlife Refuge except—

(1) with the approval of the Foundation; and

(2) consistent with the terms of the memorandum (or any successor agreement) and the Management Plan for the Shackelford Banks Horse Herd signed in January 2006 (or any successor management plan).

(d) NO LIABILITY CREATED.—Nothing in this section creates liability for the United States for any damage caused by the free-roaming wild horses to any person or property located inside or outside the boundaries of the Currituck National Wildlife Refuge.

**SA 3228.** Ms. MURKOWSKI (for herself and Ms. CANTWELL) submitted an amendment intended to be proposed to

amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At end, add the following:

#### TITLE VI—NATURAL RESOURCES

##### Subtitle A—Land Conveyances and Related Matters

###### SEC. 6001. 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. 6002. 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 Goldman-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. 6003. 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 Forest 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. 6004. 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.

(1) TREATY RIGHTS.—Nothing in this section enlarges, diminishes, or otherwise modifies any treaty rights.

**SEC. 6005. 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 N $\frac{1}{2}$ , NE $\frac{1}{4}$ , SW $\frac{1}{4}$ , SW $\frac{1}{2}$ , the N $\frac{1}{2}$ , N $\frac{1}{2}$ , SE $\frac{1}{4}$ , SW $\frac{1}{4}$ , and the N $\frac{1}{2}$ , N $\frac{1}{2}$ , SW $\frac{1}{4}$ , SE $\frac{1}{4}$ , sec. 34, T. 22 N., R. 2 E., Gila and Salt River Meridian, Coconino County, comprising approximately 25 acres”.

**SEC. 6006. 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”;

(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.”;

(B) in subparagraph (F), by striking “16 months after the date of enactment of this Act” and inserting “1 year after the date of the enactment of the Energy Policy Modernization Act of 2016”; and

(C) 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. 6007. 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. 6008. BLACK HILLS NATIONAL CEMETERY BOUNDARY EXPANSION.**

(a) DEFINITIONS.—In this section:

(1) BLM LAND.—The term “BLM land” means the approximately 191.24 acres of Bureau of Land Management land within Meade County, South Dakota, which is more particularly described as follows:

(A) In sec. 23, T. 5 N, R. 5 E., Black Hills Meridian—

(i) the land in the SW $\frac{1}{4}$ SW $\frac{1}{4}$  located south of the tread of the Centennial Trail;

(ii) the land in the SE $\frac{1}{4}$ SW $\frac{1}{4}$  located south of the tread of the Centennial Trail and southwest of the southwesterly railroad



right-of-way boundary described and authorized under MTM-14260; and

(iii) the land in the SW $\frac{1}{4}$ SE $\frac{1}{4}$  located southwest of the southwesterly railroad right-of-way boundary.

(B) In sec. 26, T. 5 N, R. 5 E., Black Hills Meridian—

(i) lots 5, 11, and 12; and

(ii) in lot 10, the land located southwest of the southwesterly railroad right-of-way boundary described and authorized under MTM-14260 and NW $\frac{1}{4}$ NW $\frac{1}{4}$ .

(2) CEMETERY.—The term “Cemetery” means the Black Hills National Cemetery in Sturgis, South Dakota.

(b) TRANSFER OF ADMINISTRATIVE JURISDICTION.—

(1) IN GENERAL.—Administrative jurisdiction over the BLM land is transferred from the Secretary of the Interior to the Secretary of Veterans Affairs for inclusion in the Cemetery.

(2) BOUNDARY MODIFICATION.—On the transfer of the BLM land under paragraph (1), the boundary of the Cemetery is modified to include the BLM land.

(3) MODIFICATION OF PUBLIC LAND ORDER.—On the transfer of the BLM land under paragraph (1), Public Land Order 2112, dated June 6, 1960 (25 Fed. Reg. 5243), is modified to exclude the BLM land.

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

#### **SEC. 6101. 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. 6102. 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. 6103. 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. 6104. 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. 6105. 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. 6106. 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. 6107. 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. 6108. 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. 6109. 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. 6201. 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. 6211. 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. 6212. 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. 6213. 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

(i) 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. 6214. 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. 6215. 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. 6221. 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. 6231. 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. 6232. 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. 6233. 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. 6241. 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 Ac-

count, there shall be transferred to the general fund of the Treasury \$1,000,000 for each of fiscal years 2016 through 2025.

