RESERVATION OF LEADER TIME

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

ENERGY POLICY MODERNIZATION
ACT OF 2015

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

The senior assistant legislative clerk read as follows:

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

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

Who yields time?

If no one yields time, time will be equally divided.

The Senator from Washington.

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

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

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

I think yesterday’s efforts helped improve this legislation, but all of this would not be possible without the staff and the support of so many people. I thank Angela Becker-Dippman, Sam Fowler, David Brooks, Rebecca Bonner, Rosemarie Calabro Tully, John Davis, Benjamin Drake, David Gillers, Rich Glick, Spencer Gray, Sa’rah Hamm, Aisha Johnson, Faye Matthews, Scott McDougal, Pete and Betsy Poyner, Betsy Rosenblatt, Sam Siegler, Bradley Sinkaus, Carolyn Sloan, Rory Stanley, Melanie Stansbury, Al Stayman, Nick Sutter, Stephanie Teich-McGoldrick, Brie Van Cleve, and of course I thank Colin Hayes and Karen Billups from the majority staff who have worked so hard on this legislation as well.

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

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

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

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

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.
benefits for the people who have sent us here to serve them.

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

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

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

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

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

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

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

The PRESIDING OFFICER (Mr. COTTON). At other Senator’s in the Chamber desiring to vote?

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

[Roll Call Vote No. 54 Leg.]

YEAS—85

Alexander
Ayotte
Balducci
Barrasso
Bennet
Benjamin
Blunt
Boozman
Boxer
Brown
Burr
Cantwell
Capito
Cardin
Casey
Casidy
Coats
Cooper
Cracken
Collins
Coons
Corker
Corbyn
Crapo
Daines
Donnelly
Durbin
Enzi

Ernst
Feinstein
Fischer
Flake
Franken
Gardner
Gillibrand
Graham
Grassley
Hatch
Heath
Hitchcock
Heller
Hirono
Hoekstra
Inhofe
Jackson
Johnson
Kaine
Kirk
Kirk
Klobuchar
Koons
Landrieu
Manchin
Marchay
McCaskill

McConnell
Menendez
Merkley
Mikulski
Moran
Murkowski
Murphy
Murray
Nelson
Peters
Portman
Reed
Reid
Risch
Roberts
Round
Rubenstein
Schatz
Schumer
Shah
Shabazz
Stabenow
Sullivan
Tester
Thune
Tillis
Udall

NAYS—12

Boozman
Carroll
Cassidy
Lee
Leahy
Lankford
Wicker
Wyden
Sasse
Sessions
Shelby
Toomey
Sanders

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

S. 2012

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—EFFICIENCY

Subtitle A—Buildings
Sec. 1001. Greater energy efficiency in building codes.
Sec. 1002. Regional demonstration program for energy and water conservation improvements at multifamily residential units.
Sec. 1003. Coordination of energy retrofitting assistance for schools.
Sec. 1004. Energy efficiency materials pilot program.
Sec. 1005. Utility energy service contracts.
Sec. 1006. Use of energy and water efficiency measures in Federal buildings.
Sec. 1007. Building training and assessment centers.
Sec. 1008. Career skills training.
Sec. 1009. Energy-efficient and energy-saving information technologies.
Sec. 1010. Availability of funds for design updates.
Sec. 1011. Energy efficient data centers.
Sec. 1012. Weatherization Assistance Program.
Sec. 1013. Reauthorization of State energy program.
Sec. 1014. Smart building acceleration.
Sec. 1015. Repeal of fossil phase-out.
Sec. 1016. Federal building energy efficiency performance standards.
Sec. 1017. Codification of Executive Order.
Sec. 1018. Certification for green buildings.
Sec. 1019. Performance green federal buildings.
Sec. 1020. Evaluation of potentially duplicative green building programs.
Sec. 1021. Study and report on energy saving benefits of operational efficiency programs and services.
Sec. 1022. Use of Federal disaster relief and emergency assistance for energy-efficient products and structures.
Sec. 1023. Watersense.

Subtitle B—Appliances
Sec. 1101. Energy efficient appliance standards.
Sec. 1102. Appliance labeling information.
Sec. 1103. Standards for certain furnaces.
Sec. 1104. Third-party certification under energy conservation programs.
Sec. 1105. Energy conservation standards for commercial refrigeration equipment.
Sec. 1106. Energy efficiency standards program.
Sec. 1107. Energy efficiency standards for air conditioning, furnace, boiler, heat pump, and water heater products.

Subtitle C—Manufacturing
Sec. 1201. Manufacturing energy efficiency.
Sec. 1202. Leveraging existing Federal agency programs to assist small and medium manufacturers.
Sec. 1203. Leveraging smart manufacturing infrastructure at National Laboratories.

Subtitle D—Vehicles
Sec. 1301. Short title.
Sec. 1302. Objectives.
Sec. 1303. Coordination and nonduplication.
Sec. 1304. Authorization of appropriations.
Sec. 1305. Reporting.

PART I—VEHICLE RESEARCH AND DEVELOPMENT
Sec. 1306. Program.
Sec. 1307. Manufacturing.

PART II—MEDIUM- AND HEAVY-DUTY COMMERCIAL AND TRANSPORT VEHICLES
Sec. 1308. Program.
Sec. 1309. Class 8 truck and trailer systems demonstration.
Sec. 1310. Technology testing and metrics.
Sec. 1311. Nonroad systems pilot program.

PART III—ADMINISTRATION
Sec. 1312. Repeal of existing authorities.
Sec. 1313. Reauthorization of diesel emissions reductions program.
Sec. 1314. Gaseous fuel dual fueled automobiles.

Subtitle E—Short Title
Sec. 1401. Short title.

Subtitle F—Housing
Sec. 1501. Definitions.
Sec. 1502. Enhanced energy efficiency underwriting criteria.
Sec. 1503. Enhanced energy efficiency underwriting criteria.

PART IV—REPORTING
Sec. 1504. Monitoring.
Sec. 1505. Rulemaking.
Sec. 1506. Additional study.

TITLE II—INFRASTRUCTURE
Subtitle B—Strategic Petroleum Reserve
Sec. 2101. Strategic Petroleum Reserve modernization.
Sec. 2102. Strategic petroleum reserve drawdown and sale.

Subtitle C—Trade
Sec. 2201. Action on applications to export liquefied natural gas.
Sec. 2202. Public disclosure of liquefied natural gas export destinations.

Subtitle D—Energy and Storage
Sec. 2301. Energy storage program.
Sec. 2302. Electric grid architecture, scenario development, and modeling.
Sec. 2303. Hybrid micro-grid systems for isolated and resilient communities.
Sec. 2304. Voluntary model pathways.
Sec. 2305. Performance metrics for electricity infrastructure providers.
Sec. 2306. State and regional electricity distribution planning.
Sec. 2307. Authorization of appropriations.
Sec. 2308. Electric transmission infrastructure permitting.
Sec. 2309. Report by transmission organizations on distributed energy resources and micro-grid systems.
Sec. 2310. Net metering study guidance.
Sec. 2311. Model guidance for combined heat and power systems and waste heat to power systems.

Subtitle E—Computing
Sec. 2401. Exascale computer research program.
TITLE III—SUPPLY
Subtitle A—Renewables
PART I—HYDROELECTRIC
Sec. 3001. Hydropower regulatory improvements.
Sec. 3002. Hydroelectric production incentives and efficiency improvements.
Sec. 3003. Extension of time for a Federal Energy Regulatory Commission project involving Clark Canyon Dam.
Sec. 3004. Extension of time for a Federal Energy Regulatory Commission project involving Gibson Dam.

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

SUBPART B—DEVELOPMENT OF GEOTHERMAL, SOLAR, AND WIND ENERGY ON PUBLIC LAND
Sec. 3011. Definitions.
Sec. 3011A. Land use planning; supplements to programmatic environmental impact statements.
Sec. 3011B. Environmental review on covered land.
Sec. 3011C. Program to improve renewable energy project permit coordination.
Sec. 3011D. Saving—em clause.

SUBPART C—GEOTHERMAL EXPLORATION
Sec. 3012. Geothermal exploration test projects.

PART III—MARINE HYDROKINETIC
Sec. 3013. Definition of marine and hydrokinetic renewable energy.
Sec. 3014. Marine and hydrokinetic renewable energy research and development.
Sec. 3016. Authorization of appropriations.

PART IV—BIOMASS
Sec. 3017. Policies relating to biomass energy.

Subtitle B—Oil and Gas
Sec. 3019. Liquefied natural gas study.
Sec. 3020. EPEUC process coordination with respect to regulatory approval of gas projects.
Sec. 3021. Pipeline program.
Sec. 3022. GAO review and report.
Sec. 3023. Ethane storage study.
Sec. 3024. Aliso Canyon natural gas leak task force.
Sec. 3025. Report on incorporating Internet-based lease sales.
Sec. 3026. Denali National Park and Preserve natural gas pipeline.

Subtitle C—Helium
Sec. 3027. Rights to helium.

Subtitle D—Critical Minerals
Sec. 3028. Definitions.
Sec. 3029. Policy.
Sec. 3030. Critical mineral designations.
Sec. 3031. Resource assessment.
Sec. 3032. Permitting.
Sec. 3033. Federal Register process.
Sec. 10344. Extension of deadline for certain other hydroelectric projects.

Sec. 10345. Equus Beds Division extension.

Sec. 10346. Extension of time for a Federal Energy Regulatory Commission project involving Cannonsville Dam.

PART VI—PUMPEd STORAGE HYDROPOWER COMPENSATION

Sec. 10351. PumpeD storage hydropower compensation.

SEC. 2. DEFINITIONS.

In this Act:

(1) DEPARTMENT.—The term "Department" means the Department of Energy.

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

TITLE I—EFFICIENCY

Subtitle A—Buildings

SEC. 1001. GREATER ENERGY EFFICIENCY IN BUILDING CODES.

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

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

"(14) Model building energy code.—The term 'model building energy code' means a voluntary building energy code and standards developed and updated through a consensus process among interested persons, such as the IECC or the code used by—

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

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

(C) other appropriate organizations."); and

(2) by adding at the end the following:

"(17) IECC.—The term 'IECC' means the International Energy Conservation Code.

(18) Indian tribe.—The term 'Indian tribe' has the meaning given the term in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103)."

SEC. 1002. EXTENSION OF TIME FOR A FEDERAL SECRETARY TO CERTIFY.

In this Act:

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

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

(B) made significant progress under paragraph (3) to achieving compliance with the applicable certified State and Indian tribe building energy code or with the associated model building energy code.

(b) REPEAT CERTIFICATIONS.—If the State or Indian tribe certifies progress toward achievement compliance, the State or Indian tribe shall—

(A) achieve full compliance under paragraph (3) in the preceding year; or

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

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

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

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

(B) made significant progress under paragraph (3) to achieving compliance with the applicable certified State and Indian tribe building energy code or with the associated model building energy code.

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

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

(e) ANNUAL REPORT.—Not later than one year after the date of enactment of this Act, the Secretary shall annually submit to Congress, and publish in the Federal Register, a report containing—

(i) the status of model building energy codes;

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

(iii) the implementation of this section; and

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

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

(i) upfront financial and construction costs, cost benefits and returns (including in-vestment analysis), and lifetime energy use for buildings;

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

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

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

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

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

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

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

(h) AVAILABILITY OF INCENTIVE FUNDING.—

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

(A) implement the requirements of this section;

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

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

(2) TO STATES.—For any State or Indian tribe that makes adequate progress toward achieving compliance with applicable certified State and Indian tribe building energy codes, the Secretary shall—

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

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

(3) TO INDIAN TRIBES.—For any State or Indian tribe that has not made a certification required after subsection (b) or (c) by the applicable deadline shall submit to the Secretary a report on—

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

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

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

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

(4) ANNUAL REPORT.—Not later than one year after the date of enactment of this Act, the Secretary shall annually submit to Congress, and publish in the Federal Register, a report containing—

(i) the status of model building energy codes;

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

(iii) the implementation of this section; and

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

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

(i) upfront financial and construction costs, cost benefits and returns (including in-vestment analysis), and lifetime energy use for buildings;

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

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

(3) TECHNICAL ASSISTANCE TO STATES AND INDIAN TRIBES.—The Secretary shall provide technical assistance to States and Indian tribes to implement the goals and requirements of this section, including procedures and technical analysis for States and Indian tribes.
There is authorized to be appropriated to compliance with and enforcement of a code including additional incentives for effective energy savings from building energy codes, in-trade-offs and performance calculations; advances are achieved in energy-saving technologies more adaptable in the future to become constructed in a manner that makes the buildability, impact, economics, and merit of—National Laboratories and institutions of available, at least 3 to 6 years in advance of codes; and compared to the model building energy code by State, local, or tribal governments. 

(c) STRETCH CODES AND ADVANCED STANDARDS.—

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

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

(B) guidelines for energy-efficient building design.

(2) TARGETS.—The stretch codes and advanced standards shall be designed—

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

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

(h) STUDIES.—The Secretary, in consultation with building science experts from the National Laboratories and institutions of higher education, designers and builders of energy-efficient residential and commercial buildings, code officials, and other stakeholders, shall undertake a study of the feasibility, impact, economics, and merit of—

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

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

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

(i) EFFECT ON OTHER LAWS.—Nothing in this section supersedes or modifies the application of sections 321 through 346 of the Energy Policy and Conservation Act (42 U.S.C. 6291 et seq.).

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section and section 307 $250,000,000, to remain available until expended.

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

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

SEC. 307. SUPPORT FOR MODEL BUILDING ENERGY CODES.

(a) In general.—The Secretary shall support the updating of model building energy codes.

(b) TARGETS.—

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

(2) TARGETS.—

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

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

(2) TARGETS.—

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

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

(2) STRETCH CODES.—The Secretary may establish stretch targets for commercial and residential buildings.

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

(4) SPECIFIC YEARS.—

(1) IN GENERAL.—For specific years shall be established and revised by the Secretary through rulemaking and coordinated with nationally recognized code and standards development organizations.

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

(3) higher than the preceding target; and

(4) the economic considerations under paragraph (4).

(iii) DIFFERENT TARGET YEARS.—Subject to clause (ii), the Secretary may set a later target year for any of the model building energy codes described in subparagraph (A) if the Secretary determines that a later target year is—

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

(B) building energy analysis and design tools;

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

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

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

(d) DETERMINATION.—If the provisions of the IECC or ASHRAE Standard 90.1 regarding building energy use are revised, the Secretary shall make a preliminary determination not later than 90 days after the date of the revision, and not later than 15 months after the date of the revision, on whether or not the revision will—

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

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

(e) CODES OR STANDARDS NOT MEETING TARGETS.—

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

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

(ii) available appliances, technologies, materials, and building system practices; and

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

(B) INCORPORATION OF CHANGES.—In general.—On receipt of the proposed changes, the model building energy code or standard developer shall have an additional 270 days to accept or reject the proposed changes of the final draft model building energy code or standard for the Secretary to make a final determination.
"(1) Final determination.—A final determination under paragraph (1) shall be based on a measurement and verification protocol that includes at least—
   (i) establishment of a weather-normalized and occupancy-normalized utility consumption baseline and determining energy savings; and
   (ii) final annual third party verification of the utility consumption baseline and energy savings.

(2) Notice of targets and supporting analysis and determinations under this section shall be published in the Federal Register and provide an explanation of and the basis for such actions, including any supporting modeling, data, assumptions, protocols, and cost-benefit analysis, including return on investment; and

(3) Provide an opportunity for public comment on targets and supporting analysis and determinations under this section.

(f) Voluntary Codes and Standards.—Notwithstanding any other provision of this section, any model building code or standard established under section 304 shall not be binding on a State, local government, or Indian tribe as a matter of Federal law.

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

(a) Establishment.—The Secretary of Housing and Urban Development (referred to in this section as the “Secretary”) shall establish a demonstration program under which, during the period beginning on the date of enactment of this Act, and ending on September 30, 2018, the Secretary may enter into demonstration agreements that result in a reduction in energy or water costs with such entities as the Secretary determines to be appropriate under which the entities shall carry out projects for energy or water conservation improvements at no more than 20,000 multifamily units in multifamily buildings participating in—

(1) the project-based rental assistance program under section 3 of the United States Housing Act of 1959 (42 U.S.C. 1437f), other than assistance provided under section 8(e) of that Act;

(2) the supportive housing for the elderly program under section 202 of the Housing Act of 1965 (42 U.S.C. 1437g); and

(3) the supportive housing for persons with disabilities program under section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8613(d)(2)).

(b) Requirements.—

(1) Payments contingent on savings.—

(A) In general.—Each agreement under this section shall include a pay-for-success provision that will serve as a payment threshold to the applicable multifamily portfolio of properties, as determined by the Secretary, in accordance with subparagraph (B).

(B) Pay-for-Success Payoff.—

(i) In general.—Each agreement under this section shall include a pay-for-success provision that will serve as a payment threshold to the applicable multifamily portfolio of properties, as determined by the Secretary, in accordance with subparagraph (B).

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

(a) be contingent on documented utility savings; and

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

(C) Third party verification.—Savings payments made by the Secretary under this section shall be based on a measurement and verification protocol that includes at least—

(i) establishment of a weather-normalized and occupancy-normalized utility consumption baseline and determining energy savings; and

(ii) final annual third party verification of the utility consumption baseline and energy savings.

(d) Administration.—In carrying out this section, the Secretary shall—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) are willing to serve as resources for other local educational agencies and schools to assist initiation of similar efforts.
(d) **Report.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the implementation of this section.

### SEC. 1004. **ENERGY EFFICIENCY MATERIALS PILOT PROGRAM.**

(a) **Definitions.**—In this section:

(1) **Applicant.**—The term "applicant" means a nonprofit organization that applies for a grant under this section.

(2) **Energy-Efficiency Materials.**—

(A) In General. The term "energy-efficiency materials" means a measure (including a product, equipment, or system) that results in a reduction in energy supplied from an existing building.

(B) Inclusions. The term "energy-efficiency materials" includes an item involving:

(i) a roof or lighting system, or component of a roof or lighting system;

(ii) a window;

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

(iv) a heating, ventilation, or air-conditioning system or component of the system (including insulation and wiring and plumbing materials) be designed to serve a more efficient system.

(v) a renewable energy generation or heating system, including a solar, photovoltaic, wind, geothermal, or biomass (including wood pellet) system or component of the system.

(C) **Nonprofit Buildings.**—

(A) **Grants.** The term "nonprofit building" includes a building described in subparagraph (A) that is—

(i) a hospital;

(ii) a school;

(iii) a social-welfare program facility;

(iv) any other nonresidential and noncommercial structure.

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

(c) **Grants.**—

(1) **In General.** The Secretary may award grants under this program established under subsection (b).

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

(3) **Criteria for Grant.** In determining whether to award a grant under this section, the Secretary shall apply performance-based criteria. The Secretary shall give priority to applications based on—

(A) the energy savings achieved;

(B) the cost-effectiveness of the use of energy-efficiency materials;

(C) an effective plan for evaluation, measurement, and verification of energy savings;

(D) the financial need of the applicant.

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

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

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

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

"(f) **Utility Energy Service Contracts.**—

(1) **In General.** Each Federal agency may use, to the extent practicable, measures provided by law to meet energy efficiency and conservation mandates and laws, including through utility energy service contracts.

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

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

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

(a) **Energy Conservation Measures.**—Section 543(f)(4) of the National Energy Conservation Policy Act (42 U.S.C. 8256f(4)) is amended by striking "may" and inserting "shall".

(b) **Reports.**—Section 548(b) of the National Energy Conservation Policy Act (42 U.S.C. 8256g(b)) is amended as follows:

(1) in paragraph (3), by striking "and" and inserting "; and";

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

(3) by adding at the end the following:

"(G)(i) the status of the energy savings performance contracts and utility energy service contracts;"

"(H) the investment value of the contracts;"

"(I) the guaranteed energy savings for the previous year as compared to the actual energy savings for the previous year;"

"(J) the plan for entering into the contracts in the coming year; and"

"(K) information explaining why any previously submitted plans for the contracts were not implemented.".

(c) **Definition of Energy Conservation Measures.**—Section 551(a) of the National Energy Conservation Policy Act (42 U.S.C. 8258(a)) is amended—

(1) in clause (1), by striking "or" and inserting ";"

(2) in clause (ii), by striking the period at the end and inserting a semicolon;

(3) by adding at the end the following:

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

(d) **Miscellaneous Authority.**—Section 801(a)(2)(F) of the National Energy Conservation Policy Act (42 U.S.C. 8258(a)(2)(F)) is amended—

(1) in clause (i), by striking "or" and inserting ";"

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

(3) by adding at the end the following:

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

(e) **Miscellaneous Authority.**—Section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)) is amended to establish building training and assessment centers.

(1) **In General.** The Secretary shall provide grants to institutions of higher education, as defined in section 101(a)(30) of the Higher Education Act of 1965 (20 U.S.C. 1001) and Tribal Colleges or Universities (as defined in section 316(b) of that Act (20 U.S.C. 1059c(b))) to establish building training and assessment centers.

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

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

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

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

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

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

(b) **Coordination and Nonduplication.**—

(1) **In General.** The Secretary shall coordinate the program with the industrial research and assessment centers program and the Federal programs to avoid duplication of effort.

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

(c) **Authorization of Appropriations.**—

There is authorized to be appropriated to carry out this section $10,000,000, to remain available until expended.

### SEC. 1006. **CAREER SKILLS TRAINING.**

(a) **In General.** The Secretary shall pay grants to eligible entities described in subsection (b) to pay the Federal share of costs for career skills programs under which students concurrently receive classroom instruction and on-the-job training for...
the purpose of obtaining an industry-related certification to install energy efficient building technologies, including technologies described in section 307(b)(3) of the Energy Conservation and Production Act (42 U.S.C. 6833(b)(3)).

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

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

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the Interior, for the purpose of carrying out this section, an amount to be determined by the Secretary.

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

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

"(h) OMB GOVERNMENT EFFICIENCY REPORTS AND SCORECARDS.—Effective beginning not later than October 1, 2015, the Director shall include in the annual report and scorecard of the Director required under section 528 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17144) a description of the efforts and results of Federal agencies under this subsection.

"(i) USE OF EXISTING REPORTING STRUCTURES.—The Director may require Federal agencies to use any information that the Energy Independence and Security Act of 2007, the Federal Energy Management Program, the Energy Star Program, and other efficiency programs of the Department of Energy or the Environmental Protection Agency to fulfill the reporting requirements under this section.

SEC. 1010. AVAILABILITY OF FUNDS FOR DESIGN UPDATES.

Section 305 of title 40, United States Code, is amended—

(1) in subsection (b)—

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

(B) by striking paragraph (3); and

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

"(1) in subsection (b)—

(1) in paragraph (2)(D)(iv), by striking the "organization" and inserting "an organization";

(2) by striking paragraph (3); and

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

"(c) STAKEHOLDER INVOLVEMENT.—

"(1) IN GENERAL.—The Secretary and the Administrator shall carry out subsection (b) in consultation with—

(A) the information technology industry and other key stakeholders, including manufacturers, social media, and big data providers, and the purpose of making the data available and accessible in a manner that encourages further data center innovation, optimization, and consolidation.

"(2) CONSIDERATIONS.—In carrying out subsection described in paragraph (1), the Secretary shall consider the following:

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

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

(C) follow—

(1) generally accepted procedures for the development of specifications; and

(2) accredited standards development processes;

(D) have a mission to promote energy efficiency for Federal data centers and information technology.
SEC. 1012. WEATHERIZATION ASSISTANCE PROGRAM.
(a) REAUTHORIZATION OF WEATHERIZATION ASSISTANCE PROGRAM.—Section 422 of the Energy Conservation and Production Act (42 U.S.C. 6872) is amended by striking "appropriated"— and all that follows through the period at the end and inserting "appropriated $350,000,000 for each of fiscal years 2016 through 2020."
(b) GRANTS FOR NEW, SELF-SUSTAINING LOW-INCOME SINGLE-FAMILY AND MULTIFAMILY HOUSING ENERGY RETROFIT MODEL PROGRAMS TO ELIGIBLE MULTISTATE HOUSING AND ENERGY NONPROFIT ORGANIZATIONS.—The Energy Conservation and Production Act is amended by inserting after section 414B (42 U.S.C. 6864b) the following:

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

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

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

"(2) to demonstrate the feasibility of self-sustaining, new models of retrofitting low-income homes through new Federal partnerships with covered organizations that leverage substantial donations of time, materials, volunteer labor, homeowner labor equity, and other private sector resources;

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

"(4) to ensure that the covered organizations make the energy retrofit programs of the covered organizations self-sustaining by the time the grant has been expended;

"(b) DEFINITIONS.—In this section—

"(1) COVERED ORGANIZATION.—The term 'covered organization' means an organization that—

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

"(B) established record keeping, accounting, and documentation systems; and

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

"(3) WEATHERIZATION ASSISTANCE PROGRAM FOR LOW-INCOME PERSONS.—The term 'Weatherization Assistance Program for Low-Income Persons' means the program established by section 422 of the Energy Conservation and Production Act (42 U.S.C. 6872).

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

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

"(I) the number of low-income homes the applicant—

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

"(B) can reasonably be projected to build, renovate, repair, or make energy efficient during the 18-year period beginning on the date of the application;

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

"(3) the number and diversity of States and climatic regions in which the applicant works as of the date of the application;

"(4) the amount of non-Federal funds, donated or otherwise, for each project;

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

"(6) regional diversity;

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

"(8) such other factors as the Secretary determines appropriate.

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

"(1) findings; and

"(2) program monitoring, oversight, evaluation, and accountability.

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

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

"(2) energy efficiency materials and supplies;

"(3) organizational capacity—

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

"(B) to replicate an energy retrofit program in other States not already served;

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

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

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

"(6) quality control and improvement;

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

"(8) program monitoring, oversight, evaluation, and accountability;

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

"(10) labor and training activities; and

"(11) such other activities as the Secretary determines are appropriate.

"(f) MAXIMUM AMOUNT.—The amount of a grant provided under this section shall not exceed—

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

"(2) ADMINISTRATION.—The guidelines—

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

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

"(i) standards for allowable expenditures;

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

"(iii) standards—

"(I) to carry out training programs;

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

"(III) to provide technical assistance;

"(IV) to verify energy and cost savings; and

"(V) recordkeeping requirements, which shall include any requirement that is more stringent than the applicable requirement of this section.

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

"(1) findings—

"(I) on the description of energy and cost savings achieved and actions taken under this section; and

"(ii) any recommendations for further action.

"(2) FUNDING.—Of the amount of funds that are made available to carry out the Weatherization Assistance Program for each of fiscal years 2016 through 2020 under section 422 of the Energy Conservation and Intergovernmental Programs of the Department of Energy applicable data on each home retrofitted.

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

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

"(1) findings—

"(I) on the description of energy and cost savings achieved and actions taken under this section; and

"(ii) any recommendations for further action.

"(2) FUNDING.—Of the amount of funds that are made available to carry out the Weatherization Assistance Program for each of fiscal years 2016 through 2020 not less than—

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

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

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

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

"(1) STANDARDS PROGRAM.—

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

"(I) accredited by the Building Performance Institute;

"(II) an Energy Smart Home Performance Team accredited under the Residential Energy Services Network Program; or

"(III) accredited by an equivalent accreditation or program accreditation-based State Authority.
certification program approved by the Secretary.

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

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

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

(2) supervises the work performed with grant funds.

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

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

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

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

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

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

SEC. 1013. REAUTHORIZATION OF STATE ENERGY PROGRAMS.

Section 365(f) of the Energy Policy and Conservation Act (42 U.S.C. 6235(f)) is amended by striking "$125,000,000 for each of fiscal years 2007 through 2012" and inserting "$90,000,000 for each of fiscal years 2016 through 2020, of which not greater than 5 percent may be used to provide competitively awarded financial assistance."

SEC. 1014. SMART BUILDING ACCELERATION.

(a) DEFINITIONS.—In this section:

(1) PROGRAM.—The term "program" means the Federal Smart Building Program established under this section.

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

(A) is flexible and automated;

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

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

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

(E) is cybersecure.

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

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

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

(b) FEDERAL SMART BUILDING PROGRAM.—

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

(A) to implement smart building technology; and

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

(2) SELECTION.—

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

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

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

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

(A) the Department of the Army;

(B) the Department of the Navy;

(C) the Department of the Air Force;

(D) the Department of the Interior;

(E) the Department of Veterans Affairs; and

(G) the General Services Administration.

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

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

(A) which advanced building technologies—

(i) are most cost-effective; and

(ii) show the most promise for—

(I) increasing building energy savings;

(II) increasing service performance to building occupants;

(III) reducing environmental impacts; and

(IV) establishing cybersecurity; and

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

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

(c) SURVEY OF PRIVATE SECTOR SMART BUILDINGS.

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

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

(3) EVALUATION.—Using the guidelines of the Federal Energy Management Program and principles of plan development, measurement, and verification, the Secretary shall evaluate the costs and benefits of the buildings selected under paragraph (2), including an identification of—

(A) which advanced building technologies and systems—

(i) are most cost-effective; and

(ii) show the most promise for—

(I) increasing building energy savings;

(II) increasing service performance to building occupants;

(III) reducing environmental impacts; and

(IV) establishing cybersecurity; and

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

(d) LEVERAGING EXISTING PROGRAMS.—

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

(2) RESEARCH AND DEVELOPMENT.—

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

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

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

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

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

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

(V) protecting against cybersecurity threats and addressing security vulnerabilities of building systems or equipment.

(c) SURVEY OF PRIVATE SECTOR SMART BUILDINGS.

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

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

(3) EVALUATION.—Using the guidelines of the Federal Energy Management Program and principles of plan development, measurement, and verification, the Secretary shall evaluate the costs and benefits of the
SEC. 1016. FEDERAL BUILDING ENERGY EFFICIENCY PERFORMANCE STANDARDS.

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

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

(2) by adding at the end the following:

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

(b) Federal Building Efficiency Standards.—

(1) In General.—Subject to clause (ii), if a certification system fails to meet the review requirements of clause (v), the Secretary may by rule allow Federal agencies to develop internal certification processes, using certified professionals, in lieu of certification by certification entities identified under clause (ii).”

SEC. 1017. CODIFICATION OF EXECUTIVE ORDER.

Beginning in fiscal year 2016 and each fiscal year thereafter through fiscal year 2025, the head of each Federal agency shall, unless otherwise specified by the Secretary, at least biennially—

(1) prepare an inventory of Federal buildings that were constructed or altered after December 31, 2015.

(2) Develop (A) a list of Federal buildings that are identified as being highly inefficient, (B) a list of Federal buildings that are identified as being highly efficient, and (C) a list of Federal buildings that are identified as being neither highly inefficient nor highly efficient.

(3) Develop a list of Federal buildings that are identified as being high-performance green buildings.

(4) Identify, evaluate, and report to Congress on the most promising strategies for reducing energy use and improving energy efficiency in Federal buildings.

(5) Develop and implement a plan to achieve a 2.5 percent reduction in Federal building energy use each fiscal year, relative to the baseline of the building energy use of applicable Federal buildings in fiscal year 2015 and after taking into account the progress of the Federal agency in preceding fiscal years.

SEC. 1018. CERTIFICATION FOR GREEN BUILDINGS.

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

(1) by striking “(3)(A) Not later than” and inserting the following:

“(D) Certification for Green Buildings.—

“(aa) by determining that the criteria for a high-performance green building shall include—

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

(cc) the ability of the building to perform in the future; and

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

(II) the ability to be life-cycle cost effective for new Federal buildings and Federal buildings with major renovations; and

(III) the ability to achieve energy savings and life-cycle cost-effectiveness of the revisions; and

(II) in paragraph (C), by striking “in the budget request” and inserting the following:

“(C) Budget Request.—In the budget request.”

(C) Revised Federal Building Energy Efficiency Performance Standards.—

“(A) Revised Federal Building Energy Efficiency Performance Standards.—

“(i) In General.—Not later than 1 year after the date of enactment of the Energy Policy Modernization Act of 2016, the Secretary shall establish, by rule, revised Federal building energy efficiency performance standards applicable;”

(2) by adding at the end the following:

“(BB) do not prohibit, disfavor, or discriminate against selection based on technical adequacy, efficiency, and management by reducing performance measures whenever performance measures may reasonably be used in lieu of prescriptive measures; and

(CC) increases agency costs of the use.

(viii) Internal Certification Processes.—The Secretary may by rule allow Federal agencies to develop internal certification processes, using certified professionals, in lieu of certification by certification entities identified under clause (ii).

(ix) Privatized Military Housing.—With respect to privatized military housing, the Secretary of Defense, after consultation with the Secretary of Energy, may, through rulemaking, develop alternative certification systems and levels that are consistent with the systems and levels identified under clause (ii) that achieve an equivalent result in terms of energy savings, sustainable design, and green building performance.

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

(xii) Determinations Made After December 31, 2015.—This subparagraph shall apply to any determination made by a Federal agency after December 31, 2015.

(xiii) Determinations Made on or Before December 31, 2015.—This subparagraph (as in...
effect on the day before the date of enactment of the Energy Policy Modernization Act of 2016 shall apply to any use of a certification system for green commercial and residential buildings, electric vehicles, or Federal agencies on or before December 31, 2016.’’; and

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

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

‘‘(1) once every 5 years, review the Federal building energy standards established under this section and identify whether the standards are economically justified.’’.

SEC. 1019. HIGH PERFORMANCE GREEN FEDERAL BUILDINGS.

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

(1) in the subsection heading, by striking ‘‘SYSTEM’’ and inserting ‘‘SYSTEMS’’;

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

‘‘(1) GENERAL.—Based on an ongoing review, the Federal Director shall identify and shall provide to the Secretary pursuant to section 1101 of the Energy Conservation and Production Act (42 U.S.C. 6834(a)(3)(D)), a list of those certification systems that the Director identifies as the most likely to encourage a comprehensive and environmentally sound approach to certification of green buildings.’’; and

(3) in paragraph (2)—

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

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

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

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

‘‘(ii) allow any developer or administrator of a renewable energy program to include in the certification system to be included in the review;’’;

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

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

(E) by adding at the end the following:

‘‘(G) a finding that the system incorporates life-cycle assessment as a credit pathway.’’.

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

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATIVE EXPENSES.—In general.—The term ‘‘administrative expenses’’ includes the meaning given the term by the Director of the Office of Management and Budget under section 5(b)(2) of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (31 U.S.C. 1105 note; Public Law 111–45).

(2) SEC. 1022. USE OF FEDERAL DISASTER RELIEF AND EMERGENCY ASSISTANCE FOR ENERGY-EFFICIENT PRODUCTS AND SERVICES.

(a) IN GENERAL.—(1) The Secretary of Housing and Urban Development shall—

(A) identify the type of recipient who is intended to benefit from the services or information provided under the applicable program and costs attributable to the recipient or any agency head described in clauses (ii) through (xi) of subsection (a)(2)(B), shall submit to Congress a report that includes—

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

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

(A) the 2011 report of the Government Accountability Office entitled ‘‘2012 Annual Report: Opportunities to Reduce Duplication, Overlap and Fraudulent Payments, Savings, and Enhance Revenue’’; and

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

(2) METHODS TO IMPROVE THE APPROPRIATE PROGRAM.—Not later than January 1, 2017, the Secretary, in consultation with the agency heads described in clauses (ii) through (xi) of subsection (a)(2)(B), shall identify—

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

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

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

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

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

(c) MEASUREMENT AND VERIFICATION OF ENERGY SAVINGS.—The report required under this section shall include potential methodologies or protocols for utilities, utility regulators, and Federal agencies to evaluate, measure, and verify energy savings from operational efficiency programs and services.
SEC. 327. USE OF ASSISTANCE FOR ENERGY-EFFICIENT PRODUCTS AND STRUCTURES.

"(a) Definitions.—In this section—

"(1) the term 'energy-efficient product' means a product that—

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

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

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

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

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

SEC. 1023. WATERSENSE.

(a) IN GENERAL.—Section 324A is amended by adding after the item relating to energy Star pursuant to section 324A, "(b) CONFORMING AMENDMENT.—The table of contents for the Energy Policy and Conservation Act (42 U.S.C. prec. 6201) is amended by inserting after the item relating to Energy Star pursuant to section 324A, "

Subtitle B.—Appliances

SEC. 1101. EXTENDED PRODUCT SYSTEM REBATE PROGRAM.

"(a) Definitions.—In this section—

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

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

"(A) a power converter; or

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

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

"(A) offers variable speed or multispeed operation;

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

"(C) has greater than 1 horsepower; and

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

"(4) QUALIFIED EXTENDED PRODUCT SYSTEM.—

"(A) IN GENERAL.—The term "qualified extended product system" means an extended product system that—

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

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

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

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

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

"(c) QUALIFIED ENTITIES.—A qualified entity under this section shall be—

"(A) a manufacturer or repairer of machinery or equipment that incorporates the extended product system into that machinery or equipment.

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

"(A) that the entity is a qualified entity; and

"(B) that the entity is a qualified entity; and

"(c) QUALIFIED ENTITIES.—A qualified entity under this section shall be—

"(A) in the case of a qualified extended product system described in subsection (a)(1), the manufacturer of the qualified extended product system that is installed; and

"(B) in the case of a qualified extended product system described in subsection (a)(2), the manufacturer of the product that incorporates the extended product system into that machinery or equipment.

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

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

"(B) a certification that includes demonstrated evidence—

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

"(b) that the qualified extended product system meets the requirements of subsection (a)(4)(A); 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 to 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 than 6 years after adoption of any WaterSense specifica- tion, review and, if appropriate, revise the specification to achieve additional water savings;

"(B) 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 period 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

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

"(c) TRANSPARENCY.—The Administrator shall—

"(A) establish, as appropriate, the policies and procedures by which information required to be made publicly available shall be made available to the public; and

"(B) in the case of a qualified extended product system described in subsection (a)(2), the manufacturer of the product that incorporates the extended product system into that machinery or equipment.

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

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

"(B) a certification that includes demonstrated evidence—

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

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

"(B) the procedure, including the methods and means, and criteria by which an item may be certified to display the WaterSense label;
(II) in the case of a qualified entity described in paragraph (1)(B), demonstrated evidence—
(a) that the qualified extended product system meets the requirements of subsection (a)(4)(B); and
(b) showing the serial number, manufacturer, and model number from the nameplate of the instantaneous water heater with which the extended product system is integrated.
(d) AUTHORIZED AMOUNT OF REBATE.—
(1) IN GENERAL.—The Secretary may provide to a qualified entity a rebate in an amount equal to the product obtained by multiplying—
(A) an amount equal to the sum of the nameplate rated horsepower of—
(i) the electric motor to which the qualified extended product system is attached; and
(ii) the electronic control; and
(B) $25.
(2) MAXIMUM AGGREGATE AMOUNT.—A qualified entity shall not be entitled to aggregate rebates under this section in excess of $25,000 per calendar year.
(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of the first 2 full fiscal years following the date of enactment of this Act, to remain available until expended.

SEC. 1102. ENERGY EFFICIENT TRANSFORMER REBATE PROGRAM.
(a) DEFINITIONS.—In this section:
(1) QUALIFIED ENERGY EFFICIENT TRANSFORMER.—The term ‘‘qualified energy efficient transformer’’ means a transformer that meets or exceeds the applicable energy conservation standards for noncondensing furnaces described in the tables in subsection (b)(2) and paragraphs (1) and (2) of subsection (c) of section 431.196 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this Act).
(2) QUALIFIED ENERGY INEFFICIENT TRANSFORMER.—The term ‘‘qualified energy inefficient transformer’’ means a transformer with an equal number of phases and capacity to a transformer described in any of the tables in subsection (b)(2) and paragraphs (1) and (2) of subsection (c) of section 431.196 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(b) REQUIREMENTS.—To be eligible to receive a rebate under this section, an entity shall submit to the Secretary an application in such form, at such time, and containing such information as the Secretary may require, including demonstrated evidence—
(1) that the entity purchased a qualified energy efficient transformer;
(2) of the nameplate value of the qualified energy efficient transformer;
(3) of the age of the qualified energy inefficient transformer being replaced; and
(4) of the nameplate value of the qualified energy inefficient transformer being replaced—
(A) as measured by a qualified professional or verified by the equipment manufacturer, as applicable; or
(B) for transformers described in subsection (a)(2)(B)(i), as selected from a table of default values as determined by the Secretary in consultation with applicable industry;
and
(5) that the qualified energy inefficient transformer has been permanently decommissioned and scrapped.

(d) AUTHORIZED AMOUNT OF REBATE.—The amount of a rebate provided under this section shall be—
(1) for a 3-phase or single-phase transformer with a capacity of not less than 10 and not greater than 2,560 kilovolt-amperes, twice the amount equal to the difference in Watts between the core loss value (as measured in accordance with paragraphs (2) and (4) of subsection (c)) of
(A) the qualified energy inefficient transformer; and
(B) the qualified energy efficient transformer; or
(2) for a transformer described in subsection (a)(2)(B)(i), the amount determined using a table of default rebate values by rated transformer output, as measured in kilovolt-amperes, as determined by the Secretary in consultation with applicable industry.

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

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

SEC. 1103. STANDARDS FOR CERTAIN FURNACES.
(a) Section 325(f)(4) of the Energy Policy and Conservation Act (42 U.S.C. 6294a) is amended by adding at the end the following:
‘‘(e) THIRD PARTIES.—Nothing in this subsection prevents the Administrator from using third parties in the course of the administration of the Energy Star program.’’.

(b) Section 335(c)(4)(B)(i), as amended by Public Law 110-229, is amended by adding the following: ‘‘(3) THIRD PARTIES.—Nothing in this subsection prevents the Administrator from using third parties in the course of the administration of the Energy Star program.’’.

SEC. 1104. THIRD-PARTY CERTIFICATION UNDER ENERGY STAR PROGRAM.
Section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a) is amended by adding at the end the following:
‘‘(e) THIRD-PARTY CERTIFICATION.—
(1) IN GENERAL.—Subject to paragraph (2), not later than 180 days after the date of enactment of this subsection, the Administrator shall revise the certification requirements for the labeling of consumer, home, and office electronic products for program partners that have complied with all requirements of the Energy Star program for a period of at least 18 months.
‘‘(2) ADMINISTRATION.—In the case of a program partner described in paragraph (1), the new requirements under paragraph (1)—
(A) shall not require certification for a product to be listed; but
(B) may require that test data and other product information be submitted to facilitate product listing, performance verification for a sample of products.
‘‘(3) THIRD PARTIES.—Nothing in this subsection prevents the Administrator from using third parties in the course of the administration of the Energy Star program.’’.

 SEC. 1105. ENERGY CONSERVATION STANDARDS FOR COMMERCIAL REFRIGERATION EQUIPMENT.
(a) DEADLINE.—The requirements of the final rule entitled ‘‘Energy Conservation Program: Energy Conservation Standards for Commercial Refrigeration Equipment’’ (79 Fed. Reg. 17725 (March 12, 2014)) shall take effect on January 1, 2020, for equipment covered by the final rule that—
(1) uses natural refrigerants with a global warming potential of 10 or less that are approved for use by the Environmental Protection Agency under the Significant New Alternatives Policy (SNAP) Regulations.

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

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

or

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

(3) uses not more than 15 percent of the energy use allowed by applicable standards under Energy Star 3.0.

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

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

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

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

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

(A) RELIANCE ON VOLUNTARY PROGRAMS.—For the purpose of periodic testing to verify compliance with energy conservation standards and Energy Star specifications established under sections 324A, 325, and 326 for covered products described in paragraphs (3), (4), (5), (6), and (11) of section 322(a) and covered equipment described in subparagraphs (B), (C), (D), (F), (I), (J), and (K) of section 340(b), the Secretary and the Administrator of the Environmental Protection Agency shall rely on testing conducted by voluntary verification programs that are recognized by the Secretary in accordance with subparagraph (B).

(B) RECOGNITION OF VOLUNTARY VERIFICATION PROGRAMS.—

(1) In general.—The Secretary shall, not later than 180 days after the date of enactment of this paragraph, enter into voluntary verification programs for the covered products described in section 340(b) and established under this subparagraph only if the testing is necessary, and the Secretary determines that the program is meeting its obligations for compliance with energy conservation standards; and

(2) USE OF RESULTS.—The Secretary may require the Secretary to withdraw the voluntary verification program for a covered product or category if the testing is not necessary or the testing is not conducted in accordance with the terms of the program.

(C) APPLICATION OF ENERGY CONSERVATION STANDARDS TO CERTAIN EQUIPMENT.—Section 342(c)(6)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6313(c)(6)(B)) is amended by adding at the end the following:

"(v) maintains a publicly available list of all ratings of products subject to verification;

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

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

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

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

(X) provides to the Secretary—

(aa) an annual report of all test results, the contents of which shall be determined through the negotiated rulemaking process under clause (1); and

(bb) test reports, on the request of the Secretary or the Administrator of the Environmental Protection Agency, that note any nonconformities or instructions to manufacturers or the representative of the manufacturer for the purpose of conducting the verification testing, be disclosed to the extent provided under section 552(b)(4) of title 5, United States Code (commonly known as the 'Freedom of Information Act'); and

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

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

(IV) REVISIONS.—

(I) IN GENERAL.—Major revisions to voluntary verification program criteria established under this subparagraph shall be made pursuant to a subsequent negotiated rulemaking in accordance with section 322(i)(2) of title 5, United States Code (commonly known as the 'Negotiated Rulemaking Act of 1990').

(II) NONMAJOR REVISIONS.—

(aa) IN GENERAL.—The Secretary may make all other nonmajor criteria revisions by initiating a direct final rule in accordance with section 353(b)(3)(B) of title 5, United States Code, on a determination published in the Federal Register that revisions to the criteria are necessary and that substantive opposition to the proposed revisions is not expected.

(bb) CONDITIONS FOR EFFECTIVENESS.—If the Secretary does not receive adversarial comments with respect to the determination published under item (aa) shall require the Secretary to withdraw the direct final rule and publish—

(1) a notice of proposed rulemaking pursuant to section 353 of title 5, United States Code, that includes a determination that revisions to the criteria are necessary;

(2) a notice of proposed rulemaking pursuant to section 353 of title 5, United States Code, that includes a determination that revisions to the criteria are necessary.

(III) EXCLUSION.—The term 'external power supply' does not include a power supply circuit, driver, or device that is designed exclusively to be connected to, and powering a light-emitting diodes providing illumination;

(IV) organic light-emitting diodes providing illumination; or

(V) electric fans using direct current motors.

(b) STANDARDS FOR LIGHTING POWER SUPPLY CIRCUITS.—

(1) DEFINITION.—Section 342(b)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6311(b)(2)) is amended by striking clause (v) and inserting the following:

"(v) electric lights and lighting power supply circuits;

(2) ENERGY CONSERVATION STANDARD FOR CERTAIN EQUIPMENT.—Section 342 of the Energy Policy and Conservation Act (42 U.S.C. 6313) is amended by adding at the end the following:
SEC. 1201. MANUFACTURING ENERGY EFFICIENCY.

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

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

(2) to create and consistent authority for industrial efficiency programs of the Department;

(3) to accelerate the deployment of technologies and practices that will increase industrial energy efficiency and improve productivity;

(4) to accelerate the development and demonstration of technologies that will assist the deployment goals of the industrial efficiency programs of the Department and increase manufacturing efficiency;

(5) to improve economic growth and improve industrial productivity and competitiveness; and

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

(b) FUTURE OF INDUSTRY PROGRAM.—

(1) IN GENERAL.—Section 452(b) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17111) is amended by striking the section heading and inserting the following:

"FUTURE OF INDUSTRY PROGRAM".—

(2) I N D U S T RY A S S E S S M E N T CENTER.—The Department shall establish a number of industrial assessment centers.

(3) E N G I N E E R I N G AND RESEARCH CENTER.—The Secretary shall establish an engineering and research center.

(4) FUTURE OF INDUSTRY TRAINING.—The Secretary shall provide industry training.

(5) S M A L L AND M E D I U M MANUFACTURERS.—The Secretary shall provide technical assistance to small and medium-sized manufacturers.

(c) S U S T A I N A B L E MANUFACTURING INITIATIVE.

(1) IN GENERAL.—As part of the Office of Energy Efficiency and Renewable Energy, the Secretary shall create a joint initiative program to assist small and medium-sized manufacturers.

(2) SMALL AND MEDIUM MANUFACTURERS.—The Secretary shall provide technical assistance to small and medium-sized manufacturers.

(3) ENERGY EFFICIENCY.—The Secretary shall establish an energy efficiency program.

(4) RESEARCH AND DEVELOPMENT.—The Secretary shall provide research and development assistance.

(5) ENERGY AUDITS.—The Secretary shall provide energy audits.

(6) ENERGY TRAINING.—The Secretary shall provide energy training.

(7) ENERGY LABELS.—The Secretary shall provide energy labels.

(d) FUTURE OF INDUSTRY PROGRAMS TO ASSIST SMALL AND MEDIUM MANUFACTURERS.

(1) DEFINITIONS.—In this section and section 1203:

(2) ENERGY MANAGEMENT SYSTEM.—The term "energy management system" means a business management process based on standards of the American National Standards Institute that enables an organization to follow a systematic approach in achieving energy efficiency, power factor, and utility operating under a utility energy service project.

(3) INDUSTRIAL RESEARCH AND ASSESSMENT CENTER.—The term "industrial assessment center" means an entity located at an institution of higher education that—

(A) receives funding from the Department;

(B) oversees an industrial assessment center.

(4) MANUFACTURING INSTITUTE.—The term "manufacturing institute" means an entity located at an institution of higher education that—

(A) receives funding from the Department;

(B) oversees a manufacturing institute.

SEC. 1202. LEVERAGING EXISTING FEDERAL AGENCY PROGRAMS TO ASSIST SMALL AND MEDIUM MANUFACTURERS.

(a) DEFINITIONS.—In this section and section 1203:

(1) ENERGY MANAGEMENT SYSTEM.—The term "energy management system" means a business management process based on standards of the American National Standards Institute that enables an organization to follow a systematic approach in achieving energy efficiency, power factor, and utility operating under a utility energy service project.

(2) INDUSTRIAL ASSESSMENT CENTER.—The term "industrial assessment center" means an entity located at an institution of higher education that—

(A) receives funding from the Department;

(B) oversees an industrial assessment center.

(3) MANUFACTURING INSTITUTE.—The term "manufacturing institute" means an entity located at an institution of higher education that—

(A) receives funding from the Department;

(B) oversees a manufacturing institute.
manufacturing operations of the plant site; and
(C) identifies opportunities for potential savings for small- and medium-size manufacturer plants from energy efficiency improvements, waste minimization, pollution prevention, and productivity improvement.
(3) NATIONAL LABORATORY.—The term ‘‘National Laboratory’’ has the meaning given in the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).
(4) SMALL AND MEDIUM MANUFACTURERS.—The term ‘‘small and medium manufacturers’’ means manufacturing firms—
(A) classified in the North American Industry Classification System as any of sections 31 through 33;
(B) with gross annual sales of less than $100,000,000;
(C) with fewer than 500 employees at the plant site; and
(D) with annual energy bills totaling more than $100,000 and less than $2,500,000.
(5) SMART MANUFACTURING.—The term ‘‘smart manufacturing’’ means advanced technologies in information, automation, monitoring, computation, sensing, modeling, and networking that—
(A) initially (1) simulate manufacturing production lines;
(ii) operate computer-controlled manufacturing equipment;
(iii) monitor and communicate production line status; and
(iv) manage and optimize energy productivity and cost throughout production;
(B) model, simulate, and optimize the energy efficiency of a factory building;
(C) monitor and optimize building energy performance;
(D) model, simulate, and optimize the design of energy efficient and sustainable products, including the use of digital prototyping and additive manufacturing to enhance product design;
(E) connect manufactured products in networks to monitor and optimize the performance of the networks, including automated network operations; and
(F) digitally connect the supply chain network.
(b) EXPANSION OF TECHNICAL ASSISTANCE PROGRAMS.—The Secretary shall expand the scope of technologies covered by the Industrial Assessment Centers of the Department as—
(1) to include smart manufacturing technologies and practices; and
(2) to equip the directors of the Industrial Assessment Centers with the training and tools necessary to provide technical assistance in smart manufacturing technologies and practices, including energy management systems, to manufacturers.
(c) FUNDING.—The Secretary shall use unobligated funds of the Department to carry out this subsection, with a particular emphasis on technologies and practices that—
(1) improve the fuel efficiency and emissions of all vehicles produced in the United States; and
(2) reduce vehicle reliance on petroleum-based fuels.
(ii) to support domestic research, development, demonstration, and commercial application and manufacturing of advanced vehicles, engines, and components;
(4) to enable vehicles to move larger volumes of goods and more passengers with less energy and emissions;
(5) to develop cost-effective advanced technologies for wide-scale utilization throughout the passenger, commercial, government, and transit vehicle sectors;
(6) to allow for greater consumer choice of vehicle technologies and fuels;
(7) shortening technology development and integration cycles in the vehicle industry;
(8) to ensure a proper balance and diversity of Federal investment in vehicle technologies; and
(9) to strengthen partnerships between Federal and State governmental agencies and the private and academic sectors.
SEC. 1302. OBJECTIVES.
The objectives of this subtitle are—
(1) to establish a consistent and consolidated authority for the vehicle technology program at the Department;
(2) to develop United States technologies and practices that—
(A) improve the fuel efficiency and emissions of all vehicles produced in the United States; and
(B) reduce vehicle reliance on petroleum-based fuels;
(3) to support domestic research, development, demonstration, and commercial application and manufacturing of advanced vehicles, engines, and components;
(4) to enable vehicles to move larger volumes of goods and more passengers with less energy and emissions;
(5) to develop cost-effective advanced technologies for wide-scale utilization throughout the passenger, commercial, government, and transit vehicle sectors;
(6) to allow for greater consumer choice of vehicle technologies and fuels;
(7) to ensure a proper balance and diversity of Federal investment in vehicle technologies; and
(8) to strengthen partnerships between Federal and State governmental agencies and the private and academic sectors.
SEC. 1303. COORDINATION AND NONDUPlication.
The Secretary shall ensure, to the maximum extent practicable, that the activities authorized by this subtitle do not duplicate those of other programs within the Department or other relevant research agencies.
SEC. 1304. AUTHORIZATION OF APPROPRIATIONS.
There are authorized to be appropriated to the Secretary for research, development, engineering, demonstration, and commercial application of vehicles and related technologies in the United States, activities authorized under this subtitle—
(1) for fiscal year 2016, $313,567,000;
(2) for fiscal year 2017, $326,109,000;
(3) for fiscal year 2018, $339,154,000;
(4) for fiscal year 2019, $352,720,000; and
(5) for fiscal year 2020, $366,829,000.
SEC. 1305. REPORTING.
(a) TECHNOLOGIES DEVELOPED.—Not later than 180 days after the date of enactment of this Act and annually thereafter through 2020, the Secretary shall submit to Congress a report regarding the technologies developed as a result of activities authorized by this subtitle, with a particular emphasis on whether the technologies were successfully adopted for commercial applications, and if so, the extent to which those technologies are manufactured in the United States.
(b) ADDITIONAL MATTERS.—At the end of each fiscal year through 2020, the Secretary shall submit to the relevant Congressional committees of jurisdiction an annual report regarding the activities undertaken under this Act and annually thereafter through 2020.
SEC. 1306. PROGRAM.
(a) ACTIVITIES.—The Secretary shall conduct a program of basic and applied research, development, engineering, demonstration, and commercial application on technologies to existing vehicles, including activities in the areas of—
(1) electrification of vehicle systems;
(2) batteries, ultracapacitors, and other energy storage devices;
(3) power electronics;
(4) vehicle, component, and subsystem manufacturing technologies and processes;
(5) engine efficiency and combustion optimization;
(6) waste heat recovery;
(7) transmission and drivetrains;
(8) hydrogen vehicle technologies, including fuel cells and internal combustion engines, and hydrogen infrastructure, including hydrogen energy storage to enable renewables and provide hydrogen for fuel and power;
(9) natural gas vehicle technologies;
(10) aerodynamics, rolling resistance (including tires and wheel assemblies), and accessory power loads of vehicles and associated equipment;
(11) vehicle weight reduction, including lightweighting materials and the development of manufacturing processes to fabricate, assemble, and use dissimilar materials;
(12) friction and wear reduction;
(13) engine and component durability;
(14) innovative propulsion systems;
(15) advanced boosting systems;
(16) hydraulic hybrid technologies;
(17) engine compatibility with and optimization for a variety of transportation fuels including natural gas and other liquid and gaseous fuels;
(18) predictive engineering, modeling, and simulation of vehicle and transportation systems;
(19) refueling and charging infrastructure for alternative fueled and electric or plug-in hybrid vehicles, including the unique challenges facing rural areas;
(20) gaseous fuels storage systems and system integration and optimization;
(21) sensing, communications, and actuation technologies for vehicle, electrical grid, and infrastructure; and
(22) hydrogen energy storage, conversion, and recycling of potentially critical materials in vehicles, including rare earth elements and precious metals, at risk of supply disruption.
(b) INTEGRATION AND OPTIMIZATION.—In identifying ways to increase access to National Laboratories under paragraph (1), the Secretary shall—
(A) focus on increasing access to the computing capabilities of the National Laboratories; and
(B) ensure that—
(i) the information from the manufacturer is protected; and
(ii) the security of the National Laboratory facility is maintained.
(2) REQUIREMENTS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study.
(b) ACTIVITIES—The Secretary shall facilitate access to the National Laboratories studied under subsection (a) for small and medium manufacturers so that small and medium manufacturers can fully use the high-performance computing resources of the National Laboratories to enhance the manufacturing competitiveness of the United States.
Subtitle D—Vehicles
SEC. 1301. SHORT TITLE.
This subtitle may be cited as the ‘‘Vehicle Innovation Act of 2016’’.
SEC. 1302. OBJECTIVES.
The objectives of this subtitle are—
(1) to establish a consistent and consolidated authority for the vehicle technology program at the Department;
(2) to develop United States technologies and practices that—
(A) improve the fuel efficiency and emissions of all vehicles produced in the United States; and
(B) reduce vehicle reliance on petroleum-based fuels;
(3) to support domestic research, development, demonstration, and commercial application and manufacturing of advanced vehicles, engines, and components;
(4) to enable vehicles to move larger volumes of goods and more passengers with less energy and emissions;
(5) to develop cost-effective advanced technologies for wide-scale utilization throughout the passenger, commercial, government, and transit vehicle sectors;
(6) to allow for greater consumer choice of vehicle technologies and fuels;
(7) to ensure a proper balance and diversity of Federal investment in vehicle technologies; and
(8) to strengthen partnerships between Federal and State governmental agencies and the private and academic sectors.
SEC. 1303. COORDINATION AND NONDUPlication.
The Secretary shall ensure, to the maximum extent practicable, that the activities authorized by this subtitle do not duplicate those of other programs within the Department or other relevant research agencies.
SEC. 1304. AUTHORIZATION OF APPROPRIATIONS.
There are authorized to be appropriated to the Secretary for research, development, engineering, demonstration, and commercial application of vehicles and related technologies in the United States, activities authorized under this subtitle—
(1) for fiscal year 2016, $313,567,000;
(2) for fiscal year 2017, $326,109,000;
(3) for fiscal year 2018, $339,154,000;
(4) for fiscal year 2019, $352,720,000; and
(5) for fiscal year 2020, $366,829,000.
SEC. 1305. REPORTING.
(a) TECHNOLOGIES DEVELOPED.—Not later than 180 days after the date of enactment of this Act and annually thereafter through 2020, the Secretary shall submit to Congress a report regarding the technologies developed as a result of activities authorized by this subtitle, with a particular emphasis on whether the technologies were successfully adopted for commercial applications, and if so, the extent to which those technologies are manufactured in the United States.
(31) other research areas as determined by the Secretary.

(b) TRANSFORMATIONAL TECHNOLOGY.—The Secretary shall ensure that the Department continues to conduct research, development, engineering, demonstration, and commercial application activities and maintains competent research and long-term transformational vehicle technologies with potential to achieve reductions in emissions, including activities in the areas of—

(1) technologies, including fuel cells, hydrogen storage, infrastructure, and activities in hydrogen technology validation and safety codes and standards;
(2) technologies and strategies to operate model energy storage devices, including nonchemical and electromechanical storage technologies such as hydraulics, flywheels, and compressed air storage;
(3) communication and connectivity among vehicles, infrastructure, and the electric grid; and

(4) other innovative technologies research and development, as determined by the Secretary.

(32) desalination.

(c) INDUSTRY PARTICIPATION.—To the maximum extent practicable, activities under this Act shall be carried out in partnership or collaboration with automobile manufacturers, research universities, vocational and technical schools, and transit vehicle manufacturers, qualified plug-in electric vehicle manufacturers, compressed natural gas vehicle manufacturers, vehicle components manufacturers and equipment manufacturers, manufacturing equipment manufacturers, advanced vehicle service providers, fuel producers and energy suppliers, electric utilities, universities, national laboratories, and independent research laboratories. In carrying out this Act the Secretary shall—

(1) identify whether a wide range of companies that manufacture or assemble vehicles or components in the United States are represented in ongoing public private partnerships, including firms that have not traditionally participated in federally sponsored research and development activities, and where possible, partner with such firms that conduct significant and relevant research and development activities in the United States;

(2) leverage the capabilities and resources of, and formalize partnerships with, industry-led stakeholder organizations, nonprofit organizations, industry consortia, and trade associations with expertise in the research and development, education and outreach activities in, advanced automotive and commercial vehicle technologies;

(3) develop more effective processes for transferring research findings and technologies to industry;

(4) support public-private partnerships, dedicated to overcoming barriers in commercializing transformational vehicle technologies, that utilize such industry-led technology development facilities of entities with demonstrated expertise in successfully designing, developing pre-commercial generations of such transformational technologies; and

(5) promote efforts to ensure that technology research, development, engineering, and commercial application activities funded under this Act are carried out in the United States.

(d) INTERAGENCY AND INTRAAGENCY COORDINATION.—To the maximum extent practicable, the Secretary shall coordinate research, development, demonstration, and commercial application activities among—

(1) relevant programs within the Department, including—

(A) the Office of Energy Efficiency and Renewable Energy;
(B) the Office of Science;
(C) the Office of Electricity Delivery and Energy Reliability;
(D) the Office of Fossil Energy;
(E) the Advanced Research Projects Agency—Energy;
(F) other offices as determined by the Secretary; and

(2) relevant technology research and development programs within other Federal agencies, as determined by the Secretary.

(e) FEDERAL DEMONSTRATION OF TECHNOLOGIES.—The Secretary shall make information available to procurement programs of Federal agencies regarding the potential to demonstrate technologies resulting from activities funded through programs under this Act.

(f) INTERGOVERNMENTAL COORDINATION.—The Secretary shall seek opportunities to leverage resources and support initiatives of State and local governments in developing and promoting advanced vehicle technologies, manufacturing, and infrastructure.

(g) CRITERIA.—When awarding grants under this program, the Secretary shall give priority to those technologies (either individually or as part of a system) that—

(1) provide the greatest aggregate fuel savings based on the reasonable projected sales volumes of the technology; and

(2) provide the greatest increase in United States employment.

(h) SECONDARY USE APPLICATION.—

(1) IN GENERAL.—The Secretary shall carry out a research, development, and demonstration program that—

(A) builds on any work carried out under section 915 of the Energy Policy Act of 2005 (42 U.S.C. 1619b);

(B) identifies possible uses of a vehicle battery after the useful life of the battery in a vehicle has been exhausted; and

(C) conducts long-term testing to verify performance and degradation predictions and lifetime valuations for secondary uses;

(2) to develop approaches to recycling materials from plug-in electric drive vehicles and the batteries used in plug-in electric drive vehicles;

(E)(i) assesses the potential for markets for uses described in subparagraph (B) to develop; and

(i) identifies any barriers to the development of those uses;

(F) identifies the potential uses of a vehicle battery—

(i) with the most promise for market development; and

(ii) for which market development would be aided by a demonstration project.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress an initial report on the findings of the program described in paragraph (1), identifying options for developing guidelines for projects that demonstrate the secondary uses and innovative recycling of vehicle batteries.

(2) SECONDARY USE DEMONSTRATION.—

(1) IN GENERAL.—Based on the results of the program described in paragraph (1), the Secretary shall develop guidelines for programs that demonstrate the secondary uses and innovative recycling of vehicle batteries.

(2) GUIDELINES.—Not later than 18 months after the date of enactment of this Act, the Secretary shall publish guidelines in the Federal Register for the purposes of—

(i) demonstrating the potential for recycling battery modules in vehicles;

(ii) setting guidelines for funding for demonstration projects.

(C) PILOT DEMONSTRATION PROGRAM.—Not later than 21 months after the date of enactment of this Act, the Secretary shall—

(i) publish the guidelines described in subparagraph (A); and

(ii) solicit applications for funding for demonstration projects.

(D) MODEL PROGRAM.—Not later than 21 months after the date of enactment of this Act, the Secretary shall—

(i) follow the guidelines described in subparagraph (A); and

(ii) select for funding demonstration projects.

SEC. 1307. MANUFACTURING.

The Secretary shall carry out a research, development, engineering, demonstration, and commercial application program of advanced vehicle manufacturing technologies and practices, including innovative processes—

(1) to increase the production rate and decrease the cost of advanced battery and fuel cell manufacturing;

(2) to vary the capability of individual manufacturing facilities to accommodate different battery chemistries and configurations; and

(3) to reduce waste streams, emissions, and energy intensity of vehicle, engine, advanced battery and component manufacturing processes;

(4) to recycle and remanufacture used batteries and other vehicle components for reuse in vehicles or stationary applications;

(5) to develop manufacturing processes to effectively fabricate, assemble, and produce cost-effective lightweight materials such as advanced aluminum and other metal alloys, polymeric composites, and carbon fiber for use in vehicles;

(6) to produce lightweight high pressure storage systems for gasoline;

(7) to design and manufacture purpose-built hydrogen fuel cell vehicles and components;

(8) to improve the calendar life and cycle life of advanced batteries; and

(9) to produce permanent magnets for advanced vehicles.

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

SEC. 1308. PROGRAM.

The Secretary, in partnership with relevant research and development programs in other Federal agencies, and a range of appropriate industry stakeholders, shall carry out a program of cooperative research, development, demonstration, and commercial application activities on advanced technologies for medium- to heavy-duty commercial, vocational, recreational, and transit vehicles, including activities in the areas of—

(1) engine efficiency and combustion research;

(2) onboard storage technologies for compressed and liquefied natural gas;

(3) development and integration of engine technologies designed for natural gas operation of a variety of vehicle platforms;

(4) waste heat recovery and conversion;

(5) improved aerodynamics and tire rolling resistance;

(6) energy and space-efficient emissions control systems;

(7) mild hybrid, heavy hybrid, hybrid hybrid, plug-in hybrid, and electric platforms, and energy storage technologies;

(8) drivetrain optimization;

(9) friction and wear reduction;

(10) engine idle and parasitic energy loss reduction;

(11) electrification of accessory loads;

(12) onboard sensing and communications technologies;

(13) advanced lightweighting materials and vehicle designs;

(14) increasing load capacity per vehicle;

(15) thermal management of battery systems;

(16) recharging infrastructure;

(17) compressed natural gas infrastructure;

(18) reformed and oxygenated engines; and

(19) complete vehicle and power pack modeling, simulation, and testing;
(20) hydrogen vehicle technologies, including fuel cells and internal combustion engines, and hydrogen infrastructure, including hydrogen energy storage to enable renewable and provide hydrogen for fuel and power;
(21) retrofitting advanced technologies onto existing truck fleets;
(22) advanced braking systems;
(23) engine down speeding; and
(24) integration of these and other advanced systems onto a single truck and trailer platform.

SEC. 1309. CLASS 8 TRUCK AND TRAILER SYSTEMS DEMONSTRATION.
(a) In General.—The Secretary shall conduct demonstrations of technologies for evaluating the performance of advanced heavy vehicle technologies under a range of representative duty cycles and operating conditions, including for heavy hybrid propulsion systems.
(b) Applicant Teams.—Applicant teams may comprised of truck and trailer manufacturers, engine and component manufacturers, research, development, demonstration, and other applicants as appropriate for the development and demonstration of integrated Class 8 truck and trailer systems.

SEC. 1310. TECHNOLOGY TESTING AND METRICS.
The Secretary, in coordination with the partners of the interagency research program described in section 1309—
(1) shall develop standard testing procedures and test technologies for evaluating the performance of advanced heavy vehicle technologies under a range of representative duty cycles and operating conditions, including for heavy hybrid propulsion systems;
(2) shall evaluate heavy vehicle performance using work performance-based metrics other than those based on payload or per gallon, including those based on units of volume and weight transported for freight applications, and appropriate metrics based on the work performed by nonroad systems; and
(3) may establish a heavy duty truck and bus testing facilities.

SEC. 1311. NONROAD SYSTEMS PILOT PROGRAM.
The Secretary shall undertake a pilot program of research, development, demonstration, and commercial applications of technologies to improve total machine or system efficiency for nonroad mobile equipment including construction, air, and sea port equipment, and shall seek opportunities to transfer relevant research findings and technologies between the nonroad and on-highway truck and vehicle sectors.

PART III—ADMINISTRATION

SEC. 1312. REPEAL OF EXISTING AUTHORITIES.
(a) In General.—Sections 706, 711, 712, and 933 of the Energy Policy Act of 2005 (42 U.S.C. 18651, 18661, 18662, 18623) are repealed.
(b) Energy Efficiency.—Section 911 of the Energy Policy Act of 2005 (42 U.S.C. 16191) is amended—
(1) in subsection (a), by striking "vehicles, buildings," and inserting "buildings"; and
(2) in paragraph (2)—
(i) by striking subparagraph (A); and
(ii) by redesignating subparagraphs (B) through (E) as subparagraphs (A) through (D), respectively; and
(3) in subsection (c)—
(A) by striking paragraph (3);
(B) by redesignating paragraph (4) as paragraph (3); and
(C) in paragraph (3) (as so redesignated), by striking "(a)(2)(D)" and inserting "(a)(2)(C)".

SEC. 1313. REAUTHORIZATION OF DIESEL EMIS- SIONS REDUCTION PROGRAM.
Section 723 of the Energy Policy Act of 2005 (42 U.S.C. 16137(a)) is amended by striking "2016" and inserting "2021".

SEC. 1314. GASEOUS FUEL DUAL FUELED AUTO- MOBILES.
Section 32905 of title 49, United States Code, is amended by striking subsection (d) and inserting in lieu thereof—
(1) GASEOUS FUEL DUAL FUELED AUTO- MOBILES.
(A) Model Years 1993 through 2016.—For any model of gaseous fuel dual fueled automobile manufactured by a manufacturer in model years 1993 through 2016, the Administrator shall measure the fuel economy for that model by dividing the sum of—
(A) .5 divided by the fuel economy measured under section 32904(c) of this title when operating the model on gasoline or diesel fuel; and
(B) .5 divided by the fuel economy measured under subsection (c) of this section when operating the model on gaseous fuel.
(2) Subsequent Model Years.—For any model of gaseous fuel dual fueled automobile manufactured by a manufacturer in model years 1993 through 2016, the Administrator shall calculate fuel economy in accordance with section 600.510-12 (c)(2)(vii) of title 40, Code of Federal Regulations (as in effect on the date of enactment of this paragraph) if the vehicle qualifies under section 32901(c)(2).

Subtitle E—Short Title

SEC. 1301. SHORT TITLE.
This title may be cited as the “Portman-Sheehan Energy Efficiency Improvement Act of 2016”.

Subtitle F—Housing

SEC. 1305. 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. 1701 et seq.) with respect to which an energy efficiency report is voluntary used under subsection (b), and
(2) USE AS OFFSET.—To the extent that the energy efficiency report is used under subsection (b), 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 insur ance 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.
(4) DETERMINATION OF ESTIMATED ENERGY COST SAVINGS.—
(A) the expected energy efficiency report shall—
(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 for that 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 uses under this subtitle, shall include a third-party quality assurance procedure.
(3) USE BY APPRAISER.—If an energy efficiency report is used under subsection (b), the energy efficiency report shall be provided to the appraiser to estimate the energy efficiency of the subject property and for potential adjustments for energy efficiency.
(4) PRICING OF LOANS.—
(A) 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 loan.
(B) IMPOSITION OF CERTAIN MATERIAL COSTS, IMPEDIMENTS, OR PENALTIES.—In the absence of a publicly disclosed analysis that demonstrates a significant additional default or prepayment risk associated with the loans, the Federal Housing Administration shall 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 shall not—
(A) establish any underwriting criteria that require or otherwise derive from the enhanced loan eligibility requirements required under this section; or
(B) impose greater buy back requirements, credit scoring, or mortgage 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.

(2) 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; and
(2) be available on any residential real property (including individual units of condominiums and cooperatives) that qualifies for a covered loan.

(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 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, unless the appraiser 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.

(d) Duration of Energy Savings.—The duration of the estimated energy savings shall be the number of years the appraiser determines is reasonably likely to result from the enhancement of energy efficiency that may result from the implementation of any energy efficiency improvements.

(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 determined by guidelines issued under subsection (a).

(e) 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:

‘‘(d) A PPLICABILITY AND IMPLEMENTATION DATE.—Not later than 3 years after the date of enactment of this Act, and before December 31, 2019, the Secretary of Housing and Urban Development 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. 1505. MONITORING.

Not later than 1 year after the date on which the enhanced loan 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 risks associated with any that the Federal Housing Administration has priced into covered loans for which there was an energy efficiency report.

SEC. 1506. 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 homebuyer 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 efficient 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. 2001. CYBERSECURITY THREATS.

Part II of the Federal Power Act (16 U.S.C. 824 et seq.) is amended by adding at the end the following:

"SEC. 224. CYBERSECURITY THREATS.

"(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary of Housing and Urban Development shall convene 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 any revisions or additions to 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 efficiency and additional factors to account for substantial and regular costs of homeownership such as location-based transportation costs and water costs. The Secretary of Housing and Urban Development shall forward any legislative recommendations from the advisory group to Congress for its consideration.

TITLE II—INFRASTRUCTURE

SEC. 2002. ENHANCED GRID SECURITY.

"(a) DEFINITIONS.—In this section:

"(1) BULK-POWER SYSTEM.—The term ‘bulk-power system’ has the meaning given the term in section 215.

"(2) CRITICAL ELECTRIC INFRASTRUCTURE.—The term ‘critical electric infrastructure’ means a system or asset of the bulk-power system, whether physical or virtual, the incapacitation or destruction of which would negatively affect national security, economic security, public health or safety, or any combination of those matters.

"(3) CRITICAL ELECTRIC INFRASTRUCTURE INFORMATION.—

(a) IN GENERAL.—The term ‘critical electric infrastructure information’ means information related to critical electric infrastructure, or proposed critical electric infrastructure, generated by or provided to the Commission, independent regulatory agencies, other than classified national security information, that is designated as critical electric infrastructure information under regulations promulgated by the Commission.

(b) INCLUSIONS.—The term ‘critical electric infrastructure information’ includes information necessary as critical energy infrastructure information under regulations promulgated by the Commission.

(c) CYBERSECURITY THREAT.—The term ‘cybersecurity threat’ means the imminent danger of an act that severely disrupts, attempts to severely disrupt, or poses a significant risk of severely disrupting the operation of, comprehensive electronic services or communications networks (including hardware, software, and data) essential to the reliable operation of the bulk-power system.

(d) ELECTRIC RELIABILITY ORGANIZATION.—The term ‘Electric Reliability Organization’ has the meaning given the term in section 215.

(e) REGIONAL ENTITY.—The term ‘regional entity’ has the meaning given the term in section 215.

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

(g) EMERGENCY AUTHORITY OF SECRETARY.—

(1) IN GENERAL.—If the President notifies the Secretary of Energy that an emergency has determined that immediate action is necessary to protect the bulk-power system from a cybersecurity threat, the Secretary may, by order and with or without notice, any entity that is registered with the Electric Reliability Organization as an owner, operator, or user of the bulk-power system to take such actions as the Secretary determines will best avert or mitigate the cybersecurity threat.

(2) TRANSMISSION OF DETERMINATION.—As soon as practicable after notifying the Secretary under paragraph (1), the President shall—

(A) provide to the Secretary, in writing, a record of the determinations and an explanation of the reasons for the determination; and

(B) promptly notify, in writing, congressional committees of relevant jurisdiction, including the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, of the contents of, and justification for, the directive or determination.

(h) COORDINATION WITH CANADA AND MEXICO.—In exercising the authority pursuant to this subsection, the Secretary is encouraged to consult and coordinate with the appropriate officials of Canada and Mexico responsible for the protection of cybersecurity of the interconnected North American electricity grid.

(i) CONSULTATION.—Before exercising authority pursuant to this subsection, to the maximum extent practicable, taking into consideration the nature of an identified cybersecurity threat, the urgent need for action, the Secretary shall consult regarding implementation of actions that will effectively address the cybersecurity threat with—

(A) any entities potentially subject to the cybersecurity threat that own, control, or operate bulk-power systems;

(B) the Electric Reliability Organization;

(C) the Electricity Sub-sector Coordinating Council (as established by the Electric Reliability Organization); and

(D) officials of other Federal departments and agencies, as appropriate.

(j) COST RECOVERY.—

(A) IN GENERAL.—The Commission shall adopt regulations that permit entities subject to an order under paragraph (1) to seek recovery of prudently incurred costs required to implement the orders required by the Secretary under this subsection.

(B) REQUIREMENTS.—Any rate or charge approved under regulations adopted pursuant to this paragraph—

(i) shall be just and reasonable; and

(ii) shall not be unduly discriminatory or preferential.

(k) DURATION OF EMERGENCY ORDERS.—An order issued by the Secretary pursuant to subsection (b) shall remain in effect for not longer than the 30-day period beginning on the effective date of the order, unless, during that 30-day period, the Secretary—

(1) provides to interested persons an opportunity to submit written data, records, and other information within documents and electronic communications, wherever feasible, to facilitate consideration of any issue that the Secretary determines to be relevant for consideration of the order under this section, the Commission shall segregate critical electric infrastructure information in a manner that is not authorized under this section;

(3) DISCLOSURE OF NONCRITICAL ELECTRIC INFRASTRUCTURE INFORMATION.—In carrying out this section, the Commission shall segregate critical electric infrastructure information in documents and electronic communications, wherever feasible, to facilitate disclosure of information that is not designated as critical electric infrastructure information.

(b) EMERGENCY AUTHORITY OF SECRETARY.—The term ‘Sector-Specific Agency’ has the meaning given the term in the Presidential policy directive entitled ‘Critical Infrastructure Security and Resilience’, numbered 21, and dated February 12, 2013.

(c) SECTOR-SPECIFIC AGENCY.—The term ‘Sector-Specific Agency’ has the meaning given the term in the Presidential policy directive entitled ‘Critical Infrastructure Security and Resilience’, numbered 21, and dated February 12, 2013.

(b) SECTOR-SPECIFIC AGENCY FOR CYBERSECURITY FOR THE ENERGY SECTOR.—

(1) IN GENERAL.—The Department shall be the lead Sector-Specific Agency for cybersecurity for the energy sector.

(2) DUTIES.—As the designated Sector-Specific Agency for cybersecurity, the duties of the Department shall include—

(A) coordinating with the Department of Homeland Security and other relevant Federal departments and agencies; and

(B) collaborating with—

(i) critical infrastructure owners and operators; and

(ii) the appropriate—

(A) independent regulatory agencies; and

(B) State, local, tribal and territorial entities.

(c) SERVING AS A DAY-TO-DAY FEDERAL INTERFACE FOR THE DYNAMIC PRIORITIZATION AND COORDINATION OF SECTOR-SPECIFIC ACTIVITIES;
(D) carrying out incident management responsibilities consistent with applicable law (including regulations) and other appropriate policies or directives; (E) providing support, or facilitating technical assistance and consultations for the energy sector to identify vulnerabilities and help mitigate incidents, as appropriate; and (F) supporting the reporting requirements of the Department of Homeland Security under applicable law by providing, on an annual basis, sector-specific critical infrastructure information.

(cybersecurity for the energy sector research, development, and demonstration program)

(1) in general.—The Secretary, in consultation with appropriate Federal agencies, the energy sector, the States, and other stakeholders, shall carry out a program— (A) to develop advanced cybersecurity applications and technologies for the energy sector, including— (i) to identify and mitigate vulnerabilities, including— (I) dependencies on other critical infrastructure; and (II) impacts from weather and fuel supply; and (ii) to advance the security of field devices and third-party control systems, including— (I) protection, operation, transmission, distribution, end use, and market functions; (II) specific electric grid elements including advanced metering, demand response, distributed generation, and electricity storage; (III) forensic analysis of infected systems; and (IV) secure communications; (B) to leverage electric grid architecture as a means to assess risks to the energy sector, including by implementing an all-hazards approach to communications infrastructure, control systems architecture, and power systems architecture; (C) to perform pilot demonstration projects with the energy sector to gain experience with new technologies; and (D) to develop workforce development curricula for energy sector-related cybersecurity; (2) authorization of appropriations.—There is authorized to be appropriated to carry out this subsection $65,000,000 for each of fiscal years 2017 through 2025.

(d) AUTHORIZATION OF APPROPRIATIONS.— (1) in general.—The Secretary shall develop and advance a cybersecurity program to secure energy networks, including electric, natural gas, and oil exploration, transmission, and delivery.

(2) security and resiliency objective.—The objective of the program developed under paragraph (1) is to increase the functional preservation of the electric grid operations, natural gas and oil operations in the face of natural and human-made threats and hazards, including electric magnetic pulse and geomagnetic disturbances.

(e) Leveraging existing programs.—In carrying out the program developed under paragraph (1), the Secretary may— (A) develop capabilities to identify vulnerabilities and critical components that pose major risks to grid security if destroyed or impaired; (B) provide modeling at the national level to predict impacts from natural or human-made events; (C) develop a maturity model for physical security and cybersecurity; (D) conduct exercises and assessments to identify and mitigate vulnerabilities to the electric grid, including providing mitigation recommendations; (E) conduct research hardening solutions for critical components of the electric grid; (F) conduct research mitigation and recovery solutions for critical components of the electric grid; and (G) provide technical assistance to States and other entities for standards and risk analysis.

(4) Authorization of appropriations.—There is authorized to be appropriated to carry out this subsection $10,000,000 for each of fiscal years 2017 through 2025.

(d) energy sector component testing for cyberresilience program

(1) in general.—The Secretary shall carry out a program— (A) to establish a cybertesting and mitigation program to identify vulnerabilities of energy sector supply chain products to known threats; (B) to oversee third-party cybertesting; and (C) to develop procurement guidelines for energy sector supply chain components.

(2) Authorization of appropriations.—There is authorized to be appropriated to carry out this subsection $65,000,000 for each of fiscal years 2017 through 2025.

(e) Energy sector operational support for cyberresilience program

(1) in general.—The Secretary may carry out a program— (A) to enhance and periodically test— (i) the emergency response capabilities of the Department; and (ii) the coordination of the Department with other agencies, the National Laboratories, and private industry; (B) to expand cooperation of the Department with the Maritime Administration for energy sector-related threat collection and analysis; (C) to enhance the tools of the Department and ES-ISAC for monitoring the status of the energy sector; (D) to expand industry participation in ES-ISAC; and (E) to provide technical assistance to small electric utilities for purposes of assessing cybermaturity level.

(2) Authorization of appropriations.—There is authorized to be appropriated to carry out this subsection $10,000,000 for each of fiscal years 2017 through 2025.

(f) Modeling and assessing energy infrastructure risk

(1) in general.—The Secretary shall develop and advance a cybersecurity program to secure energy networks, including electric, natural gas, and oil exploration, transmission, and delivery.

(2) modeling and assessing energy infrastructure risk.—The objective of the program developed under paragraph (1) is to increase the functional preservation of the electric grid operations, natural gas and oil operations in the face of natural and human-made threats and hazards, including electric magnetic pulse and geomagnetic disturbances.

(3) eligibility for activities.—In carrying out the program developed under paragraph (1), the Secretary may— (A) develop advanced systems that pose risks to grid security if destroyed or impaired; (B) provide modeling at the national level to predict impacts from natural or human-made events; (C) develop a maturity model for physical security and cybersecurity; (D) conduct exercises and assessments to identify and mitigate vulnerabilities to the electric grid, including providing mitigation recommendations; (E) conduct research hardening solutions for critical components of the electric grid; (F) conduct research mitigation and recovery solutions for critical components of the electric grid; and (G) provide technical assistance to States and other entities for standards and risk analysis.

(4) Authorization of appropriations.—There is authorized to be appropriated to carry out this subsection $10,000,000 for each of fiscal years 2017 through 2025.

(g) leveraging existing programs.—The programs established under this section shall be carried out through— (1) the report of the Department entitled “Roadmap to Achieve Energy Delivery Systems Cybersecurity” and dated 2011; (2) existing programs of the Department; and (3) any associated strategic framework that links together academic and National Laboratory researchers, electric utilities, manufacturers, and any other relevant private industry organizations, including the Electricity Sub-sector Coordinating Council.

(h) study

(1) in general.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the Federal Energy Regulatory Commission and the North American Electric Reliability Corporation, shall conduct a study to explore alternative management structures and funding mechanisms to expand industry membership and participation in ES-ISAC.

(2) report.—The Secretary shall submit to the appropriate committees of Congress a report describing the results of the study conducted under paragraph (1).

Subtitle B—Strategic Petroleum Reserve

SEC. 2101. STRATEGIC PETROLEUM RESERVE MODERNIZATION.

(a) Reaffirmation of Policy.—Congress reaffirms the continuing strategic importance and need for the Strategic Petroleum Reserve as found and declared in section 151 of the Energy Policy and Conservation Act (42 U.S.C. 6231).

(b) Petroleum Reserve Account.—Section 167(b) of the Energy Policy and Conservation Act (42 U.S.C. 6247(b)) is amended to read as follows:

(1) purposes.—Amounts in the Account may be obligated by the Secretary of Energy for— (A) the acquisition, transportation, and injection of petroleum products into the Reserve; (B) test sales of petroleum products from the Reserve; (C) the drawdown, sale, and delivery of petroleum products from the Reserve; (D) the construction, maintenance, repair, and replacement of storage facilities and related facilities; and (E) carrying out non-Reserve projects needed to enhance the energy security of the United States, including increasing the resilience, reliability, safety, and security of energy supply, transmission, storage, or distribution infrastructure.

(2) amounts.—Amounts in the Account may be obligated by the Secretary of Energy for purposes of paragraph (1), in the case of any fiscal year— (A) subject to section 660 of the Department of Energy Organization Act (42 U.S.C. 7270), in such aggregate amounts as may be appropriated in advance in appropriations Acts; and (B) notwithstanding section 660 of the Department of Energy Organization Act (42 U.S.C. 7270), in an aggregate amount equal to the aggregate amount to the United States from the sale of petroleum products in any drawdown and a distribution of the Reserve under section 161, including— (i) a drawdown and distribution carried out under subsection (g) of that section; or (ii) from the sale of petroleum products under section 1601.

(3) availability of funds.—Funds available to the Secretary of Energy for obligations under this subsection may remain available without fiscal year limitation.

(3) definition of related facility.—Section 152(b) of the Energy Policy and Conservation Act (42 U.S.C. 622(b)) is amended by inserting “terminals,” after “reserves,”

SEC. 2102. STRATEGIC PETROLEUM RESERVE DRAWDOWN AND SALE.

Section 403 of the Bipartisan Budget Act of 2015 (Public Law 114–74; 129 Stat. 589) is amended by adding at the end the following:

(4) increase; limitation.—

(1) increase.—The Secretary of Energy may increase the drawdown and sales under paragraphs (1) through (8) of subsection (a) as the Secretary of Energy determines to be appropriate to maximize the financial return to United States taxpayers.

(2) limitation.—The Secretary of Energy shall not drawdown or conduct sales of crude oil under this section after the date on which a total of $75,000,000,000 has been deposited in the general fund of the Treasury from sales authorized under this section.

Subtitle C—Trade

SEC. 2201. ACTION ON APPLICATIONS TO EXPORT LIQUEFIED NATURAL GAS.

(a) Decision Deadline.—For proposals that must also obtain authorization from the Federal Energy Regulatory Commission or the Maritime Administration to construct, expand, or operate liquefied natural gas export facilities, the Secretary shall
issue a final decision on any application for the authorization to export natural gas under section 3(a) of the Natural Gas Act (15 U.S.C. 717b(a)) not later than 45 days after the latest of:

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

(2) the date of enactment of this Act.

(b) PUBLICATION OF FINDING.—For purposes of subsection (a), review required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall be considered concluded and closed for the purposes of subsection (a) if—

(1) for a project requiring an Environmental Impact Statement, the Final Environmental Impact Statement; or

(2) for a project for which an Environmental Assessment has been prepared, publishes a Finding of No Significant Impact; or

(3) determines that an application is eligible for a categorical exclusion pursuant to 42 U.S.C. 4321 et seq.) implementing regulations.

(c) JUDICIAL REVIEW.—

(1) IN GENERAL.—Except for review in the Supreme Court, the United States Court of Appeals for the District of Columbia Circuit or the circuit in which the liquefied natural gas export facility will be located pursuant to an application described in subsection (a) shall have original and exclusive jurisdiction over any challenge to the review of—

(A) an order issued by the Secretary with respect to such application; or

(B) the failure of the Secretary to issue a final decision on such application.

(2) ORDER.—If the Court in a civil action described in paragraph (1) finds that the Secretary has failed to issue a final decision on the application as required under subsection (a), the Court shall order the Secretary to issue the final decision not later than 30 days after the order of the Court.

(3) EXPEDITED CONSIDERATION.—The Court shall—

(A) set any civil action brought under this subsection for expedited consideration; and

(B) set the matter on the docket as soon as practicable after the filing date of the initial pleading.

(4) TRANSFERS.—In the case of an application described in subsection (a) for which a petition for review has been filed—

(A) upon motion by an applicant, the matter shall be transferred to the United States Court of Appeals for the District of Columbia Circuit or the circuit in which the liquefied natural gas export facility will be located pursuant to an application described in section 3(a) of the Natural Gas Act (15 U.S.C. 717b(a)); and

(B) the provisions of this section shall apply.

SEC. 2202. PUBLIC DISCLOSURE OF LIQUEFIED NATURAL GAS EXPORT DESTINATIONS.

Section 3 of the Natural Gas Act (15 U.S.C. 717b) is amended by adding at the end the following:

“(g) PUBLIC DISCLOSURE OF LNG EXPORT DESTINATIONS.—

“(1) IN GENERAL.—In the case of any authorization to export liquefied natural gas, the Secretary of Energy shall require the applicant to report to the Secretary of Energy the names of the 1 or more countries of destination to which the exported liquefied natural gas is delivered.

“(2) TIMING.—The applicant shall file the report required under paragraph (1) not later than—

“(A) in the case of the first export, the last day of the month following the month of the first export; and

“(B) in the case of subsequent exports, the date that is 30 days after the last day of the applicable month concerning the activity of the previous month.

“(3) ACCESS TO REPORT.—The Secretary of Energy shall publish the information reported under this subsection on the website of the Department of Energy and otherwise make the information available to the public.

SEC. 2203. ENERGY DATA COLLABORATION.

(a) IN GENERAL.—The Administrator of the Energy Information Administration shall collaborate with the appropriate officials in Canada and Mexico, as determined by the Administrator, to improve—

(1) the quality and transparency of energy data in North America through reconditioning of data on energy trade flows among the United States, Canada, and Mexico;

(2) the extension of energy mapping capabilities in the United States, Canada, and Mexico; and

(3) the development of common energy data terminology among the United States, Canada, and Mexico.

(b) PRIORITY OF CONTRACTS.—The Administrator shall—

(1) set any civil action brought under this section for expedited consideration; and

(2) whether forward-looking projections for regional energy flows are improving in accuracy as a result of the energy data sharing under that subsection.

Subtitle D—Electricity and Energy Storage

SEC. 2301. GRID STORAGE PROGRAM.