#### PART VI—MISCELLANEOUS

##### SEC. 6251. 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. 6252. 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. 6301. 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 Seedskaadee 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 Seedskaadee 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. 6302. 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. 6311. FINDINGS.**

Congress finds that—

(1) the water resources infrastructure of the Bureau of Reclamation provides important benefits related to irrigated agriculture, municipal and industrial water, hydropower, flood control, fish and wildlife, and recreation in the 17 Reclamation States;

(2) as of 2013, the combined replacement value of the infrastructure assets of the Bureau of Reclamation was \$94,500,000,000;

(3) the majority of the water resources infrastructure facilities of the Bureau of Reclamation are at least 60 years old;

(4) the Bureau of Reclamation has previously undertaken efforts to better manage the assets of the Bureau of Reclamation, including an annual review of asset maintenance activities of the Bureau of Reclamation known as the “Asset Management Plan”; and

(5) actionable information on infrastructure conditions at the asset level, including information on maintenance needs at individual assets due to aging infrastructure, is needed for Congress to conduct oversight of Reclamation facilities and meet the needs of the public.

**SEC. 6312. 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. 6313. 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 6314(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. 6314. 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 6313(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 6313(b)(3).

(2) **UPDATES.**—The ratings system developed under paragraph (1) shall be included in the updated Asset Management Reports under section 6313(c).

**SEC. 6315. 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—YAKIMA RIVER BASIN WATER ENHANCEMENT**

**SEC. 6321. SHORT TITLE.**

This part may be cited as the “Yakima River Basin Water Enhancement Project Phase III Act of 2016”.

**SEC. 6322. 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 part, 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 en-

hancement improvements in the Yakima River basin.”.

**SEC. 6323. 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”;

(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”;

(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. 6324. 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”; and

(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;

“(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;”;

(vi) in subparagraph (E) (as redesignated by clause (iv)), by striking “ground water” and inserting “groundwater recharge and”; 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. 6325. 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 habitat 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 in active 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.”.

#### PART IV—RESERVOIR OPERATION IMPROVEMENT

##### SEC. 6331. 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.

(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.

(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 Congress a report regarding the components of the forecast-based reservoir operations plan incorporated into the change.

#### PART V—HYDROELECTRIC PROJECTS

##### SEC. 6341. 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. 6342. 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. 6343. 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 sub-

section (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. 6344. 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. 6345. 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. 6346. EXTENSION OF TIME FOR A FEDERAL ENERGY REGULATORY COMMISSION PROJECT INVOLVING CANNONVILLE 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. 6351. 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 pro-

ceeding 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.

**SA 3229.** Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 44. 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.

**SA 3230.** Mr. FRANKEN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 23. ESTABLISHMENT OF STRATEGIC TRANSFORMER RESERVE.**

Section 61004 of the Fixing America's Surface Transportation Act (Public Law 114-94) is amended—

(1) in subsection (c)(2)—

(A) in subparagraph (O), by striking “and” at the end;

(B) by redesignating subparagraph (P) as subparagraph (Q); and

(C) by inserting after subparagraph (O) the following:

“(P) ways in which to prioritize the use of domestically sourced materials in manufacturing the components of the Strategic Transformer Reserve; and”;

(2) by redesignating subsection (d) as subsection (e); and

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

“(d) ESTABLISHMENT.—On or after the date that is 180 days after the date on which the Strategic Transformer Reserve plan is submitted to Congress under subsection (c)(1), the Secretary may establish a Strategic Transformer Reserve in accordance with the Strategic Transformer Reserve plan.”.

**SA 3231.** Mr. HELLER (for himself and Mr. REED) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and



for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 23 . . . CONSIDERATION OF ENERGY STORAGE SYSTEMS.**

(a) IN GENERAL.—Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end the following:

“(20) CONSIDERATION OF ENERGY STORAGE SYSTEMS.—Each State shall consider requiring that, as part of a supply side resource planning process, an electric utility of the State demonstrate to the State that the electric utility considered an investment in energy storage systems based on appropriate factors, including—

“(A) total costs and normalized life-cycle costs;

“(B) cost-effectiveness;

“(C) improved reliability;

“(D) security; and

“(E) system performance and efficiency.”.