(a) IN GENERAL.—The Secretary shall conduct research, development, and demonstration of electric grid energy storage that addresses the principal challenges identified in the 2013 Department of Energy Strategic Plan for Grid Energy Storage.

(b) AREAS OF FOCUS.—The program under this section shall focus on—

(1) materials, thermal, electric thermal, and electrochemical systems research;

(2) power conversion technologies research;

(3) development of—

(A) empirical and science-based industry standards to compare the storage capacity, cycle life, and reliability of different types of electricity storage; and

(B) validation and testing techniques;

(4) other fundamental and applied research critical to widespread deployment of electricity storage;

(5) device development that builds on results from research described in paragraphs (1), (2), and (3); and

(6) grid-scale analysis of storage devices, including tests and field trials;

(7) cost-benefit analyses that inform capital expenditure planning for regulators and owners and operators of components of the electric grid;

(8) electricity storage device safety and reliability, including potential failure models, mitigation measures, and operational guidelines;

(9) standards for storage device performance, control, and grid interconnection, and interoperability; and

(10) maintaining a public database of energy storage projects, policies, codes, standards, and regulations.

(c) ASSISTANCE TO STATES.—The Secretary may provide technical and financial assistance to States, Indian tribes, or units of local government to participate in or use research, development, or deployment of technology developed under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated to the Secretary to carry out this section $50,000,000 for each of fiscal years through 2026.

(e) NO EFFECT ON OTHER PROVISIONS OF LAW.—Nothing in this subtitle or an amendment made by this subtitle authorizes regulatory actions that would conflict with regulatory requirements, mandatory standards, or related processes under section 215 of the Federal Power Act (16 U.S.C. 824o).

(f) USE OF FUNDS.—To the maximum extent practicable, in carrying out this section, the Secretary shall ensure that any use of funds to carry out this section is coordinated among different offices within the Grid Modernization Initiative of the Department and other programs conducting energy storage research.

SEC. 2302. ELECTRIC SYSTEM GRID ARCHITECTURE, SCENARIOS, DEVELOPMENT, AND MODELING.

(a) GRID ARCHITECTURE AND SCENARIO DEVELOPMENT.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall establish and facilitate a collaborative process to develop model grid architecture and a set of grid scenarios for the electric system to examine the impacts of different combinations of resources (including different quantities of distributed resources and resources, such as gas fired, central generation) on the electric grid.

(2) MARKET STRUCTURE.—The grid architecture and scenarios developed under paragraphs (1) shall account for differences in market structure, including an examination of the potential for stranded costs in each type of market structure.

(b) FINDINGS.—Based on the findings of grid architecture developed under paragraph (1), the Secretary shall—

(A) determine whether any additional standards are necessary to ensure the interoperability of grid systems and associated communications networks; and

(B) if the Secretary makes a determination that additional standards are necessary under subparagraph (A), make recommendations for additional standards, including, as may be appropriate, to the Electric Reliability Organization and the Congress.

(c) USE OF FUNDS.—To the maximum extent practicable, the Secretary shall—

(1) establish a program to develop grid architecture and grid scenarios; and

(2) provide for the development of grid architecture and grid scenarios.

(d) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated to carry out this section $100,000,000 for each of fiscal years through 2026.

SEC. 2303. HYBRID MICRO-GRID SYSTEMS FOR ISOLATED AND RESILIENT COMMUNITIES.

(a) DEFINITIONS.—In this section—

(1) HYBRID MICRO-GRID.—The term ‘hybrid micro-grid system’ means a stand-alone electrical system that—

(A) uses distributed resources for—

(i) electricity; and

(ii) heat, cooling, or other services;

(B) includes at least one of the following—

(i) solar photovoltaic technologies;

(ii) wind energy technologies;

(iii) energy storage technologies; or

(iv) advanced grid services;

(C) has the capacity to operate autonomously; and

(D) has a total power capacity of 1 megawatt or less.

(b) HYBRID MICRO-GRID SYSTEMS.—The term ‘hybrid micro-grid system’ means a stand-alone electrical system that—

(A) provides—

(i) electricity; or

(ii) heat, cooling, or other services; and

(B) includes at least one of the following—

(i) solar photovoltaic technologies;

(ii) wind energy technologies; or

(iii) energy storage technologies; or

(iv) advanced grid services; or

(C) has a total power capacity of 1 megawatt or less.

(c) USE.—The term ‘hybrid micro-grid system’ means a stand-alone electrical system that—

(A) provides—

(i) electricity; or

(ii) heat, cooling, or other services; and

(B) includes at least one of the following—

(i) solar photovoltaic technologies;

(ii) wind energy technologies; or

(iii) energy storage technologies; or

(iv) advanced grid services; or

(C) has a total power capacity of 1 megawatt or less.

(d) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated to the Secretary to carry out this section $20,000,000 for each of fiscal years through 2026.
A grid system' means a standalone electrical generation and distribution system without the connection to a regional electric grid.

(3) Micro-grid system.—The term 'micro-grid system' means a standalone electrical generation and distribution system for isolated communities.

(4) Strategy.—The term 'strategy' means the strategy developed pursuant to subsection (b)(1).

(5) Program.—(1) Establishment.—The Secretary shall establish a program to promote the development of micro-grid systems that increase the resilience of critical infrastructure.

(a) In general.—(A) The department of energy shall establish a voluntary model pathway program to promote the development of voluntary model pathways for integrating the electric grid through a collaborative, public-private effort that—

(i) produces illustrative policy pathways that can be adapted for State and regional authorities by regulators and policymakers;

(ii) facilitates the modernization of the electric grid to achieve the objectives described in paragraph (2);

(iii) ensures a reliable, resilient, affordable, safe, and secure electric system; and

(iv) acknowledges and provides for different priorities, electric systems, and rate structures across States and regions.

(2) Outcomes established under paragraph (1) shall facilitate achievement of the following objectives:

(A) Near real-time situational awareness of the electric grid;

(B) Data visualization;

(C) Advanced monitoring and control of the advanced electric grid;

(D) Enhanced certainty for private investment in the electric system;

(E) Increased innovation;

(F) Greater consumer empowerment;

(G) Enhanced grid resilience, reliability, and robustness;

(H) Improved—

(i) integration of distributed energy resources;

(ii) interoperability of the electric system; and

(iii) predictive modeling and capacity forecasting;

(3) Steering committee.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish a steering committee to develop the development of the pathways under paragraph (1), to be composed of members appointed by the Secretary, consisting of persons with appropriate expertise, including, but not limited to—

(A) community leaders and industry stakeholders;

(B) independent engineers, architects, and contractors; and

(C) other entities the Secretary determines appropriate.

(4) Activities.—(A) The Secretary shall promote the development of micro-grid systems that increase the resilience of critical infrastructure.

(5) Interagency coordination.—The Secretary shall ensure that efforts to minimize unnecessary overdesign, displace costs of the electric system, and reduce environmental impacts are integrated into the electric grid planning and development, and are coordinated with other efforts to improve the electric system's performance.

(6) Grants.—The Secretary shall provide grants the Secretary determines appropriate for—

(A) research and development of micro-grid systems; and

(B) demonstration projects to develop and deploy micro-grid systems.

(7) Coordination.—The Secretary shall coordinate with other Federal agencies to avoid unnecessary duplication, overlap, and waste in efforts to develop and deploy micro-grid systems.

(8) Authorization of appropriations.—There is authorized to be appropriated to carry out this section $250,000,000 for each of fiscal years 2016 through 2020.
SEC. 2308. ELECTRIC TRANSMISSION INFRASTRUCTURE PERMITTING.

(a) INTERAGENCY RAPID RESPONSE TEAM FOR TRANSMISSION.

(1) ESTABLISHMENT.—There is established an interagency rapid response team, to be known as the "Interagency Rapid Response Team for Transmission" (referred to in this subsection as the "Team"), to expedite and improve the permitting process for electric transmission infrastructure on Federal land and non-Federal land.

(2) Mission.—The mission of the Team shall be—

(A) to improve the timeliness and efficiency of electric transmission infrastructure permitting and processing; 

(B) to facilitate the performance of maintenance and upgrades to electric transmission lines on Federal land and non-Federal land and non-Federal land; and 

(C) to provide assistance to the Secretary of the Interior while working with Federal agencies, States, and Indian tribes involved in the siting and permitting process.

(3) MEMBERSHIP.—The Team shall be comprised of representatives of—

(A) the Federal Energy Regulatory Commission; 

(B) the Department; 

(C) the Department of Defense; 

(D) the Department of Agriculture; 

(E) the Council on Environmental Quality; 

(F) the Department of Commerce; 

(G) the Advisory Council on Historic Preservation; and

(H) the Environmental Protection Agency.

(4) DUTIES.—The Team shall—

(A) timely notify all participating members of the Team involved in any specific permit of—

(i) any outstanding agency action that is required to support the permit; and

(ii) any approval or required comment that has exceeded statutory or agency timelines for completion, including an identification of any Federal agency, department, or office that has not met the applicable timeline.

(B) ANNUAL REPORTS.—Annually, the Team shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that describes the time completion for specific categories of nationally significant transmission projects, based on information obtained from the applicable Federal agencies.

(C) USE OF DATA BY OMN.—Using data provided by the Team, the Director of the Office of Management and Budget shall prioritize inclusion of individual electric transmission infrastructure projects on the website operated by the Office of Management and Budget in accordance with section 1221 of title 31, United States Code.

(b) TRANSMISSION OMBUDSPERSON.—

(1) ESTABLISHMENT.—The Secretary shall—

(A) establish a process and ensure the reliability of the electric grid, there is established within the Council on Environmental Quality the position of Transmission Ombudsperson (referred to in this subsection as the "Ombudsperson"), to provide a unified point of contact for—

(i) resolving interagency or intra-agency issues or disputes related to in-process electric transmission infrastructure permits; and

(ii) receiving and resolving complaints from parties with outstanding or in-process applications related to electric transmission infrastructure.

(2) DUTIES.—The Ombudsperson shall—

(A) establish a process for—

(i) facilitating the permitting process for performance of maintenance and upgrades to electric transmission lines on Federal land and non-Federal land, with a special emphasis on expediting permission for immediate maintenance, repair, and vegetation management needs; 

(ii) resolving complaints filed with the Ombudsperson with respect to in-process electric transmission infrastructure permits; and

(iii) issuing recommended resolutions to address the complaints filed with the Ombudsperson; and

(B) hear, bear, and consider any complaints filed with the Ombudsperson relating to in-process electric transmission infrastructure permits.

(c) AGREEMENTS.—

(1) IN GENERAL.—The Secretary of the Interior, with respect to public lands (as defined in section 1602 of the Federal Land Policy and Management Act (18 U.S.C. 1702)), and the Secretary of Agriculture, with respect to National Forest System land, shall provide for continuity of the existing use and occupation of transmission infrastructure projects by any Federal department or agency granted across public lands or National Forest System land.

(2) AGREEMENTS.—The Secretary of the Interior or the Secretary of Agriculture, as applicable, with all interested parties, may enter into agreements with respect to transmission infrastructure projects by any Federal department or agency granted across public lands or National Forest System land.

(d) GROMATIC DATA.—If a Federal or State department or agency considering an aspect of an application for Federal authorization requires the applicant to submit environmental data, the department or agency shall consider any such data gathered by geomatic techniques, including tools and techniques used in land surveying, remote sensing, cartography, geographic information systems, global navigation satellite systems, photogrammetry, geophysics, geography, or other remote means.

SEC. 2309. REPORT BY TRANSMISSION ORGANIZATIONS ON DISTRIBUTED ENERGY RESOURCES AND MICRO-GRID SYSTEMS ON DISTRIBUTED ENERGY RESOURCES.

(a) DEFINITIONS.—In this section:

(B)(i) generates electricity using any primary energy source, including solar energy and other renewable resources; or

(B)(ii) stores energy and is capable of supplying electricity to the electric system operated by the transmission organization from the storage reservoir.

(2) ELECTRIC GENERATING CAPACITY RESOURCES.—The term "electric generating capacity resource" means an electric generating resource, as measured by the maximum load-carrying ability of the resource, exclusive of station use and planned, unplanned, or other outage or derating, that is subject to dispatch by a transmission organization to meet the reliability needs of the systems operated by the transmission organization.

(3) MICRO-GRID SYSTEM.—The term "micro-grid system" means an electrically distinct system under normal control that—

(A) serves an electric load at or below 69kV from a distributed energy resource or electric generating capacity resource; and

(B) is subject to dispatch by a transmission organization.

(4) TRANSMISSION ORGANIZATION.—The term "transmission organization" has the meaning given the term in section 3 of the Federal Power Act (16 U.S.C. 796).

(b) REPORT.—Not later than 180 days after the date on which a transmission organization receives a notice under paragraph (1), the transmission organization shall submit to the Commission a report that includes—

(A)(i) identifies distributed energy resources and micro-grid systems that are subject to dispatch by the transmission organization as of the date of the report; and

(ii) describes the fuel sources and operational characteristics of such distributed energy resources and micro-grid systems, including, to the extent practicable, a discussion of the benefits and costs associated with the distributed energy resources and micro-grid systems identified under clause (i); and

(B) evaluates, with due regard for operational and economic benefits and costs, the potential for distributed energy resources and micro-grid systems to be deployed to the transmission organization to mitigate short- and long-term periods in the planning cycle of the transmission organization; and

(C) identifies, for the short- and long-term periods in the planning cycle of the transmission organization, barriers to the deployment to the transmission organization of distributed energy resources and micro-grid systems and (ii) potential changes to the operational requirements for, or charges associated with, the interconnection of distributed energy resources and micro-grid systems to the transmission organization that would reduce the barriers identified under clause (i).

SEC. 2310. NET METERING STUDY GUIDANCE.

Title XVIII of Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 1112) is amended by adding at the end the following:

"SEC. 1841. NET ENERGY METERING GUIDANCE.

"(a) IN GENERAL.—Not more than 180 days after the date of enactment of this Act, the Secretary shall—

(A)(i) establish guidance on criteria required to be included in studies of net metering conducted by the Department; and

(B) undertake a study of net energy metering.

"(b) REQUIREMENTS AND CONTENTS.—The model guidance issued under subsection (a)
shall clarify without prejudice to other study criteria that any study of net energy metering, including the study conducted by the Department under subsection (a) shall—

(1) determine and assign costs of net energy metering, including—

(A) load data, including hourly profiles;

(B) distributed generation production data;

(C) best available technology, including inverters and controls, and

(D) benefits and costs of distributed energy deployment, including—

(i) environmental benefits,

(ii) system reliability;

(iii) changes in peak power requirements;

(iv) provision of ancillary services, including reactive power;

(v) changes in in-land-use effects;

(vi) changes in right-of-way acquisition costs;

(vii) changes in vulnerability to terrorism; and

(ix) changes in infrastructure resilience.

SEC. 2312. MODEL GUIDANCE FOR COMBINED HEAT AND POWER SYSTEMS AND WASTE HEAT TO POWER SYSTEMS.

(a) DEFINITIONS.—In this section:

(1) ADDITIONAL SERVICES.—The term ‘additional services’ means the provision of supplementary power, backup or standby power, maintenance power, or interruptible power to an electric consumer by an electric utility.

(2) WASTE HEAT TO POWER SYSTEM.—The term ‘waste heat to power system’ does not include a system that generates electricity through the recovery of waste energy.

(b) IN GENERAL.—The term ‘waste heat to power system’ does not include a system that generates electricity through the recovery of a heat resource from a process the primary purpose of which is the generation of electricity using a fossil fuel.

(c) OTHER TERMS.—


(B) EPICA.—The terms ‘combined heat and power systems’ and ‘combined heat and power energy’ have the meanings given those terms in section 371 of the Energy Policy and Conservation Act (42 U.S.C. 6341).

(b) REVIEW.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall carry out a review of existing rules and procedures relating to interconnection service and additional services for use by State regulatory authorities, the Federal Energy Regulatory Commission and other appropriate entities, and shall issue model guidance on how the Federal Energy Regulatory Commission and other appropriate entities shall issue model guidance for interconnection service and additional services for use by State regulatory authorities, the Federal Energy Regulatory Commission and other appropriate entities, and shall issue model guidance for interconnection service and additional services for use by State regulatory authorities, the Federal Energy Regulatory Commission and other appropriate entities, and shall issue model guidance for interconnection service and additional services for use by State regulatory authorities, the Federal Energy Regulatory Commission and other appropriate entities, and shall issue model guidance for interconnection service and additional services for use by State regulatory authorities, the Federal Energy Regulatory Commission and other appropriate entities, and shall issue model guidance for interconnection service and additional services for use by State regulatory authorities, the Federal Energy Regulatory Commission and other appropriate entities.

(c) MODEL GUIDANCE.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary, in consultation with the Federal Energy Regulatory Commission and other appropriate entities, shall issue model guidance for interconnection service and additional services for use by State regulatory authorities, the Federal Energy Regulatory Commission and other appropriate entities.

(2) CURRENT BEST PRACTICES.—The model guidance shall reflect, to the maximum extent practicable, current best practices to encourage the deployment of combined heat and power systems and waste heat to power systems while ensuring the safety and reliability of the interconnected units and the distribution and transmission networks to which the units connect.

(c) Model Guidance.—The term ‘model guidance’ means the Department of Energy.

‘(2) EXASCALE COMPUTING.—The term ‘exascale computing’ means computing through the use of a supercomputer that performs near or above 10 to the 18th power floating point operations per second.’;

and

(3) in paragraph (6) (as redesignated by paragraph (1)), by striking ‘‘, acting through the Director of the Office of Science of the Department of Energy’’.

(c) Department of Energy High-End Computing Research and Development Program.—Section 3 of the Exascale Computing Act of 2016 (15 U.S.C. 5542) is amended—

(1) in subsection (a)(1), by striking ‘‘pro- gram’’ and inserting ‘‘coordinated program’’ across the Department’’;

(2) in subsection (b)(2), by striking ‘‘which may’’ and all that follows through ‘‘architectu- re’’;

and

(3) by striking subsection (d) and inserting the following:

‘‘(c) Exascale Computing Program.—

(1) IN GENERAL.—The Secretary shall conduct a research program (referred to in this subsection as the ‘Program’) to develop 2 or more exascale computing machine architectures to promote the missions of the Department;

(2) IMPLEMENTATION.—

(i) establish 2 or more National Labora- tory partnerships with industry partners and other relevant organizations to carry out the re- search and development of 2 or more exascale computing architectures across all applicable organizations of the Department; and

(ii) provide, as appropriate, on a competi- tive, merit-reviewed basis, access for re- searchers in industries in the United States, institutions of higher education, National Laboratories, and other Federal agencies to the exascale computing systems developed pursuant to clause (1).

(2) SELECTION OF PARTNERS.—The Sec- retary shall select members for the partnership with the computing facilities of the De- partment under subparagraph (A) through a competitive, peer-review process.

(3) CODESIGN AND APPLICATION DEVELOP- MENT.—

(A) IN GENERAL.—The Secretary shall carry out the Program through an integra- tion of applications, computer science, applied mathematics, and computer hardware and software research and development established pursuant to paragraph (2) to ensure that, to the maximum extent practicable, 2 or more exascale computing machine architec- tures are capable of solving Department target applications and broader scientific problems.

(B) REPORT.—The Secretary shall submit to Congress a report on how the integration under subparagraph (A) is furthering application science data and computational work- loads across application interests, including today’s national needs including advanced manufacturing, cybersecurity, biological science, the Materials Genome and BRAIN Initiatives of the President, advanced manufacturing, and the national electric grid.

(4) PROJECT REVIEW.—

(A) IN GENERAL.—The exascale architec- tures developed pursuant to partnerships estab- lished pursuant to subparagraph (A) shall be reviewed through a project review process.

(B) REPORT.—Not later than 90 days after the date of enactment of this subsection, the Secretary shall submit to Congress a report on—

(i) the results of the review conducted under subparagraph (A); and

(ii) the coordination and management of the Program to ensure an integrated re- search program across the Department.
"(5) ANNUAL REPORTS.—At the time of the budget submission of the Department for each fiscal year, the Secretary, in consultation with the members of the partnerships established pursuant to paragraph (2), shall submit to Congress a report that describes funding for the Program as a whole by functional element of the Department and critical milestones.

(d) AUTHORIZATION OF APPROPRIATIONS.—

Section 4 of the Exascale Computing Act of 2016 (15 U.S.C. 5543) is amended—

(1) by striking subsection (a) and inserting "section 3(d)"; and

(2) by striking paragraphs (1) through (3) and inserting the following:

"(1) Securing the critical energy technologies and industrial base for the United States; and

(2) ensuring a secure and reliable supply of energy for the United States.

Title III—Supply

Subtitle A—Renewables

PART I—HYDROELECTRIC

SEC. 3001. HYDROPOWER REGULATORY IMPROVEMENTS.

(a) SENSE OF CONGRESS ON THE USE OF HYDROPOWER RENEWABLE RESOURCES.—It is the sense of Congress that—

(1) hydropower is a renewable resource for purposes of all Federal programs and is an essential and source of energy in the United States; and

(2) the United States should increase substantially the capacity and generation of clean, renewable hydropower resources that would improve environmental quality in the United States.

(b) MODIFYING THE DEFINITION OF RENEWABLE ENERGY TO INCLUDE HYDROPOWER.—Section 203 of the Energy Policy Act of 2005 (12 U.S.C. 15332) is amended—

(1) in subsection (a), by striking "the following:

B. renewable energy resources that will result in new investments by the licensee over the term of the existing license (including any terms under annual licenses) that resulted in new development, construction, capacity, efficiency improvements, or environmental measures, but which did not result in the extension of the term of the license by the Commission.

The term "renewable energy" means energy produced from solar, wind, biomass, landfill gas, ocean (including tidal, wave, current, and thermal), geothermal, municipal solid waste, or hydropower.

(c) LICENSES FOR CONSTRUCTION.—Section 4(e) of the Federal Power Act (16 U.S.C. 823d) is amended—

(1) by adding at the end the following:

"(3) $360,000,000 for fiscal year 2018.

(d) PRELIMINARY PERMITS.—Section 5 of the Federal Power Act (16 U.S.C. 797) is amended—

(1) in subsection (b), by inserting "three" and inserting "four"; and

(2) in subsection (b)—

(A) by striking "(1)" and inserting "(1)"; and

(B) by striking the period at the end and inserting "maximum extent practicable, the Commission shall—

(1) conduct an investigation of best practices in performing licensing studies, including methodology design and studies to assess the full range of environmental impacts of a project;

(2) compile a comprehensive collection of studies and data applicable to the public that could be used to inform license proceedings under this paragraph; and

(3) encourage license applicants and co-operate with the Commission on licensing processes and development and use, for the purpose of fostering timely and efficient consideration of license applications, a limited number of open-source methodologies and tools across a wide array of projects, including water balance models and hydrology analyses.

(e) LICENSE STUDIES.—

"(1) IN GENERAL.—To facilitate the timely and efficient completion of the license proceedings under this part, the Commission shall—

(2) REQUIREMENTS.—In establishing the schedule under subparagraph (A), the Commission shall—

(3) NONDUPLICATION REQUIREMENT.—To the maximum extent practicable, the Commission shall use existing studies and data in individual licensing proceedings under this part in accordance with paragraph (1).

(4) NONDUPLICATION REQUIREMENT.—To the maximum extent practicable, the Commission shall ensure that studies and data required for any Federal authorization (as defined in paragraph (2)) for any project or facility are not duplicated in other licensing proceedings under this part.

(f) LICENSE TERM.—Section 15(e) of the Federal Power Act (16 U.S.C. 825e(e)) is amended—

(1) by striking "(e) Except for not more than 8 additional years,"

(2) by striking paragraph (2), and

(3) by adding at the end the following:

"(3) The term "license" means an application for Federal authorization (as defined in paragraph (2)) that resulted in new development, construction, capacity, efficiency improvements, or environmental measures, but which did not result in the extension of the term of the license by the Commission.

(4) BIOLOGICAL OPINIONS.—To the maximum extent practicable, the Secretary of Commerce shall ensure that relevant offices within the National Marine Fisheries Service prepare any biological opinion under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1538) that forms the basis for a license under this part.

(g) OPERATION OF NAVIGATION FACILITIES.—Section 18 of the Federal Power Act (16 U.S.C. 811) is amended by striking the second, third, and fourth sentences.

(h) ALTERNATIVE CONDITIONS AND PRESCRIPTIONS.—Section 33 of the Federal Power Act (16 U.S.C. 823b) is amended—

(1) in subsection (b), by inserting "determining" and inserting "determine"; and

(2) by striking paragraph (3); and

(i) LICENSE TERM ON RELICENSING.—

"(3) In determining the term of a license under paragraph (1), the Commission shall develop project-related deferrals, in consultation with the Commission, for a project or facility that was relicensed under paragraph (2) to facilitate the timely and efficient completion of the license proceedings under this part.

(4) BIOLOGICAL OPINIONS.—To the maximum extent practicable, the Secretary of Commerce shall ensure that relevant offices within the National Marine Fisheries Service prepare any biological opinion under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1538) that forms the basis for a license under this part.

(j) AUTHORIZATION OF APPROPRIATIONS.—

Title X—Renewables

Subtitle B—Production

Part 1—Hydropower

SEC. 1001. HYDROPOWER REGULATORY IMPROVEMENTS.

(a) SENSE OF CONGRESS ON THE USE OF HYDROPOWER RENEWABLE RESOURCES.—It is the sense of Congress that—

(1) hydropower is a renewable resource for purposes of all Federal programs and is an essential aspect of energy in the United States; and

(2) the United States should increase substantially the capacity and generation of clean, renewable hydropower resources that would improve environmental quality in the United States.

(b) MODIFYING THE DEFINITION OF RENEWABLE ENERGY TO INCLUDE HYDROPOWER.—Section 203 of the Energy Policy Act of 2005 (12 U.S.C. 15332) is amended—

(1) in subsection (a), by striking "the following:

B. renewable energy resources that will result in new investments by the licensee over the term of the existing license (including any terms under annual licenses) that resulted in new development, construction, capacity, efficiency improvements, or environmental measures, but which did not result in the extension of the term of the license by the Commission.

The term "renewable energy" means energy produced from solar, wind, biomass, landfill gas, ocean (including tidal, wave, current, and thermal), geothermal, municipal solid waste, or hydropower.

(c) LICENSES FOR CONSTRUCTION.—Section 4(e) of the Federal Power Act (16 U.S.C. 823d) is amended—

(1) in subsection (b), by inserting "three" and inserting "four"; and

(2) in subsection (b)—

(A) by striking "(1)" and inserting "(1)"; and

(B) by striking the period at the end and inserting "maximum extent practicable, the Commission shall—

(1) conduct an investigation of best practices in performing licensing studies, including methodology design and studies to assess the full range of environmental impacts of a project;

(2) compile a comprehensive collection of studies and data applicable to the public that could be used to inform license proceedings under this paragraph; and

(3) encourage license applicants and co-operate with the Commission on licensing processes and development and use, for the purpose of fostering timely and efficient consideration of license applications, a limited number of open-source methodologies and tools across a wide array of projects, including water balance models and hydrology analyses.

(e) LICENSE STUDIES.—

"(1) IN GENERAL.—To facilitate the timely and efficient completion of the license proceedings under this part, the Commission shall—

(2) REQUIREMENTS.—In establishing the schedule under subparagraph (A), the Commission shall—

(3) NONDUPLICATION REQUIREMENT.—To the maximum extent practicable, the Commission shall use existing studies and data in individual licensing proceedings under this part in accordance with paragraph (1).

(4) NONDUPLICATION REQUIREMENT.—To the maximum extent practicable, the Commission shall ensure that studies and data required for any Federal authorization (as defined in paragraph (2)) for any project or facility are not duplicated in other licensing proceedings under this part.

(f) LICENSE TERM.—Section 15(e) of the Federal Power Act (16 U.S.C. 1536) that forms the basis for a preliminary permit once for not more than 4 additional years.

(2) CONSIDERATION.—In determining the term of a license under paragraph (1), the Commission shall develop project-related deferrals, in consultation with the Commission, for a project or facility that was relicensed under paragraph (2) to facilitate the timely and efficient completion of the license proceedings under this part.

(g) OPERATION OF NAVIGATION FACILITIES.—Section 18 of the Federal Power Act (16 U.S.C. 811) is amended by striking the second, third, and fourth sentences.

(h) ALTERNATIVE CONDITIONS AND PRESCRIPTIONS.—Section 33 of the Federal Power Act (16 U.S.C. 823b) is amended—

(1) in subsection (b), by inserting "determining" and inserting "determine"; and

(2) by striking paragraph (3); and

(i) LICENSE TERM ON RELICENSING.—

"(3) In determining the term of a license under paragraph (1), the Commission shall develop project-related deferrals, in consultation with the Commission, for a project or facility that was relicensed under paragraph (2) to facilitate the timely and efficient completion of the license proceedings under this part.

(4) BIOLOGICAL OPINIONS.—To the maximum extent practicable, the Secretary of Commerce shall ensure that relevant offices within the National Marine Fisheries Service prepare any biological opinion under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1538) that forms the basis for a license under this part.

(j) AUTHORIZATION OF APPROPRIATIONS.—
``(D) to refer the matter to the President.
``(d) CONSOLIDATED RECORD.—
``(1) IN GENERAL.—The Commission shall maintain official consolidated records of all licensing proceedings under this part.
``(2) SUBMISSION OF RECOMMENDATIONS.—Any Federal or State agency that is providing recommendations with respect to a license decision for a part shall submit to the Commission for inclusion in the consolidated record relating to the license proceeding maintained under paragraph (1)—
``(A) a statement that the recommendations are submitted under section 33(b); or
``(B) the rationale for the recommendations and any supporting materials relating to the recommendation.
``(3) WRITTEN STATEMENT.—In a case in which a Federal agency is making a determination with respect to a covered measure (as defined in section 36(a)), the head of the Federal agency shall include in the consolidated record a written statement demonstrating that the Federal agency gave equal consideration to the effects of the covered measure on—
``(A) energy supply, distribution, cost, and use;
``(B) flood control;
``(C) navigation;
``(D) water supply and quality;
``(E) air quality and the preservation of other aspects of environmental quality.

SEC. 36. TRIAL-TYPE HEARINGS.

``(a) DEFINITION OF COVERED MEASURE.—In this section, the term 'covered measure' means—
``(1) a condition prescribed under section 4(e), including an alternative condition proposed under section 33(a);
``(2) a prescription prescribed under section 18, including an alternative prescription proposed under section 33(b); or
``(3) any further condition pursuant to section 4(f) after section 33(b).
``(b) AUTHORIZATION OF TRIAL-TYPE HEARING.—The license applicant (including an applicant for a license under section 15) and any party to the proceeding shall be entitled to a determination on the record, after opportunity for a trial-type hearing of not more than 120 days, on any disputed issues of material fact with respect to an applicable covered measure.
``(c) DEADLINE FOR REQUEST.—A request for a trial-type hearing under this section shall be submitted not later than 60 days after the date on which, as applicable—
``(1) the Secretary submits the condition under section 4(e) or prescription under section 18;
``(2) the Administrative Law Judge issues a stay of a trial-type proceeding under paragraph (d) (as described and quantified under section 4(f)) and forwards the complete record of the hearing to the Commission and the Secretary that proposed the original condition or prescription;
``(3) the Administrative Law Judge issues a final determination to adopt, modify, or withdraw any condition or prescription that was the subject of a hearing under this section, based on the decision of the Administrative Law Judge.
``(d) RECORD OF DETERMINATION.—The final determination of the Administrative Law Judge shall be recorded in the consolidated record in section 35(c), the Secretary proposing a condition or prescription under section 18 shall file with the Commission a final determination to adopt, modify, or withdraw any condition or prescription that was the subject of a hearing under this section, based on the decision of the Administrative Law Judge.
``(e) ADMINISTRATIVE LAW JUDGE.—All disputed issues of material fact raised by a party in a request for a trial-type hearing under subsection (d) shall be determined in a single trial-type hearing to be conducted by an Administrative Law Judge within the Office of Administrative Law Judges and Dispute Resolution of the Commission, in accordance with the Commission rules of practice and procedure under part 335 of the Federal Regulations (or successor regulations), and within the timeframe established by the Commission for each license proceeding (including a proceeding for a covered measure under section 15) under section 35(c).
``(f) STAY.—The Administrative Law Judge may impose a stay of a trial-type proceeding under this section for a period of not more than 120 days to facilitate settlement negotiations relating to resolving the disputed issues of material fact with respect to the covered measure.
``(g) DECISION OF THE ADMINISTRATIVE LAW JUDGE.—
``(1) CONTENTS.—The decision of the Administrative Law Judge shall contain—
``(A) findings of fact on all disputed issues of material fact;
``(B) conclusions of law necessary to make the findings of fact, including rulings on materiality and the admissibility of evidence; and
``(C) reasons for the findings and conclusions.
``(2) LIMITATION.—The decision of the Administrative Law Judge shall not contain conclusions as to—
``(A) any condition or prescription should be adopted, modified, or rejected; or
``(B) any alternative condition or prescription should be adopted, modified, or rejected.
``(h) DECISION OF THE ADMINISTRATIVE LAW JUDGE.—
``(1) IN GENERAL.—The decision of the Administrative Law Judge shall contain—
``(A) findings of fact on all disputed issues of material fact;
``(B) conclusions of law necessary to make the findings of fact, including rulings on materiality and the admissibility of evidence; and
``(C) reasons for the findings and conclusions.
``(2) LIMITATION.—The decision of the Administrative Law Judge shall not contain conclusions as to—
``(A) any condition or prescription should be adopted, modified, or rejected; or
``(B) any alternative condition or prescription should be adopted, modified, or rejected.
``(i) LICENSING DECISION OF THE COMMISION.—Notwithstanding sections 4(e) and 18, the Secretary proposing a condition or prescription under section 4(f) after section 33(b) (as described and quantified under section 4(f)) and forwards the complete record of the hearing to the Commission and the Secretary that proposed the original condition or prescription;
``(j) SECRETARIAL DETERMINATION.—
``(1) IN GENERAL.—Not later than 60 days after the date on which the Administrative Law Judge issues the decision under subsection (g) and in accordance with the schedule established by the Commission under section 35(c), the Secretary proposing a condition or prescription under section 18 shall file with the Commission a final determination to adopt, modify, or withdraw any condition or prescription that was the subject of a hearing under this section, based on the decision of the Administrative Law Judge.
``(k) RECORD OF DETERMINATION.—The final determination of the Secretary filed with the Commission shall identify the reasons for the decision and any considerations taken into account that were not part of, or consistent with, the decision of the Administrative Law Judge and shall be included in the consolidated record in section 35(d).

SEC. 37. PUMPED STORAGE PROJECTS.

``(a) IN GENERAL.—Any Federal or State agency that is participating in any licensing proceeding under section 4(f) and has responsibilities for any Federal authority shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Natural Resources of the House of Representatives an annual report that—
``(1) describes and quantifies, for each license, exempted, or proposed project under this part or section 405(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2705(d)) (referred to in this subsection as the 'covered project'), the quantity of energy and capacity authorized for new development and reauthorized for continued operation during the reporting year, including an assessment of the economic, climactic, air quality, and other environmental benefits achieved by the new and reauthorized energy and capacity;
``(B) describes and quantifies the loss of energy, capacity, or ancillary services as a result of any licensing action under this part or any requirement under Federal law during the reporting year;
``(C) identifies any application to license, relicense, or expand a covered project pending as of the date of the annual report, including a quantification of the new energy and capacity that would be achieved through the development of each proposed covered project;
``(2) AVAILABLE.—The Commission shall establish and maintain a publicly available website or comparable resource that tracks all information required for the annual report under paragraph (1).
``(b) RESOURCE AGENCY ANNUAL REPORT.—
``(1) IN GENERAL.—Any Federal or State resource agency that is participating in any licensing proceeding under this part or that has responsibilities for any Federal authority shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Natural Resources of the House of Representatives a report that—
``(A) describes each term, condition, or other requirement prepared by the resource agency during the reporting year with respect to a Commission proceeding under this part, including—
``(i) an assessment of whether implementation of the term, condition, or other requirement would result in the loss of energy, capacity, or ancillary services at the project, including a quantification of the losses;
``(iiii) an analysis of economic, air quality, climactic and other environmental effects associated with implementation of the term, condition, or other requirement;
``(iii) a demonstration, based on evidence in the record of the Commission, that the resource agency prepared the term, condition, or other requirement in a manner that meets the policy established by this part while discharging the responsibilities of the resource agency under this part or any other applicable requirements.
``(v) a statement of whether the head of the applicable Federal agency has rendered
SEC. 3002. HYDROELECTRIC PRODUCTION INCENTIVES AND EFFICIENCY IMPROVEMENTS.

(a) HYDROELECTRIC PRODUCTION INCENTIVES.—Section 242 of the Energy Policy Act of 2005 (42 U.S.C. 15881) is amended—

(1) in subsection (c), by striking ‘‘10’’ and inserting ‘‘20’’;

(2) in subsection (f), by striking ‘‘20’’ and inserting ‘‘30’’; and

(3) in subsection (g), by striking ‘‘each of the fiscal years 2006 through 2015’’ and inserting ‘‘each of fiscal years 2016 through 2025’’.

SEC. 3003. EXTENSION OF TIME FOR A FEDERAL ENERGY REGULATORY COMMISSION PROJECT INVOLVING CLARK CANYON DAM.

Notwithstanding the time period described in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project number 12429, the Federal Energy Regulatory Commission (referred to in this section as the ‘‘Commission’’) may, at the request of the licensee for the project and after reasonable notice and in accordance with the procedures of the Commission under this subsection, extend the time period during which the licensee is required to commence construction of the project for a 5-year period that begins on the date of enactment of this Act.

SEC. 3004. EXTENSION OF TIME FOR A FEDERAL ENERGY REGULATORY COMMISSION PROJECT INVOLVING GIBSON DAM.

(a) IN GENERAL.—Notwithstanding the requirements of section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project number 12420, the Federal Energy Regulatory Commission (referred to in this section as the ‘‘Commission’’) may, at the request of the licensee for the project and after reasonable notice and in accordance with the procedures of the Commission under this subsection, extend the time period during which the licensee is required to commence construction of the project for a 5-year period that begins on the date of enactment of this Act.

(b) DATE DESCRIBED.—The date described in this subsection is the date of the expiration of the extended period required for commencement of construction for the project described in subsection (a) that was issued by the Commission prior to the date of enactment of this Act.

(c) REINSTATEMENT OF EXPIRED LICENSE.—If the period required for commencement of construction of the project described in subsection (b) has expired before the date of enactment of this Act—

(1) the Commission shall reinstate the license effective as of the date of the expiration of the license; and

(2) the first extension authorized under subsection (a) shall take effect on that expiration date.

PART II—GEOTHERMAL

Subpart A—Geothermal Energy

SEC. 3005. NATIONAL GOALS FOR PRODUCTION OF GEOTHERMAL ENERGY.

It is the sense of Congress that, not later than 10 years after the date of enactment of this Act—

(1) the Secretary of the Interior shall seek to approve a significant increase in new geothermal energy capacity on public land across a geographically diverse set of States for the full range of available technologies; and

(2) the Director of the Geological Survey and the Secretary should identify sites capable of producing 3,000 megawatts of geothermal power, using the full range of available technologies, through a program conducted in collaboration with industry, including those already under exploration.

SEC. 3006. PRIORITY AREAS FOR DEVELOPMENT ON FEDERAL LAND.

The Director of the Bureau of Land Management shall designate one or more other appropriate Federal agencies, shall—

(1) identify high priority areas for new geothermal development; and

(2) take steps to ensure that the Director determines necessary to facilitate that development, consistent with applicable laws.

SEC. 3007. FACILITATION OF COPRODUCTION OF GEOTHERMAL ENERGY ON OIL AND GAS LEASES.

Section 4(b) of the Geothermal Steam Act of 1970 (30 U.S.C. 103(b)) is amended by adding at the end the following:

‘‘(4) LAND SUBJECT TO OIL AND GAS LEASE.—Land subject to an oil and gas lease, pursuant to the Mineral Leasing Act (30 U.S.C. 151 et seq.) or the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351 et seq.) that is subject to an approved plan of operation that permits to drill and from which oil and gas production is occurring may be available for noncompetitive leasing under this section to the holder of the oil and gas lease if—

(A) on a determination that—

(i) geothermal energy will be produced from a well producing or capable of producing oil and gas; and

(ii) national energy security will be improved by the issuance of such a lease; and

(B) to provide for the coproduction of geothermal energy with oil and gas.’’

SEC. 3008. NONCOMPETITIVE LEASING OF ADJOINING AREAS FOR DEVELOPMENT OF GEOTHERMAL RESOURCES.

Section 4(b) of the Geothermal Steam Act of 1970 (30 U.S.C. 103(b)) (as amended by section 3007) is amended by adding at the end the following:

‘‘(5) ADJOINING LAND.—

(A) DEFINITIONS.—In this paragraph—

(i) MARKET VALUE PER ACRE.—The term ‘market value per acre’ means a dollar amount per acre that—

(I) except as provided in this clause, shall be equal to the market value per acre (taking into account the determination under subparagraph (B)(iii) regarding a valid discovery on the adjoining land), as determined by the Secretary under regulations issued under this paragraph;

(II) shall be determined by the Secretary with respect to a lease under this paragraph, for a period of time that is longer than the 180-day period beginning on the date the Secretary receives an application for the lease; and

(III) shall be not less than the greater of—

(aa) 4 times the median amount paid per acre for all land leased under this Act during the preceding year; or

(bb) $30.

(B) INDUSTRY STANDARDS.—The term ‘industry standards’ means the standards by which a qualified geothermal professional assesses whether downhole or flowing temperature measurements with indications of permeability are sufficient to produce energy from geothermal resources, as determined through flow or injection testing or measurement of lost circulation.

(C) QUALIFIED FEDERAL LAND.—The term ‘qualified Federal land’ means land that is otherwise available for leasing under this Act.

(D) QUALIFIED GEOTHERMAL PROFESSIONAL.—The term ‘qualified geothermal professional’ means an individual who is an engineer or geoscientist in good professional standing with at least 5 years of experience in geothermal exploration, development, or project assessment.

(E) QUALIFIED LESSEE.—The term ‘qualified lessee’ means a person that is eligible to hold a geothermal lease under this Act (including applicable regulations).

(F) VALID DISCOVERY.—The term ‘valid discovery’ means a discovery of a geothermal resource by a new or existing slim hole or production well, that exhibits downhole or flowing temperature measurements with indications of permeability that are sufficient to meet industry standards.

(G) AUTHORITY.—An area of qualified Federal land that adjoins a qualified lessee holds a legal right to develop geothermal resources may be available for a
noncompetitive lease under this section to the qualified lessee at the fair market value per acre, if—

(I) the area of qualified Federal land—

(A) received is not less than 1 acre and not more than 640 acres; and

(B) not excluded from the development of geothermal, solar, or wind energy under—

(1) a land use plan established under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); or

(II) is not already leased under this Act or nominated to be leased under subsection (a); and

(iii) sufficient geological and other technical data prepared by a qualified geothermal professional has been submitted under subsection (a); or

(iv) the lease has not previously received a noncompetitive lease under this paragraph in connection with the valid discovery for which data has been submitted under subsection (a).

(II) that thermal feature extends into the adjoining areas.

(3) DETERMINATION OF FAIR MARKET VALUE.

(A) IN GENERAL.—The Secretary shall—

(1) publish a notice of any request to lease land under this paragraph;

(2) determine fair market value for purposes of this paragraph in accordance with procedures for making those determinations that are established by regulations issued by the Secretary.

(B) ANNUAL RENTAL.—For purposes of this paragraph, the term "annual rental" means the fair market value calculated annually under paragraph (A).

(C) DETERMINATION OF FAIR MARKET VALUE.—For purposes of this paragraph, the term "fair market value" means the fair market value of an area that the qualified lessee seeks to lease under this paragraph;

(D) DETERMINATION OF FAIR MARKET VALUE.—For purposes of this paragraph, the term "fair market value" means the market value of an area that the qualified lessee holds the legal right to develop geothermal resources; and

(E) DETERMINATION OF FAIR MARKET VALUE.—For purposes of this paragraph in accordance with applicable law (including regulations).

(IV) provide to the qualified lessee and publish, with an opportunity for public comment for a period of 30 days, any proposed determination under this subparagraph of the fair market value of an area that the qualified lessee seeks to lease under this paragraph; and

(V) provide to the qualified lessee and any adversely affected party the opportunity to appeal the final determination of fair market value in an administrative proceeding before the applicable Federal land management agency, in accordance with applicable law (including regulations).

(B) LIMITATION ON NOMINATION.—After publication of a notice of request to lease land under this paragraph, the Secretary may not accept under subsection (a) any nomination of the land for leasing unless the offer to lease has been withdrawn.

(II) ANNUAL RENTAL.—For purposes of section 7(a)(3), a lease awarded under this paragraph shall be considered a lease award under this Act.

(III) ANNUAL RENTAL.—For purposes of this Act, the term "annual rental" means the fair market value of an area that is—

(A) not an exclusion area; and

(B) not a priority area.

SEC. 3011A. BUREAU OF LAND MANAGEMENT SUPPLEMENTS TO PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENTS.

(A) PROGRAM POLICY.

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Energy, shall establish priority areas on covered land for geothermal, solar, or 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 Secretary shall establish priority areas as soon as practicable, but not later than 3 years, after the date of enactment of this Act.

(C) WIND ENERGY.—For wind energy, the Secretary shall establish priority areas as soon as practicable, but not later than 7 years, after the date of enactment of this Act.

(B) DETERMINATION OF FAIR MARKET VALUE.—For purposes of this section, the term "fair market value" means the market value of an area that is

(1) there is a valid discovery of geothermal resources on the land for which the qualified lessee holds the legal right to develop geothermal resources; and

(2) that thermal feature extends into the adjoining areas.

(C) DETERMINATION OF FAIR MARKET VALUE.

(1) IN GENERAL.—The Secretary shall—

(A) provide to a qualified lessee and publish, with an opportunity for public comment for a period of 30 days, any proposed determination under this subparagraph of the fair market value of an area that the qualified lessee seeks to lease under this paragraph;

(B) ANNUAL RENTAL.—For purposes of this paragraph, the term "annual rental" means the fair market value calculated annually under paragraph (A).

(C) DETERMINATION OF FAIR MARKET VALUE.—For purposes of this paragraph, the term "fair market value" means the market value of an area that

(1) is not already leased under this Act or nominated to be leased under subsection (a); and

(2) is not excluded from the development of renewable energy projects.

(D) DETERMINATION OF FAIR MARKET VALUE.—For purposes of this paragraph in accordance with applicable law (including regulations).

(II) EXCLUSION AREA.—The term "exclusion area" means an area identified by the Bureau of Land Management as not suitable for development of renewable energy projects.

(iii) PRIORITY AREA.—The term "priority area" means an area identified by the Bureau of Land Management as suitable for development of renewable energy projects.

(iv) VARIANCE AREA.—The term "variance area" means an area that is

(1) for geothermal energy, by

(A) a land use plan established under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(B) not a priority area.

(2) for solar energy, by

(A) the terms "solar energy zone" and "solar energy project" in subsection (b) of section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(B) not excluded from the development of renewable energy projects; and

(ii) other Federal law.

(3) VARIANCE AREA.—The term "variance area" means an area that is

(1) the area of qualified Federal land identified by the land use planning process of the Bureau of Land Management as a preferred location for a renewable energy project.

(2) for geothermal energy, by

(A) a land use plan established under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(B) not a priority area.

(3) for solar energy, by

(A) the terms "solar energy zone" and "solar energy project" in subsection (b) of section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(B) not excluded from the development of renewable energy projects; and

(ii) other Federal law.

(4) ECONOMICALLY Viable.—The term "economically viable (including having access to transmission)" means the term "economically viable" as used in subsection (f)(9) of that section.

(g) REMOVAL FROM CLASSIFICATION.—In carrying out subsection (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 determination, the Secretary shall submit to Congress a report on the determination.

SEC. 3011B. ENVIROMENTAL REVIEW ON COVERED LAND.

(A) IN GENERAL.—If the Secretary determines that a proposed renewable energy project has been sufficiently analyzed by a programmatic environmental impact statement conducted under section 3011B(d), the Secretary shall not require any additional review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(B) ADDITIONAL ENVIRONMENTAL REVIEW.—If the Secretary determines that additional environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) is necessary for a proposed renewable energy project, the Secretary shall rely on the analysis in the programmatic environmental impact statement conducted under section 3011B(d), to the maximum extent practicable when analyzing the potential impacts of the project.

(c) RELATIONSHIP TO OTHER LAW.—Nothing in this section modifies or supersedes any requirement under applicable law, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 3011C. PROGRAM TO IMPROVE RENEWABLE ENERGY PROJECT PERMIT COORDINATION.

(A) ESTABLISHMENT.—The Secretary shall establish a program to improve Federal permit coordination with respect to renewable energy projects on covered land.

(B) MEMORANDUM OF UNDERSTANDING.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall enter into a memorandum of understanding for purposes of this section, including to specifically expedite the environmental analysis of applications for projects proposed in a variance area, with—

(A) the Secretary of Agriculture; and

(B) the Assistant Secretary of the Army for Civil Works.

(2) STATE PARTICIPATION.—The Secretary may request the Governor of any interested State to be a signatory to the memorandum of understanding and to participate in carrying out the program established under subsection (a).

(c) DESIGNATION OF QUALIFIED STAFF.—

(1) IN GENERAL.—Not later than 90 days after the date on which the memorandum of understanding is executed, all Federal signatories, as appropriate, shall identify for each of the Bureau...
of Land Management Renewable Energy Co-
ordination Offices an employee who has ex-
pertise in the regulatory issues relating to
the office in which the employee is em-
ployed is responsible, as applicable, particular
expertise in—

(A) consultation regarding, and prepara-
tion of, biological opinions under section 7 of
1536);

(B) permits under section 404 of Federal Water
Pollution Control Act (33 U.S.C. 1344);

(C) permitting matters under the Clean Air
Act (42 U.S.C. 7401 et seq.);

(D) planning under section 14 of the Na-
tional Forest Management Act of 1976 (16 U.S.C.
520c);

(E) the Federal Land Policy and Manage-
ment Act of 1976 (43 U.S.C. 1701 et seq.);

(F) the Migratory Bird Treaty Act (16 U.S.C.
706 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 of-
ice or the branch of the employee; and

(B) participate as part of the team of per-
sonnel working on proposed energy projects,
planning, monitoring, inspection, enforce-
ment, and analyses.

(d) ADDITIONAL PERSONNEL.—The Secretary
may assign additional personnel for the re-
newable energy coordination offices as are
necessary to ensure the effective implemen-
tation of any programs administered by
those offices, including inspection and en-
forcement reviews of renewable energy
project development on covered land.

(e) RENEWABLE ENERGY COORDINA-
TION OFFICES.—In implementing the program estab-
lished under this section, the Secretary may
establish additional renewable energy co-
ordination 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 permit-
ing of renewable energy projects, as the
Secretary determines to be necessary.

(1) 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 Feb-
ruary 1 thereafter, the Secretary shall submit
to the Committee on Energy and Nat-
ural Resources of the Senate and the Com-
mittee on Natural Resources of the House of
Representatives a report describing the pro-
gress 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 pro-
duction and capacity installations; and

(B) a description of any problems relating to
leasing, permitting, siting, or production.

SEC. 3011D. SAVINGS CLAUSE.

Nothing in this subpart establishes—

(1) a priority or preference for the develop-
ment of renewable energy projects on public
land not environmentally related, not other
projects or uses of public land; or

(2) an exception to the requirement that
public land be managed consistent with the
principle of multiple use (as defined in sec-
tion of section 103 of the Federal Land Policy
and Management Act of 1976 (43 U.S.C. 1702)).

Subpart C—Geothermal Exploration

SEC. 3012. GEOTHERMAL EXPLORATION TEST
PROJECTS.

The Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) is amended by adding at
the end the following:

"SEC. 30. GEOTHERMAL EXPLORATION TEST
PROJECTS.

"(a) DEFINITIONS.—In this section:

"(1) COVERED LAND.—The term 'covered
land' means that—

"(A) subject to geothermal leasing in ac-
cordance with section 3; and

"(B) not excluded from the development of
geothermal energy under—

"(i) a final land use plan established under
the Federal Land Policy and Management
Act of 1976 (42 U.S.C. 4321 et seq.); and

"(ii) a final land and resource management
plan established under the National Forest
Management Act of 1976 (16 U.S.C. 1600 et
seq.); or

"(iii) any other applicable law.

"(2) SECRETARY CONCERNED.—The term
'Secretary concerned' means—

"(A) the Secretary of Agriculture (acting
through the Chief of the Forest Service),
respect to National Forest System land; and

"(B) the Secretary, with respect to land
managed by the Bureau of Land Management
(including land held for the benefit of an
Indian tribe).

"(b) NEPA REVIEW OF GEOTHERMAL EXPLO-
RATION TEST PROJECTS.—

"(1) IN GENERAL.—An eligible activity de-
scribed in paragraph (2) carried out on cov-
ered land shall be considered an action cat-
gorically excluded from the requirements
for an environmental assessment or an envi-
ronmental impact statement under the Na-
tional Environmental Policy Act of 1969
(42 U.S.C. 4321 et seq.) or section 1508.4 of
title 40, Code of Federal Regulations (or a suc-
cessor regulation).

"(A) the action is for the purpose of geo-
thermal resource exploration operations; and

"(B) the action is conducted pursuant to
this Act.

"(2) ELIGIBLE ACTIVITY.—An eligible activ-
ity referred to in paragraph (1) is—

"(A) a geophysical exploration activity
that does not require drilling, including a
seismic survey;

"(B) the drilling of a well to test or explore
for geothermal resources on land leased by the
Secretary concerned for the development
and production of geothermal resources that—

"(i) is carried out by the holder of the
lease;

"(ii) causes—

"(I) fewer than 5 acres of soil or vegetation
disruption at the location of each geo-
thermal exploration well; and

"(II) not more than an additional 5 acres of
soil or vegetation disruption during access or
gress to the project site;

"(iii) is completed fewer than 90 days,
including the removal of any surface infra-
structure from the project site; and

"(iv) requires the restoration of the project
site not later than 3 years after the date of
completion of the project to approximately
the condition that existed at the time the
project began, unless—

"(I) the project site is subsequently used as
part of energy development on the lease; or

"(II) the project—

"(aa) yields geothermal resources; and

"(bb) the development of geothermal
resources will be carried out under another
geothermal generation project in existence at
the time of the discovery of the geothermal
resources; or

"(C) the drilling of a well to test or explore
for geothermal resources on land leased by
the Secretary concerned for the development
and production of geothermal resources that—

"(i) causes an individual surface distur-
banace of fewer than 5 acres; and

"(ii) the total surface disturbance on the
leased land is not more than 150 acres; and

"(III) the site-specific analysis has been
pre-
pared under the National Environmental
Policy Act of 1969 (42 U.S.C. 4321 et seq.);

"(iii) involves the drilling of a geothermal
well at a location or well pad site at which
drilling has occurred within 5 years before
the date of spudding the well; or

"(IV) involves the drilling of a geothermal
well in a developed field for which—

"(I) an approved land use plan or any envi-
ronmental document prepared under the Na-
tional Environmental Policy Act of 1969
(42 U.S.C. 4321 et seq.) analyzed the drilling
as a reasonably foreseeable activity; and

"(II) the land use plan or environmental
document was approved within 10 years be-
fore the date of spudding the well.

"(3) LIMITATION BASED ON EXTRAORDINARY
CIRCUMSTANCES.—The categorical exclusion
established under paragraph (1) shall be subject
to extraordinary circumstances in ac-
cordance with the Departmental Manual, 516
DM 2.3A(3) and 516 DM 2, Appendix 2 (or suc-
cessor provisions).

"(c) NOTICE OF INTENT; REVIEW AND DETER-
MINATION.

"(1) REQUIREMENT TO PROVIDE NOTICE.—Not
later than 30 days before the date on which
drilling begins, a leaseholder intending to
carry out an eligible activity shall provide
notice to the Secretary concerned.

"(2) REVIEW OF PROJECT.—Not later than 10
days after receipt of a notice of intent pro-
vided under paragraph (1), the Secretary con-
cerned shall—

"(A) review the project described in the
notice and determine whether the project is
an eligible activity and

"(B)(i) if the project is an eligible activity,
notify the leaseholder that under subsection
(b), the project is considered a categorical
exclusion under the National Environmental
Policy Act of 1969 (42 U.S.C. 4321 et seq.) and
section 1508.4 of title 40, Code of Federal Reg-
ulations (or a successor regulation); or

"(ii) if the project is not an eligible activ-
ity—

"(I) notify the leaseholder that section
102(2)(C) of the National Environmental
to the project;

"(II) include in that notification clear and
detailed findings on any deficiencies in the
project that prevent the application of sub-
section (b) to the project; and

"(III) provide an opportunity to the lease-
holder to remedy the deficiencies described
in the notification before the date on which
the leaseholder plans to begin the project
under paragraph (1).".

PART III—MARINE HYDROKINETIC

SEC. 3013. DEFINITION OF MARINE AND
HYDROKINETIC RENEWABLE EN-
ERGY.

Section 632 of the Energy Independence
and Security Act of 2007 (42 U.S.C. 17211) is
amended in the matter preceding paragraph (1)
in section 632 by striking ‘‘electrical energy’’
and inserting ‘‘marine and hydrokinetic
energy’’.

SEC. 3014. MARINE AND HYDROKINETIC RENEW-
ABLE ENERGY RESEARCH AND DE-
VELOPMENT.

Section 632 of the Energy Independence
and Security Act of 2007 (42 U.S.C. 17212) is
amended to read as follows:

"SEC. 633. MARINE AND HYDROKINETIC RENEW-
ABLE ENERGY RESEARCH AND DE-
VELOPMENT.

"The Secretary, in consultation with the
Secretary of the Interior, the Secretary of
Commerce, and the Federal Energy Regulatory Commission, shall carry out a program of research, development, demonstration, and commercial application to accelerate the demonstration and commercialization of marine and hydrokinetic renewable energy systems used for power generation from marine and hydrokinetic renewable energy devices; and

(2) to establish critical testing infrastructure

(A) to cost effectively and efficiently test and prove marine and hydrokinetic renewable energy devices; and

(B) to accelerate the technological readiness and commercialization of those devices; and

(3) to support efforts to increase the efficiency of energy conversion, lower the cost, increase the use, improve the reliability, and demonstrate the applicability of marine and hydrokinetic renewable energy technologies by participating in demonstration projects;

(4) to establish a framework to identify the efficient and reliable integration of marine and hydrokinetic renewable energy with the utility grid;

(5) to study and identify critical short- and long-term needs to create a sustainable marine and hydrokinetic renewable energy supply chain based in the United States;

(6) to increase the reliability and survivability of marine and hydrokinetic renewable energy technologies;

(7) to verify the performance, reliability, maintainability, and cost of new marine and hydrokinetic renewable energy device designs and system components in an operating environment, and consider the protection of marine infrastructure, such as adequate separation between marine and hydrokinetic devices and projects and submarine telecommunications cables, including consideration of established industry standards;

(8) to coordinate and avoid duplication of activities across programs of the Department of Energy, the Department of Defense, and other Federal agencies, including National Laboratories and to coordinate public-private collaboration in all programs and activities of the Department of Defense; and

(9) to identify opportunities for joint research and development programs and development of economies of scale between—

(A) marine and hydrokinetic renewable energy development and existing nuclear power;

(B) other renewable energy and fossil energy programs, offshore oil and gas production activities, and activities of the Department of Defense; and

(10) to support in-water technology development with international partners using existing cooperative procedures (including memorandums of understanding)—

(A) to allow cooperative funding and other support of value to be exchanged and leveraged; and

(B) to encourage the participation of international research centers and companies within the United States and the participation of United States research centers and companies in international projects.”.

SEC. 3015. NATIONAL MARINE RENEWABLE ENERGY DEVELOPMENT, AND DEMONSTRATION CENTERS.

Section 634 of the Energy Independence and Security Act of 2007 (42 U.S.C. 1721b) is amended by striking “$50,000,000 for each of fiscal years 2008 through 2018” and inserting “$50,000,000 for each of fiscal years 2017 and 2018 and $60,000,000 for each of fiscal years 2019 through 2021.”

PART IV—BIOMASS


There is authorized to be appropriated to the Secretary of Energy to carry out the methane hydrate research and development program established under the Methane Hydrate Research and Development Act of 2000 (30 U.S.C. 2003(e)) as follows:

(1) to identify, explore, assess, and develop methane hydrate as a commercially viable source of energy; and

(2) to identify the environmental, health, and safety impacts of methane hydrate development;

(B) to identify and characterize methane hydrate resources using remote sensing and satellite data, including concentration of hydrate in marine reservoirs in the Gulf of Mexico by the date that is 4 years after the date of enactment of the Energy Policy Modernization Act of 2016; and

(C) to develop technologies required for efficient and environmentally sound development of methane hydrate resources;

(D) to conduct basic research to assess and mitigate the environmental impact of hydrate degassing (including natural degassing and degassing associated with commercial development); and

(E) to develop technologies to reduce the risks of drilling through methane hydrates;

(F) to conduct exploratory drilling, well testing, and production testing operations on permafrost and nonpermafrost gas hydrates in support of the activities authorized by this paragraph, including:

(G) to conduct the test and performing a long-term hydrate production test on land in the United States Arctic region by the date that is 4 years after the date of enactment of the Energy Policy Modernization Act of 2016; and

(H) to conduct the test well and performing a full-scale production test well at a location to be determined by the Secretary; or

(G) to expand education and training programs in methane hydrate resource research and resource development through fellowships or other means for graduate education and training.

(2) ENVIRONMENTAL MONITORING AND RESEARCH.—The Secretary shall conduct a long-term environmental monitoring and research program to study the effects of production from methane hydrate reservoirs.

(3) COMPETITIVE, PEER REVIEW.—Funds made available under paragraphs (1) and (2) shall be made available based on a competitive process using external scientific peer review.

(4) CONFORMING AMENDMENT.—Section 4(e) of the Methane Hydrate and Development Act of 2000 (30 U.S.C. 2003(e)) is amended in the matter preceding paragraph (1) by striking “paragraphs (1) and (2)” and inserting “paragraphs (1) and (2) of subsection (b)”.

(5) AUTHORIZATION OF APPROPRIATIONS.—The Methane Hydrate Research and Development Act of 2000 is amended by striking section 4(c) (30 U.S.C. 2003(c)) and inserting the following:

“SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act $35,000,000 for each of fiscal years 2017 through 2021.”

SEC. 3102. LIQUEFIED NATURAL GAS STUDY.

(a) STUDY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the National Academy of Sciences, the General Services Administration, and the Energy Information Administration, shall conduct a study of the State, regional, and national implications of importing liquefied natural gas with respect to consumers and the economy.

(b) CONTENTS.—The study conducted under paragraph (1) shall include an analysis of—

(i) the economic impacts of importing liquefied natural gas; and

(ii) the energy and environmental benefits of domestically produced natural gas;
SEC. 3105. FERC PROCESS COORDINATION WITH RESPECT TO REGULATORY AUTHORIZATIONS.

(a) Definitions.—In this section:


(b) Federal Authorization.—

(A) In general.—The term ‘‘Federal authorization’’ required under Federal law with respect to an application for authorization or a certificate of public convenience and necessity relating to the subject jurisdiction of the Commission.

(b) Inclusions.—The term ‘‘Federal authorization’’ includes any permits, special use authorizations, certifications, opinions, or other approvals as may be required under Federal law with respect to an application for authorization or a certificate of public convenience and necessity relating to gas transportation subject to the jurisdiction of the Commission.

(b) Inclusions.—The term ‘‘Federal authorization’’ includes any permits, special use authorizations, certifications, opinions, or other approvals as may be required under Federal law with respect to an application for authorization or a certificate of public convenience and necessity relating to gas transportation subject to the jurisdiction of the Commission.

(b) Inclusions.—The term ‘‘Federal authorization’’ includes any permits, special use authorizations, certifications, opinions, or other approvals as may be required under Federal law with respect to an application for authorization or a certificate of public convenience and necessity relating to gas transportation subject to the jurisdiction of the Commission.

(b) Inclusions.—The term ‘‘Federal authorization’’ includes any permits, special use authorizations, certifications, opinions, or other approvals as may be required under Federal law with respect to an application for authorization or a certificate of public convenience and necessity relating to gas transportation subject to the jurisdiction of the Commission.

(b) Inclusions.—The term ‘‘Federal authorization’’ includes any permits, special use authorizations, certifications, opinions, or other approvals as may be required under Federal law with respect to an application for authorization or a certificate of public convenience and necessity relating to gas transportation subject to the jurisdiction of the Commission.

(b) Inclusions.—The term ‘‘Federal authorization’’ includes any permits, special use authorizations, certifications, opinions, or other approvals as may be required under Federal law with respect to an application for authorization or a certificate of public convenience and necessity relating to gas transportation subject to the jurisdiction of the Commission.

(b) Inclusions.—The term ‘‘Federal authorization’’ includes any permits, special use authorizations, certifications, opinions, or other approvals as may be required under Federal law with respect to an application for authorization or a certificate of public convenience and necessity relating to gas transportation subject to the jurisdiction of the Commission.

(b) Inclusions.—The term ‘‘Federal authorization’’ includes any permits, special use authorizations, certifications, opinions, or other approvals as may be required under Federal law with respect to an application for authorization or a certificate of public convenience and necessity relating to gas transportation subject to the jurisdiction of the Commission.

(b) Inclusions.—The term ‘‘Federal authorization’’ includes any permits, special use authorizations, certifications, opinions, or other approvals as may be required under Federal law with respect to an application for authorization or a certificate of public convenience and necessity relating to gas transportation subject to the jurisdiction of the Commission.

(b) Inclusions.—The term ‘‘Federal authorization’’ includes any permits, special use authorizations, certifications, opinions, or other approvals as may be required under Federal law with respect to an application for authorization or a certificate of public convenience and necessity relating to gas transportation subject to the jurisdiction of the Commission.

(b) Inclusions.—The term ‘‘Federal authorization’’ includes any permits, special use authorizations, certifications, opinions, or other approvals as may be required under Federal law with respect to an application for authorization or a certificate of public convenience and necessity relating to gas transportation subject to the jurisdiction of the Commission.

(b) Inclusions.—The term ‘‘Federal authorization’’ includes any permits, special use authorizations, certifications, opinions, or other approvals as may be required under Federal law with respect to an application for authorization or a certificate of public convenience and necessity relating to gas transportation subject to the jurisdiction of the Commission.

(b) Inclusions.—The term ‘‘Federal authorization’’ includes any permits, special use authorizations, certifications, opinions, or other approvals as may be required under Federal law with respect to an application for authorization or a certificate of public convenience and necessity relating to gas transportation subject to the jurisdiction of the Commission.

(b) Inclusions.—The term ‘‘Federal authorization’’ includes any permits, special use authorizations, certifications, opinions, or other approvals as may be required under Federal law with respect to an application for authorization or a certificate of public convenience and necessity relating to gas transportation subject to the jurisdiction of the Commission.

(b) Inclusions.—The term ‘‘Federal authorization’’ includes any permits, special use authorizations, certifications, opinions, or other approvals as may be required under Federal law with respect to an application for authorization or a certificate of public convenience and necessity relating to gas transportation subject to the jurisdiction of the Commission.

(b) Inclusions.—The term ‘‘Federal authorization’’ includes any permits, special use authorizations, certifications, opinions, or other approvals as may be required under Federal law with respect to an application for authorization or a certificate of public convenience and necessity relating to gas transportation subject to the jurisdiction of the Commission.

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(b) Inclusions.—The term ‘‘Federal authorization’’ includes any permits, special use authorizations, certifications, opinions, or other approvals as may be required under Federal law with respect to an application for authorization or a certificate of public convenience and necessity relating to gas transportation subject to the jurisdiction of the Commission.
(a) ESTABLISHMENT OF TASK FORCE.—Not later than 15 days after the date of enactment of this Act, the Secretary shall lead and establish a task force comprising representatives of the following:

(i) the Committee on Energy and Natural Resources of the Senate;
(ii) the Committee on Environment and Public Works of the Senate;
(iii) the Committee on Transportation and Infrastructure of the Senate;
(iv) the Committee on Commerce, Science, and Transportation of the Senate;
(v) the Committee on Health, Education, Labor, and Pensions of the Senate;
(vi) the Committee on Agriculture, Nutrition, and Forestry of the Senate;
(vii) the Committee on Banking, Housing, and Urban Affairs;
(viii) the Committee on Homeland Security and Governmental Affairs;
(ix) the Committee on Appropriations;
(x) the Committee on Rules and Administration;
(xi) the Committee on Rules and Administration; and
(xii) the Committee on Rules and Administration.

(b) MEMBERSHIP OF TASK FORCE.—In addition to the Secretary, the task force shall be composed of—

(1) 1 representative from the Pipeline and Hazardous Materials Safety Administration;
(2) 1 representative from the Department of Health and Human Services;
(3) 1 representative from the Environmental Protection Agency;
(4) 1 representative from the Department of the Interior;
(5) 1 representative from the Department of Commerce; and
(6) 1 representative from the Federal Energy Regulatory Commission.

(c) FINAL REPORT.—(A) In general.—The final report shall contain 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 Energy, Education, Labor, and Pensions of the Senate;
(viii) the Committee on Education and the Workforce of the House of Representatives;
(ix) relevant Federal and State agencies;
(x) relevant Federal and State agencies.

(B) INFORMATION INCLUDED.—The report submitted under subparagraph (A) shall include—

(i) an analysis and conclusion of the cause of the Aliso Canyon natural gas leak; and
(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 the 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 future natural gas leaks;
(ix) a recommendation on information that is not currently collected but that would be in the public interest to collect and distribute to Federal, State, and local 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.

(d) PUBLICATION.—The interim reports and recommendations under paragraph (1) and the final report under paragraph (2) shall be made available to the public in an electronically accessible format.

(e) 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, or entities that are to receive the final report.

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

SEC. 3108. REPORT ON INCORPORATING INTERSTATE PIPELINES INTO THE NATION’S GAS INFRASTRUCTURE.

Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall submit to Congress a report containing recommendations for the incorporation of interstate natural gas transmission pipelines into the nation’s gas infrastructure, including—

(A) relevant Federal and State agencies.

(B) INFORMATION INCLUDED.—The report submitted under subparagraph (A) shall include—

(i) an analysis and conclusion of the cause of the Aliso Canyon natural gas leak; and
(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 the 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 future natural gas leaks;
(ix) a recommendation on information that is not currently collected but that would be in the public interest to collect and distribute to Federal, State, and local 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.

(d) PUBLICATION.—The interim reports and recommendations under paragraph (1) and the final report under paragraph (2) shall be made available to the public in an electronically accessible format.

(e) 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, or entities that are to receive the final report.

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

SEC. 3109. DENALI NATIONAL PARK AND PRESERVE NATURAL GAS PIPELINE.

(a) PERMIT.—Section 3(b)(1) of the Denali National Park Improvement Act (Public Law 113–33; 127 Stat. 516) is amended by striking "within, along, or near the approximately 7-mile segment of the Parks Highway that runs through the Park".

(b) TERMS AND CONDITIONS.—Section 3(c)(1) of the Denali National Park Improvement Act (Public Law 113–33; 127 Stat. 516) is amended—

(1) by striking paragraph (A), (B), and (C); and
(2) by striking subparagraph (B); and
(3) by redesignating subparagraph (A) as subparagraph (D).

(c) APPLICABLE LAW.—Section 3 of the Denali National Park Improvement Act (Public Law 113–33; 127 Stat. 516) is amended by adding at the end the following:

"(d) APPLICABLE LAW.—(1) APPLICABLE LAW.—A high pressure gas transmission pipeline (including appurtenances) in a wilderness area within the boundary of the Park, shall not be subject to title XI of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3161 et seq.)."

Subtitle C—Helium

SEC. 3201. RIGHTS TO HELIUM.

(a) DEFINITION OF HELIUM-RELATED PROJECT.—The term "helium-related project" means a project—

(1) to explore or produce crude helium; and
(2) to sell or purchase helium.

(b) EXPEDITED COMPLETION.—Notwithstanding any other provision of law, applicable environmental reviews under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for helium-related projects shall be completed on an expeditious basis and the shortest existing applicable process under that Act shall be used for such projects.

(c) REPEAL OF RESERVATION OF HELIUM RIGHTS.—The first section of the Mineral Leasing Act (30 U.S.C. 181) is amended by striking the flush text that follows the last undesignated subsection.

SEC. 3202. RIGHTS UNDER MINERAL LEASING ACT FOR ACQUIRED LANDS.

Subtitle D—Critical Minerals

SEC. 3301. DEFINITIONS.

In this subtitle:

(1) CRITICAL MINERAL.—

(A) IN GENERAL.—The term "critical mineral" means any mineral, element, or any other fossil fuels; or

(B) EXCLUSIONS.—The term "critical mineral" does not include—

(i) fossil fuels, including oil, natural gas, or any other fossil fuels; or

(ii) water, ice, or snow.

(2) CRITICAL MINERAL MANUFACTURING.—The term "critical mineral manufacturing" means—

(A) the production, processing, refining, alloying, separation, concentration, magnetization, or beneficiating of critical minerals within the United States;

(B) the fabrication, assembly, or production, within the United States, of products containing critical mineral needs; or

(C) any other value-added, manufacturing-related use of critical minerals undertaken within the United States.

(3) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(4) STATE.—The term "State" means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico;

(D) Guam;

(E) American Samoa;

(F) the Commonwealth of the Northern Mariana Islands; and

(G) the United States Virgin Islands.

SEC. 3302. POLICY.

(a) IN GENERAL.—Section 3 of the National Materials and Minerals Policy, Research and Development Act of 1980 (30 U.S.C. 1602) is amended in the second sentence—

(1) by striking paragraph (3) and inserting the following:

"(3) establish an analytical and forecasting capability for identifying critical mineral demand, supply, and other factors to allow informed actions to be taken to avoid supply shortages, mitigate price volatility, and prepare for demand growth and other market shifts;"

and

(2) by striking paragraph (6), by striking "and" after the semicolon at the end; and

(b) CARRYING OUT THE POLICY.—The term "carrying out the policy" shall mean—

(1) to encourage the availability, development, and environmentally responsible production of domestic resources to meet national material or critical mineral needs;
may designate and include on the list any mineral or element determined by another Federal agency to be strategic and critical to the defense or national security of the United States.

(e) SUBSEQUENT REVIEW.—

(1) IN GENERAL.—The Secretary shall review the methodology and designations under subsections (c) and (d) at least every 3 years, or more frequently as the Secretary considers to be appropriate.

(2) REVISIONS.—Subject to subsection (d)(1), the Secretary shall:

(A) revise the methodology described in this section;

(B) determine that minerals or elements previously designated as critical minerals are no longer critical minerals; and

(C) designate additional minerals or elements as critical minerals.

(f) NOTICE.—On finalization of the methodology under subsection (c), the list under subsection (d), or any revision to the methodology or list under subsection (e), the Secretary shall submit to Congress written notice of the action.

SEC. 3304. RESOURCE ASSESSMENT.

(a) IN GENERAL.—Not later than 4 years after the date of enactment of this Act, in consultation with Federal agencies and entities, the Secretary shall publish in the Federal Register a description of the methodology developed under this section, qualitative evidence may be used to the extent necessary.

(b) FINAL METHODOLOGY.—After reviewing public comments on the draft methodology under subsection (a) and updating the draft methodology as appropriate, not later than 270 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register a description of the final methodology for determining which minerals qualify as critical minerals based on an assessment of whether the minerals are—

(1) subject to potential supply restrictions (including restrictions associated with foreign political risk, abrupt demand growth, military conflict, violent unrest, anti-competitive or protectionist behaviors, and other risks to supply chain); and

(2) important in use (including energy technology, defense, currency, agriculture, consumer electronics, and health care-related applications).

(b) AVAILABILITY OF DATA.—If available data is insufficient to provide a quantitative basis for the methodology developed under this section, qualitative evidence may be used to the extent necessary.

(c) FINAL METHODOLOGY.—After reviewing public comments on the draft methodology under subsection (a) and updating the draft methodology as appropriate, not later than 270 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register a description of the final methodology for determining which minerals qualify as critical minerals.

(d) REPORTING.—During the period beginning not later than 1 year after the date of enactment of this Act and ending on the date of completion of all of the assessments required under this section, the Secretary shall submit to Congress on an annual basis an interim report that—

(A) identifies the sequence and schedule for completion of the assessments if the Secretary declines to make revisions; or

(B) describes the progress of the assessments if the Secretary does not sequence the assessments.

(e) UPDATE.—The Secretary may periodically update the assessments conducted under this section based on—

(1) the generation of new information or datasets by the Secretary; and

(2) the receipt of new information or datasets from critical mineral producers.

SEC. 3305. PERMITTING.

(a) PERFORMANCE IMPROVEMENTS.—To improve the quality and timeliness of decisions, the Secretary (acting through the Director of the Bureau of Land Management) and the Secretary of Agriculture (including the Chief of the Forest Service) (referred to in this section as the "Secretary") shall—

(1) establishing and adhering to timelines and schedules for the consideration of, and final decisions regarding, applications, operating plans, leases, licenses, permits, and other use authorizations for mineral-related activities on Federal land;

(2) establishing clear, quantifiable, and measurable performance goals and tracking progress against those goals;

(3) engaging in early collaboration among agencies, project sponsors, and affected stakeholders—

(A) to incorporate and address the interests of those parties; and

(B) to minimize delays;

(4) enhancing transparency and accountability by using cost-effective information technology to collect and disseminate information regarding individual projects and agency performance;

(5) engaging in early and active consultation with State, local, and Indian tribal governments to avoid conflicts or duplication of effort, resolve concerns, and allow for concurrent, rather than sequential, reviews;

(6) providing demonstrable improvements in the performance of Federal permitting and review processes, including lower costs and more timely decisions;

(7) expanding and institutionalizing permitting and review processes that have proven effective;

(8) developing mechanisms to better communicate priorities and resolve disputes among agencies at the national, regional, State, and local levels; and

(9) developing other practices, such as preapplication procedures.

(b) REVIEW AND REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report that—

(A) identifies additional measures (including regulatory and legislative proposals, as appropriate) that would increase the timeliness of permitting activities for the exploration and development of domestic critical mineral resources;

(B) identifies options (including cost recovery paid by permit applicants) for ensuring
adequate staffing and training of Federal entities and personnel responsible for the consideration of applications, operating plans, leases, licenses, permits, and other use authorizations for critical mineral-related activities on Federal land; 

(3) quantifies the amount of time typically required (including range derived from minimum, maximum, average, median, variance, and other statistical measures or representations) to complete each step (including those aspects outside the control of the executive branch, such as judicial review, applicant decisions, or State and local government involvement) associated with the development and processing of applications, leases, licenses, permits, and other use authorizations for critical mineral-related activities on Federal land, which shall serve as a baseline for the performance metric under subsection (c); and 

(4) describes actions carried out pursuant to subsection (a). 

(c) Performance Metric.—Not later than 90 days after the date of submission of the report under subsection (b), the Secretaries, after providing public notice and an opportunity to comment, shall develop and publish a metric for evaluating the progress made by the executive branch to expedite the permitting activities that will increase exploration for, and development of, domestic critical minerals, while maintaining environmental standards.

(d) Annual Reports.—Beginning with the first budget submission by the President under section 1105 of title 31, United States Code, after publication of the performance metric required under subsection (c), and annually thereafter, the Secretaries shall submit to Congress a report that—

(1) summarizes the implementation of recommendations, measures, and options identified in paragraphs (1) and (2) of subsection (b); 

(2) using the performance metric under subsection (c), describes progress made by the executive branch, as compared to the baseline established pursuant to subsection (b)(3), on expediting the permitting activities that will increase exploration for, and development of, domestic critical minerals; and 

(3) compares the United States to other countries in terms of permitting efficiency and actions relevant to the globally competitive critical minerals industry. 

(e) Individual Projects.—Using data from the Secretaries generated under subsection (d), the Director of the Office of Management and Budget, the Administrator of the Small Business Administration shall submit to the applicable committees of Congress a report that assesses the performance of Federal agencies with respect to—

(1) complying with chapter 6 of title 5, United States Code (commonly known as the ‘‘Paperwork Reduction Act’’), in promulgating regulations applicable to the critical minerals industry; and 

(2) performing an analysis of regulations applicable to the critical minerals industry that may be outdated, inefficient, duplicative, or excessively burdensome. 

SEC. 3306. FEDERAL REGISTER PROCESS.

(a) Departmental Review.—Absent any extraordinary circumstance, and except as otherwise required by law, the Secretary and the Secretary of Agriculture shall ensure that each Federal Register notice described in subsection (b) shall be—

(1) subject to any required reviews within the Department of the Interior or the Department of Agriculture; and 

(2) published in final form in the Federal Register not later than 45 days after the date of initial preparation of the notice. 

(b) Preparation and Execution of Federal Register Notices.—To ensure the issuance of a critical mineral exploration or mine permit shall be determined to be consistent with the organizational level within the agency responsible for issuing the critical mineral exploration or mine permit. 

(c) Transmission of Transmission of Federal Register Notices.—Not later than 1 year and 300 days after publication of the performance metric required under subsection (c), the Department of the Interior shall transmit to the Federal Register from, the office in which, as applicable—

(1) the documents are held; or 

(2) the activity is initiated. 

SEC. 3307. RECYCLING, EFFICIENCY, AND ALTERNATIVES.

(a) Establishment.—The Secretary of Energy (referred to in this section as the ‘‘Secretary’’) shall conduct a program of research and development—

(1) to promote the efficient production, use, and recycling of critical minerals throughout the supply chain; and 

(2) to develop alternatives to critical minerals that do not significantly impact the domestic supply of critical minerals. 

(b) Cooperation.—In carrying out the program, the Secretary shall cooperate with appropriate—

(1) Federal agencies and National Laboratories; 

(2) critical mineral producers; 

(3) critical mineral processors; 

(4) critical mineral manufacturers; 

(5) trade associations; 

(6) academic institutions; 

(7) small businesses; and 

(8) other relevant entities or individuals. 

(c) Activities.—Under the program, the Secretary shall carry out activities that include the identification and development of—

(1) advanced critical mineral extraction, production, refining, or processing technologies that decrease the energy consumption, environmental impact, and costs of those activities, including—

(A) efficiency measures and wastewater management strategies; 

(B) technologies and management strategies to control the environmental impacts of radionuclides in ore tailings; and 

(C) technologies for separation and processing; 

(2) technologies or process improvements that minimize the use, or lead to more efficient use, of critical minerals across the full supply chain; 

(3) technologies, process improvements, or design optimization that facilitate the recycling of critical minerals, and options for improving the rates of collection of products and scrap containing critical minerals from post-consumer, industrial, or other waste streams; 

(4) commercial markets, advanced storage methods, energy applications, and other beneficial uses of critical minerals processing byproducts; 

(5) alternative minerals, metals, and materials, particularly those available in abundance within the United States and not subject to potential supply restrictions, that lessen the need for critical minerals; and 

(6) alternative energy technologies or alternative battery technologies, particularly those that use minerals that—

(A) occur in abundance in the United States; and 

(B) are not subject to potential supply restrictions. 

(d) Reports.—Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report summarizing the activities and progress of the program. 

SEC. 3308. ANALYSIS AND FORECASTING.

(a) Capabilities.—In order to evaluate existing critical mineral policies and inform future actions that may be taken to avoid shortages, mitigate price volatility, and prepare for demand growth and other market shifts, the Secretary, in consultation with the Energy Information Administration and other federal agencies in order to maximize the application of existing competencies related to developing and maintaining computer-models and similar analytical tools, shall conduct and publish the results of an annual report that includes—

(1) as part of the annually published Mineral Commodity Summaries from the United States Geological Survey, a comprehensive review of critical mineral production, consumption, and recycling patterns, including—

(A) the quantity of each critical mineral domestically produced during the preceding year; 

(B) the quantity of each critical mineral domestically consumed during the preceding year; 

(C) market price data or other price data for each critical mineral; 

(D) an assessment of—

(i) critical mineral requirements to meet the national security, energy, economic, industrial, technological, and other needs of the United States during the previous year; 

(ii) the reliance of the United States on foreign sources to meet those needs during the preceding year; and 

(iii) the implications of any supply shortages, restrictions, or disruptions during the preceding year; 

(E) the quantity of each critical mineral recycled during the preceding year; 

(F) the market penetration during the preceding year of alternatives to each critical mineral; 

(G) a discussion of international trends associated with the domestic consumption, use, costs of production, prices, and recycling of each critical mineral as well as the development of alternatives to critical minerals; and 

(H) such other data, analyses, and evaluations as the Secretary finds necessary to achieve the purposes of this section; and 

(b) Cost Estimate of the ‘‘Annual Critical Minerals Outlook’’, of projected critical mineral production, consumption, and recycling patterns, including—

(1) the quantity of each critical mineral projected to be domestically produced over the subsequent 1-year, 5-year, and 10-year periods; 

(2) the quantity of each critical mineral projected to be domestically consumed over the subsequent 1-year, 5-year, and 10-year periods; 

(3) the assessment of—

(i) critical mineral requirements to meet projected national security, energy, economic, industrial, technological, and other needs of the United States; and 

(ii) the projected reliance of the United States on foreign sources to meet those needs; and 

(4) the projected implications of potential supply shortages, restrictions, or disruptions;
(D) the quantity of each critical mineral projected to be domestically recycled over the subsequent 1-year, 5-year, and 10-year periods;

(E) the market penetration of alternatives to each critical mineral projected to take place over the subsequent 1-year, 5-year, and 10-year periods;

(F) a discussion of reasonably foreseeable international trends associated with the discovery, production, consumption, use, costs of production, and recycling of each critical mineral as well as the development of alternatives to critical minerals; and

(G) such other projections relating to each critical mineral as the Secretary determines to be necessary to achieve the purposes of this section.

(b) PROPRIETARY INFORMATION.—In preparing a report described in subsection (a), the Secretary shall ensure, consistent with section 5(f) of the National Materials and Minerals Policy, Research and Development Act of 1980 (30 U.S.C. 1804(t)), that—

(1) no person uses the information and data collected for the report for a purpose other than the development of or reporting of aggregate data in a manner such that the identity of the person or firm who supplied the information is not discernible and is not material to the intended uses of the information;

(2) no person discloses any information or data collected for the report unless the information or data has been transformed into a statistical or aggregate form that does not allow the identification of the person or firm who supplied particular information; and

(3) procedures are established to require the withholding of any information or data collected for the report if the Secretary determines that withholding is necessary to protect proprietary information, including any trade secrets or other confidential information.

SEC. 3309. EDUCATION AND WORKFORCE.

(a) WORKFORCE ASSESSMENT.—Not later than 1 year and 300 days after the date of enactment of this Act, the Secretary of Labor (in consultation with the Secretary, the Director of the National Science Foundation, institutions of higher education with substantial capabilities in the required disciplines for activities to improve the critical mineral supply chain or other positions that will increase domestic, critical mineral exploration, development, production, manufacturing, research, and recycling; and to develop guidelines for proposals from institutions of higher education with substantive stead of the results of the study required under paragraph (c). A program—

(1) ESTABLISHMENT.—The Secretary and the Secretary of Labor shall jointly conduct a competitive grant program under which institutions of higher education may apply for and receive 4-year grants for—

(A) startup costs for newly designated faculty positions in critical mineral education, research, innovation, training, and workforce development programs consistent with subsection (b); internships, scholarships, and fellowships for students enrolled in programs related to critical minerals; and

(C) equipment necessary for integrated critical mineral exploration, development, training, and workforce development programs; and

(D) research of critical minerals and their applications, particularly concerning the manufacture of critical components vital to national security.

(2) RENEWAL.—A grant under this subsection shall be renewable for up to 2 additional 3-year terms based on performance criteria outlined under subsection (b)(1)(D).

(b) CURRICULUM STUDY.—(1) IN GENERAL.—The Secretary and the Secretary of Labor shall jointly enter into an arrangement with the National Academy of Sciences to develop a research plan for a geologic engineering under which the Academies shall coordinate with the National Science Foundation on conducting a study—

(A) to develop a pilot program on critical minerals that will support the critical mineral supply chain and improve the ability of the United States to increase domestic mining, critical mineral exploration, development, production, manufacturing, research, including fundamental research into alternatives, and recycling;

(B) to advance graduate and undergraduate education, especially to assist in the development of graduate level programs of research and instruction that lead to advanced degrees with an emphasis on the critical mineral supply chain or other positions that will increase domestic, critical mineral exploration, development, production, manufacturing, research, and recycling; and

(D) to outline criteria for evaluating performance and recommendations for the amount of funding that will be necessary to establish and carry out the program described in subsection (c).

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a description of the results of the study required under paragraph (c).

(c) PROGRAM.—

(1) ESTABLISHMENT.—The Secretary and the Secretary of Labor shall jointly conduct a competitive grant program under which institutions of higher education may apply for and receive 4-year grants for—

(A) startup costs for newly designated faculty positions in critical mineral education, research, innovation, training, and workforce development programs consistent with subsection (b); internships, scholarships, and fellowships for students enrolled in programs related to critical minerals; and

(C) equipment necessary for integrated critical mineral exploration, development, training, and workforce development programs; and

(D) research of critical minerals and their applications, particularly concerning the manufacture of critical components vital to national security.

(2) RENEWAL.—A grant under this subsection shall be renewable for up to 2 additional 3-year terms based on performance criteria outlined under subsection (b)(1)(D).

(d) NATIONAL GEOLOGICAL AND GEOLOGY RESEARCH AND DEVELOPMENT PROGRAM.

Section 351(k) of the Energy Policy Act of 2005 (42 U.S.C. 19008(k)) is amended by striking “$30,000,000 for each of fiscal years 2006 through 2010” and inserting “$5,000,000 for each of fiscal years 2017 through 2026, to remain available until expended”.

SEC. 3311. ADMINISTRATION.

(a) IN GENERAL.—The National Critical Materials Act of 1984 (30 U.S.C. 1801 et seq.) is repealed.

(b) CONFORMING AMENDMENT.—Section 3(d) of the Critical Mineral Competitiveness Act of 1988 (15 U.S.C. 5202(d)) is amended in the first sentence by striking “. with the assistance of the National Critical Materials Council as specified in the National Critical Materials Act of 1984 (30 U.S.C. 1801 et seq.).”.

(c) SAVINGS CLAUSE.—Nothing in this subtitle or an amendment made by this subtitle modifies any requirement or authority provided by—

(1) the matter under the heading “GEOLOGICAL SURVEY” of the first section of the Act of March 3, 1877 (43 U.S.C. 31); or

(2) the first section of Public Law 87–626 (43 U.S.C. 31(b)).

(2) SECRETARIAL ORDER NOT AFFIRMED.—This subtitle shall not apply to any mineral described in Secretarial Order 3524, issued by the Secretary of the Interior on December 3, 2012, in any area to which the order applies.

SEC. 3312. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this subtitle $50,000,000 for each of fiscal years 2017 through 2026.

Title E—Coal

SEC. 3401. SENSE OF THE SENATE ON CARBON CAPTURE, USE, AND STORAGE DEVELOPMENT AND DEPLOYMENT.

It is the sense of the Senate that—

(1) carbon capture, use, and storage deployment is—

(A) an important part of the clean energy future; and

(B) critical—

(i) to increasing the energy security of the United States;

(ii) to reducing emissions; and

(iii) to maintaining a diverse and reliable energy resource;

(2) fossil energy programs of the Department should continue to focus on research and development of technologies that will improve the capture, transportation, use, and storage activities in the electrical and industrial sectors;

(3) the Secretary should continue to partner with the private sector and explore avenues to bring down the cost of carbon capture and storage, including leveraging through loans, grants, and sequestration credits to help make carbon capture, use, and storage technologies more competitive compared to other technologies that play a part in the clean energy future of the United States; and

(4) the Secretary should continue working with international partners on pre-existing agreements, projects, and initiatives to share activities of the Secretary to develop the latest and most cutting-edge capture, use, and storage technologies for the electrical and industrial sectors.