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

“(7)(A) Not later than 1 year after enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which the State regulatory authority has ratemaking authority) and each nonregulated utility shall commence the consideration referred to in section 111, or set a hearing date for consideration, with respect to the standard established by paragraph (20) of section 111(d).

“(B) Not later than 2 years after the date of enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which the State regulatory authority has ratemaking authority), and each nonregulated electric utility, shall complete the consideration, and shall make the determination, referred to in section 111 with respect to the standard established by paragraph (20) of section 111(d).”.

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

(d) PRIOR STATE ACTIONS.—Section 112(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(d)) is amended in the matter preceding paragraph (1) by striking “(19)” and inserting “(20)”.

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON ARMED SERVICES**

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on February 2, 2016, at 10 a.m.

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

**COMMITTEE ON FOREIGN RELATIONS**

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on February 2, 2016, at 5 p.m., to conduct a classified briefing entitled “Russia, the European Union, and American Foreign Policy.”

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

**COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS**

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on February 2, 2016, at 10:15 a.m., to conduct a hearing entitled “Frontline Response to Terrorism in America.”

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

**COMMITTEE ON THE JUDICIARY**

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on February 2, 2016, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “The Failures and Future of the EB-5 Regional Center Program: Can it be Fixed.”

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

**SELECT COMMITTEE ON INTELLIGENCE**

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 2, 2016, at 2:45 p.m.

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

**SUBCOMMITTEE ON ANTITRUST, COMPETITION POLICY, AND CONSUMER RIGHTS**

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Antitrust, Competition Policy, and Consumer Rights be authorized to meet during the session of the Senate on February 2, 2016, at 2 p.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “License to Compete: Occupational Licensing and the State Action Doctrine.”

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

**PRIVILEGES OF THE FLOOR**

Mr. HATCH. Mr. President, I ask unanimous consent that Dane Karvois, a member of my staff, be granted floor privileges through the end of the 114th Congress.

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

Mrs. CANTWELL. Mr. President, I ask unanimous consent that Senator FRANKEN’s energy policy fellow, Michael Glotter, be granted floor privileges for the remainder of this Congress.

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

Mr. FLAKE. Mr. President, I ask unanimous consent that two legislative fellows in my office, Dr. Lauren Stump and Mr. Tom Zarzecki, be granted floor privileges throughout the remainder of the year.

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

**REQUIRING THE SECRETARY OF THE ARMY TO UNDERTAKE REMEDIATION OVERSIGHT OF THE WEST LAKE LANDFILL**

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be discharged from further consideration of S. 2306 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 2306) to require the Secretary of the Army, acting through the Chief of Engineers, to undertake remediation oversight of the West Lake Landfill located in Bridgeton, Missouri.

There being no objection, the Senate proceeded to consider the bill.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the bill be read a third time and passed, and the motion to reconsider be considered made and laid upon the table.

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

The bill (S. 2306) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2306

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

**SECTION 1. TRANSFER OF OVERSIGHT AUTHORITY FROM EPA TO CORPS OF ENGINEERS.**

(a) DEFINITIONS.—In this section:

(1) SECRETARY.—The term “Secretary” means the Secretary of the Army, acting through the Chief of Engineers.

(2) SITE.—The term “site” means the West Lake Landfill located in Bridgeton, Missouri.

(b) TRANSFER.—Notwithstanding any other provision of law, as soon as practicable after the date of enactment of this Act, the Secretary shall—

(1) under the Formerly Utilized Sites Remedial Action Program, undertake the functions and activities described in section 611 of the Energy and Water Development Appropriations Act, 2000 (10 U.S.C. 2701 note; 113 Stat. 502) as the lead agency responding to radioactive contamination at the site; and

(2) carry out remediation activities at the site in accordance with that section.

(c) COST RECOVERY.—The Secretary, in coordination with the Administrator of the Environmental Protection Agency and the Attorney General, shall—

(1) seek to recover any response costs incurred by the Secretary in carrying out this section in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); and

(2) return any funds that are recovered under paragraph (1) to be used to carry out the Formerly Utilized Sites Remedial Action Program of the Corps of Engineers.

(d) FUNDING.—The Secretary shall use amounts made available to the Secretary to carry out the Formerly Utilized Sites Remedial Action Program to carry out this section.

(e) SAVINGS PROVISIONS.—

(1) NO LIABILITY.—Nothing in subsection (b) creates liability for—

(A) the Secretary for—

(i) contamination at the site; or