SEC. 3402. FOSSIL ENERGY.

Section 961(a) of the Energy Policy Act of 2005 (42 U.S.C. 16291(a)) is amended by adding at the end the following:

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

SEC. 3403. ESTABLISHMENT OF COAL TECHNOLOGY PROGRAM.

(a) REPEALS.—

(1) IN GENERAL.—Sections 960 and 963 of the Energy Policy Act of 2005 (42 U.S.C. 16290, 16293) are repealed.

(b) Subtitle A of title IV of the Energy Policy Act of 2005 (42 U.S.C. 16301 et seq.) is repealed.

(2) SAVINGS CLAUSE.—Notwithstanding the amendments made by paragraph (1), the Secretary shall continue to manage any programs that are outstanding as of the date of enactment of this Act under the...
terms and conditions of sections 962 and 963 of the Energy Policy Act of 2005 (42 U.S.C. 16292, 16293) or subtitle A of title IV of the Energy Policy Act of 2005 (42 U.S.C. 15961 et seq.) or the day before the date of enactment of this Act, as applicable.

3) CONFORMING AMENDMENTS.—
(A) Section 703(a)(3) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17251(a)(3)) is amended—

(i) in the matter preceding subparagraph (A), by striking the first and second sentences;

(ii) in subparagraph (B), by striking “including” in the matter preceding clause (i) and all that follows through the period at the end of clause (ii)”, including such geologic sequestration projects as are approved by the Secretary.”;

(B) Section 704 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17252) is amended in the first sentence by striking “under section 963(c)(3) of the Energy Policy Act of 2005 (42 U.S.C. 16293(c)(3)), as added by section 702 of this subtitle, and”;

(b) ESTABLISHMENT OF COAL TECHNOLOGY PROGRAM.—The Energy Policy Act of 2005 (as amended by subsection (a)) is amended by inserting after section 961 (42 U.S.C. 16291) the following:

"SEC. 962. COAL TECHNOLOGY PROGRAM.

(‘‘a’’ DEFINITIONS.—In this section: ‘‘(1) ‘‘LARGE-SCALE PILOT PROJECT’’—The term ‘large-scale pilot project’ means a pilot project—

 ‘‘(A) represents the scale of technology development beyond laboratory development and bench scale testing, but not yet advanced to the point of being tested under real operational conditions at commercial scale;

 ‘‘(B) represents the scale of technology necessary to gain the operational data needed to understand the technical and performance capability of that technology before application of that technology at commercial scale or in commercial-scale demonstration; and

 ‘‘(C) is large enough—

 ‘‘(i) to validate scaling factors; and

 ‘‘(ii) to demonstrate the interaction between major components so that control philosophies for a new process can be developed and enable the technology to advance from large-scale pilot plant application to commercial-scale demonstration or application.

 ‘‘(2) ‘‘CARBON DIOXIDE EMISSIONS PROJECT’’—The term ‘net-negative carbon dioxide emissions project’ means a project—

 ‘‘(A) that employs a technology for thermochemical coconversion of coal and biomass fuels that—

 ‘‘(i) uses a carbon capture system; and

 ‘‘(ii) with carbon dioxide removal, can provide electricity, fuels, or chemicals with net-negative carbon dioxide emissions from production and consumption of the end products, while removing atmospheric carbon dioxide;

 ‘‘(B) that will proceed initially through a large-scale pilot project for which front-end engineering will be performed for bituminous, subbituminous, and lignite coals; and

 ‘‘(C) through which each use of coal will be combined with the use of a renewable energy form of biomass energy, provided on a renewable basis, that is sufficient in quantity to allow for net-negative emissions of carbon dioxide (in combination with carbon capture system), while avoiding impacts on food production activities.

 ‘‘(3) PROGRAM.—The term ‘program’ means the program established under subsection (b)(1). ‘‘(4) TRANSFORMATIONAL TECHNOLOGY.—

 ‘‘(A) IN GENERAL.—The term ‘transformational technology’ means a power generation technology that represents an entirely new way to convert energy that will enable a step change in performance, efficiency, and cost of electricity as compared to the technology in existence on the date of enactment of this section.

 ‘‘(B) INCLUSIONS.—The term ‘transformational technology’ includes a broad range of technology improvements, including—

 ‘‘(i) thermodynamic improvements in energy conversion and heat transfer, including—

 ‘‘(I) oxygen combustion;

 ‘‘(II) chemical looping; and

 ‘‘(III) the replacement of steam cycles with supercritical carbon dioxide cycles;

 ‘‘(ii) improvements in turbine technology;

 ‘‘(iii) improvements in carbon capture systems technology; and

 ‘‘(iv) any other technology the Secretary recognizes as transformational technology.

 ‘‘(b) COAL TECHNOLOGY PROGRAM.—

 ‘‘(1) IN GENERAL.—The Secretary shall establish a coal technology program to ensure the continued use of the abundant, domestic coal resources of the United States through the development of technologies that will significantly improve the efficiency, effectiveness, costs, and environmental performance of coal utilization.

 ‘‘(2) REQUIREMENTS.—The program shall include—

 ‘‘(A) a research and development program;

 ‘‘(B) large-scale pilot projects;

 ‘‘(C) demonstration projects; and

 ‘‘(D) net-negative carbon dioxide emissions projects.

 ‘‘(3) PROGRAM GOALS AND OBJECTIVES.—In consultation with the interested entities described in paragraph (4)(C), the Secretary shall develop goals and objectives for the program before the technologies developed within the program, taking into consideration the following objectives:

 ‘‘(A) Ensure reliable, low-cost power from new and existing coal plants.

 ‘‘(B) Achieve high conversion efficiencies.

 ‘‘(C) Address emissions of carbon dioxide through high-efficiency platforms and carbon capture from new and existing coal plants.

 ‘‘(D) Support small-scale and modular technologies to enable incremental capacity additions and growth and large-scale generation technologies.

 ‘‘(E) Support flexible baseload operations for new and existing applications of coal generation.

 ‘‘(F) Further reduce emissions of criteria pollutants and reduce the use and manage the discharge of water in power plant operations.

 ‘‘(G) Accelerate the development of technologies that have transformational energy conversion characteristics.

 ‘‘(H) Value the geological storage of large volumes of anthropogenic sources of carbon dioxide and support the development of the infrastructure needed to support a carbon dioxide use and storage industry.

 ‘‘(I) Examine methods of converting coal to other valuable products and commodities in addition to electricity.

 ‘‘(J) Consult with interested entities, including—

 ‘‘(i) coal producers;

 ‘‘(ii) industries that use coal;

 ‘‘(iii) organizations that promote coal and advanced coal technologies;

 ‘‘(iv) environmental organizations;

 ‘‘(v) organizations representing workers; and

 ‘‘(vi) organizations representing consumers.

 ‘‘(2) REPORT.—

 ‘‘(A) IN GENERAL.—Not later than 18 months after the date of enactment of this section, the Secretary shall submit to Congress a report describing the performance standards adopted under subsection (b)(3).

 ‘‘(B) UPDATE.—Not less frequently than once every 2 years after the initial report is submitted under paragraph (1), the Secretary shall submit to Congress a report describing the progress made towards achieving the objectives and performance standards adopted under subsection (b)(3).

 ‘‘(d) FUNDING.—

 ‘‘(1) AUTHORIZATION OF APPROPRIATIONS.—

 There are authorized to be appropriated to the Secretary to carry out this section, to remain available until expended—

 ‘‘(A) for activities under the research and development program component described in subsection (b)(2)(A), $275,000,000 for each of fiscal years 2017 through 2020; and

 ‘‘(B) for activities under the demonstration projects program component described in subsection (b)(2)(C), $50,000,000 for each of fiscal years 2017 through 2020; and

 ‘‘(C) for activities under the demonstration projects program component described in subsection (b)(2)(D), $75,000,000 for each of fiscal years 2017 through 2020; and

 ‘‘(D) for activities under the net-negative carbon dioxide emissions projects program component described in subsection (b)(2)(E), $22,000,000 for each of fiscal years 2017 through 2021.

 ‘‘(2) COST SHARING FOR LARGE-SCALE PILOT PROJECTS.—Activities under subsection (b)(2)(B) shall be subject to the cost-sharing requirements of section 988(b).

 SEC. 3404. REPORT ON PRICE STABILIZATION SUPPORT.

 (a) DEFINITION OF ELECTRIC GENERATION UNIT.—In this section, the term ‘electric generation unit’ means an electric generation unit—

 ‘‘(1) uses coal-based generation technology; and

 ‘‘(2) is capable of capturing carbon dioxide emissions from the unit.

 (b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit and prepare to the appropriate committees of Congress a report—

 ‘‘(1) on the benefits and costs of entering into long-term binding contracts on behalf of the Federal Government with qualified parties to provide price stabilization support for certain industrial sources for capturing carbon dioxide from electricity generated at an electric generation unit or carbon dioxide captured from an electric generation unit and sold to a purchaser as—

 ‘‘(A) the recovery of crude oil; or

 ‘‘(B) other purposes for which a commercial market exists; and

 ‘‘(2) that—

 ‘‘(A) contains an analysis of how the Department would establish, implement, and maintain a contracting program described in paragraph (1); and

 ‘‘(B) outlines options for how price stabilization contracts may be structured and regulated so as to be necessary to support a contracting program described in paragraph (1).
Title F—Nuclear Energy Innovation

SEC. 3501. NUCLEAR ENERGY INNOVATION CAPABILITIES.

(a) Definitions.—In this section:

(1) Advanced fission reactor.—The term "advanced fission reactor" means a nuclear fission reactor with significant improvements over the most recent generation of nuclear reactors, including improvements such as—

(A) inherent safety features;

(B) lower waste yields;

(C) greater fuel utilization;

(D) zero breeding ratio;

(E) resistance to proliferation;

(F) increased thermal efficiency; and

(G) ability to integrate into electric and nonelectric applications.

(2) Fast neutron.—The term "fast neutron" means a neutron with kinetic energy above 100 kiloelectron volts.

(3) National Laboratory.—

(A) In general.—Except as provided in subparagraph (B), the term "National Laboratory" has the meaning given in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(B) Limitation.—With respect to the Lawrence Livermore National Laboratory, the Los Alamos National Laboratory, and the Sandia National Laboratories, the term "National Laboratory" means only the civilian activities of the laboratory.

(4) Neutron flux.—The term "neutron flux" means the intensity of neutron radiation measured as a rate of flow of neutrons applied over an area.

(5) Neutron source.—The term "neutron source" means a research machine that provides neutron irradiation services for—

(A) research on materials sciences and nuclear physics; and

(B) testing of advanced materials, nuclear fuels, and other related components for reactor systems.

(b) Mission.—Section 951 of the Energy Policy Act of 2005 (42 U.S.C. 1627i) is amended by striking subsection (a) and inserting the following:

"(a) In general.—The Secretary shall conduct programs of civilian nuclear research, development, demonstration, and commercial application, including activities described in this subtitle, that take into consideration the following objectives:

(1) Providing research infrastructure—

(A) to promote scientific progress; and

(B) to enable users from academia, the National Laboratories, and the private sector to make scientific discoveries relevant for national, chemical, and materials science engineering.

(2) Maintaining nuclear energy research and development programs at the National Laboratories and institutions of higher education, including programs of infrastructure of National Laboratories and institutions of higher education.

(3) Providing the technical means to reduce the likelihood of nuclear weapons proliferation.

(4) Ensuring public safety.

(5) Addressing the environmental impact of nuclear energy-related activities.

(6) Supporting technology transfer from the National Laboratories to the private sector.

(7) Enabling the private sector to partner with the National Laboratories to demonstrate novel reactor concepts for the purpose of reducing technical uncertainty associated with the objectives described in this subsection.

(c) Sense of Congress.—It is the sense of Congress—

(1) nuclear energy, through fission or fusion, represents the highest energy density of any known attainable source and yields low air emissions; and

(2) considering the inherent complexity and regulatory burden associated with nuclear energy, should civilian nuclear research and development activities of the Department on programs that enable the private sector, National Laboratories, and institutions of higher education to carry out experiments to promote scientific progress and enhance practical knowledge of nuclear engineering.

(d) High-performance computation and supportive research.

(1) Modeling and simulation program.—In carrying out this program, the Secretary shall carry out an advanced modeling and simulation program for—

(A) research on materials sciences and nuclear physics; and

(B) for validation of computational tools.

(2) Supportive research activities.—The Secretary shall consider support for additional research activities to maximize the utility of the research facilities of the Department, including research to—

(A) on physical processes to simulate degradation of materials and behavior of fuel forms; and

(B) for validation of computational tools.

(e) Versatile neutron source.—

(1) Determination of mission need.—(A) In general.—Not later than December 31, 2026, the Secretary shall determine the mission need for a versatile reactor-based neutron source, which shall operate as a national user facility (referred to in this subsection as the "user facility").

(B) Consultation required.—In carrying out paragraph (A), the Secretary shall consult with the private sector, institutions of higher education, National Laboratories, and relevant Federal agencies to ensure that the user facility will meet the research needs of the largest possible majority of prospective users.

(2) Plan for establishment.—On the determination of the mission need under paragraph (1), the Secretary, as expeditiously as practical, shall—

(A) work with the Advisory Committee on Energy and Natural Resources of the Senate and the Committee on Science, Space, and Technology of the House of Representatives to develop a detailed plan for the establishment of the user facility (referred to in this section as the "plan");

(B) deadline for establishment.—The Secretary shall make every effort to complete construction of, and approve the start of operations for, the user facility by December 31, 2030.

(c) Facility requirements.

(1) Fast neutron spectrum irradiation capability.

(2) Capacity for upgrades to accommodate new or expanded research.

(d) Considerations.—In carrying out the plan, the Secretary shall consider—

(1) capabilities that support experimental high-temperature testing;

(2) providing a source of fast neutrons—

(A) at a neutron flux that is higher than the neutron flux at which research facilities operate before establishment of the user facility; and

(B) sufficient to enable research for an optimal base of prospective users;

(3) maximizing irradiation flexibility and irradiation volume to accommodate as many concurrent users as possible;

(4) capabilities for irradiation with neutrons of a lower energy spectrum;

(5) multiple loops and materials testing in different coolants; and

(6) additional pre-irradiation and post-irradiation examination capabilities.

(e) Communication.—In carrying out this subsection, the Secretary shall leverage the best practices of the Office of Science for the management, construction, and operation of national user facilities.

(f) Report.—The Secretary shall include in the annual budget request of the Department an explanation for any delay in carrying out this subsection.

(g) Enabling nuclear energy innovation.

(1) Establishment of national nuclear innovation center.—The Secretary may enter into a memorandum of understanding with the Chairman of the Nuclear Regulatory Commission to establish a center to be known as the "National Nuclear Innovation Center" (referred to in this subsection as the "Center").

(A) To enable the testing and demonstration of reactor concepts to be proposed and funded, in whole or in part, by the private sector.

(B) To establish and operate a database to store and share data and knowledge on nuclear science between Federal agencies and private industry; and

(C) To establish capabilities to develop and test reactor electric and nonelectric integration and energy conversion systems.

(2) Deadline for establishment.—In operating the Center, the Secretary shall—

(A) consult with the Nuclear Regulatory Commission on safety issues; and

(B) submit to the Nuclear Regulatory Commission to actively observe and learn about the technology being developed at the Center.

(c) Objectives.—A reactor developer under paragraph (1)(A) shall have the following objectives:

(1) Enabling physical validation of fusion and advanced fission experimental reactors at the National Laboratories or other facilities of the Department.

(2) Resolving technical uncertainty and incorporating the practical knowledge of novel reactor concepts.
(A) existing Department directed support; and

(B) developing energy workforce training programs.

(3) Report.—Not later than 1 year after the date on which the Board has been established, the Board shall submit to the President a report that includes a strategy for workforce training and development guidelines for the skills necessary to develop a workforce trained to work in those energy sectors.
energy industry in the successful completion of relevant job training and education programs; and
(4) provides students who complete the job training and education program with an industry-recognized credential.

(c) APPLICATIONS.—Eligible entities desiring a grant under this subsection shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(d) PRIORITY.—In selecting eligible entities to receive grants under this section, the Secretary shall prioritize applicants that—
(1) house the job training and education programs in a community college or institution of higher education that includes basic science and math education in the curriculum of the community college, institution of higher education; or
(2) engage in partnerships with the Department of Defense and the Secretary of Veterans Affairs or veteran service organizations recognized by the Secretary of Veterans Affairs under section 5902 of title 38, United States Code, to transition members of the Armed Forces and veterans to careers in the energy sector;
(3) work with Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)), tribal organizations (as defined in section 3765 of title 38, United States Code), and Native Hawaiian organizations (as defined in section 3765 of title 38, United States Code), including veterans who are a descendant of an Alaska Native (as defined in section 3(r) of the Alaska Native Claims Settlement Act (43 U.S.C. 1652(c))),
(4) apply as a State or regional consortia to leverage a ready availability in the State or region in which the community college or institution of higher education is located;
(5) have a State-supported entity included in the consortium applying for the grant;
(6) include an apprenticeship program registered with the Department of Labor or a State as part of the job training and education program;
(7) provide support services and career coaching;
(8) provide introductory energy workforce development training;
(9) work with minority-serving institutions to provide job training to increase the number of skilled minorities and women in the energy sector;
(10) provide job training for displaced and unemployed workers in the energy sector;
(11) establish a community college or 2-year technical college-based “Center of Excellence” for an energy and maritime workforce technical college; or
(12) are located in close proximity to marine or port facilities in the Gulf of Mexico, Atlantic Ocean, Pacific Ocean, Arctic Ocean, Bering Sea, Gulf of Alaska, or Great Lakes.

(e) ADDITIONAL CONSIDERATION.—In making grants under this section, the Secretary shall consider—
(1) the entities receiving grants;
(2) the activity carried out using the grants;
(3) best practices used to leverage the investment of the Federal Government;
(4) the rate of employment for participants after completing a job training and education program carried out using a grant; and
(5) the assessment of the results achieved by the program.

(m) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $100,000,000 for each of fiscal years 2017 through 2020.

Subtitle H—Recycling

SEC. 3701. RECYCLED CARBON FIBER.

(a) STUDY.—
(1) IN GENERAL.—The Secretary shall conduct a study on—
(A) the technology of recycled carbon fiber and production waste carbon fiber; and
(B) the potential lifecycle energy savings and economic impact of recycled carbon fiber.

(2) FACTORS FOR CONSIDERATION.—In conducting the study under paragraph (1), the Secretary shall consider—
(A) the ratio of recycled carbon fiber or production waste carbon fiber that would replace the use of recycled carbon fiber or production waste carbon fiber economically viable;
(B) any existing or potential barriers to recycling carbon fiber or using recycled carbon fiber;
(C) any financial incentives that may be necessary for the development of recycled carbon fiber or production waste carbon fiber;
(D) the potential lifecycle savings in energy from producing recycled carbon fiber, as compared to producing new carbon fiber;
(E) the best and highest use for recycled carbon fiber;
(F) the potential reduction in carbon dioxide emissions from producing recycled carbon fiber, as compared to producing new carbon fiber;

(b) COST SHARING.—
(1) FEDERAL SHARE.—The Federal share of the cost of a job training and education program carried out using a grant under this section shall consist of not less than 50 percent cash.

(B) LIMITATION.—Not greater than 50 percent of the Federal contribution of the non-Federal share of a job training and education program carried out using a grant under this section shall be in the form of in-kind contributions of goods or services fairly valued.

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

(j) DIRECT ASSISTANCE.—In awarding grants under this section, the Secretary shall provide direct assistance (including technical expertise, wraparound services, career coaching, mentorships, internships, and partnerships) to entities that receive a grant under this section.

(k) TECHNICAL ASSISTANCE.—The Secretary shall provide technical support and capacity building to national and State energy partnerships, including the entities described in subsection (b)(1), to leverage the existing job training and education programs of the Department.

(l) REPORT.—The Secretary shall submit to Congress and make publicly available on the website of the Department an annual report on the program established under this section, including a description of—
(1) the entities receiving grants;
(2) the activities carried out using the grants;
(3) best practices used to leverage the investment of the Federal Government;
(4) the rate of employment for participants after completing a job training and education program carried out using a grant; and
(5) an assessment of the results achieved by the program.


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

(H) workforce training and skills needed to address labor demands in the development of recycled carbon fiber or production waste carbon fiber; and

(I) how the Department can leverage existing efforts in the industry on the use of production waste carbon fiber.

(3) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall consult with the aviation and automotive industries and existing programs of the Advanced Manufacturing Office of the Department to develop a carbon fiber recycling demonstration project.

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

SEC. 3702. ENERGY GENERATION AND RETAILER RELIEF STUDY REGARDING RECLAIMED REFRIGERANTS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of General Services shall issue guidance relating to the procurement of reclaimed refrigerants to service existing equipment.

(b) PREFERENCE.—The guidance issued under subsection (a) shall give preference to the use of reclaimed refrigerants, on the conditions that—

(1) the refrigerant has been reclaimed by a person or entity that is certified under the laboratory certification program of the Air Conditioning, Heating, and Refrigeration Institute; or

(2) the price of the reclaimed refrigerant does not exceed the price of a newly manufactured (virgin) refrigerant.

Subtitle I—Thermal Energy

SEC. 3801. MODIFYING THE DEFINITION OF RECLAIMED REFRIGERANTS TO INCLUDE MANUFACTURED FUEL.

(a) IN GENERAL.—Section 203 of the Energy Policy Act of 2005 (42 U.S.C. 15822) is amended by adding at the end the following:

(1) ENGINEERED FUEL.—The term ‘‘engineered fuel’’ means a solid fuel that is manufactured from nonrecycled constituents of municipal solid waste or other secondary materials.

(2) GASIFICATION.—The term ‘‘gasification’’ means a process through which nonrecycled waste is heated and converted to synthesis gas in an oxygen-deficient atmosphere, which can then be converted into fuels such as ethanol or other chemical feedstocks.

(3) PYROLYSIS.—The term ‘‘pyrolysis’’ means a process through which nonrecycled plastics are heated in the absence of oxygen until melted and thermally decomposed, and are then cooled, condensed, and converted into synthetic crude oil or refined into synthetic fuels and feedstocks such as diesel or naptha.

(b) STUDY.—With respect to nonrecycled mixed plastics that are part of municipal solid waste or other secondary materials in the United States, the Secretary shall conduct a study to determine the manner in which the United States can make progress toward a cost-effective system (including with respect to environmental issues) through which pyrolysis, gasification, and other innovative technologies such as engineered fuels are used to convert such plastics, alone or in combination with other municipal solid waste or secondary materials, into materials that can be used to generate electric energy or fuels or as chemical feedstocks.

(c) COMPLETION OF STUDY.—Not later than 2 years after the date of enactment of this Act, the Secretary shall complete the study described in subsection (b) and submit to the appropriate committees of Congress reports providing findings and recommendations developed through the study.

(d) FUNDING.—The Secretary may use unobligated funds of the Department to carry out this section.

SEC. 3703. ELIGIBLE PROJECTS.

Section 170(b)(1) of the Energy Policy Act of 2005 (42 U.S.C. 16513(b)(1)) is amended by inserting ‘‘(excluding the burning of commonality that has been segregated from solid waste to generate electricity)’’ after ‘‘systems’’.

SEC. 3704. PROMOTING USE OF RECLAIMED REFRIGERANTS IN FEDERAL FACILITIES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of General Services shall issue guidance relating to the procurement of reclaimed refrigerants to service existing equipment in Federal facilities.

(b) PREFERENCE.—The guidance issued under subsection (a) shall give preference to the use of reclaimed refrigerants, on the conditions that—

(1) the refrigerant has been reclaimed by a person or entity that is certified under the laboratory certification program of the Air Conditioning, Heating, and Refrigeration Institute; or

(2) the price of the reclaimed refrigerant does not exceed the price of a newly manufactured (virgin) refrigerant.

TITLE IV—ACCOUNTABILITY

Subtitle A—Loan Programs

SEC. 4001. TERMS AND CONDITIONS FOR INCENTIVES FOR INNOVATIVE TECHNOLOGIES.

(a) BORROWER PAYMENT OF SUBSIDY COST.—

(1) IN GENERAL.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by adding at the end the following:

‘‘(1) BORROWER PAYMENT OF SUBSIDY COST.—

‘‘(1) IN GENERAL.—In addition to the requirement in subsection (b)(1), no guarantee shall be made unless the Secretary has received from the borrower not less than 25 percent of the cost of the guarantee.

‘‘(2) ESTIMATE.—The Secretary shall provide to the borrower an estimate of what an estimate of the cost of the guarantee under paragraph (1).’’.}

(2) CONFORMING AMENDMENT.—Section 1702(b) of the Energy Policy Act of 2005 (42 U.S.C. 16512(b)) is amended—

(A) by striking ‘‘(1) IN GENERAL.—No guarantee’’ and inserting the following: ‘‘Subject to subsection (1), no guarantee’’;

(B) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively, and indenting appropriately; and

(C) in paragraph (3) (as so redesignated)—

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

‘‘(A) an estimate of when review of the application will be completed.’’;

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

‘‘(B) an estimate of when review of the application will be completed.’’;

(iii) by striking subparagraph (C) and inserting the following:

‘‘(C) a summary of any factors that are delaying a final decision on the application; and

‘‘(D) an estimate of when review of the application will be completed.’’;

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

‘‘(A) a summary of any factors that are delaying a final decision on the application; and

‘‘(B) an estimate of when review of the application will be completed.’’

(d) TEMPORARY PROGRAM FOR RAPID DEPLOYMENT OF RENEWABLE ENERGY AND ELECTRIC POWER TRANSMISSION PROJECTS.—

(1) REPEAL.—Section 1705 of the Energy Policy Act of 2005 (42 U.S.C. 16516) is repealed.

(2) RESCISSION.—There is rescinded the unobligated balance of amounts made available to carry out the loan guarantee program established under section 1705 of the Energy Policy Act of 2005 (42 U.S.C. 16516) before the amendment made by paragraph (1).
SEC. 4002. STATE LOAN ELIGIBILITY.
(a) Definitions.—Section 1701 of the Energy Policy Act of 2005 (42 U.S.C. 16511) is amended by adding at the end the following:

(6) the term ‘‘annual review’’ means the giving meaning the term in section 202 of the Energy Conservation and Production Act (42 U.S.C. 6802).

(b) State Energy Financing Institution.—

‘‘(A) In General.—The term ‘State energy financing institution’ means a quasi-independence agency or an entity within a State agency or financing authority established by a State—

(B) to provide financing support or credit enhancements, including loan guarantees and loan loss reserves, for eligible projects; and

(C) to create liquid markets for eligible projects, including warehousing and securitization, or take other steps to reduce financial barriers to the deployment of existing and new eligible projects.

‘‘(B) INCLUSION.—The term ‘State energy financing institution’ includes an entity or organization established to achieve the purposes described in subparagraphs (A) and (B) of section 1703(a)(2) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17011 et seq.) (as amended by section 4001(a)(1)) is amended—

(i) in subsection (a), by inserting ‘‘or to a State energy financing institution’’ after ‘‘for projects’’; and

(ii) by adding at the end the following:

‘‘(D) State Energy Financing Institutions.—

(1) ELIGIBILITY.—To be eligible for a guarantee under this title, a State energy financing institution—

(A) shall meet the requirements of section 1703(a)(1); and

(B) shall not be required to meet the requirements of section 1703(a)(2).

(2) PARTNERSHIPS AUTHORIZED.—In carrying out a project receiving a loan guarantee under this title, a State energy financing institution may enter into partnerships with private entities, tribal entities, and Alaska Native corporations.

(c) Requirements.—Section 1703 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17012) is amended by adding at the end the following:

‘‘(A) REQUIREMENTS.—In carrying out a project receiving a loan guarantee under this title, a State energy financing institution may enter into partnerships with private entities, tribal entities, and Alaska Native corporations.

(1) soliciting industry and stakeholder input;

(2) evaluating the effectiveness of the advanced fossil loan guarantee incentive program and other incentive programs for advanced fossil energy of the type specified by this section; and

(3) review each Federal incentive provided by the Federal Government and other Federal agencies for carbon capture and storage demonstration projects to determine the adequacy and effectiveness of the combined Federal incentives for advancing carbon capture and storage and advanced fossil energy technologies;

(4) assess whether combinations of the incentive programs in existence as of the date of enactment of this Act could be effective to advance carbon capture and storage and advanced fossil energy technologies;

(5) evaluate the impact and costs of implementing the recommendations described in the January 2015 National Coal Council report entitled Realigning CCS, Bringing Scale and Speed to CCS Deployment’’ on the effectiveness of the advanced fossil loan guarantee program.

SEC. 4004. PROGRAM ELIGIBILITY FOR VESSELS.
Subtitle B of title I of the Energy Independence and Security Act of 2007 (42 U.S.C. 17011 et seq.) is amended by adding at the end the following:

‘‘SEC. 4101. NEXUS OF ENERGY AND WATER FOR SUSTAINABILITY.
(a) Definitions.—In this section:

(1) ENERGY-WATER NEXUS.—The term ‘‘energy-water nexus’’ means the links between the water needed to produce fuels, electricity, and other forms of energy; and

(2) the energy needed to transport, reclaim, and treat water and wastewater.

(b) Interagency Coordination Committee.—The term ‘‘Interagency Coordination Committee’’ means the Committee on the Nexus of Energy and Water for Sustainability (or the ‘‘NEWS Committee’’) established under subsection (b)(1).

(3) NEXUS OF ENERGY AND WATER SUSTAINABILITY OFFICE; NEWS OFFICE.—Nexus of Energy and Water Sustainability Office ‘‘NEWS Office’’ means an office located at the Department of Energy and managed in cooperation with the Department of the Interior pursuant to an agreement between the 2 agencies to carry out leadership and administrative functions for the Interagency Coordination Committee.

(c) RD&D activities.—The term ‘‘RD&D activities’’ means research, development, and demonstration activities.

(d) Interagency Coordination Committee.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary and the Secretary of the Interior shall establish the joint NEWS Office and Interagency Coordination Committee on the Nexus of Energy and Water Sustainability (or the ‘‘NEWS Committee’’). The NEWS Office and the NEWS Committee shall carry out the duties described in paragraphs (3) and (4).

(2) ADMINISTRATION.—

(A) CHAIRS.—The Secretary and the Secretary of the Interior jointly manage the NEWS Office and serve as co-chairs of the Interagency Coordination Committee, including the NEWS Committee. Membership and staffing shall be determined by the co-chairs.

(B) DUTIES.—The Interagency Coordination Committee shall—

(i) serve as a forum for developing common Federal goals and plans on energy-water nexus RD&D activities in coordination with the National Science and Technology Council;

(ii) not later than 1 year after the date of enactment of this Act, and biannually thereafter, issue a strategic plan on energy-water nexus RD&D activities priorities and objectives;

(iii) convene and coordinate the activities of Federal departments and agencies on energy-water nexus RD&D activities, including the activities of—

(A) the Department;

(B) the Department of the Interior;

(C) the Corps of Engineers;

(iv) the Department of Agriculture;

(v) the Department of Defense;

(vi) the Environmental Protection Agency;

(vii) the Council on Environmental Quality;

(ix) the National Institute of Standards and Technology;
(x) the National Oceanic and Atmospheric Administration;  
(xi) the National Science Foundation;  
(xii) the Office of Management and Budget;  
(xiii) the Office of Science and Technology Policy;  
(xiv) the National Aeronautics and Space Administration;  
(xv) the program at Federal departments and agencies as the Interagency Coordination Committee considers appropriate;  
(D)(i) coordinate and develop capabilities and mechanisms for data collection, management, and dissemination of information related to energy-water nexus RD&D activities funded by the Federal Government and other Federal departments and agencies; and  
(ii) promote information exchange between Federal departments and agencies—  
(I) to identify and document Federal and non-Federal programs and funding opportunities that support basic and applied research, development, and demonstration programs to advance energy-water nexus related science and technologies;  
(II) to leverage existing programs by encouraging joint solicitations, block grants, and matching programs with non-Federal entities; and  
(III) to identify opportunities for domestic and international public-private partnerships for financing mechanisms, information and data exchange;  
(E) promote the integration of energy-water nexus considerations into existing Federal, State, and other public, private, resource, infrastructure, and science programs at the national and regional levels and with programs administered in partnership with non-Federal entities; and  
(F) not later than 1 year after the date of enactment of this Act, issue a report on the potential benefits and feasibility of establishing a center of excellence within the National Laboratories (as that term is defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 16101 et seq.) amended by adding at the end the following:  
"SEC. 4102. SMART ENERGY AND WATER EFFICIENCY PILOT PROGRAM.  
(A) in section 4201, by striking "and" at the end;  
(B) in section 4205, by amending—  
(i) in paragraph (5), by striking "and" at the end;  
(ii) in paragraph (6), by striking "and" at the end;  
(iii) in section 4206, by striking "and" at the end;  
(iv) in section 4207, by striking "and" at the end;  
(v) in section 4208, by striking "and" at the end;  
(vi) in section 4209, by striking "and" at the end;  
(vii) in section 4210, by striking "and" at the end;  
(viii) whether the technology was sourced from a manufacturer based in the United States; and  
(ix) whether the project will be completed in 5 years or less; and  
(C) APPLICATIONS.—  
(I) in general.—Subject to clause (ii), an eligible entity seeking a grant under the pilot program shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary determines to be necessary;  
(II) CONTENTS.—An application under clause (i) shall, at a minimum, include—  
(i) a description of the project;  
(ii) a description of the technology to be used in the project;  
(iii) the anticipated results, including energy and water savings, of the project;  
(iv) a comprehensive budget for the project;  
(V) the names of the project lead organization and any partners;  
(VI) the number of users to be served by the project;  
(VII) a description of the ways in which the proposal would meet performance measures established by the Secretary; and  
(VIII) any other information that the Secretary determines to be necessary to complete the review and selection of a grant recipient;  
(2) EVALUATIONS.—  
(I) ANNUAL EVALUATIONS.—The Secretary shall annually carry out an evaluation of each project for which a grant is provided under this section that meets performance measures and benchmarks developed by the Secretary, consistent with the purposes of this section;  
(II) REQUIREMENTS.—Consistent with the performance measures and benchmarks developed under clause (i), in carrying out an evaluation under that clause, the Secretary shall—  
(i) evaluate the progress and impact of the project; and  
(ii) assess the degree to which the project is meeting the goals of the pilot program.  
(3) TECHNICAL AND POLICY ASSISTANCE.—  
On the request of a grant recipient, the Secretary shall provide technical and policy assistance.  
(4) BEST PRACTICES.—The Secretary shall make available to the public through the Internet and other means the Secretary considers to be appropriate—  
(I) a copy of each evaluation carried out under subparagraph (B); and  
(II) a description of any best practices identified by the Secretary as a result of the evaluations.  
(E) REPORT TO CONGRESS.—The Secretary shall submit to Congress a report containing the results of each evaluation carried out under subparagraph (B).  
(C) AUTHORIZATION OF APPROPRIATIONS.—  
There is authorized to be appropriated to carry out this section $12,000,000, to remain available until expended.  
Subtitle C—Innovation  
SEC. 4201. AMERICA COMPETES PROGRAMS.  
(a) BASIC RESEARCH.—Section 971(b) of the Energy Policy Act of 2005 (42 U.S.C. 16311(b)) is amended—  
(I) in paragraph (6), by striking "and" at the end;  
(II) in paragraph (7), by striking the period at the end and inserting a semicolon; and  
(III) by adding at the end the following:  
"(g) $5,423,000,000 for fiscal year 2016;"
"(9) $5,800,000,000 for fiscal year 2017; 
"(10) $6,220,000,000 for fiscal year 2018; 
"(11) $6,661,000,000 for fiscal year 2019; and 
"(12) $7,134,000,000 for fiscal year 2020.".

SEC. 4202. INCLUSION OF EARLY STAGE TECHNOLOGY TRANSFER ACTIVITIES.

(a) Definitions.—In this section:

(A) The term ‘‘Secretary’’ means the Secretary of Energy.

(B) The term ‘‘National Laboratory’’ has the meaning given in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 16391).

(C) The term ‘‘innovative energy technology program’’ means an innovative energy technology program established under section 4201 that is not on the main site of a national laboratory.

(b) Establishment of Innovative Energy Technology Program.—The Secretary shall establish an innovative energy technology program under this section, beginning on October 1, 2005.

(c) Authorization of Appropriations.—(1) In general.—The Secretary shall use the funds appropriated under subsection (a) to establish an innovative energy technology program.

(2) Authorization of Appropriations.—The Secretary shall use the funds appropriated under subsection (a) to establish an innovative energy technology program.

(3) Limitation.—The Secretary shall not use any of the funds appropriated under subsection (a) to establish an innovative energy technology program.

(d) Inclusion of Innovative Energy Technology Program.—The Secretary shall include an innovative energy technology program in the National Laboratories.

SEC. 4203. SUPPORTING ACCESS OF SMALL BUSINESS CONCERNS TO NATIONAL LABORATORIES.

(a) DEFINITIONS.—In this section:


(B) The term ‘‘small business concern’’ has the meaning given in section 3 of the Small Business Act (15 U.S.C. 632).

(b) ACTIONS FOR INCREASED ACCESS AT NATIONAL LABORATORIES FOR SMALL BUSINESS CONCERNS.—To promote the technology transfer of innovative energy technologies and enhance the competitiveness of the United States, the Secretary shall take such actions as are appropriate to facilitate access to the National Laboratories for small business concerns.

(c) INFORMATION ON THE DOE WEBSITE RELATING TO NATIONAL LABORATORY PROGRAMS AVAILABLE TO SMALL BUSINESS CONCERNS.—(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary, in coordination with the Directors of the National Laboratories, shall—

(A) publish in a consolidated manner on the website of the Department information relating to National Laboratory programs that are available to small business concerns;

(B) provide for the information published under subparagraph (A) to be kept up-to-date; and

(C) include in the information published under subparagraph (A), information on each available program under which small business concerns are eligible to enter into agreements to work with the National Laboratories.

(2) COMPONENTS.—The information published on the Department website under paragraph (1) shall include—

(A) a brief description of each agreement available to small business concerns to work with National Laboratories;

(B) a step-by-step guide for completing agreements to work with National Laboratories;

(C) best practices for working with National Laboratories;

(D) individual National Laboratory websites that provide information specific to technology transfer and working with small business concerns;

(E) links to funding opportunity announcements, nonfinancial resources, and other programs available to small business concerns; and

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

(3) ACCESSIBILITY.—The information published on the Department website under paragraph (1) shall be—

(A) readily accessible and easily found on the Internet by the public and members and committees of Congress; and

(B) presented in a searchable, machine-readable format.

(d) REPORTS.—(1) INITIAL REPORT.—Not later than 60 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Energy and Natural Resources of the House of Representatives, the Committee on Armed Services of the House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the Committee on Science, Space, and Technology of the House of Representatives a report that provides an update on the implementation of the micro lab program under subsection (b).

(2) PROGRESS REPORT.—Not later than 1 year after the date of implementation of the micro lab program under subsection (b), the Secretary shall submit to the Committee on Armed Services of the Senate, the Committee on Armed Services of the House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the Committee on Energy and Natural Resources of the House of Representatives a report that provides an update on the implementation of the micro lab program under subsection (b).

SEC. 4204. MICROLAB TECHNOLOGY COMMERCIALIZATION.

(a) Definitions.—In this section:

(A) The term ‘‘microlab’’ means a small laboratory established by the Secretary under subsection (b).

(B) The term ‘‘national laboratory’’ means—

(A) a National Laboratory, as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801); and

(B) a national security laboratory, as defined in section 3281 of the Nuclear Security Administration Act (50 U.S.C. 2471).

(b) ESTABLISHMENT OF MICROLAB PROGRAM.—(1) IN GENERAL.—The Secretary, in collaboration with the directors of national laboratories, may establish a micro lab program under which the Secretary establishes microlabs that are located in close proximity to national laboratories and that are accessible to the public for the purposes of—

(A) enhancing collaboration with regional research groups, such as institutions of higher education and industry groups;

(B) accelerating technology transfer from national laboratories to the marketplace; and

(C) promoting regional workforce development through science, technology, engineering, and mathematics (‘‘STEM’’) instruction and training.

(2) CRITERIA.—In determining the placement of microlabs under paragraph (1), the Secretary shall consider—

(A) the potential to establish a national laboratory to establishing a microlab;

(B) the existence of a joint research institute or a new facility that—

(i) is not on the main site of a national laboratory;

(ii) is in close proximity to a national laboratory; and

(iii) has the capability to house a microlab;

(C) whether employees of a national laboratory and persons from academia, industry, and government are available to be assigned to the microlab; and

(D) cost-sharing or in-kind contributions from State and local governments and private industry.

(c) TIMING.—If the Secretary, in collaboration with the directors of national laboratories, elects to establish a microlab program under this subsection, the Secretary, in consultation with the directors of national laboratories, shall—

(A) not later than 60 days after the date of enactment of this Act, begin the process of determining the establishment of microlabs under paragraph (1); and

(B) not later than 180 days after the date of enactment of this Act, implement the microlab program under this subsection.

(d) REPORTS.—(1) INITIAL REPORT.—Not later than 60 days after the date of implementation of the microlab program under subsection (b), the Secretary shall submit to the Committee on Armed Services of the Senate, the Committee on Armed Services of the House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the Committee on Science, Space, and Technology of the House of Representatives a report that provides an update on the implementation of the microlab program under subsection (b).

(2) PROGRESS REPORT.—Not later than 1 year after the date of implementation of the microlab program under subsection (b), the Secretary shall submit to the Committee on Armed Services of the Senate, the Committee on Armed Services of the House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the Committee on Energy and Natural Resources of the House of Representatives a report that provides an update on the implementation of the microlab program under subsection (b).
SEC. 4301. BULK-POWER SYSTEM RELIABILITY IMPACT STATEMENT.

(a) DEFINITIONS.—In this section:

(1) ELECTRIC GENERATING CAPACITY RESOURCES.—The term ‘electric generating capacity resources’ means electric generating resources, as defined in section 213 of the Federal Power Act (16 U.S.C. 824c), that are available for sale to commerce by a qualified electric generating capacity resource provider.

(2) ELECTRIC GENERATING CAPACITY RESOURCE PROVIDER.—The term ‘electric generating capacity resource provider’ means an entity that provides electric generating capacity resources to the transmission organization.

(3) ELECTRIC GENERATING CAPACITY RESOURCE PROVIDER NOTICE.—The term ‘electric generating capacity resource provider notice’ means a notice submitted to the transmission organization identifying the qualified electric generating capacity resource provider and the electric generating capacity resources available for sale to commerce.

(b) REQUIREMENTS.—A reliability impact statement under paragraph (1), for the purpose of this section, shall include the following:

(1) A description of the transmission organization’s systems, including the transmission organization’s reliability zone, and a description of the transmission organization’s bulk-power system reliability services.

(2) An analysis of the current operational performance of the transmission organization’s bulk-power system reliability services, including the operational and economic risk profile of the transmission organization’s bulk-power system reliability services.

(3) A discussion of the transmission organization’s implementation of the transmission organization’s reliability capacity resources, including a discussion of the reliability capacity resources that are available to the transmission organization.

(c) SUBMISSION TO TRANSMISSION ORGANIZATION.—On submission of a reliability impact statement, the transmission organization shall provide the transmission organization with a copy of the reliability impact statement, and a copy of the reliability impact statement shall be provided to the Commission.

(d) INCLUSION OF DETAILED RESPONSE IN FINAL RULE.—With respect to a final major rule subject to the requirements of subsection (a), the reliability impact statement shall include the following:

(1) A determination of the reliability impact statement’s effect on the reliability capacity resources available to the transmission organization.

(2) A discussion of the transmission organization’s implementation of the transmission organization’s reliability capacity resources, including a discussion of the reliability capacity resources that are available to the transmission organization.

(3) A discussion of the transmission organization’s implementation of the transmission organization’s reliability capacity resources, including a discussion of the reliability capacity resources that are available to the transmission organization.

SEC. 4302. REPORT BY TRANSMISSION ORGANIZATION ON DIVERSITY OF SUPPLY.

(a) DEFINITIONS.—In this section:

(1) ELECTRIC GENERATING CAPACITY RESOURCES.—The term ‘electric generating capacity resources’ means electric generating resources, as defined in section 213 of the Federal Power Act (16 U.S.C. 824c), that are available for sale to commerce by a qualified electric generating capacity resource provider.

(b) REQUIREMENTS.—A reliability impact statement under paragraph (1), for the purpose of this section, shall include the following:

(1) A description of the transmission organization’s systems, including the transmission organization’s reliability zone, and a description of the transmission organization’s bulk-power system reliability services.

(2) An analysis of the current operational performance of the transmission organization’s bulk-power system reliability services, including the operational and economic risk profile of the transmission organization’s bulk-power system reliability services.

(3) A discussion of the transmission organization’s implementation of the transmission organization’s reliability capacity resources, including a discussion of the reliability capacity resources that are available to the transmission organization.

(c) SUBMISSION TO TRANSMISSION ORGANIZATION.—On submission of a reliability impact statement, the transmission organization shall provide the transmission organization with a copy of the reliability impact statement, and a copy of the reliability impact statement shall be provided to the Commission.

(d) INCLUSION OF DETAILED RESPONSE IN FINAL RULE.—With respect to a final major rule subject to the requirements of subsection (a), the reliability impact statement shall include the following:

(1) A determination of the reliability impact statement’s effect on the reliability capacity resources available to the transmission organization.

(2) A discussion of the transmission organization’s implementation of the transmission organization’s reliability capacity resources, including a discussion of the reliability capacity resources that are available to the transmission organization.

(3) A discussion of the transmission organization’s implementation of the transmission organization’s reliability capacity resources, including a discussion of the reliability capacity resources that are available to the transmission organization.

SEC. 4303. REPORT BY TRANSMISSION ORGANIZATION ON DIVERSITY OF SUPPLY.

(a) DEFINITIONS.—In this section:

(1) ELECTRIC GENERATING CAPACITY RESOURCES.—The term ‘electric generating capacity resources’ means electric generating resources, as defined in section 213 of the Federal Power Act (16 U.S.C. 824c), that are available for sale to commerce by a qualified electric generating capacity resource provider.

(b) REQUIREMENTS.—A reliability impact statement under paragraph (1), for the purpose of this section, shall include the following:

(1) A description of the transmission organization’s systems, including the transmission organization’s reliability zone, and a description of the transmission organization’s bulk-power system reliability services.

(2) An analysis of the current operational performance of the transmission organization’s bulk-power system reliability services, including the operational and economic risk profile of the transmission organization’s bulk-power system reliability services.

(3) A discussion of the transmission organization’s implementation of the transmission organization’s reliability capacity resources, including a discussion of the reliability capacity resources that are available to the transmission organization.

(c) SUBMISSION TO TRANSMISSION ORGANIZATION.—On submission of a reliability impact statement, the transmission organization shall provide the transmission organization with a copy of the reliability impact statement, and a copy of the reliability impact statement shall be provided to the Commission.

(d) INCLUSION OF DETAILED RESPONSE IN FINAL RULE.—With respect to a final major rule subject to the requirements of subsection (a), the reliability impact statement shall include the following:

(1) A determination of the reliability impact statement’s effect on the reliability capacity resources available to the transmission organization.

(2) A discussion of the transmission organization’s implementation of the transmission organization’s reliability capacity resources, including a discussion of the reliability capacity resources that are available to the transmission organization.

(3) A discussion of the transmission organization’s implementation of the transmission organization’s reliability capacity resources, including a discussion of the reliability capacity resources that are available to the transmission organization.

SEC. 4304. REPORT BY TRANSMISSION ORGANIZATION ON DIVERSITY OF SUPPLY.

(a) DEFINITIONS.—In this section:

(1) ELECTRIC GENERATING CAPACITY RESOURCES.—The term ‘electric generating capacity resources’ means electric generating resources, as defined in section 213 of the Federal Power Act (16 U.S.C. 824c), that are available for sale to commerce by a qualified electric generating capacity resource provider.

(b) REQUIREMENTS.—A reliability impact statement under paragraph (1), for the purpose of this section, shall include the following:

(1) A description of the transmission organization’s systems, including the transmission organization’s reliability zone, and a description of the transmission organization’s bulk-power system reliability services.

(2) An analysis of the current operational performance of the transmission organization’s bulk-power system reliability services, including the operational and economic risk profile of the transmission organization’s bulk-power system reliability services.

(3) A discussion of the transmission organization’s implementation of the transmission organization’s reliability capacity resources, including a discussion of the reliability capacity resources that are available to the transmission organization.

(c) SUBMISSION TO TRANSMISSION ORGANIZATION.—On submission of a reliability impact statement, the transmission organization shall provide the transmission organization with a copy of the reliability impact statement, and a copy of the reliability impact statement shall be provided to the Commission.

(d) INCLUSION OF DETAILED RESPONSE IN FINAL RULE.—With respect to a final major rule subject to the requirements of subsection (a), the reliability impact statement shall include the following:

(1) A determination of the reliability impact statement’s effect on the reliability capacity resources available to the transmission organization.

(2) A discussion of the transmission organization’s implementation of the transmission organization’s reliability capacity resources, including a discussion of the reliability capacity resources that are available to the transmission organization.

(3) A discussion of the transmission organization’s implementation of the transmission organization’s reliability capacity resources, including a discussion of the reliability capacity resources that are available to the transmission organization.
and other factors needed to ensure reliable grid operation;  
(3) produce meaningful price signals that clearly indicate where new supply and investment priorities should be located;  
(4) reduce uncertainty or instability resulting from changes to market rules, processes, or protocols;  
(5) enhance transparency and communication by the market operator to market participants;  
(6) support a diverse generation portfolio and the availability of transmission facilities and transmission support services on a short- and long-term basis necessary to provide access of a continuous and reliable supply of electricity for customers of the transmission organization at the proper voltage and frequency; and  
(7) provide an enhanced opportunity for self-supply of electric generating capacity resources by electric cooperatives, Federal power marketing agencies, and State utilities with a service obligation (as those terms are defined in section 217(a) of the Federal Power Act (16 U.S.C. 722(a)(1)) in a manner that is consistent with traditional utility business models and does not unduly affect wholesale market prices.

Subtitle E—Management

SEC. 4401. FEDERAL LAND MANAGEMENT.

(a) DEFINITIONS.—In this section:  
(1) Cadastre means an inventory of buildings and other real property (including associated infrastructure such as roads and utility transmission lines and poles) located on land administered by the Secretary, which is developed through collecting, storing, retrieving, or disseminating data or digital data and any information related to the data, including surveys, maps, charts, images, and services.

(b) CADASTRE OF FEDERAL REAL PROPERTY.

(1) IN GENERAL.—The Secretary is authorized—  
(A) to develop and maintain a current and accurate multipurpose cadastre to support Federal land management activities for the Department of the Interior;  
(B) to incorporate any related inventories of Federal real property, including any inventories of land held under applicable land or resource management plans; and  
(C) to enter into discussions with other Federal agencies to make the cadastre available for use by the Secretary to support agency management activities.

(2) COST-SHARING AGREEMENTS.—  
(A) IN GENERAL.—The Secretary may enter into cost-sharing agreements with other Federal agencies, and with States, Indian tribes, and local governments, to include any non-Federal land in a State in the cadastre.  
(B) COST-SHARE.—The Federal share of any cost agreement described in subparagraph (A) shall not exceed 50 percent of the total cost to a State, Indian tribe, or local government for the development of the cadastre of non-Federal land.

(3) CONSOLIDATION AND REPORT.

Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report on the real property inventories or any components of any cadastre or related inventories that—  
(A) exist as of the date of enactment of this Act;  
(B) are authorized by law or conducted by the Secretary; and  
(C) are consistent with Federal, State, and local Government policies to be included in the cadastre authorized under paragraph (1).

(4) COORDINATION.—In carrying out this subsection, the Secretary shall—  
(A) participate in accordance with section 216 of the E-Government Act of 2002 (44 U.S.C. 3505) in the establishment of such standards and common protocols as are necessary to ensure the interoperability of geospatial information pertaining to the cadastre for all users of the information;  
(B) coordinate with, seek assistance and cooperation of, and provide liaison to the Federal Geographic Data Committee pursuant to Office of Management and Budget Circular A-16 and Executive Order 12906 (43 U.S.C. 1457 note; relating to coordinating geographic data and services (the National Spatial Data Infrastructure)) for the implementation of and compliance with such standards as may be applicable to the cadastre;  
(C) make the cadastre interoperable with the Federal Real Property Profile established pursuant to Executive Order 13227 (40 U.S.C. 121 note; relating to Federal real property asset management);  
(D) integrate with and leverage, to the maximum extent practicable, cadastre activities of units of State and local government; and  
(E) use contracts with the private sector, if practicable, to provide such products and services as are necessary to develop the cadastre.

(c) TRANSPARENCY AND PUBLIC ACCESS.—The Secretary shall—  
(1) make the cadastre required under this section publically available on the Internet in a graphically geoenabled and searchable format; and  
(2) in consultation with the Secretary of Defense and the Secretary of Homeland Security, prevent the disclosure of the identity of any buildings or facilities, or information related to the buildings or facilities, if the disclosure would impair or jeopardize the national security or homeland defense of the United States.

(d) EFFECT.—Nothing in this section—  
(1) creates any substantive or procedural right or benefit;  
(2) authorizes any new surveying or mapping of Federal real property, except that a Federal agency may conduct a new survey to update the accuracy of the inventory data of the agency before storage on a cadastre; or  
(3) authorizes—  
(A) the evaluation of any real property owned by the United States for disposal; or  
(B) new appraisals or assessments of the value of—  
(i) real property; or  
(ii) cultural or archaeological resources on any parcel of Federal land or other real property.

SEC. 4402. QUADRENNIAL ENERGY REVIEW.

(a) IN GENERAL.—Section 801 of the Department of Energy Organization Act (42 U.S.C. 7321) is amended to read as follows:  
"SEC. 801. QUADRENNIAL ENERGY REVIEW.

"(a) QUADRENNIAL ENERGY REVIEW TASK FORCE.—  
"(1) ESTABLISHMENT.—The President shall establish a Quadrennial Energy Review Task Force (referred to in this section as the ‘Task Force’) to coordinate the Quadrennial Energy Review.

"(2) COCHAIRPERSONS.—The President shall designate appropriate senior Federal Government officials to be cochairpersons of the Task Force.

"(3) MEMBERSHIP.—The Task Force may be comprised of representatives at level I or II of the Executive Schedule of—  
(A) the Department of Energy;  
(B) the Department of Commerce;  
(C) the Department of Defense;  
(D) the Department of State;  
(E) the Department of Agriculture;  
(F) the Department of the Treasury;  
(G) the Department of Transportation;  
(H) the Department of Homeland Security;  
(J) the Office of Management and Budget;  
(K) the National Science Foundation;  
(L) the Environmental Protection Agency; and  
(M) such other Federal agencies, and entities within the Executive Office of the President, as the President considers to be appropriate.

"(b) CONDUCT OF REVIEW.—  
"(1) IN GENERAL.—Each Quadrennial Energy Review, to be conducted to—  
(A) provide an integrated view of important national energy objectives and Federal energy policy; and  
(B) identify the maximum practicable alignment of research programs, incentives, regulations, and partnerships.

"(2) ELEMENTS.—A Quadrennial Energy Review shall—  
(A) establish integrated, governmentwide national energy objectives in the context of economic, environmental, and security priorities;  
(B) recommend coordinated actions across Federal agencies;  
(C) assess and recommend priorities for research, development, and demonstration;  
(D) provide a strong analytical base for Federal energy policy decisions;  
(E) consider reasonable estimates of future Federal budgetary resources when making recommendations; and  
(F) be conducted with substantial input from—  
(i) Congress;  
(ii) the energy industry;  
(iii) academia;  
(iv) State, local, and tribal governments;  
(v) nongovernmental organizations; and  
(vi) the public.

"(c) SUBMISSION OF QUADRENNIAL ENERGY REVIEW TO CONGRESS.—  
"(1) IN GENERAL.—The President—  
(A) shall publish and submit to Congress a report on the Quadrennial Energy Review once every 4 years; and  
(B) shall more frequently than once every 4 years, as the President determines to be appropriate, may prepare and publish interim reports as part of the Quadrennial Energy Review.

"(2) INCLUSIONS.—The reports described in paragraph (1) shall address or consider, as appropriate—  
(A) an integrated view of short-term, intermediate-term, and long-term objectives for Federal energy policy in the context of economic, environmental, and security priorities;  
(B) potential executive actions (including programmatic, regulatory, and fiscal actions) and resource requirements;  
(C) the analysis of the existing and prospective roles of parties (including academia, industry, consumers, the public, and Federal agencies) in achieving the objectives described in subparagraph (A), including—  
(i) an analysis by energy use sector, including—  
(I) commercial and residential buildings;  
(II) the industrial sector;  
(III) transportation; and  
(IV) electric power;  
(ii) requirements for invention, adoption, development, and diffusion of energy technologies as they relate to each of the energy use sectors; and  
(iii) requirements for energy use sector, including—  
(I) commercial and residential buildings;  
(II) the industrial sector;  
(III) transportation; and  
(IV) electric power;
SEC. 4404. UNDER SECRETARY FOR SCIENCE AND ENERGY.

(a) In General.—Section 202(b) of the Department of Energy Organization Act (42 U.S.C. 7132(b)) is amended—

(1) in paragraph (1), by striking “for Science” and inserting “for Science and Energy” (referred to in this subsection as the ‘Under Secretary’);—

(2) in paragraph (3), in the matter preceding subparagraph (A), by striking “for Science”; and

(3) in paragraph (4)—

(A) in the matter preceding subparagraph (A), by striking “for Science”;—

(B) in subparagraph (F), by striking “and” at the end;—

(C) in subparagraph (G), by striking the period at the end and inserting a semicolon;—

(D) by inserting after subparagraph (G) the following:

“(H) establish appropriate linkages between offices under the jurisdiction of the Under Secretary; and

(I) establish an inventory of—

(i) points of maximum leverage for policy intervention and outcomes; and

(ii) areas of energy policy that can be most effective in meeting national goals for the energy sector; and

(J) recommendations for executive branch organization changes to facilitate the development and implementation of Federal energy policy;—

(II) perform such functions and duties as the Secretary shall prescribe, consistent with this section;—

(b) CONFORMING AMENDMENT.—Section 611(h)(2) of the United States Energy Storage Competitiveness Act of 2007 (42 U.S.C. 17231(h)(2)) is amended by striking “Under Secretary for Science” and inserting “Under Secretary for Science and Energy”.

SEC. 4405. WESTERN AREA POWER ADMINISTRATION PILOT PROJECT.

(a) In General.—The Administrator of the Western Area Power Administration (referred to in this section as the “Administrator”) shall establish a pilot project, as part of the continuous process improvement program and to provide increased transparency for customers, to publish on a publicly available website of the Western Area Power Administration, a searchable database of the following information, beginning with fiscal year 2008, relating to the Western Area Power Administration:

(1) By power system, rates charged to customers for power and transmission service,

(2) By power system, the amount of capacity or energy sold.

(3) By region, a detailed accounting of the allocation of budget authority, including—

(A) overhead costs;

(B) the number of contractors; and

(C) the number of full-time equivalents.

(i) the number of full-time equivalents.

(4) For the corporate services office, a detailed accounting of the allocation of budget authority, including—

(A) overhead costs;

(B) the number of contractors; and

(C) the number of full-time equivalents.

(5) Capital expenditures, including—

(A) overhead costs;

(B) the number of contractors; and

(C) the number of full-time equivalents.

(b) REQUIREMENT TO CONDUCT REVIEW.—The Secretary shall prescribe, consistent with this section, the Administrator shall submit to Congress a report on the findings of the review.

SEC. 4406. REVIEW OF ECONOMIC IMPACT OF BSEE RULE ON SMALL ENTITIES.

(a) DEFINITIONS.—In this section—

(1) the term “BSEE” means the Bureau of Safety and Environmental Enforcement;

(2) the term “Chief Counsel” means the Chief Counsel for Advocacy of the Small Business Administration;

(3) the term “covered proposed rule” means the proposed rule identified in paragraph (2) of this section entitled “Oil and Gas and Sulphur Operations in the Outer Continental Shelf—Browntow Preventer Systems and Well Control” (80 Fed. Reg. 21504 (April 17, 2015)); and

(4) the term “small entity” has the meaning given in section 601 of title 5, United States Code.

(b) REQUIREMENT TO CONDUCT REVIEW.—In conducting the review required under paragraph (1), the BSEE, in consultation with the Chief Counsel, shall complete a review of the final rule under section 610 of title 5, United States Code.

(2) ASSESSMENT OF ECONOMIC IMPACT.—In conducting the review required under paragraph (1), the BSEE, in consultation with the Chief Counsel, shall assess the economic impact of the final rule on small entities in the oil and gas supply chain.

(3) REPORT.—Not later than 180 days after the date on which the review is completed under this subsection, the BSEE, in consultation with the Chief Counsel, shall submit to Congress a report on the findings of the review.

SEC. 4408. ENERGY EMERGENCY RESPONSE EFFORTS OF THE DEPARTMENT.

(a) CONGRESSIONAL DECLARATION OF PURPOSE.—Section 102 of the 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) donations annually monitoring and publishing information on the energy delivery and supply infrastructure of the United States, including electricity, liquid fuels, natural gas, and oil; and

(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 emergency preparedness; and

(ii) to respond to and mitigate energy emergencies.

(b) Secretary for Science and Energy.—Section 202(b)(4) of the Department of Energy Organization Act (42 U.S.C. 7123(b)(4)) (as amended by section 4064(a)(5)) is amended, in paragraph (B), by inserting “and applied energy” before “programs of the”.

(c) Responsibilities of Assistant Secretaries.—In this Act, the Secretary shall—

(1) prepare the System for another century of conservation, preservation, and enjoyment;

(2) Cooperate with the Under Secretary for Science and Environmental Enforcement or an Assistant Secretary as the centennial of the National Park System.

(d) Definitions.—In this section—

(1) CHALLENGE FUND.—The term ‘Challenge Fund’ means the National Park Centennial Challenge Fund established by subsection (e)(1).

(2) QUALIFIED DONATION.—The term ‘qualified donation’ means a cash donation or the fair market value of any goods or services received by the Secretary from any non-Federal source.

(3) SIGNATURE PROJECT OR PROGRAM.—The term ‘signature project or program' means a project or program that would further the purposes of the System or any System Unit.

(4) DONATIONS AND MATCHING FEDERAL FUNDS.—The term ‘Donations and Matching Federal Funds’ means—

(1) QUALIFIED DONATIONS.—The Secretary may transfer any qualified donations to the Challenge Fund.

(2) MATCHING AMOUNT.—There is authorized to be appropriated to the Challenge Fund for each fiscal year through fiscal year 2020 an amount equal to the amount of qualified donations received in that fiscal year.

(3) SOLICITATION.—Nothing in this section expands any authority of the Secretary, the Service, or any employee of the Service to request or solicit donations.

(4) REPORT TO CONGRESS.—The Secretary shall provide with the submission of the budget of the President to Congress for each fiscal year a report on the status and funding of the signature projects and programs.

(5) NATIONAL PARK CENTENNIAL.

SEC. 4412. NATIONAL PARK CENTENNIAL.

(a) National Park Centennial Challenge Fund.

(1) In general.—Chapter 1049 of title 54, United States Code (as amended by section 5001(a)), is amended by adding at the end the following:

§ 104909. National Park Centennial Challenge Fund

(a) Purpose.—The purpose of this section is to provide—

(1) to finance signature projects and programs to enhance the National Park System as the centennial of the National Park System;

(2) to prepare the System for another century of conservation, preservation, and enjoyment; and

(b) Definitions.—In this section—

(1) Establishments.—There is established in the Treasury of the United States a Fund, to be known as the ‘National Park Centennial Challenge Fund’.

(2) Endowment.—The term ‘Endowment’ means the National Park Centennial Challenge Fund established by subsection (e)(1).

(3) Signature Project or Program.—The term ‘signature project or program’ means any project or program identified by the Secretary as a project or program that would further the purposes of the System or any System Unit.

(4) NATIONAL PARK CENTENNIAL FUND.—(a) In general.—The term ‘National Park Centennial Fund’ means the Endowment established pursuant to section 104909.

(b) Use of Proceeds.—On request of the Secretary, the National Park Foundation shall expend proceeds from the Fund in accordance with projects and programs in furtherance of the purposes of the Service, as identified by the Secretary.

(c) MANAGEMENT.—The National Park Foundation shall manage the Endowment in a manner that ensures that annual expenditures as a percentage of the principal are consistent with Inland Revenue Service guidelines for endowments maintained for charitable purposes.

(d) Donations.—The National Park Foundation shall—

(1) maintain the Endowment in an interest-bearing account; and

(2) invest Endowment proceeds with the purpose of supporting and enriching the System in perpetuity.

(e) Report.—Each year, the National Park Foundation shall make publicly available information on the amounts deposited into, and expended from, the Endowment.

(f) National Park Service Intellectual Property Protection.—(1) In general.—Chapter 1049 of title 54, United States Code (as amended by subsection (a)(1)), is amended by adding at the end the following:

§ 104910. Intellectual property

(a) Definition.—In this section—

(1) SERVICE EMBLEM.—The term ‘Service emblem’ means any word, phrase, insignia, logo, type, trademark, service mark, symbol, design, graphic, image, color, badge, uniform, or any combination of emblems used to identify the Service or a component of the System.

(2) INCLUSIONS.—The term ‘Service emblem’ includes—
“§ 100801. Definitions

(1) the Service name;
(2) an official System unit name;
(3) any other name used to identify a Service component or program; and
(4) the System emblem or symbol.

(2) SERVICE UNIFORM.—The term ‘Service uniform’ means any combination of apparel, accessories, or emblems, any distinctive clothing or other items of dress, or a representation of dress—

(A) that is worn during the performance of official duties; and

(B) that identifies the wearer as a Service employee.

(3) PROHIBITED ACTS.—No person shall, without the written permission of the Secretary—

(1) use any Service emblem or uniform, or any word, term, name, symbol or device or any combination of emblems or any combination of words, terms, names, symbols, or devices to suggest any likeness of the Service emblem or Service uniform in connection with goods or services in commerce if the use is likely to cause confusion, or to deceive the public into believing that the emblem or uniform is from or connected with the Service;

(2) use any Service emblem or Service uniform or any word, term, name, symbol, device or any combination of emblems or uniforms to suggest any likeness of the Service emblem or Service uniform in connection with goods or services in commerce in a manner reasonably calculated to convey the impression to the public that the goods or services are approved, endorsed, or authorized by the Service;

(3) use in commerce any word, term, name, symbol, device or any combination of words, terms, names, symbols, or devices to suggest any likeness of the Service emblem or Service uniform in a manner that is reasonably calculated to convey the impression that the wearer of the item of apparel is acting pursuant to the legal authority of the Service;

(4) knowingly make any false statement for the purpose of obtaining permission to use any Service emblem or Service uniform.

(2) Clerical Amendment.—The table of sections affected for title 54, United States Code, is amended by inserting after section 104908 the following:

§104910. Intellectual property.

(d) NATIONAL PARK SERVICE EDUCATION AND INTERPRETATION.

(1) in section (a) (2) (A) the following:

(2) REQUIREMENTS.—The agreement entered into under paragraph (1) shall specify that the costs associated with—

(A) coordinating and conducting a periodic census, and inspecting the health of the horses;

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

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

(D) administering a viable population control plan for the horses, including the adoption of contraceptive methods, that is consistent with other viable options.

Subtitle F—Markets

SEC. 4501. ENHANCED INFORMATION ON CRITICAL ENERGY SUPPLIES

(a) In General.—Section 205 of the Department of Energy Organization Act (42 U.S.C. 7135) is amended by adding at the end the following:

(2) REQUIREMENTS.—The agreement entered into under paragraph (1) shall specify that the Corolla Wild Horse Fund shall pay the costs associated with—

(A) coordinating and conducting a periodic census, and inspecting the health of the horses;

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

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

(D) administering a viable population control plan for the horses, including the adoption of contraceptive methods, and other viable options.

Subtitle G—Markets

SEC. 4502. 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 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.
States and improve the ability to evaluate the energy security of the United States, the Administrator, in consultation with other Federal agencies (as necessary), shall—

(A) not later than 120 days after the date of enactment of this subsection, develop and provide notice of a plan to collect, in cooperation with the Commodity Futures Trading Commission, information identifying all oil inventories, and other physical oil assets (including all petroleum-based products and the storage of such products in off-shore tankers) owned by the 50 largest traders of oil contracts (including derivative contracts), as determined by the Commodity Futures Trading Commission; and

(B) not later than 90 days after the date on which notice is provided under subparagraph (A), implement the plan described in that subsection.

(2) INFORMATION.—The plan required under paragraph (1) shall include a description of the plan of the Administrator for collecting specific data, including—

(A) volumes of product under ownership; and

(B) storage and transportation capacity (including leased capacity).

(3) PROTECTION OF PROPRIETARY INFORMATION.—Section 12(f) of the Federal Energy Administration Act of 1971 (45 U.S.C. 771(f)) shall apply to information collected under this subsection.

(4) COLLECTION OF INFORMATION ON STORAGE AND TRANSPORTATION CAPACITY.—(1) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Administrator of the Energy Information Administration shall collect information quantifying the commercial storage capacity for oil and natural gas in the United States.

(2) UPDATES.—The Administrator shall update annually the information required under paragraph (1).

(5) PROTECTION OF PROPRIETARY INFORMATION.—Section 12(f) of the Federal Energy Administration Act of 1971 (45 U.S.C. 771(f)) shall apply to information collected under this subsection.

(6) FINANCIAL MARKET ANALYSIS OFFICE.—(1) ESTABLISHMENT.—There shall be within the Energy Information Administration a Financial Market Analysis Office.

(2) DUTIES.—The Office shall—

(A) be responsible for analysis of the financial aspects of energy markets;

(B) conduct analyses and forecasts required by section 4503(c) of the Energy Policy Modernization Act of 2016 in advance of the submission of the reports to Congress; and

(C) not later than 1 year after the date of enactment of this subsection—

(i) make recommendations to the Administrator of the Energy Information Administration to identify and quantify any additional resources that are required to improve the ability of the Energy Information Administration to more fully integrate financial and physical market data in its current role as a data collector, and to provide financial market forecasts and analyses of the Energy Information Administration, including the role of energy futures contracts, energy commodity swaps, and derivatives in price formation for oil; and

(ii) conduct a review of implications of policy changes (including changes in export or import policies) and changes in how crude oil and refined petroleum products are transported with respect to price formation of crude oil and refined petroleum products; and

(iii) notify the Committee on Energy and Natural Resources, and the Committee on Appropriations, of the Senate and the Committee on Energy and Commerce, and the Commodity Futures Trading Commission, of the House of Representatives of the recommendations described in clause (i).

(3) ANALYSES.—The Administrator of the Energy Information Administration shall take analyses by the Office into account in conducting analyses and forecasting of energy prices.


SEC. 4502. WORKING GROUP ON ENERGY MARKETS.

(a) ESTABLISHMENT.—There is established a Working Group on Energy Markets (referred to in this section as the "Working Group").

(b) COMPOSITION.—The Working Group shall be composed of—

(1) the Secretary;

(2) the Secretary of the Treasury;

(3) the Chairman of the Federal Energy Regulatory Commission;

(4) the Chairman of Federal Trade Commission;

(5) the Chairman of the Securities and Exchange Commission;

(6) the Chairman of the Commodity Futures Trading Commission; and

(7) the Administrator of the Energy Information Administration.

(c) CHAIRPERSON.—The Secretary shall serve as the Chairperson of the Working Group.

(d) COMPENSATION.—A member of the Working Group shall serve without additional compensation for the work of the member of the Working Group.

(e) PURPOSE AND FUNCTION.—The Working Group shall—

(1) investigate the effect of increased financial investment in energy commodity markets on energy prices and the energy security of the United States;

(2) recommend to the President and Congress laws (including regulations) that laws be needed to prevent excessive speculation in energy commodity markets in order to prevent or minimize the adverse impact of excessive speculation on energy prices on consumers and the economy of the United States; and

(3) review energy security implications of developments in international energy markets.

(f) ADMINISTRATION.—The Secretary shall provide the Working Group with such administrative and other services as may be necessary for the performance of the functions of the Working Group.

(g) COOPERATION OF OTHER AGENCIES.—The head of any other Federal agency, or any State, local, or tribal government entity, shall, to the extent permitted by law, provide the Working Group with such information as the Working Group requires to carry out this section.

(h) CONSULTATION.—The Working Group shall consult, as appropriate, with representatives of various exchanges, clearinghouses, self-regulatory bodies, other major market participants, consumers, and the general public.

SEC. 4505. STUDY OF REGULATORY FRAMEWORK FOR ENERGY MARKETS.

(a) STUDY.—The Working Group shall conduct a study—

(1) to identify the factors that affect the pricing of crude oil and refined petroleum products, including an examination of the effects of market speculation on prices; and

(2) to review and assess—

(A) existing statutory authorities relating to the oversight and regulation of markets critical to the energy security of the United States; and

(B) the need for additional statutory authority for the Federal Government to effectively oversee and regulate markets critical to the energy security of the United States.

(b) ELEMENTS OF STUDY.—The study shall include—

(1) an examination of price formation of crude oil and refined petroleum products;

(2) an examination of relevant international regulatory regimes; and

(3) an examination of the degree to which changes in energy market transparency, liquidity, and structure have influenced or driven abuse, manipulation, excessive speculation, or inefficient price formation.

(c) REPORT AND RECOMMENDATIONS.—The Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives quarterly progress reports during the conduct of the study under this section, and a final report not later than 1 year after the date of enactment of this Act, that—

(1) describes the results of the study; and

(2) provides options and the recommendations of the Working Group for appropriate Federal coordination of oversight and regulatory actions to ensure transparency of crude oil and refined petroleum product pricing and the elimination of excessive speculation, including recommendations on data collection and analysis that may be carried out by the Financial Market Analysis Office established by section 205(p) of the Department of Energy Organization Act (42 U.S.C. 7135(p)).

SEC. 4601. E-PRIZE COMPETITION PILOT PROGRAM.

Section 1008 of the Energy Policy Act of 2005 (42 U.S.C. 32820) is amended by adding at the end the following:

"(g) E-PRIZE COMPETITION PILOT PROGRAM.—

"(1) DEFINITIONS.—In this section—

"(A) ELIGIBLE ENTITY.—The term 'eligible entity' means—

(i) a private sector for-profit or nonprofit entity;

(ii) a local, public-private partnership; or

(iii) a group of local governmental or tribal government entities.

"(B) HIGH-COST REGION.—The term 'high-cost region' means a region in which the average annual unsubsidized costs of electrical and heating utilities for heat consuming homes, self-regulatory bodies, other major market participants, consumers, and the general public.

"(C) IN GENERAL.—The Secretary shall establish an e-prize competition or challenge pilot program to broadly implement sustainable community and regional energy solutions that seek to reduce energy costs through increased efficiency, conservation, and technology innovation in high-cost regions.

"(E) SELECTION.—In carrying out the pilot program under subparagraph (A), the Secretary shall award a prize purse, in amounts to be determined by the Secretary, to each eligible entity selected through 1 or more of the following competitions or challenges:

(i) A point solution competition that recognizes and spurs the development of solutions for a particular, well-defined problem.

(ii) An exposition competition that helps identify and promote a broad range of ideas and practices that may not be the most obvious, facilitating further development of the idea or practice by third parties.

(iii) A participation competition that creates value during and after the competition by encouraging contestants to change their behavior or develop new skills that may have beneficial effects during and after the competition.

(iv) Such other types of prizes or challenges as the Secretary, in consultation with
relevant heads of Federal agencies, considers appropriate to stimulate innovation that has the potential to advance the mission of the applicable Federal agency.

(3) INTEGRATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $10,000,000, to remain available until expended.

SEC. 4602. CARBON DIOXIDE CAPTURE TECHNOLOGY PRIZE.

Section 1008 of the Energy Policy Act of 2005 (42 U.S.C. 16096) is amended by adding at the end the following:

"(b) Carbon Dioxide Capture Technology Prize.

"(1) DEFINITIONS.—In this subsection:

"(A) BOARD.—The term ‘Board’ means the Carbon Dioxide Capture Technology Advisory Board established by paragraph (2).

"(B) DILUTE.—The term ‘dilute’ means a concentration of less than 1 percent by volume.

"(C) INTELLECTUAL PROPERTY.—The term ‘intellectual property’ means—

"(i) an invention that is patentable under title 35, United States Code; and

"(ii) any patent on an invention described in clause (i).

"(D) SECRETARY.—The term ‘Secretary’ means the Secretary of Energy, or designee, in consultation with the Board.

"(2) AUTHORITY.—Not later than 1 year after the date of enactment of this subsection, the Board shall establish and award competitive technology financial awards for carbon dioxide capture from media in which the concentration of carbon dioxide is dilute.

"(3) DUTIES.—In carrying out this subsection, the Secretary shall—

"(A) subject to paragraph (4), develop specific requirements for—

"(i) the competition process;

"(ii) minimum performance standards for qualifying projects; and

"(iii) monitoring and verification procedures for approved projects;

"(B) establish minimum levels for the capture of carbon dioxide from a dilute medium that are required to be achieved to qualify for a financial award described in subparagraph (A); and

"(C) offer financial awards for—

"(i) a design for a promising capture technology;

"(ii) a successful bench-scale demonstration of a capture technology;

"(iii) a design for a technology described in clause (i) that will—

"(I) be operated on a demonstration scale; and

"(II) achieve significant reduction in the level of carbon dioxide; and

"(iv) establish minimum levels on a commercial scale that meet the minimum levels described in subparagraph (B); and

"(D) submit to Congress—

"(i) a report that describes the progress made by the Board and recipients of financial awards under this subsection in achieving the demonstration goals established under subparagraph (C); and

"(ii) not later than 1 year after the date of enactment of this subsection, a report on the adequacy of authorized funding levels in this subsection.

"(4) PUBLIC PARTICIPATION.—In carrying out paragraph (3)(A), the Board shall—

"(A) provide notice of and, for a period of at least 30 days, publish proposed version of the requirements described in paragraph (3)(A); and

"(B) take into account public comments received in developing the final version of those requirements.

"(5) PEER REVIEW.—No financial awards may be provided under this subsection until the proposal for which the award is sought has been peer reviewed in accordance with such standards as the Secretaries of Energy, and the Secretary of Defense, establish in consultation with the Board.

"(6) CARBON DIOXIDE CAPTURE TECHNOLOGY ADVISORY BOARD.—

"(A) ESTABLISHMENT.—There is established an advisory board to be known as the ‘Carbon Dioxide Capture Technology Advisory Board’.

"(B) COMPOSITION.—The Board shall be composed of 9 members appointed by the President, who shall provide expertise in—

"(i) climate science;

"(ii) physical;

"(iii) chemistry;

"(iv) biology;

"(v) engineering;

"(vi) economics;

"(vii) business management; and

"(viii) such other disciplines as the Secretary determines to be necessary to achieve the purposes of this subsection.

"(C) TERM; VACANCIES.—

"(i) TERM.—A member of the Board shall serve for a term of 6 years.

"(ii) VACANCIES.—A vacancy on the Board—

"(I) shall not affect the powers of the Board; and

"(II) shall be filled in the same manner as the original appointment was made.

"(D) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Board have been appointed, the Board shall hold the initial meeting of the Board.

"(E) MEETINGS.—The Board shall meet at the call of the Chairperson.

"(F) QUORUM.—A majority of the members of the Board shall constitute a quorum, but a lesser number of members may hold hearings.

"(G) CHAIRPERSON AND VICE CHAIRPERSON.—

The Board shall select a Chairperson and Vice Chairperson from among the members of the Board.

"(H) COMPENSATION.—Each member of the Board may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level V of the Executive Schedule for each day during which the member is engaged in the actual performance of the duties of the Board.

"(I) DUTIES.—The Board shall advise the Secretary on the carrying out of the duties of the Secretary under this subsection.

"(7) INTELLECTUAL PROPERTY.—

"(A) IN GENERAL.—As a condition of receiving a financial award under this subsection, an applicant shall agree to vest the intellectual property described in subparagraph (A) shall not be transferred or passed, except to an entity that is incorporated in the United States; and intellectual property described in subparagraph (A) shall not be transferred or passed, except to an entity that is incorporated in the United States.

"(B) RESERVATION OF LICENSE.—The United States—

"(i) may reserve a nonexclusive, non-transferable, royalty-free license, to have practiced for or on behalf of the United States, in connection with any intellectual property described in subparagraph (A); but the license granted under clause (i) shall, in the exercise of a license reserved under clause (i), publicly disclose proprietary information relating to the license;

"(C) TRANSFER OF TITLE.—Title to any intellectual property described in subparagraph (A) shall not be transferred or passed, except to an entity that is incorporated in the United States, until the expiration of the first patent obtained in connection with the intellectual property.

"(D) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated to carry out this subsection $50,000,000, to remain available until expended.

"(9) TERMINATION OF AUTHORITY.—The Board and all authority provided under this subsection shall terminate on December 31, 2026.

Subtitle H—Code Maintenance

SEC. 4701. REPEAL OF OFF-HIGHWAY MOTOR VEHICLES STUDY.

(a) REPEAL.—Part I of title III of the Energy Policy and Conservation Act (42 U.S.C. 6373) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the Energy Policy and Conservation Act (Public Law 94–163, 89 Stat. 871) is amended—

"(1) by striking the item relating to part I of title III; and

"(2) by striking the item relating to section 356.

SEC. 4702. REPEAL OF METHANOL STUDY.

Section 4002E of the Energy Policy and Conservation Act (42 U.S.C. 6374d) is amended—

"(1) by striking subsection (a); and

"(2) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively.

SEC. 4703. REPEAL OF AUTHORIZATION OF APPROPRIATIONS PROVISION.

(a) REPEAL.—Section 208 of the Energy Conservation and Production Act (42 U.S.C. 6808) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the Energy Conservation and Production Act (Public Law 94–385; 90 Stat. 1126) is amended by striking the item relating to section 208.

SEC. 4704. REPEAL OF RESIDENTIAL ENERGY EFFICIENCY STANDARDS STUDY.

(a) REPEAL.—Section 253 of the National Energy Conservation Policy Act (42 U.S.C. 8233) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the National Energy Conservation Policy Act (Public Law 96–619; 92 Stat. 3206) is amended by striking the item relating to section 253.

SEC. 4705. REPEAL OF WEATHERIZATION STUDY.

(a) REPEAL.—Section 254 of the National Energy Conservation Policy Act (42 U.S.C. 8234) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the National Energy Conservation Policy Act (Public Law 96–619; 92 Stat. 3206) is amended by striking the item relating to section 254.

SEC. 4706. REPEAL OF REPORT TO CONGRESS.

(a) REPEAL.—Section 273 of the National Energy Conservation Policy Act (42 U.S.C. 8260) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the National Energy Conservation Policy Act (Public Law 96–619; 92 Stat. 3206) is amended by striking the item relating to section 273.

SEC. 4707. REPEAL OF REPORT BY GENERAL SERVICES ADMINISTRATION.


(b) CONFORMING AMENDMENT.—


"(2) Section 159 of the Energy Policy Act of 1992 (42 U.S.C. 8262e) is amended by striking the item relating to section 273.

SEC. 4708. REPEAL OF INTERGOVERNMENTAL ENERGY MANAGEMENT PLANNING AND COORDINATION WORKSHOPS.

(a) REPEAL.—Section 156 of the Energy Policy Act of 1992 (42 U.S.C. 8262b) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the Energy Policy Act of 1992 (Public Law 102–486; 106 Stat. 2776) is amended by striking the item relating to section 156.
SEC. 4709. REPEAL OF INSPECTOR GENERAL AUDIT SURVEY AND PRESIDENTS COUNCIL ON INTEGRITY AND EFFICIENCY REPORT TO CONGRESS.

(a) REPEAL.—Section 160 of the Energy Policy Act of 1992 (42 U.S.C. 8262g) is amended by striking the subsection designation and heading and all that follows through ``(c) Inspector General Review.—Each Inspector General'' and inserting the following: ``(c) SEC. 160. INSPECTOR GENERAL REVIEW.—(1) Each Inspector General—''.

SEC. 4710. REPEAL OF PROCUREMENT AND IDENTIFICATION OF ENERGY EFFICIENT PRODUCTS PROGRAM.

(a) REPEAL.—Section 161 of the Energy Policy Act of 1992 (42 U.S.C. 8262h) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the Energy Policy Act of 1992 (Public Law 102–486; 106 Stat. 2776) is amended by striking the item relating to section 161 and inserting the following: ``(Sec. 160. Inspector General review.)''.

SEC. 4711. REPEAL OF NATIONAL ACTION PLAN FOR DEMAND RESPONSE.

(a) REPEAL.—Section 741 of the National Energy Policy Act of 1992 (42 U.S.C. 8279 et seq.) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the National Energy Policy Act of 1992 (Public Law 102–486; 106 Stat. 2776) is amended by striking the item relating to section 741.

SEC. 4712. REPEAL OF NATIONAL COAL POLICY STUDY.

(a) REPEAL.—Section 4 of title V of the National Energy Conservation Policy Act (42 U.S.C. 8279 et seq.) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the National Energy Conservation Policy Act (Public Law 95–619; 92 Stat. 3326; 121 Stat. 1665) is amended—

(1) by striking the item relating to part 5 of title V; and

(2) by striking the item relating to section 571.

SEC. 4713. REPEAL OF STUDY ON COMPLIANCE PROBLEM OF SMALL ELECTRIC UTILITY SYSTEMS.

(a) REPEAL.—Section 74 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8453) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the Powerplant and Industrial Fuel Use Act of 1978 (Public Law 95–620; 92 Stat. 3289) is amended by striking the item relating to section 741.

SEC. 4714. REPEAL OF STUDY OF SOCIO-ECONOMIC IMPACTS OF INCREASED COAL PRODUCTION AND OTHER ENERGY DEVELOPMENT.

(a) REPEAL.—Section 746 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8456) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the Powerplant and Industrial Fuel Use Act of 1978 (Public Law 95–620; 92 Stat. 3289) is amended by striking the item relating to section 746.

SEC. 4715. REPEAL OF STUDY OF THE USE OF PERTRIUM, ALUMINUM, AND NATURAL GAS IN COMBUSTORS.

(a) REPEAL.—Section 747 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8457) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the Powerplant and Industrial Fuel Use Act of 1978 (Public Law 95–620; 92 Stat. 3289) is amended by striking the item relating to section 747.

SEC. 4716. REPEAL OF SUBMISSION OF REPORTS.

(a) REPEAL.—Section 907 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8483) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the Powerplant and Industrial Fuel Use Act of 1978 (Public Law 95–620; 92 Stat. 3289) is amended by striking the item relating to section 907.

SEC. 4717. REPEAL OF ELECTRIC UTILITY CONSERVATION PLAN.

(a) REPEAL.—Section 806 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8484) is repealed.

(b) CONFORMING AMENDMENTS.—(1) TABLE OF CONTENTS.—The table of contents for the Powerplant and Industrial Fuel Use Act of 1978 (Public Law 95–620; 92 Stat. 3289) is amended by striking the item relating to section 808.

(b) CONFORMING AMENDMENTS.—(2) REPORT IMPLEMENTATION.—Section 712 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8422) is amended—

(A) by striking ``(a) GENERALLY.—'' and 

(b) by striking the section (b).

SEC. 4718. EMERGENCY ENERGY CONSERVATION REPEALS.

(a) REPEALS.—(1) Section 201 of the Emergency Energy Conservation Act of 1979 (42 U.S.C. 8501) is amended—

(A) in the section heading, by striking ‘‘FINDINGS AND’’;

(B) by striking subsection (a).

(2) Section 221 of the Emergency Energy Conservation Act of 1979 (42 U.S.C. 8521) is repealed.


(b) CONFORMING AMENDMENT.—The table of contents for the Emergency Energy Conservation Act of 1979 (Public Law 96–192; 92 Stat. 749) is amended—

(1) by striking the item relating to section 201 and inserting the following:

``Sec. 201. Purposes;''; and

(2) by striking the items relating to sections 221, 222, and 241.

SEC. 4719. ENERGY SECURITY ACT REPEALS.

(a) Biomass Energy Development Plans.—Subtitle A of title II of the Energy Security Act (42 U.S.C. 8811 et seq.) is repealed.

(b) Municipal Waste Biomass Energy.—Subtitle B of title II of the Energy Security Act (42 U.S.C. 8812) is repealed.

(c) Use of Gasohol in Federal Motor Vehicles.—Section 271 of the Energy Security Act (42 U.S.C. 8871) is repealed.

(d) Conforming Amendments.—(1) The table of contents for the Energy Security Act (Public Law 96–192; 94 Stat. 611) is amended—

(A) by striking the items relating to subtitle A and title II;

(B) by striking the item relating to section 204 and inserting the following:

``Sec. 204. Funding: ....................... ''; and

(C) by striking the item relating to section 271.

(2) Section 203 of the Biomass Energy and Alcohol Fuels Act of 1980 (42 U.S.C. 8802) is amended—

(A) by striking paragraph (16); and

(B) by redesignating paragraphs (17) through (19) as paragraphs (16) through (18), respectively.

(3) Section 204 of the Energy Security Act (42 U.S.C. 8803) is amended—

(A) in the section heading, by striking ‘‘FOR SUBTLETS A AND B’’; and

(B) in subsection (a)—

(i) in paragraph (1), by adding ‘‘and’’ after the semicolon at the end; and

(ii) in paragraph (2), by striking ‘‘; and’’ at the end and inserting a period; and

(iii) by striking paragraph (3).
"(D) to bolster or sustain nuclear infrastructure and research facilities of institutions of higher education, such as research and training reactors and laboratories;"

(2) PRIORITIZATION OF DEPARTMENT OF ENERGY EARLY CAREER AWARDS FOR SCIENCE, ENGINEERING, AND MATHEMATICS RESEARCHERS PROGRAM AND DISTINGUISHED SCIENTIST PROGRAM.

(A) FUNDING.—Section 971(c) of the Energy Policy Act of 2005 (42 U.S.C. 16311(c)) is amended by adding at the end the following:

"(B) For the Department of Energy early career awards for science, engineering, and mathematics researchers program under section 5006 and the Distinguished Scientist Program under section 5011 of that Act (42 U.S.C. 16535 and 16536) the amounts made available for fiscal year 2006 through 2020, of which not more than 65 percent of the amount made available for a fiscal year under this paragraph may be used to carry out section 5006 or 5011 of that Act."

(B) DEPARTMENT OF ENERGY EARLY CAREER AWARDS FOR SCIENCE, ENGINEERING, AND MATHEMATICS RESEARCHERS.—Section 5006 of the America COMPETES Act (42 U.S.C. 16534) is amended—

(i) in subsection (b)(1)—

(a) by inserting "average" before "amount"; and

(b) by inserting "for each year" before "shall";

(ii) in subparagraph (A), by striking "$80,000" and inserting "$190,000"; and

(iii) in subparagraph (B), by striking "$125,000" and inserting "$490,000";

(iii) in subsection (c)(1)(C)—

(I) in clause (i)—

(aa) by striking "assistant professor or equivalent title" and inserting "tenured assistant or associate professor"; and

(bb) by inserting "or" after the semicolon at the end;

(ii) by striking clause (ii); and

(III) by redesignating clause (iii) as clause (ii);

(II) in subsection (d), by striking "on a competitive, merit-reviewed basis" and inserting "through a competitive process using merit-based peer review."

(iv) in subsection (e) by striking "(ii) and all that follows through "To be eligible" and inserting the following:

"(e) SELECTION PROCESS AND CRITERIA.—To be eligible; and

(ii) by striking paragraph (2); and

(v) by Amendment (iv), by striking "non-profit, non-degree-granting research organizations" and inserting "National Laboratories".

(3) SCIENCE EDUCATION PROGRAMS.—Section 3104 of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381a) is amended—

(A) in subsection (b)—

(i) by striking paragraphs (1) and (2) and inserting the following:

"(1) IN GENERAL.—The Director of the Office of Science shall conduct an annual survey of the activities of institutions of higher education, such as research and training reactors and laboratories, and other relevant information obtained from the survey conducted pursuant to section 550;"

(2) ADMINISTRATION.—In carrying out paragraph (1), the Director shall—

"(A) consult with—

"(i) the Assistant Secretary of Energy with responsibility for energy efficiency and renewable energy programs; and

(ii) the Under Secretary of Defense Programs of the National Nuclear Security Administration; and

"(B) seek to increase the participation and advancement of women and underrepresented minorities at every level of science, technology, engineering, and mathematics education."

(II) in paragraph (3)—

(I) in subparagraph (D), by striking "and" at the end;

(II) by redesigning subparagraph (E) as subparagraph (F); and

(III) by inserting after subparagraph (D) the following:

"(E) represent the Department as the principal interagency liaison for all coordination activities under the President for science, technology, engineering, and mathematics education programs; and

(B) in subsection (d)—

(i) by striking "the Secretary" and inserting the following:

"(i) IN GENERAL.—The Secretary"; and

(ii) by adding at the end the following:

"(2) REPORT.—Not later than 180 days after the date of enactment of this paragraph, the Director shall submit a report describing the impact of the activities assisted with the Fund established under section 1(a) to—

(A) the Committee on Science, Space, and Technology of the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate;"

(IV) in paragraph (4)—

(A) in subsection (c)—

(i) in paragraph (1) by striking ", involving" and all that follows through "Secretary";

(ii) in paragraph (2), by striking subparagraph (B) and inserting the following:

"(B) to demonstrate excellent academic performance and understanding of scientific or technical subjects; and

(B) in subsection (d)(1)(B)(i), by inserting "full or partial" before "graduate tuition";

and

(C) in subsection (e), in the matter preceding paragraph (1), by striking "Director of Science, Engineering, and Mathematics Education" and inserting "Director of the Office of Science and Technology;"

(d) CONFORMING AMENDMENTS.—Section 5509 of the America COMPETES Act (42 U.S.C. 16536) is amended—

(A) in subsection (c)—

(i) by striking paragraph (1) by striking \"the Secretary\" and inserting \"Secretary\";

(ii) in paragraph (2), by striking subparagraph (B) and inserting the following:

"(B) to demonstrate excellent academic performance and understanding of scientific or technical subjects; and

(B) in subsection (d)(1)(B)(i), by inserting "full or partial" before "graduate tuition";

and

(C) in subsection (e), in the matter preceding paragraph (1), by striking "Director of Science, Engineering, and Mathematics Education" and inserting "Director of the Office of Science and Technology;"

(e) SELECTION PROCESS AND CRITERIA.—To be eligible; and

(f) in paragraph (2), by striking paragraph (2); and

(v) by Amendment (iv), by striking "non-profit, non-degree-granting research organizations" and inserting "National Laboratories".

SEC. 4722. REPEAL OF STATE UTILITY REGULATORY ASSISTANCE.

(a) REPEAL.—Section 207 of the Energy Conservation and Production Act (42 U.S.C. 6807) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the Energy Conservation and Production Act (Public Law 94–385; 90 Stat. 1126) is amended by striking the item relating to section 5004 and 5008.

SEC. 4723. REPEAL OF SURVEY OF ENERGY SAVING POTENTIAL.

(a) REPEAL.—Section 550 of the National Energy Conservation Policy Act (42 U.S.C. 825b8) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the Energy Conservation and Production Act (Public Law 94–385; 90 Stat. 1126) is amended by striking the item relating to section 550.

SEC. 4724. REPEAL OF PHOTOVOLTAIC ENERGY PROGRAM.

(a) REPEAL.—Part 4 of title V of the National Energy Conservation Policy Act (42 U.S.C. 8271 et seq.) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the National Energy Conservation Policy Act (Public Law 95–619; 92 Stat. 3206) is amended—

(1) by striking the item relating to part 4 of title V; and

(2) by striking the items relating to sections 561 through 569.

SEC. 4725. REPEAL OF ENERGY AUDITOR TRAINING AND CERTIFICATION.

(a) REPEAL.—Subtitle F of title V of the Energy Security Act (42 U.S.C. 8265 et seq.) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the Energy Security Act (Public Law 96–294; 94 Stat. 611) is amended by striking the items relating to subtitle F of title VII.

SEC. 4726. REPEAL OF AUTHORIZATION OF APPROPRIATIONS.

(a) REPEAL.—Subtitle F of title VII of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8461) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8280; 92 Stat. 3289) is amended by striking the item relating to subtitle F of title VII.


(a) REPEAL.—The Renewable and Energy Efficiency Technology Competitiveness Act of 1989 (42 U.S.C. 12001 et seq.) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the Federal Non-nuclear Energy Research and Development Act of 1974 (42 U.S.C. 5905(b)(3)) is amended—

(A) in subparagraph (Q), by adding "and" after the semicolon;

(B) by striking subparagraph (R); and

(C) by redesignating subparagraph (S) as subparagraph (R), and


(A) in subsection (b), in the matter preceding paragraph (1), in the first sentence, by striking "in consultation with" and inserting all that follows through "under section 6 of the Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989;";

and

(B) in subsection (c), by striking ", in consultation with the Advisory Committee,".

SEC. 4728. REPEAL OF FUTURE RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROGRAM.

The Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (42 U.S.C. 12401 et seq.) is repealed.

SEC. 4729. REPEAL OF STUDY ON ALTERNATIVE FUEL USE IN NONROAD VEHICLES AND ENGINES.

(a) IN GENERAL.—Section 412 of the Energy Policy Act of 1992 (42 U.S.C. 13236) is repealed.


SEC. 4730. REPEAL OF LOW INTEREST LOAN PROGRAM FOR SMALL BUSINESS FLEET PURCHASES.

(a) IN GENERAL.—Section 414 of the Energy Policy Act of 1992 (42 U.S.C. 13239) is repealed.

SEC. 4731. REPEAL OF TECHNICAL AND POLICY ANALYSIS FOR REPLACEMENT FUEL DEMAND AND SUPPLY INFORMATION.
(a) IN GENERAL.—Section 506 of the Energy Policy Act of 1992 (42 U.S.C. 13256) is repealed.

(b) CONFORMING AMENDMENTS.—

(2) Section 507(m) of the Energy Policy Act of 1992 (42 U.S.C. 13257(m)) is amended by striking “and section 506”.

SEC. 4732. REPEAL OF 1992 REPORT ON CLIMATE CHANGE.
(a) IN GENERAL.—Section 1601 of the Energy Policy Act of 1992 (42 U.S.C. 13381) is repealed.

(b) CONFORMING AMENDMENTS.—

(2) Section 1602(a) of the Energy Policy Act of 1992 (42 U.S.C. 13382(a)) is amended, in the matter preceding paragraph (1), in the third sentence, by striking “the report required under section 1601”.


SEC. 4734. REPEAL OF 1994 REPORT ON GLOBAL CLIMATE CHANGE EMISSIONS.
(a) IN GENERAL.—Section 1604 of the Energy Policy Act of 1992 (42 U.S.C. 13383) is repealed.


SEC. 4735. REPEAL OF TELECOMMUTING STUDY.
(a) IN GENERAL.—Section 2028 of the Energy Policy Act of 1992 (42 U.S.C. 13388) is repealed.


SEC. 4736. REPEAL OF ADVANCED BUILDINGS FOR 2005 PROGRAM.
(a) IN GENERAL.—Section 2104 of the Energy Policy Act of 1992 (42 U.S.C. 13454) is repealed.

(b) CONFORMING AMENDMENTS.—

(2) Section 2101(a) of the Energy Policy Act of 1992 (42 U.S.C. 13451(a)) is amended, in the third sentence, by striking “2104.”.

SEC. 4737. REPEAL OF ENERGY RESEARCH, DEVELOPMENT, DEMONSTRATION, AND COMMERCIAL APPLICATION ADVISORY BOARD.
(a) IN GENERAL.—Section 2302 of the Energy Policy Act of 1992 (42 U.S.C. 13522) is repealed.

(b) CONFORMING AMENDMENTS.—

(2) Section 2401 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5905) is amended—
(A) in subsection (a), in the matter preceding paragraph (1), in the first sentence, by striking “a”, in consultation with the Advisory Board established under section 2302 of the Energy Policy Act of 1992,”; and
(B) in subsection (b)—
(i) in paragraph (1), in the first sentence, by striking “a”, in consultation with the Advisory Board established under section 2302 of the Energy Policy Act of 1992,”; and
(ii) in paragraph (2), in the second sentence, by striking “a”, in consultation with the Advisory Board established under section 2302 of the Energy Policy Act of 1992,”.

(c) In subsection (c), in the first sentence, by striking “a”, in consultation with the Advisory Board established under section 2302 of the Energy Policy Act of 1992.”.

(d) Section 2302 of the Energy Policy Act of 1992 (42 U.S.C. 13521) is amended—
(A) in subsection (a), by striking “a”, in consultation with the Advisory Board established under section 2302,”; and
(B) in subsection (b), in the matter preceding paragraph (1), in the first sentence, by striking “a”, with the advice of the Advisory Board established under section 2302 of this Act.”.

SEC. 4738. REPEAL OF STUDY ON USE OF ENERGY FUTURES FOR FUEL PURCHASE.
(a) IN GENERAL.—Section 3014 of the Energy Policy Act of 1992 (42 U.S.C. 13552) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the Energy Policy Act of 1992 (Public Law 102–486; 106 Stat. 2776) is amended by striking the item relating to section 3014.

SEC. 4739. REPEAL OF ENERGY SUBSIDY STUDY.
(a) IN GENERAL.—Section 3015 of the Energy Policy Act of 1992 (42 U.S.C. 13553) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the Energy Policy Act of 1992 (Public Law 102–486; 106 Stat. 2776) is amended by striking the item relating to section 3015.

SEC. 4740. MODERNIZATION OF TERMS RELATING TO MINORITIES.
(a) OFFICE OF MINORITY ECONOMIC IMPACT.—
(1) Section 1049(a) of title 54, United States Code, is amended by adding at the end the following:

“(f) L AND ACQUISITION.—There is established in the Department of the Interior a Fund to be known as the National Park Service Maintenance and Revitalization Conservation Fund.”

SEC. 4741. MODERNIZATION OF TERMS RELATING TO MINORITIES.
(a) OFFICE OF MINORITY ECONOMIC IMPACT.—
(b) CONFORMING AMENDMENT.—
(a) OFFICE OF MINORITY ECONOMIC IMPACT.—
(1) Section 1049(a) of title 54, United States Code, is amended by adding at the end the following:

“(e) L AND ACQUISITION.—There is established in the Department of the Interior a Fund to be known as the National Park Service Maintenance and Revitalization Conservation Fund.”

SEC. 5001. NATIONAL PARK SERVICE MAINTENANCE AND REVITALIZATION CONSERVATION FUND.
(a) IN GENERAL.—Chapter 1049 of title 54, United States Code, is amended by adding at the end the following:

(1) Definition of ‘National Park Service Maintenance and Revitalization Conservation Fund’—
(A) The term ‘National Park Service Maintenance and Revitalization Conservation Fund’ means the Fund established under section 104907 of this title.

(2) Available to the Fund—
(A) The Fund shall be used only for the purposes described in subsection (d) and
(B) be available for expenditure only after the amounts are appropriated for those purposes.

(3) Availability—Any amounts in the Fund not appropriated shall remain available in the Fund until appropriated.

(4) No Limitation—Appropriations from the Fund pursuant to this section may be made without fiscal year limitation.

(5) National Park System Critical Deferred Maintenance.—The Fund shall be used only for high-priority deferred maintenance needs of the Service that support critical infrastructure and visitor services.

(6) Land Acquisition Prohibition.—Amounts in the Fund shall not be used for land acquisition.

(c) National Park Service Maintenance and Revitalization Conservation Fund.—
(a) NATIONAL PARK SERVICE MAINTENANCE AND REVITALIZATION CONSERVATION FUND.
(1) The table of contents for the Energy Policy Act of 1992, 42 U.S.C. 13552, is amended, by inserting after the item relating to section 104907 the following:

“§104908. National Park Service Maintenance and Revitalization Conservation Fund.”

SEC. 5002. LAND AND WATER CONSERVATION FUND.
(a) REAUTHORIZATION.—Section 200302 of title 54, United States Code, is amended—
(1) in subsection (b), in the matter preceding paragraph (1), by striking “During the period ending September 30, 2018, there” and inserting “There” and
(2) in subsection (c)(1), by striking “through September 30, 2018”.

(b) ALLOCATION OF FUNDS.—Section 200304 of title 54, United States Code, is amended—
(1) by striking “There” and inserting “(a) In General—There”;

(2) by striking the second sentence and inserting the following:

“(b) Allocation—Of the appropriations made to the Fund—

(1) not less than 40 percent shall be used collectively for Federal purposes under section 200306;

(2) not less than 40 percent shall be used collectively—

(A) to provide financial assistance to States under section 200305;

(B) for the Forest Legacy Program established under section 7 of the Cooperative Forestry Assistance Act of 1976 (16 U.S.C. 2103c);

(C) for cooperative endangered species grants authorized under section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1535); and

(D) for the American Battlefield Protection Program established under chapter 3081;

(3) not less than 1.5 percent or $10,000,000, whichever is greater, shall be used for projects that secure recreational public access to Federal public land for hunting, fishing, or other recreational purposes.”

CONSERVATION FUND.—Section 200306 of title 54, United States Code, is amended by adding at the end the following:
“(c) CONSERVATION EASEMENTS.—The Secretary and the Secretary of Agriculture shall consider the acquisition of conservation easements and other similar interests in land within the scope of—

(d) ACQUISITION CONSIDERATIONS.—Section 200300 of title 54, United States Code (as amended by subsection (c)), is amended by adding at the end the following:

“(d) ACQUISITION CONSIDERATIONS.—The Secretary and the Secretary of Agriculture shall take into account the following in determining the land or interests in land to acquire:

“(1) Management efficiencies.
“(2) Management cost savings.
“(3) Geographic distribution.
“(4) Significance of the acquisition.
“(5) Urgency of the acquisition.
“(6) Threats to the integrity of the land to be acquired.

“(7) The recreational value of the land.”

SEC. 5003. HISTORIC PRESERVATION FUND.

Section 303102 of title 54, United States Code, is amended by striking “of fiscal years 2012 to 2015” and inserting “fiscal year”.

SEC. 5004. CONSERVATION INCENTIVES LANDOWNER EDUCATION PROGRAM.

(a) In General.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Interior shall establish a conservation incentives landowner education program (referred to in this section as the “program”)...

(b) PURPOSE OF PROGRAM.—The program shall provide information on Federal conservation programs available to landowners interested in undertaking conservation actions on the land of the landowners, including options under each conservation program available to achieve the conservation goals of the program, such as—

(1) fee title land acquisition;
(2) donation; and
(3) perpetual and term conservation easements or agreements.

(c) AVAILABILITY.—The Secretary of the Interior shall ensure that the information provided under the program is made available to—

(1) interested landowners; and
(2) the public.

(d) PROGRAM.—In any case in which the Secretary of the Interior contacts a landowner directly about participation in a Federal conservation program, the Secretary shall—

(1) notify the landowner of the program; and
(2) make available information on the conservation options that may be available to the landowner.

TITLE VI—INDIAN TRIBAL ENERGY DEVELOPMENT AND SELF-DETERMINATION

SECTION 6001. SHORT TITLE.

This title may be cited as the “Indian Tribal Energy Development and Self-Determination Act Amendments of 2016”.

Subtitle A—Indian Tribal Energy Development and Self-Determination Act Amendments

SEC. 6001. INDIAN TRIBAL ENERGY RESOURCE DEVELOPMENT.

(a) In General.—Section 2602(a) of the Energy Policy Act of 1992 (25 U.S.C. 3502(a)) is amended—

(1) in paragraph (2)—
(A) in subparagraph (C), by striking “and” after the semicolon;
(B) in subparagraph (D), by striking the period at the end and inserting “; or”;
(C) by adding at the end the following:

“Indian tribe before adopting or approving a well spacing program or plan applicable to the energy resources of that Indian tribe or the members of that Indian tribe,”; and
(2) by adding at the end the following:

“(4) PLANNING.—
(A) IN GENERAL.—In carrying out the program established by paragraph (1), the Secretary shall provide technical assistance to interested Indian tribes to develop energy plans, including—
(i) plans for electrification;
(ii) plans for oil and gas permitting, renewable energy permitting, energy efficiency, electricity generation, transmission, water planning, water planning, and other planning relating to energy issues;
(iii) plans for the development of energy resources and to ensure the protection of natural, historic, and cultural resources; and
(iv) any other plans that would assist an Indian tribe in the development or use of energy resources.

(B) COOPERATION.—In establishing the program under paragraph (1), the Secretary shall work in cooperation with the Office of Indian Energy Policy and Programs of the Department of Energy.

(c) DEPARTMENT OF ENERGY INDIAN ENERGY EDUCATION PROGRAM.—Section 2602(b)(2) of the Energy Policy Act of 1992 (25 U.S.C. 3502(b)(2)) is amended—

(1) in the matter preceding subparagraph (A), by inserting “, intertribal organization,” after “Indian tribe”;
(2) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and
(3) by inserting after subparagraph (B) the following:

“(C) activities to increase the capacity of Indian tribes to manage energy development and energy efficiency programs.

(d) DEPARTMENT OF ENERGY LOAN GUARANTEE PROGRAM.—Section 2602(c) of the Energy Policy Act of 1992 (25 U.S.C. 3502(c)) is amended—

(1) in paragraph (1), by inserting or a tribal energy development organization” after “Indian tribe”;
(2) in paragraph (3), by inserting “Atribal energy development organization” after “Indian tribe”; and
(3) in paragraph (5), by striking “The Secretary of Energy may” and inserting “Not later than 1 year after the date of enactment of the Indian Tribal Energy Development and Self-Determination Act Amendments of 2016, the Secretary of Energy shall

SEC. 6012. TRIBAL ENERGY RESOURCE REGULATION.

Section 2603(c) of the Energy Policy Act of 1992 (25 U.S.C. 3503(c)) is amended—

(1) in paragraph (1), by inserting “on the request of an Indian tribe, the Indian tribe and a tribal energy development organization, a facility that produces electricity from renewable energy resources” in subparagraph (E) of subsection (b); and
(2) in paragraph (2), by inserting “Indian tribe” after the semicolon.

SEC. 6013. TRIBAL ENERGY RESOURCE AGREEMENTS.


(1) in subsection (a)—
(A) in paragraph (1)—
(i) in subparagraph (A), by striking “or” after the semicolon;
(ii) in paragraph (B), by inserting “and” after the semicolon;
(B) in paragraph (2), by striking “the rulemaking”; and
(C) by adding at the end the following:

“Indian tribe before adopting or approving a well spacing program or plan applicable to the energy resources of that Indian tribe or the members of that Indian tribe,”; and
(2) by adding at the end the following:

“(4) PLANNING.—
(A) IN GENERAL.—In carrying out the program established by paragraph (1), the Secretary shall provide technical assistance to interested Indian tribes to develop energy plans, including—
(i) plans for electrification;
(ii) plans for oil and gas permitting, renewable energy permitting, energy efficiency, electricity generation, transmission, water planning, water planning, and other planning relating to energy issues;
(iii) plans for the development of energy resources and to ensure the protection of natural, historic, and cultural resources; and
(iv) any other plans that would assist an Indian tribe in the development or use of energy resources.

(B) COOPERATION.—In establishing the program under paragraph (1), the Secretary shall work in cooperation with the Office of Indian Energy Policy and Programs of the Department of Energy.

(c) DEPARTMENT OF ENERGY INDIAN ENERGY EDUCATION PROGRAM.—Section 2602(b)(2) of the Energy Policy Act of 1992 (25 U.S.C. 3502(b)(2)) is amended—

(1) in the matter preceding subparagraph (A), by inserting “, intertribal organization,” after “Indian tribe”;
(2) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and
(3) by inserting after subparagraph (B) the following:

“(C) activities to increase the capacity of Indian tribes to manage energy development and energy efficiency programs.

(d) DEPARTMENT OF ENERGY LOAN GUARANTEE PROGRAM.—Section 2602(c) of the Energy Policy Act of 1992 (25 U.S.C. 3502(c)) is amended—

(1) in paragraph (1), by inserting or a tribal energy development organization” after “Indian tribe”; and
(2) in paragraph (3), by inserting “Atribal energy development organization” after “Indian tribe”.

SEC. 6012. TRIBAL ENERGY RESOURCE REGULATION.

Section 2603(c) of the Energy Policy Act of 1992 (25 U.S.C. 3503(c)) as amended—

(1) in paragraph (1), by striking “on the request of an Indian tribe, the Indian tribe and a tribal energy development organization, the Indian tribe or tribal energy development organization”; and
(2) in paragraph (2)(B), by inserting “or tribal energy development organization” after “Indian tribe”.

SEC. 6013. TRIBAL ENERGY RESOURCE AGREEMENTS.


(1) in subsection (a)—
(A) in paragraph (1)—
(i) in subparagraph (A), by striking “or” after the semicolon;
Amendments of 2016, a qualified Indian tribe that has agreed with the Indian tribe to a tribal energy resource agreement governing leases, business agreements, and right-of-ways under this section.

(B) NOTICE OF COMPLETE PROPOSED AGREEMENT.—Not later than 60 days after the date on which the tribal energy resource agreement is submitted under subparagraph (A), the Secretary shall—

(i) notify the Indian tribe as to whether the agreement is complete or incomplete;

(ii) if the agreement is complete, notify the Indian tribe of what information or documentation is needed to complete the submission; and

(iii) identify and notify the Indian tribe of the financial assistance, if any, to be provided to the Indian tribe to assist in the implementation of the tribal energy resource agreement, including the environmental review of individual projects.

(C) Effect.—Nothing in this paragraph precludes the Secretary from providing any financial assistance at any time to the Indian tribe to assist in the implementation of the tribal energy resource agreement, including the financial assistance described in subparagraph (B).

(2) PROCEDURE.—

(A) EFFECTIVE DATE.—

(i) In general.—On the date that is 271 days after the date on which the Secretary receives a tribal energy resource agreement from a qualified Indian tribe under paragraph (1), the Secretary disapproves the tribal energy resource agreement under subparagraph (B).

(ii) In subparagraph (A) energy resource agreement.—On the date that is 91 days after the date on which the Secretary receives a revised tribal energy resource agreement from a qualified Indian tribe under paragraph (1), the revised tribal energy resource agreement shall take effect, unless the Secretary disapproves the revised tribal energy resource agreement under subparagraph (B).

(III) In subparagraph (B) energy resource agreement.—On the date that is 91 days after the date on which the Secretary disapproves a tribal energy resource agreement, the Secretary shall—

(i) notify the Indian tribe to the extent the Secretary determines necessary to address the claims of noncompliance made in the petition, including

(1) the Secretary disapproves the tribal energy resource agreement;'' and

(ii) the revisions or changes to the tribal energy resource agreement governing leases, business agreements, and right-of-ways under this section that is not a negotiated term; or

(II) losses that are not the result of a negotiated term, including losses resulting from the failure of the Secretary to perform an action in the proposed tribal energy resource agreement.''

(E) in paragraph (7)—

(i) in subparagraph (A), by striking "has shall only take such action, as the Secretary determines has demonstrated with substantial evidence'';

(ii) in subparagraph (B), by striking "any tribe remedy and inserting "all remedies (if any) provided under the laws of the Indian tribe'';

(iii) in subparagraph (D) (as redesignated by clause (ii) of section 325 of the Indian Energy Resource Act), by striking "determine'' and all that follows through the end of the clause and inserting the following: "determine—

(I) whether the petitioner is an interested party; and

(II) if the petitioner is an interested party, whether the Indian tribe is not in compliance with the tribal energy resource agreement as alleged in the petition:"

(F) in paragraph (8)—

(i) by redesignating subparagraphs (B) through (D) as subparagraphs (A) through (C), respectively; and

(ii) in subparagraph (A) (as redesignated by clause (i))—

(I) in clause (i), by striking "and" at the end;

(II) in clause (ii), by adding "and" after the semicolon and

(III) by adding at the end the following:

(iii) amends an approved tribal energy resource agreement to assume authority for approving leases, business agreements, or rights-of-way for development of another energy resource that is not included in an approved tribal energy resource agreement with Indian tribe agency and determines that the Secretary determines necessary to address the claims of noncompliance made in the petition of that party."
Section 6014. TECHNICAL ASSISTANCE FOR INDIAN TRIBAL GOVERNMENTS.

Section 2602(h) of the Energy Policy Act of 1992 (25 U.S.C. 3504(h)), including the process to be followed by, and any applicable criteria to be used by, the Secretary to request and obtain the certification described in that section.

SEC. 6015. CONFORMING AMENDMENTS.


(1) by redesignating paragraphs (9) through (11) as paragraphs (10) through (13), respectively;

(2) by inserting after paragraph (2) the following:

"(3) TECHNICAL AND SCIENTIFIC RESOURCES.—In addition to providing grants to Indian tribes under this subsection, the Secretary will collaborate with the Directors of the National Laboratories in making the full array of technical and scientific resources of the Department of Energy available for tribal energy activities and projects."

(b) R EGULATIONS.—Not later than 1 year after enactment of this Act, the Secretary shall, after consultation with the Directors of the National Laboratories, promulgate regulations to carry out this section. The regulations shall not be complete before the date of the enactment of this Act.

(c) EFFECT.—Nothing in this section shall be construed to affect any other law or regulation that is applicable to the Indian tribes or the Secretary.

(d) EXISTING PROGRAMS.—Nothing in this section shall be construed as affecting or amending the existing programs of the Secretary in which the Secretary, at the request of an Indian tribe, shall—

(A) identify the programs, functions, services, and activities (or any portions of programs, functions, services, or activities) that the Secretary will not have to operate or carry out as a result of the Indian tribe carrying out activities under a tribal energy resource agreement;

(B) identify the amounts that the Secretary would otherwise expend to operate or carry out each program, function, service, and activity (or any portion thereof) that are associated with each program, function, service, and activity (or any portion of a program, function, service, or activity) identified pursuant to subparagraph (A); and

(C) update the list of the programs, functions, services, and activities (or any portions of programs, functions, services, or activities) identified pursuant to subparagraph (A) and the amounts associated with each program, function, service, and activity (or any portion of a program, function, service, or activity) identified pursuant to subparagraph (B).

Section 6015. CONFORMING AMENDMENTS.

Section 2602(h) of the Energy Policy Act of 1992 (25 U.S.C. 3504(h)), including the process to be followed by, and any applicable criteria to be used by, the Secretary to request and obtain the certification described in that section.

SEC. 6014. TECHNICAL ASSISTANCE FOR INDIAN TRIBAL GOVERNMENTS.

Section 2602(h) of the Energy Policy Act of 1992 (25 U.S.C. 3502(h)) is amended—

(1) by redesignating paragraphs (9) through (11) as paragraphs (10) through (13), respectively;

(2) by inserting after paragraph (2) the following:

"(3) ACTION BY SECRETARY.—If the Secretary approves an application for certification pursuant to paragraph (2), the Secretary shall—

(i) issue a certification stating that—

(A) the tribal energy development organization is organized under the laws of the Indian tribe and subject to the jurisdiction, laws, and authority of the Indian tribe; (B) the majority of the interest in the tribal energy development organization is owned and controlled by the Indian tribe (or the Indian tribe and 1 or more other Indian tribes) the tribal land of which is being developed own and control at all times a majority of the interest in the tribal energy development organization; and (C) the certification is issued pursuant to this subsection;

(ii) deliver a copy of the certification to the Indian tribe; and

(iii) publish the certification in the Federal Register.

(i) SOVEREIGN IMMUNITY.—Nothing in this section waives the sovereign immunity of an Indian tribe.

(b) REGULATIONS.—Not later than 1 year after the date of enactment of the Indian Tribal Energy Development and Self-Determination Act Amendments of 2016, the Secretary shall promulgate or update any regulations that are necessary to implement this section, including provisions to implement—

(1) paragraph (h) of the Energy Policy Act of 1992 (25 U.S.C. 3504(h)(8)), including the process to be followed by an Indian tribe amending an existing tribal energy resource agreement to include the right to approximating leases, business agreements, or rights-of-way for development of an energy resource that is not included in the tribal energy resource agreement;

(2) section 2604(g) of the Energy Policy Act of 1992 (25 U.S.C. 3504(g)) including the manner in which the Secretary, at the request of an Indian tribe, shall—

(A) identify the programs, functions, services, and activities (or any portions of programs, functions, services, or activities) that the Secretary would otherwise expend to operate or carry out as a result of the Indian tribe carrying out activities under a tribal energy resource agreement;

(B) identify the amounts that the Secretary would otherwise expend to operate or carry out each program, function, service, and activity (or any portion thereof) that are associated with each program, function, service, and activity (or any portion of a program, function, service, or activity) identified pursuant to subparagraph (A); and

(C) update the list of the programs, functions, services, and activities (or any portions of programs, functions, services, or activities) identified pursuant to subparagraph (A) and the amounts associated with each program, function, service, and activity (or any portion of a program, function, service, or activity) identified pursuant to subparagraph (B)."

(2) Indian conventional and renewable energy resources that require Secretarial approval prior to development, including—

(A) any seismic exploration permits;

(B) permits for development organizations and

(C) the status of the review;

(D) the date of approval;

(E) the start and end dates for any significant delays in the review process;

(F) oil and gas leases;

(G) surface leases;

(H) rights-of-way agreements; and

(I) compliance with dates for any significantly delayed reviews.

(4) tracks in the databases, for all energy-related leases, agreements, applications, and permits that involve multiple agency review—

(A) the dates documents are transferred between agencies;

(B) the status of the review;

(C) the date the application or permit is considered complete and ready for review;

(D) the date of approval; and

(E) the status of the review for all energy-related documents; and

(F) oil and gas leases;

(G) surface leases;

(H) rights-of-way agreements; and

(I) compliance with dates for any significantly delayed reviews.

(5) by striking paragraph (6), replacing it with—

"(6) monitors the timeliness of agency review for all energy-related documents; and

(6) identifies in the databases—

(A) the lease date applications and permits are received by the agency;

(B) the status of the review;

(C) the date the application or permit is considered complete and ready for review;

(D) the date of approval; and

(E) the status of the review for all energy-related documents; and

(7) PETITIONS BY INTERESTED PARTIES.—The Secretary—

(a) shall—

(1) make available to—

(i) resource owners; and

(ii) the Secretary an application—

(A) the factors set forth in paragraphs (1) and (2) of section 2(e); and

(B) the extent to which each applicable agency complies with any intermediate and final deadlines.

Subtitle B—Miscellaneous Amendments

SEC. 6201. ISSUANCE OF PRELIMINARY PERMITS OR LICENSES.

(a) IN GENERAL.—Section 7(a) of the Federal Power Act (16 U.S.C. 806(a)) is amended by striking—"States and municipalities" and inserting—"States, Indian tribes, and municipalities".

(b) APPLICABILITY.—The amendment made by subsection (a) shall not affect—

(1) any preliminary permit or original license issued before the date of enactment of this Act, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report that details with activities for energy development on Indian land, how the Department of the Interior—

(1) processes and completes the reviews of energy-related documents in a timely and transparent manner;

(2) monitors the timeliness of agency review for all energy-related documents; and

(3) maintains databases to track and monitor the review and approval process of the agency for Indian energy development; and

(B) the extent to which each applicable agency complies with any intermediate and final deadlines.

SEC. 6016. REPORT.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary of the Interior shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources a report that tracks and monitors the review and approval for Indian energy-related documents associated with conventional and renewable Indian energy resources that require Secretarial approval prior to development, including—

(A) any seismic exploration permits;

(B) permits for development organizations and

(C) archeological and cultural surveys;

(D) access permits;

(E) environmental assessments;

(F) oil and gas leases;

(G) surface leases;

(H) rights-of-way agreements; and

(I) compliance with dates for any significantly delayed reviews.

(b) INCLUSIONS.—The report submitted under subsection (a) shall include—

(1) a description of any intermediate and final deadlines for agency action on any Secretarial review and approval required for Indian conventional and renewable energy exploration and development projects; and

(2) a description of the existing geographic database established by the Bureau of Indian Affairs, explaining—

(A) how the database identifies—

(i) the location and ownership of all Indian oil and gas resources held in trust;

(ii) resources available for lease; and

(iii) the location of any resource agreement in effect under this section; and

(B) how the information from the database is made available to—

(i) the official of the Bureau of Indian Affairs with responsibility over the management and development of Indian resources; and

(ii) resource owners; and

(C) any barriers to identifying the information described in subparagraphs (A) and (B) or any deficiencies in that information; and

(3) an evaluation of—

(A) the ability of each applicable agency to track and monitor the review and approval process of the agency for Indian energy development; and

(B) the extent to which each applicable agency complies with any intermediate and final deadlines.
SEC. 6204. APPRAISALS.

(a) IN GENERAL.—Title XXVI of the Energy Policy Act of 1992 (25 U.S.C. 501 et seq.) is amended by adding at the end the following:

"SEC. 2607. APPRAISALS.

"(a) IN GENERAL.—For any transaction that requires approval of the Secretary and involves mineral or energy resources held in trust by the United States for the benefit of an Indian tribe or by an Indian tribe subject to Federal restrictions against alienation, an appraisal relating to fair market value of those resources required to be prepared under applicable law may be prepared by—

"(1) the Secretary;

"(2) the affected Indian tribe; or

"(3) a certified, third-party appraiser pursuant to a contract with the Indian tribe.

"(b) SECRETARIAL REVIEW AND APPROVAL.—Not later than 45 days after the date on which the Secretary receives an appraisal prepared by or for an Indian tribe under paragraph (2) or (3) of subsection (a), the Secretary shall—

"(1) review the appraisal; and

"(2) approve the appraisal unless the Secretary determines that the appraisal fails to meet the standards set forth in regulations promulgated under subsection (d)."

SEC. 6205. WEATHERIZATION PROGRAM.

Section 413(d) of the Energy Conservation and Production Act (42 U.S.C. 6863(d)) is amended—

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

"'(1) RESERVATION OF AMOUNTS.—

"'(A) IN GENERAL.—Subject to subparagraph (B) and any other provision of this part, the Secretary shall reserve from amounts that would otherwise be allocated to a State under this part not less than 100 percent, but not more than 150 percent, of an amount which bears the same proportion to the allocation of that State for the applicable fiscal year as the population of all low-income members of an Indian tribe in that State bears to the population of all low-income individuals in that State.

"(B) SECRETARIAL REVIEW AND APPROVAL.—If the Secretary determines that an appraisal submitted for approval under subsection (b) should be disapproved, the Secretary shall give written notice of the disapproval to the Indian tribe and a description of—

"'(i) each reason for the disapproval; and

"'(ii) how the appraisal should be corrected or otherwise cured to meet the applicable standards set forth in the regulations promulgated under subsection (d)."
SEC. 6202. LEASES OF RESTRICTED LANDS FOR NAVAJO NATION.

(a) In General.—Subsection (e)(1) of the first section of the Act of August 9, 1955 (commonly known as the “Long-Term Leasing Act”) (25 U.S.C. 415(e)(1)), is amended—

(1) by striking a lease for” and inserting “a lease for”;

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

“(A) In the case of a business or agricultural lease, 99 years;”;

(3) in subparagraph (B), by striking the period at the end and inserting “; and”; and

(4) by adding the following at the end:

“(C) in the case of a lease for the exploitation, development, or extraction of any mineral resource (including geothermal resources), 25 years, except that—

“(i) any such lease may include an option to renew for 1 additional term of not to exceed 25 years; and

“(ii) any such lease for the exploration, development, or extraction of an oil or gas resource shall be for a term of not to exceed 10 years, plus such additional period as the Navajo Nation determines to be appropriate in any case in which an oil or gas resource is produced in a paying quantity.”

(b) GAO Report.—Not later than 5 years after enactment of this Act, the Comptroller General of the United States shall prepare and submit to Congress a report describing the progress made in carrying out the amendment made by subsection (a).

SEC. 6206. EXTENSION OF TRIBAL LEASE PERIOD FOR DEVELOPMENT OF RESTRICTED BROWNFIELD LOCATIONS.

Subsection (a) of the first section of the Act of August 9, 1955 (25 U.S.C. 416(a)), is amended in the second sentence by inserting “, held in trust for the Crow Tribe of Montana” after “Devils Lake Sioux Reservation.”

SEC. 6207. TRUST STATUS OF LEASE PAYMENTS.

(a) Definition of Secretary.—In this section, the term “Secretary” means the Secretary of the Interior.

(b) Treatment of Lease Payments.—

(1) In General.—In any lease except as provided in paragraph (2) and at the request of the Indian tribe or individual Indian, any advance payments, bid deposits, or other earnest money received by the Secretary in connection with the review and Secretarial approval under any Federal law (including regulations) of a sale, lease, permit, or any other conveyance of any interest in any trust or restricted land of any Indian tribe or individual Indian on or after the date of enactment of this Act.

(2) Exemption for Certain Publicly Owned Brownfield Sites.—Notwithstanding any other provision of law, an eligible entity may receive a grant under this paragraph for property acquired by that governmental entity prior to January 1, 2002, even if the governmental entity does not qualify as a bona fide prospective purchaser (as that term is defined in section 101(40)), so long as the eligible entity has not caused or contributed to a release or threatened release of a hazardous substance at the property.”.

SEC. 7002. OWNED BROWNFIELD SITES FOR NON-PROFIT ORGANIZATIONS.

Section 104(k)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)(1)) is amended—

(1) in subparagraph (G), by striking “or” of the semicolon;

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

(3) by adding at the end the following:

“(i) to demonstrate that a multipurpose grant will be used;

“(ii) to demonstrate a capacity to conduct the range of eligible activities that will be funded by the multipurpose grant; and

“(iii) to demonstrate that a multipurpose grant will meet the needs of 1 or more brownfield sites in the proposed area.”

(4) CONDITION.—As a condition of receiving a grant under this paragraph, each eligible entity shall expend the full amount of the grant not later than the date that is 3 years after the date on which the grant is awarded to the eligible entity unless the Administrator, in the discretion of the Administrator, provides an extension.”.

SEC. 7003. MULTIPURPOSE BROWNFIELDS GRANTS FOR REMEDIATION, REDEVELOPMENT, REDEPLOYMENT, AND REUSE.

Section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)) is amended by striking “$200,000 for each site to be remediated” and inserting “$500,000 for each site to be remediated, which limit may be waived by the Administrator, but not to exceed a total of $650,000 for each site, based on the anticipated level of contamination, size, or ownership status of the site”.

SEC. 7004. TREATMENT OF CERTAIN PUBLICLY OWNED BROWNFIELD SITES.

Section 104(k)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)(2)) is amended by striking “amendment” and inserting “amended”.

SEC. 7005. INCREASED FUNDING FOR REMEDIATION GRANTS.

Section 104(k)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)(3)) as redesignated by subsection (f)(1) is amended—

(1) in subparagraph (B)—

(A) in clause (1)—

(i) by striking subclause (III); and

(ii) by redesignating subclauses (IV) and (V) as subclauses (II) and (III), respectively;

(B) by striking clause (ii); and

(C) by redesigning clause (ii) as clause (i) and

(ii) by adding at the end the following:

“(E) ADMINISTRATIVE COSTS.—

“(i) IN GENERAL.—An eligible entity may use up to 8 percent of the amounts made available under a grant or loan under this subsection for administrative costs.

“(ii) RESTRICTION.—For purposes of clause (i), the term ‘administrative costs’ does not include—

“(I) investigation and identification of the extent of contamination;
shall establish a program to provide grants—

(II) design and performance of a response action; or
(III) monitoring of a natural resource.

SEC. 7007. SMALL COMMUNITY TECHNICAL AS-
SISTANCE GRANTS.

Paragraph (7)(A) of section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)) (as redesignated by section 7003(1)) is amended—

(1) by striking ‘‘The Administrator may provide,’’ and inserting the following:

‘‘(I) DEFINITION.—In this subparagraph:

‘‘(I) DISADVANTAGED AREA.—The term ‘dis-

advantaged area’ means an area with an an-

nual median household income that is less

than $600,000 of the amounts made available

to carry out this paragraph to provide grants

to States that receive amounts under section

128(a), subject to the condition that each

State that receives a grant under this sub-

paragraph shall have used at least 50 percent

of the amounts made available to that State

in the previous fiscal year to carry out as-

essment and remediation activities under

section 128(a).’’.

(II) LIMITATION.—Each grant awarded under

subparagraph (I) shall not be more than

$7,500.’’.

SEC. 7008. WATERFRONT BROWNFIELDS GRANTS.

Section 104(k) of the Comprehensive Envi-

ronmental Response, Compensation, and Li-

ability Act of 1980 (42 U.S.C. 9604(k)) is amended by inserting after paragraph (10) (as redesignated by section 7003(1)) the fol-

lowing:

‘‘(I1) WATERFRONT BROWNFIELDS SITES.—

(A) DEFINITION OF WATERFRONT

BROWNFIELDS SITE.—In this paragraph,

the term ‘waterfront brownfield site’ means a

brownfield site to be served by the grant is a

waterfront brownfield site; and

(B) ESTABLISHMENT.—The Administrator

shall establish a program to provide grants—

(i) to States that receive amounts under section

128(a); and

(ii) give consideration to waterfront

brownfield sites.’’.}

SEC. 7009. CLEAN ENERGY BROWNFIELDS GRANTS.

Section 104(k) of the Comprehensive Envi-

ronmental Response, Compensation, and Li-

ability Act of 1980 (42 U.S.C. 9604(k)) (as amended by section 7008) is amended by inserting after paragraph (1) the fol-

lowing:

‘‘(12) CLEAN ENERGY PROJECTS AT

BROWNFIELDS SITES.—

(A) DEFINITION OF CLEAN ENERGY

PROJECT.—In this paragraph, the term ‘clean energy project’ means—

(i) a facility that generates renewable energy from wind, solar, or geothermal energy; and

(ii) any energy efficiency improvement project activity, including combined heat and power and district energy.

(B) ESTABLISHMENT.—The Administrator shall establish a program to provide grants—

(i) to carry out inventory, character-

ization, assessment, planning, feasibility analysis, design, or remediation

activities to locate a clean energy project at 1 or more brownfield sites; and

(ii) to capitalize a revolving loan fund for

the purposes described in clause (i).

(C) MAXIMUM AWARD.—Not more than

$500,000.’’.

SEC. 7010. TARGETED FUNDING FOR STATES.

Paraph (15) of section 104(k) of the Com-

prehensive Environmental Response, Com-

pensation, and Liability Act of 1980 (42 U.S.C. 9604(k)) (as redesignated by section 7003(1)) is amended by adding at the end the following:

‘‘(G) TARGETED FUNDING.—Of the amounts

made available under subparagraph (A) for a fiscal year, the Administrator may use not more than $7,500,000 of the amounts made available to States for purposes authorized under section 128(a), subject to the condition that each State that receives a grant under this sub-

paragraph shall have used at least 50 percent

of the amounts made available to that State

in the previous fiscal year to carry out as-

sessment and remediation activities under

section 128(a).’’.

SEC. 7011. AUTHORIZATION OF APPROPRIATIONS.

(a) BROWNFIELDS REVITALIZATION FUND-

ING.—Paragraph (15)(A) of section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)) (as redesignated by section 7003(1)) is amended by striking ‘‘2006’’ and in-

serting ‘‘2018’’.

(b) STATE RESPONSE PROGRAMS.—Section

128(a)(3) of the Comprehensive Environ-

mental Response, Compensation, and Li-


TITLE VIII—MISCELLANEOUS

SEC. 8001. REMOVAL OF USE RESTRICTION.

Public Law 101–479 (104 Stat. 1158) is amended—

(1) by striking section 2(d); and

(2) by adding the following new section at

the end:

‘‘SEC. 4. REMOVAL OF USE RESTRICTION.

(a) The approximately 1-acre portion of the

land referred to in section 3 that is used

for purposes of a child care center, as author-

ized by this Act, shall not be subject to the

use restriction imposed in the deed referred

to in section 3(b).

(b) Upon enactment of this section, the

Secretary of the Interior shall execute an

instrument to convey the land to the Federal

Government under section (a).’’.

TITLE IX—MISCELLANEOUS

SEC. 9001. INTERAGENCY TRANSFER OF LAND

ALONG GEORGE WASHINGTON MEM-

ORIAL PARKWAY.

(a) DEFINITION OF LAND TRANSFERRED.—

(1) MAP.—The term ‘‘Map’’ means the

map entitled ‘‘George Washington Memorial

Parkway—Claude Moore Farm Proposed

Boundary,’’ as filed and numbered 850

130815, and dated February 2016.

(2) RESEARCH CENTER.—The term ‘‘Re-

search Center’’ means the Turner-Fairbank

Highway Research Center of the Federal

Highway Administration.

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

the Secretary of the Interior.

(b) ADMINISTRATIVE JURISDICTION TRANS-

FER.—

(1) TRANSFER OF JURISDICTION.—

(A) GEORGE WASHINGTON MEMORIAL PAR-

KWAY LAND.—Administrative jurisdiction over

the approximately 0.342 acres of Federal land

under the jurisdiction of the Secretary with-

in the boundary of the George Washington

Memorial Parkway, as 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 13 North, Range 4 West, Sixth Principal Meridian, Colorado. A lot described in

this subsection may be included in the

riduction of the Secretary of Transportation

adjacent to the boundary of the George

Washington Memorial Parkway, as generally

depicted as ‘‘A’’ on the Map, is transferred

from the Secretary of Transportation to

the Secretary of the Interior.

(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 adja-

cent to part of the perimeter fence of the

Research Center, generally depicted as ‘‘C’’ on

the Map, by prohibiting the storage, con-

struction, or installation of any item that

may interfere with the use of the Research

Center to the restricted land for secure-

rity purposes, for purposes of

(c) MANAGEMENT OF TRANSFERRED LAND.—

The transfers of administrative jurisdiction

under this subsection shall not be subject to

administrative jurisdiction.

(4) COMPLIANCE WITH AGREEMENT.—

(A) AGREEMENT.—The National Park Serv-

ice and the Federal Highway Administration shall comply with all terms and conditions of the agreement entered into by the parties on September 11, 2002, regarding the transfer of

administrative jurisdiction, management, and maintenance of the land described in the

agreement.

(B) ACCESS TO TRANSFERRED LAND.—

(i) IN GENERAL.—Subject to the terms of the

agreement described in subparagraph (A),

the Secretary shall allow the Research

Center—

(ii) to access the Federal land described in

paragraph (1)(B) for purposes of transpor-

tation to and from the Research Center; and

(ii) to access the Federal land described in

paragraphs (1)(B) and (2) for purposes of

maintenance in accordance with National

Park Service standards, including grass

mowing, weed control, tree maintenance,

fence maintenance, and maintenance of the

visual appearance of the Federal land.

(c) MANAGEMENT OF TRANSFERRED LAND.—

(1) INTERIOR LAND.—The Federal land

transferred to the Secretary under sub-

section (b)(1)(B) shall be—

(A) included in the boundary of the George

Washington Memorial Parkway; and

(B) administered by the Secretary as part

of the George Washington Memorial Park-

way, subject to applicable laws (including

regulations).

(2) TRANSPORTATION LAND.—The Federal

land transferred to the Secretary of Trans-

portation under subsection (b)(1)(A) shall be—

(A) included in the boundary of the Re-

search Center land; and

(B) removed from the boundary of the

George Washington Memorial Parkway; and

(C) RESTRICTED-USE LAND.—The Federal

land that the Secretary has designated for

restricted use under subsection (b)(2) shall be

maintained by the Research Center.

(d) MAP ON FILE.—The Map shall be avail-

able for public inspection in the appropriate

offices of the National Park Service.

TITLE X—NATURAL RESOURCES

Subtitle A—Land Conveyances and Related
Matters

SEC. 10001. ARAHOO NATIONAL FOREST BOUND-
ARY ADJUSTMENT.

(a) IN GENERAL.—The boundary of the Arapaho National Forest in the State of Colorado is adjusted to incorporate the approxi-
mately 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,
boundary adjustment only after the Secretary of Agriculture obtains written permission for such action from the lot owner or owners.

(b) EAGLE GULCH PROTECTION AREA.—The Secretary of Agriculture shall include all Federal land within the boundary described in subsection (a) in the Eagle 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 20006(a)(2)(B)(i) of title 54, United States Code, the boundaries of the Arapaho National Forest, as modified under this section, 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 shall preclude the private ownership of 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. 539(f)) regarding motorized travel, the owners of any non-Federal lands within the boundary of the Arapaho National Forest, as such boundary is interpreted 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), may have the continued right of motorized access to their lands across the existing roadway.

SEC. 10002. LAND CONVEYANCE, ELKHORN RANCH PARCEL–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 “Proposed Crags Land Exchange–Federal Parcel–Emerald Valley Ranch”, dated March 2015, and (b) a permanent trail easement for the Barr Trail in El Paso County, Colorado, as generally depicted on the map entitled “Proposed Crags Land Exchange–Non-Federal Parcel–Crags Property”, dated March 2015; and

(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 OOC-756705 (securing rights to three wells); 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 as late as 360 days after the date of the enactment of this Act. The conveyance shall be without consideration, except that all costs incurred by the Secretary of the Interior relating to any survey, platting, legal description, or other activities carried out to prepare and issue the patent shall be paid by GLP to the Secretary prior to the land conveyance.

SEC. 10003. LAND EXCHANGE IN CRAGS, COLORADO.

(a) PURPOSE.—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” means Broadmoor Hotel, Inc., a Colorado corporation.

(2) “FEDERAL LAND.”—The term “Federal land” means the land 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 in—

(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.

(c) LAND EXCHANGE.—The term “Secretary” means the Secretary of Agriculture, unless otherwise specified.

(d) EXISTING RIGHTS.—The conveyance of the Federal land to BHI shall be without consideration, except that all costs incurred by the United States applicable to land acquisitions by the Federal Government.

(e) ENSURANCE OF TITLE.—In general, BHI shall offer 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.

(f) 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.

(g) PERFECTING TRAIL 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.

(h) ROUTE AND CONDITION OF ROAD.—BHI and the Secretary may mutually agree to immodestly 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.

(i) 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 summarization.

(j) EQUAL VALUE EXCHANGE AND APPRAISALS.—In this section—

(1) APPRAISALS.—The values of the lands to be exchanged under the 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.

(E) EQUITY VALUE EXCHANGE.—The values of the Federal and non-Federal parcels exchanged shall be equal, or if they are not equal, shall be equalized as follows:

(i) the Secretary shall prepare an appraisal of the Federal parcels of land and the non-Federal parcels of land; and

(ii) the Secretary shall, after conducting an appraisal of the Federal parcels of land and the non-Federal parcels of land, certify the result of the appraisal to the parties to the transaction.

(j) CONCLUSION.—If the final appraised value of the Federal land exceeds the final appraised value of the non-Federal land, the Secretary, in accordance with the appraisal instructions issued by the Secretary, 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)).

(k) 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.

(l) 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.

(m) APPRAISAL EXCLUSIONS.—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.

(n) BARR TRAIL EASEMENT.—The Barr Trail easement donation identified in subsection (b)(3)(B) shall not be appraised for purposes of this section.

(o) MISCELLANEOUS PROVISIONS.—

(1) WITHDRAWAL.—Land acquired by the Secretary under this section shall, without further action by the Secretary, be permanently withdrawn from appropriation and disposal under the public land laws (including the mining and mineral leasing laws) and the Geothermal Steam Act of 1925 (30 U.S.C. 1701).

(2) WITHDRAWAL REVOCATION.—Any public land order that withdraws the Federal land from appropriation or disposal under a public land law shall be revoked to the extent necessary to permit disposal of the Federal land parcel to BHI.

(3) WITHDRAWAL OF FEDERAL LAND.—All Federal land authorized to be withdrawn 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.

(4) POSTCHANGE 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.

(5) EXCHANGE TIMETABLE.—It is the intent of Congress that the land exchange directed by this section be completed not as late as 1 year after the date of the enactment of this Act.
(4) Maps, Estimates, and Descriptions.—
(A) Minor errors.—The Secretary and BLM 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) Legal descriptions.—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 BLM mutually agree otherwise.
(C) Availability.—Upon enactment of this Act, the Secretary shall file and make available for public inspection in the headquarter office of the National Park Service and in the location of the proposed monument a copy of all maps referred to in this section.

SEC. 10004. CERRO DEL YUTA AND RIO 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 ‘‘wilder-
ness area’’ means a wilderness area designated by subsection (b)(1).
(b) Designation of Cerro Del Yuta and Rio 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) Rio San Antonio Wilderness.—Certain land administered by the Bureau of Land Management in Rio Arriba County, New Mexico, comprising approximately 8,120 acres, as generally depicted on the map, which shall be known as the ‘‘Rio 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) 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.
(c) 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) any other applicable laws.
(d) 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).
(e) Buffer Zones.—
(A) IN GENERAL.—Nothing in this section creates a wilderness buffer or buffer zone around the wilderness areas.
(B) Activities Outside Wilderness Areas.—The fact that an activity or use on land outside the wilderness areas can be seen or heard within the wilderness area shall not preclude the activity or use outside the boundary of the wilderness area.
(c) 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 is designated as wilderness by this subsection—
(A) has been adequately studied for wilderness designation;
(B) is not subject to the public land law that district court judgment of April 20, 2016
SEC. 10006. COOPER SPUR LAND EXCHANGE CLARIFICATION AMENDMENTS.
Section 1206(a) of the Omnibus Public Land Management Act of 2009 (Public Law 111–13; Stat. 2338) 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 jointly select’’; and
(ii) in clause (ii), in the matter preceding subparagraph (i) shall be inserted after ‘‘as provided under clause (iii), an appraisal under clause (i) shall assign a separate value to each tax lot for the equalization of values and’’; and
(iii) by adding at the end the following:—
‘‘(iii) Final Appraised Value.—(I) IN GENERAL.—Subject to subparagraph (i), an appraisal under clause (iii) shall not apply if the condition of either the Federal land or the non-Federal land referred to in clause (i) is significantly and substantively altered by fire, windstorm, or other events.
‘‘(II) Exception.—Subclause (i) shall apply if the condition of either the Federal land or the non-Federal land referred to in clause (i) is significantly and substantively altered by fire, windstorm, or other events.
‘‘(iv) Public Review.—Before completing the land exchange under this Act, the Secretary shall make available for public review the complete appraisals of the land to be exchanged;’’ and
(B) by striking subparagraph (G) and inserting the following:
‘‘(G) Required conveyance conditions.—Prior to the exchange of the Federal and non-Federal land—
(I) the Secretary and Mt. Hood Meadows may mutually agree for the Secretary to reserve a conservation easement to protect the wetlands in the area of the non-Federal land; the Secretary may reserve a conservation easement to protect the wetlands in the area of the non-Federal land; the Federal land or the non-Federal land may be conveyed if necessary to equalize appraised values of the exchange properties, without
limitations, consistent with the requirements of this Act and subject to the approval of the Secretary and Mt. Hood Meadows.

(ii) TREATMENT OF CERTAIN CONSENTATION OR CONSENT. — (B) If the Secretary publishes in the Federal Register a proposed modification of a public land law, the Secretary may apply an eligible organization or individual to carry out a good Samaritan search-and-recovery mission under this Act and subject to the administrative jurisdiction of the Secretary, and the Secretary shall notify the eligible organization or individual of the reason for the denial of the request.

(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 the reason for the denial of the request.

(f) 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.

(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 employee;

(B) an eligible organization or individual conducting a good Samaritan search-and-recovery mission under this section shall not be considered to be an agent of the Federal Government or a Federal employee; and

(C) the Secretary shall provide the eligible organization or individual carrying out a privately requested good Samaritan search-and-recovery mission under this section and the Secretary shall provide adequate funding and support to the eligible organization or individual to carry out the mission.

(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 the reason for the denial of the request.

(f) 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.

(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 employee;

(B) an eligible organization or individual conducting a good Samaritan search-and-recovery mission under this section shall not be considered to be an agent of the Federal Government or a Federal employee; and

(C) the Secretary shall provide the eligible organization or individual carrying out a privately requested good Samaritan search-and-recovery mission under this section and the Secretary shall provide adequate funding and support to the eligible organization or individual to carry out the mission.

(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 the reason for the denial of the request.

(f) 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.

(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 employee;

(B) an eligible organization or individual conducting a good Samaritan search-and-recovery mission under this section shall not be considered to be an agent of the Federal Government or a Federal employee; and

(C) the Secretary shall provide the eligible organization or individual carrying out a privately requested good Samaritan search-and-recovery mission under this section and the Secretary shall provide adequate funding and support to the eligible organization or individual to carry out the mission.
SEC. 10102. LOWER FARMINGTON AND SALMON BROOK RECREATIONAL RIVERS.

(a) DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1273(a)) is amended by adding at the end the following new paragraph:

"(213) LOWER FARMINGTON RIVER AND SALMON BROOK RECREATIONAL RIVERS.—Segments designated in subsection (a) include, by section 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1273(d)), 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 ending 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 West Branch of Salmon Brook 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 the Massachusetts-Connecticut State line to the confluence with the West 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, in such a manner as to preserve and enhance the river segments designated in this paragraph and their values as part of the National Park System, and shall be consistent with the management plan and consistent with this section, establish such reasonable terms and conditions in a hydropower license for Rainbow Dam as are necessary to ensure that the segment designated by the Secretary as invading or unreasonably diminishing the scenic, recreational, and fish and wildlife values of the segments designated by the Secretary shall not be administered part of the National Park System or be subject to regulations which govern the National Park System.

(2) STUDY.—Section 3(a)(156) of the Wild and Scenic Rivers Act (16 U.S.C. 1273(a)) is amended by inserting the following:

"(C) The approximately 2.4-mile segment of the Farmington River beginning 0.2 miles below the tailrace of the Lower Collinsville Dam and ending to the site of the Spoonville Dam in Bloomfield and East Granby as a recreational river.

(3) MANAGEMENT PLAN.—The term "management plan" means the management plan or any amendment to the management plan pursuant to section 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1273(d)).

(2) COMMITTEE.—The Secretary shall coordinate the management responsibilities of the Secretary for purposes of this section with the Lower Farmington River and Salmon Brook Wild and Scenic River Committee, as specified in the management plan.

(c) APPROPRIATIONS.—

(A) IN GENERAL.—In order to provide for the long-term protection, preservation, and enhancement of the river segments 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, Hartford, Simsbury, and Windsor in Connecticut;

(iii) appropriate local planning and environmental organizations.

(B) CONSISTENCY.—All cooperative agreements entered into under this section shall be consistent with the management plan and may include provisions for financial or other assistance from the United States.

(d) 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, Hartford, Simsbury, and Windsor in Connecticut, including provisions for conservation of floodplain and watershed resources, that are consistent 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)).

SEC. 10104. SPECIAL RESOURCE STUDY OF THURGOOD MARSHALL'S ELEMENTARY SCHOOL.

(a) DEFINITIONS.—In this section:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) STUDY AREA.—The term "study area" means—

(A) R.I. 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 for preservation, protection, and interpretation of the study area by the Federal Government, State or local government entities, or private and nonprofit organizations.

(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 groups;

(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.

(b) EFFECT.—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. 10105. SPECIAL RESOURCE STUDY OF JAMES K. POLK PRESIDENTIAL HOME.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this section as the "Secretary") shall conduct a special resource study of the site of the James K. Polk Home in Columbia, Tennessee, and adjacent...
property (referred to in this section as the "site").

(b) CRITERIA.—The Secretary shall conduct the study under subsection (a) in accordance with section 10007(a) of title 44, 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 entities;

(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 shall—

(1) the findings and conclusions of the study; and

(2) any recommendations of the Secretary.

SEC. 10106. NORTH COUNTRY NATIONAL SCENIC TRAIL ROUTE ADJUSTMENT.

(a) ROUTE ADJUSTMENT.—Section 5(a)(8) of the National Trails System Act (16 U.S.C. 1244(a)(8)) is amended by adding at the end the following:

"(b) the Secretary shall—

(1) if the Secretary finds that an alternative (including a route adjustment) to the route described in subsection (a) is necessary for the preservation and enjoyment of the trail, adjust the route described in subsection (a) to accommodate the alternative route.

(2) if the Secretary finds that an alternative (including a route adjustment) to the route described in subsection (a) is necessary for the preservation and enjoyment of the trail, adjust the route described in subsection (a) to accommodate the alternative route.

SEC. 10107. DESIGNATION OF JAY S. HAMMOND WILDERNESS AREA.

(a) DESIGNATION.—The approximately 2,600,000 acres of National Wilderness Preservation System land located within the Lake Clark National Park and Preserve designated by section 201(e)(7)(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 410hh(e)(7)(a)) shall be known and designated as the "Jay S. Hammond Wilderness Area".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the wilderness area referred to in subsection (a) shall be deemed to be a reference to the "Jay S. Hammond Wilderness Area".

SEC. 10108. ADVISORY COUNCIL ON HISTORIC PRESERVATION.

Section 305(i)(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; and"

SEC. 10109. ESTABLISHMENT OF A VISITOR SERVICES FACILITY ON THE ARLINGTON RIDGE TRACT.

(a) DEFINITION OF ARLINGTON RIDGE TRACT.—In this section, the term "Arlington Ridge tract" means the parcel of Federal land located in Arlington County, Virginia, known as the "Nevisus Tract" and transferred to the Department of the Interior in 1983, 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 Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1322), the Secretary of the Interior may construct a visitor center to include a public restroom facility on the Arlington Ridge tract in the area of the United States Marine Corps War Memorial.

Subtitle C—Sportsmen's Access and Land Management Issues

PART I—NATIONAL POLICY

SEC. 10201. CONGRESSIONAL DECLARATION OF NATIONAL POLICY.

(a) IN GENERAL.—Congress declares that it is the policy of the United States that Federal departments and agencies, in accordance with the missions of the departments and agencies, enforce Executive Orders 12962 and 19443 (60 Fed. Reg. 30768 (June 7, 1995); 72 Fed. Reg. 46537 (August 16, 2007)), and applicable law, shall—

(1) facilitate the expansion and enhancement of hunting, fishing, and recreational shooting opportunities on Federal land, in consultation with the Wildlife and Hunting Heritage Conservation Council, the Sport Fishing and Boating Partnership Council, State and tribal fish and wildlife agencies, and the public;

(2) conserve and enhance aquatic systems and the management of game species and the habitat of those species on Federal land, including through hunting and fishing, in a manner that respects—

(A) State management authority over wildlife resources; and

(B) private property rights; and

(3) consider hunting, fishing, and recreational shooting opportunities as part of all Federal plans for land, resource, and travel management.

(b) EXCLUSION.—In this subtitle, the term "fishing" does not include commercial fishing in which fish are harvested, either in whole or in part, that are intended to enter commerce through sale.

PART II—SPORTSMEN'S ACCESS TO FEDERAL LAND

SEC. 10211. DEFINITIONS.

In this part:

(1) FEDERAL LAND.—The term "Federal land" means—

(A) any land in the National Forest System (as defined in section 510 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, fishing, and hunting, or recreational shooting; and

(B) public lands (as defined in section 103 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 may designate the smallest area for the least amount of time that is required for public safety, administration, or compliance with applicable laws.

(3) CLOSURE OF FEDERAL LAND TO HUNTING, FISHING, AND RECREATIONAL SHOOTING.

(a) AUTHORIZATION.—(1) 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.

(b) PUBLIC NOTICE AND COMMENT.—In making a designation under paragraph (1), the Secretary concerned shall—

(A) consult with State fish and wildlife agencies; and

(B) provide public notice and opportunity for comment under paragraph (2).

(c) PUBLIC NOTICE AND COMMENT.—In making a designation under paragraph (1), the Secretary concerned shall—

(1) 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; and

(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 "National Lands Hunting, Fishing, and Shooting Sports Roundtable Memorandum of Understanding"; and

(III) that describes—

(aa) the proposed closure; and

(bb) the justification for the proposed closure, including an explanation of the reasons and necessity for the decision to close the area to hunting, fishing, or recreational shooting; and

(ii) an opportunity for public comment for a period of—

(I) not less than 60 days for a permanent closure; or

(II) not less than 30 days for a temporary closure.

(d) FINAL DECISION.—In a final decision to permanently or temporarily close an area to hunting, fishing, or recreational shooting, the Secretary concerned shall—

(1) respond in a reasoned manner to the comments received; and

(II) explain how the Secretary concerned resolved any significant issues raised by the comments received; and

(iii) show how the resolution led to the closure.
CONGRESSIONAL RECORD — SENATE

SEC. 10214. SHOOTING RANGES.

(a) In General.—Except as provided in subsection (b), the Secretary concerned may, in accordance with this section and other applicable law, lease or permit the use of Federal land temporarily or permanently subject to a closure under this section and apply if the closure is—

(1) a boundary dispute resolution;

(2) a component of the National Wildlife Refuge System;

(3) any area that is designated as a wilderness study area; or

(4) a national monument, national park, national historic site, national recreation area, scenic river, national seacoast, or national scenic area.

(b) Secretary.—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 designated as a wilderness study area; or

(4) administratively classified as—

(i) wilderness-eligible;

(ii) wilderness-suitable; or

(iii) a primitive or semiprimitive area.

(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, or recreational shooting.

(d) Reporting.—On an annual basis, the Secretary 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 of the Senate and the Committee on Natural Resources and the Environment 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—

(1) is less than 14 days in duration; and

(2) covered by a special use permit.

SEC. 10215. FEDERAL ACTION TRANSPARENCY.

(a) Modification of Equal Access to Justice Provisions.—

(1) Agency Proceedings.—Section 504 of title 28, 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:

(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 a publicly available online report on the amount of fees and other expenses awarded during the preceding fiscal year pursuant to this subsection.

(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.

(b) Public Access to Reports.—Section 1304 of title 31, United States Code, is amended by adding at the end the following:

(1) The name and number,hyperlinked to the case, if available.

(2) (a) the name of the agency involved in the controversy, and any other relevant information that may aid Congress in evaluating the scope and impact of such awards.

(c) 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), by striking "of section 2412 of title 28, United States Code," and inserting "of this section"; and

(d) Judgment Fund Transparency.—Section 1304 of title 31, United States Code, is amended by adding at the end the following:

(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 amount paid representing any ancillary liability, including attorney fees, costs, and interest.
"§ 104909. Bows in parks

(1) 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; and

(2) 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.

(c) Cancellation of priority.—The Secretary may cancel the priority 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.

(d) 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:

"§ 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.

(c) Cancellation of priority.—The Secretary may cancel the priority 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.

(d) IN GENERAL.—Chapter 1049 of title 54, United States Code (as amended by section 5001(b)), is amended by adding at the end the following:

"§ 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.

(c) CANCELLATION.—The Secretary may cancel the priority 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.

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(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.

(d) IN GENERAL.—Chapter 1049 of title 54, United States Code (as amended by section 5001(b)), is amended by adding at the end the following:

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(1) any training requirements or qualifications established by the Secretary; and

(2) any other terms and conditions that the Secretary may require.

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(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.

(d) IN GENERAL.—Chapter 1049 of title 54, United States Code (as amended by section 5001(b)), is amended by adding at the end the following:

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(2) any other terms and conditions that the Secretary may require.

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(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.

(d) IN GENERAL.—Chapter 1049 of title 54, United States Code (as amended by section 5001(b)), is amended by adding at the end the following:

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(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

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(c) CANCELLATION.—The Secretary may cancel the priority 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.

(d) IN GENERAL.—Chapter 1049 of title 54, United States Code (as amended by section 5001(b)), is amended by adding at the end the following:

"§ 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.

(c) CANCELLATION.—The Secretary may cancel the priority 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.
(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 is impaired by 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—
(i) 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;
(ii) includes the steps recommended to secure access and egress, including acquiring an easement, right-of-way, or fee title from a willing owner of any land that abuts the land included to coordinate with the land management agencies or other Federal, State, or tribal governments to allow for such access and egress; and
(iii) 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), the Secretary shall ensure that no personally identifying information is included, such as names or addresses of individuals.
(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 land is subject to or controlled by the land management agencies or other Federal, State, or tribal governments to allow for such access and egress and—
(i) is consistent with the travel management plan in effect on the land.

(f) MEANS OF PUBLIC ACCESS AND EGRESS INCLUDED.—In considering public access and egress made available 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—
(a) by motorized or non-motorized vehicles; and
(b) on foot or horseback.

(g) EFFECT.—(1) IN GENERAL.—This section shall have no effect on whether a particular recreational use shall be allowed on the land included in a priority list under this section.

(2) EFFECT OF ALLOWABLE USES ON AGENCY CONSIDERATION.—In preparing the priority list under subsection (b), the Secretary shall only consider recreational uses that are allowed on the land at the time that the priority list is prepared.

PART V—FEDERAL LAND TRANSACTION FACILITATION ACT
SEC. 10241. FEDERAL LAND TRANSACTION FACILITATION ACT.

(a) IN GENERAL.—The Federal Land Transaction Facilitation Act is amended—

(i) by striking (a), by striking “(as in effect on the date of enactment of this Act)”; and

(ii) by striking subsection (d); and

(iii) by inserting “(43 U.S.C. 2305)”, by striking subsection (f); and

(iv) in section 207(b) (43 U.S.C. 2306(b)—

(A) in paragraph (1)—

(1) by striking “96–586 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 109–142; 130 Stat. 3028);’’

‘‘(4) the Lincoln County Conservation, Recreation, and Development Act of 2004 (Public Law 108–424; 118 Stat. 2403);’’

‘‘(5) the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 588);’’

‘‘(6) the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1108); or’’

‘‘(7) section 2601 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1121).’’;

‘‘(8) the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1121).’’;

‘‘(B) FUNDS TO TREASURY.—Of the amounts deposited in the Federal Land Disposal Account, there shall be transferred to the general fund of the Treasury $1,000,000 for each of fiscal years 2016 through 2023.’’

PART VI—FISH AND WILDLIFE CONSERVATION ACT
SEC. 10251. AMENDMENTS TO PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT.

(a) PURPOSE.—The purpose of this section is to facilitate the construction and expansion of public target ranges, including ranges on Federal land managed by the Forest Service and the Bureau of Land Management.

(b) DEFINITION OF PUBLIC TARGET RANGE.—In this section, the term ‘‘public target range’’ means a specific location that—

(1) is identified by the Forest Service or the Bureau of Land Management for recreational shooting;

(2) is open to the public;

(3) may be supervised; and

(4) may accommodate archery or rifle, pistol, or shotgun shooting.

(c) AMENDMENTS TO PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT.

(1) DEFINITIONS.—Section 2 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669g) is amended—

(A) in subsection (a), by striking “ Amounts made’’ and inserting “ Amounts made’’;

(B) in paragraph (1) (as so designated), by striking “construction, operation,’’ and inserting “construction, operation’’;

(C) in the second sentence, by striking “operative’’ and inserting the following:

‘‘(3) NON-FEDERAL SHARE.—The non-Federal share shall be in the third sentence, by striking “the Secretary’’ and inserting the following:

‘‘(4) REGULATIONS.—The Secretary’’;

and

(E) by inserting after paragraph (1) (as designated by subparagraph (A)) the following:

‘‘(2) EXCEPTION.—Notwithstanding the limitations described in paragraph (1), a State may pay up to 90 percent of the cost of acquiring land for, expanding, or constructing a public target range.’’.

(3) FIREARM AND HUNTER EDUCATION AND SAFETY PROGRAM GRANTS.—Section 10 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h–1) is amended—

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

‘‘(3) ALLOCATION OF ADDITIONAL AMOUNTS.—Of the amount apportioned to a State for any fiscal year under section 4(b), the State may elect to allocate not more than 10 percent of such apportionment to the Secretary to allow for, acquiring land for, expanding, or constructing a public target range.’’;

(B) by striking subsection (b) and inserting the following:

‘‘(B) COST SHARING.—’’;

‘‘(1) IN GENERAL.—Except as provided in paragraph (2), the Federal share of the cost of any activity carried out under this section shall not exceed 75 percent of the total cost of the activity.

‘‘(2) PUBLIC TARGET RANGE CONSTRUCTION OR EXPANSION.—The Federal share of the cost of acquiring land for, expanding, or constructing a public target range pursuant to this section or section 8(b) shall not exceed 90 percent of the cost of the activity.’’;

and

(C) in subsection (c)(1)—

(i) by striking ‘‘Amounts made’’ and inserting the following:

‘‘(A) IN GENERAL.—Except as provided in subparagraph (B), the amounts made’’;

and

(ii) by adding at the end the following:

‘‘(B) EXCEPTION.—Amounts provided for acquiring land for, constructing, or expanding a public target range shall be available for expenditure and obligation during the 5-fiscal-year period beginning on October 1 of the first fiscal year for which the amounts made available.’’;

(d) SENSE OF CONGRESS REGARDING CO-OPERATION.—It is the sense of Congress that, consistent with applicable laws (including regulations), the Chief of the Forest Service and the Director of the Bureau of Land Management should cooperate with State and local authorities and other entities to carry out waste removal and other activities on any Federal land used as a public target range to encourage continued use of that land for target practice or marksmanship training.

SEC. 10252. NORTH AMERICAN WETLANDS CONSERVATION ACT.

(a) CONSERVATION INCENTIVES LANDOWNER EDUCATION PROGRAM.—Any acquisition of land (including any interest in land) under the North American Wetlands Conservation Act (16 U.S.C. 4601 et seq.) shall be subject to notification requirements under section 501(d)(1)

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 7(c) of the North American Wetlands Conservation Act (16 U.S.C. 4606(c)) is amended—

(i) in paragraph (4), by striking ‘‘and’’;
SEC. 10253. NATIONAL FISH HABITAT CONSERVATION.

(a) SHORT TITLE.—This section may be cited as the “National Fish Habitat Conservation Through Partnerships Act”.

(b) PURPOSE.—The purpose of this section is to encourage partnerships among public agencies and other interested parties to promote fish conservation—

(1) to achieve measurable habitat conservation through strategic actions of Fish Habitat Partnerships that lead to better fish habitat conditions and increased fishing opportunities;

(2) to improve ecological conditions;

(3) to restore natural processes; or

(4) to prevent the decline of intact and healthy systems;

(5) to establish a consensus set of national conservation strategies as a framework to guide future actions and investment by Fish Habitat Partnerships;

(6) to broaden the community of support for fish habitat conservation by—

(A) increasing fishing opportunities;

(B) improving local participation of local communities, especially young people in local communities, in conservation activities; and

(C) raising public awareness of the role healthy fish habitat play in the quality of life and economic well-being of local communities;

(7) to fill gaps in the National Fish Habitat Assessment and the associated database of the National Fish Habitat Assessment—

(A) to empower strategic conservation actions informed by readily available scientific information; and

(B) to integrate socioeconomic data in the analysis to improve the lives of humans in a manner consistent with fish habitat conservation goals; and

(8) to communicate to the public and conservation partners—

(A) the conservation outcomes produced collectively by Fish Habitat Partnerships;

(B) new opportunities and voluntary approaches for conserving fish habitat.

(c) DEFINITIONS.—In this section:

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

(A) the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) BOARD.—The term “Board” means the National Fish Habitat Board established by subsection (d)(1)(A).

(3) DIRECTOR.—The term “Director” means the Director of the United States Fish and Wildlife Service.

(4) EPA ASSISTANT ADMINISTRATOR.—The term “EPA Assistant Administrator” means the Assistant Administrator for Water of the Environmental Protection Agency.

(5) INDIAN TRIBE.—The term “Indian tribe” means the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 456b).

(6) NOAA ASSISTANT ADMINISTRATOR.—The term “NOAA Assistant Administrator” means the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration.

(7) PARTNERSHIP.—The term “Partnership” means a self-governed entity designated by the Board as a Fish Habitat Conservation Partnership pursuant to subsection (e)(1).

(8) REAL PROPERTY INTEREST.—The term “real property interest” means an ownership interest in—

(A) land; or

(B) water (including water rights).

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

(10) STATE.—The term “State” means each of the several States.

(11) STATE AGENCY.—The term “State agency” means—

(A) the fish and wildlife agency of a State; and

(B) any department or division of a department or agency of a State that manages any fish and wildlife, fish resources or sustains the habitat for those fishery resources of the State pursuant to State law or the constitution of the State.

(12) NATIONAL FISH HABITAT BOARD.—

(1) ESTABLISHMENT.—

(A) FISH HABITAT BOARD.—There is established a board, to be known as the “National Fish Habitat Board”, whose duties are—

(i) to promote, oversee, and coordinate the implementation of this section;

(ii) to establish national goals and priorities for fish habitat conservation;

(iii) to approve Partnerships; and

(iv) to review and make recommendations regarding Fish Habitat Partnership projects.

(B) MEMBERSHIP.—The Board shall be composed of 25 members, of whom—

(i) 1 shall be a representative of the Department of Commerce;

(ii) 1 shall be a representative of the United States Geological Survey;

(iii) 1 shall be a representative of the Department of Agriculture;

(iv) 1 shall be a representative of the Department of Agriculture;

(v) 1 shall be a representative of the Association of Fish and Wildlife Agencies;

(vi) 1 shall be a representative of the National Fish Habitat Board established pursuant to subsection (e)(1); and

(vii) 1 shall be a leadership private sector organization.

(C) COMPENSATION.—A member of the Board may serve without compensation.

(D) TRAVEL EXPENSES.—A member of the Board may be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Board.

(2) APPOINTMENT AND TERMS.—

(A) IN GENERAL.—Except as otherwise provided in this subsection, a member of the Board described in any of clauses (vi) through (xiv) of paragraph (1)(B) shall serve for a term of 3 years.

(B) INITIAL BOARD MEMBERSHIP.—

(i) IN GENERAL.—The initial Board will consist of representatives as described in clauses (i) through (vii) of paragraph (1)(B).

(ii) REMAINING MEMBERS.—Not later than 60 days after the date of enactment of this Act, the representatives of the initial Board pursuant to clause (i) shall appoint the remaining members of the Board described in clauses (viii) through (xiv) of paragraph (1)(B).

(iii) TRIBAL REPRESENTATIVES.—Not later than 60 days after the enactment of this Act, the Secretary shall provide to the Board a recommendation of not fewer than 3 tribal representatives, from which the Board shall appoint 1 representative pursuant to clause (vii) of paragraph (1)(B).

(C) TRANSITIONAL TERMS.—Of the members described in paragraph (1)(B)(v) initially appointed to the Board—

(i) 2 shall be appointed for a term of 1 year;

(ii) 2 shall be appointed for a term of 2 years; and

(iii) 3 shall be appointed for a term of 3 years.

(D) VACANCIES.—

(i) IN GENERAL.—A vacancy of a member of the Board described in any of clauses (vi) through (xiv) of paragraph (1)(B) shall be filled by an appointment made by the representatives of the initial Board.

(ii) TRIBAL REPRESENTATIVES.—Following a vacancy of a member of the Board described in clause (vii) of paragraph (1)(B), the Secretary shall recommend to the Board a list of not fewer than 3 tribal representatives, from which the remaining members of the Board shall appoint a representative to fill the vacancy.

(E) CONTINUATION OF SERVICE.—An individual whose term of service as a member of the Board expires may continue to serve on the Board until a successor is appointed.

(F) REMOVAL.—If a member of the Board described in any of clauses (vii) through (xiv) of paragraph (1)(B) misses 3 consecutive regularly scheduled meetings, the members of the Board may—

(i) vote to remove that member; and

(ii) appoint another individual in accordance with subparagraph (D).

(3) CHAIRPERSON.—

(A) IN GENERAL.—The representative of the Association of Fish and Wildlife Agencies appointed pursuant to paragraph (1)(B)(v) shall serve as Chairperson of the Board.

(B) TERM.—The Chairperson of the Board shall serve for a term of 3 years.

(4) MEETINGS.—

(A) IN GENERAL.—The Board shall meet—

(i) at the call of the Chairperson; but
(ii) not less frequently than twice each calendar year.

(B) PUBLIC ACCESS.—All meetings of the Board shall be open to the public.

(5) PROCEDURES.—

(A) IN GENERAL.—The Board shall establish procedures to carry out the business of the Board, including—

(i) a requirement that a quorum of the members of the Board be present to transact business;

(ii) a requirement that no recommendations may be adopted by the Board, except by the vote of 2⁄3 of all members;

(iii) procedures for establishing national goals and priorities for fish habitat conservation for the purposes of this section;

(iv) procedures for designating Partnership under subsection (e); and

(v) procedures for reviewing, evaluating, and making recommendations regarding fish habitat conservation projects.

(B) QUORUM.—A majority of the members of the Board shall constitute a quorum.

(e) FISH HABITAT PARTNERSHIPS.—

(1) AUTHORITY TO APPROVE.—The Board may approve and designate Fish Habitat Partnerships in accordance with this subsection.

(2) PURPOSES.—The purposes of a Partnership shall be—

(A) to work with other regional habitat conservation programs to promote cooperation and coordination to enhance fish and fish habitats;

(B) to engage local and regional communities to build support for fish habitat conservation;

(C) to involve diverse groups of public and private partners;

(D) to develop collaboratively a strategic vision and achievable implementation plan that is scientifically sound;

(E) to leverage funding from sources that support local and regional partnerships;

(F) to use adaptive management principles, including evaluation of project success and functionality;

(G) to develop appropriate local or regional habitat evaluation and assessment measures and criteria that are consistent with national priorities established by the Board and that are within the Partnership boundary;

(3) CRITERIA FOR APPROVAL.—An entity seeking to be designated as a Partnership shall—

(A) submit to the Board an application at such time, in such manner, and containing such information as the Board may reasonably require; and

(B) demonstrate to the Board that the entity—

(i) focuses on promoting the health of important fish and fish habitats;

(ii) is recognized as the strategic fish habitat priorities for fish and fish habitat; and

(iii) is able to operate in the best interest of the public, as determined by the Board;

(iv) demonstrates ability to successfully implement the fish habitat conservation project.

(f) FISH HABITAT CONSERVATION PROJECTS—

(1) SUBMISSION TO BOARD.—Not later than March 31 of each calendar year, each Partnership shall submit to the Board a list of fish habitat conservation projects recommended by the Partnership for annual funding under this section.

(2) RECOMMENDATIONS BY BOARD.—Not later than December 31 of each calendar year, the Board shall submit to the Secretary a priority list of fish habitat conservation projects that includes the description, including estimated costs, of each project that the Board recommends that the Secretary approve and fund under this section for the following fiscal year.

(3) CRITERIA FOR PROJECT SELECTION.—The Board shall select each fish habitat conservation project to be recommended to the Secretary under paragraph (2) after taking into consideration, at a minimum, the following information:

(A) A recommendation of the Partnership that is, or will be, participating actively in implementing the fish habitat conservation project.

(B) The capabilities and experience of the project proponent to implement successfully the fish habitat conservation project.

(C) The extent to which the fish habitat conservation project—

(i) fulfills a local or regional priority that is, or will be, participating actively in implementing the fish habitat conservation project and is consistent with the purpose of this section;

(ii) addresses the national priorities established by the Board; and

(iii) is supported by the findings of the Habitat Assessment of the Partnership or the Board, and aligns or is compatible with other conservation plans;

(iv) identifies appropriate monitoring and evaluation measures and criteria that are consistent with the purpose of this section;

(v) provides a well-defined budget linked to deliverables and outcomes;

(vi) leverages other funds to implement the project;

(vii) addresses the causes and processes behind the decline of fish or fish habitats; and

(viii) includes an outreach and education component that includes the local or regional community.

(D) The availability of sufficient non-Federal funds to match contributions for the fish habitat conservation project, as required by paragraph (5);

(E) The extent to which the local or regional fish habitat conservation project—

(i) will increase fish populations in a manner that leads to recreational fishing opportunities for the public;

(ii) will be carried out through a cooperative agreement among Federal, State, and local governments, Indian tribes, and private entities;

(iii) increases public access to land or water for fish and wildlife-dependent recreational opportunities;

(iv) advances the conservation of fish and wildlife species that have been identified by the States as species of greatest conservation need;

(v) identifies the extent to which the fish habitat conservation project will achieve results across jurisdictional boundaries on public and private land;

(vi) demonstrates a strategic vision and achievable implementation plan that is scientifically sound and achievable;

(vii) the ability to develop fish habitat conservation priorities based on sound science and data, the ability to measure the effectiveness of fish habitat projects of the Partnership and plan for the future, the ability to develop and implement a comprehensive program to integrate scientific data with conservation decisions, and the ability to develop system-wide partnership strategies for the Partnership; and

(viii) will fulfill a local or regional priority that is, or will be, participating actively in implementing the fish habitat conservation project.

(4) LIMITATIONS.—

(A) REQUIREMENTS FOR EVALUATION.—No fish habitat conservation project may be recommended by the Board under paragraph (2) or provided financial assistance under this section unless the fish habitat conservation project includes an evaluation plan designed using applicable Board guidance to—

(i) appropriately assess the biological, ecological, and other results of the habitat protection, restoration, or enhancement activities carried out under the fish habitat conservation project;

(ii) reflect appropriate changes to the fish habitat conservation project if the assessment substantiates that the fish habitat conservation project objectives are not being met;

(iii) identify improvements to existing fish populations, recreational fishing opportunities, and the overall economic benefits for the local community of the fish habitat conservation project; and

(iv) require the submission to the Board of a report describing the findings of the assessment.

(B) ACQUISITION AUTHORITY.—

(i) IN GENERAL.—A State, local government, or other non-Federal entity is eligible to receive funds for the acquisition of real property from willing sellers under this section if the acquisition ensures—

(A) public access for compatible fish and wildlife-dependent recreation; or

(B) a scientifically based, direct enhancement to the health of fish and fish populations, as determined by the Board.

(ii) STATE AGENCY APPROVAL.—

(A) IN GENERAL.—All real property interest acquisition projects funded under this section shall be approved by the State agency in the State in which the project is occurring.
(II) Prohibition.—The Board may not recommend, and the Secretary may not provide any funding for, any real property interest acquisition that has not been approved by the Board.

(III) Assessment of other authorities.—The Fish Habitat Partnership shall conduct a project assessment, submitted with the funding proposal approved by the Board, to demonstrate all other Federal, State, and local authorities for the acquisition of real property have been exhausted.

(iv) Non-federal funds.—A real property interest may not be acquired pursuant to a fish habitat conservation project by a State, local government, or other non-Federal entity to acquire the real property and the Board.

(II) The Secretary and the Board determine that the State, local government, or other non-Federal entity would benefit from undertaking the management of the real property being acquired because that is in accordance with the goals of a partnership.

(2) Non-federal share.—The non-Federal share of the cost of a fish habitat conservation project—

(i) may not be derived from another Federal grant program; and

(ii) may include in-kind contributions and cash.

(3) Special rule for Indian tribes.—Notwithstanding subparagraph (A) or any other provision of law, any funds made available to an Indian tribe pursuant to this section may be considered to be non-Federal funds for the purpose of subparagraph (A).

(4) Approval.—

(A) In general.—Not later than 5 years after the date of receipt of the recommended priority list of fish habitat conservation projects under paragraph (2), subject to the limitations of paragraph (4), and based to the maximum extent practicable, on the criteria described in paragraph (3), the Secretary, after consulting with the Secretary of the Interior and the Administrator, and the President, shall approve or reject any fish habitat conservation project recommended by the Board.

(B) Funding.—If the Secretary approves a fish habitat conservation project under subparagraph (A), the Secretary shall use amounts made available to carry out this section to provide funds to carry out the fish habitat conservation project.

(C) Notification.—If the Secretary rejects any fish habitat conservation projects recommended by the Board, the Board shall provide a written statement of the reasons the Secretary rejected the fish habitat conservation project.

(5) Technical and scientific assistance.—

(I) In general.—The Director, the NOAA Assistant Administrator, and the Director of the United States Geological Survey, in coordination with the Forest Service and other appropriate Federal departments and agencies, may provide scientific and technical assistance to the Partnerships, participants in fish habitat conservation projects, and the Board.

(2) Inclusions.—Scientific and technical assistance provided pursuant to paragraph (1) may include—

(A) providing technical and scientific assistance to States, Indian tribes, regions, local communities, and nongovernmental organizations for the development and implementation of Partnerships;

(B) providing technical and scientific assistance to Partnerships for habitat assessment, planning, and prioritization;

(C) supporting the development and implementation of fish habitat conservation projects that are identified as high priorities by Partnerships and the Board;

(D) providing support services to ensure the development of scientifically based evaluation and reporting of the results of fish habitat conservation projects and supporting Partnerships, participants in fish habitat conservation projects, and the Board (including—

(i) an accounting of expenditures by Federal, State, or local governments, Indian tribes, or other entities to carry out fish habitat conservation projects;

(ii) the order of priority for funding of each fish habitat conservation project;

(iii) a justification for—

(aa) the approval of each fish habitat conservation project; and

(bb) the order of priority for funding of each fish habitat conservation project;

(iv) a justification for any rejection of a fish habitat conservation project recommended by the Board under subsection (f)(6), in order of priority for funding of each fish habitat conservation project;

(v) an accounting of expenditures by Federal, State, or local governments, Indian tribes, or other entities to carry out fish habitat conservation projects.

(3) Status and Trends Report.—Not later than December 31, 2016, and every 5 years thereafter, the Board shall submit to the appropriate congressional committees a report that includes—

(A) a status of all Partnerships approved under this section;

(B) a description of the status of fish habitat conservation projects in the United States as identified by established Partnerships; and

(C) enhancements or reductions in public access as a result of—

(i) the activities of the Partnerships; or

(ii) any other activities carried out pursuant to this section.

(4) Revisions.—Not later than December 31, 2016, and every 5 years thereafter, the Board shall consider revising the goals of the Board, after consideration of each report required by paragraph (3).

(5) Effect of section.—Nothing in this section—

(A) establishes any express or implied reserved water right in the United States for any purpose;

(B) affects any water right in existence on the date of enactment of this Act;

(C) preempts or affects any State water right in existence on the date of enactment of this Act.

(6) Adjudication of water rights.—Nothing in this section—

(A) affects the authority, jurisdiction, or responsibility of a State to manage, control, regulate fish and wildlife under the laws and regulations of the State; or

(B) authorizes the Secretary to control or regulate within a State the fishing or hunting of fish and wildlife.

(7) Effect on Indian tribes.—Nothing in this section abrogates, abridges, affects, modifies, supersedes, or alters any right of an Indian tribe recognized by treaty or any other means, including—

(A) an agreement between the Indian tribe and the United States;

(B) Federal law (including regulations); or

(C) an Executive order;

(D) a judicial decree.

(8) Enumeration of water rights.—Nothing in this section diminishes or affects the authority of the Secretary to join an adjudication of rights to the use of water pursuant to subsection (a), (b), or (c) of section 208 of the

(6) DEPARTMENT OF COMMERCE AUTHORITY.—Nothing in this section affects the authority, jurisdiction, or responsibility of the Department of Commerce to manage, control, or regulate fish or fish habitats under the Magnuson-Stevens Fishery Conservation and Management Act (I.C. 1801 et seq.).

(7) EFFECT ON OTHER AUTHORITIES.—

(A) PRIVATE PROPERTY PROTECTION.—Nothing in this section permits the use of funds made available out this section to acquire real property or a real property interest without the written consent of each owner of the real property or real property interest.

(B) MITIGATION.—Nothing in this section permits the use of funds made available to carry out this section for fish and wildlife mitigation purposes under—

(i) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(ii) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(iii) the Water Resources Development Act of 1986 (Public Law 99–692; 100 Stat. 4082); or

(iv) any other Federal law or court settlement.

(C) CLEAN WATER ACT.—Nothing in this section affects any provision of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) or any definition in that Act.

(i) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to—

(1) the Board; or

(2) any Partnership.

(ii) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—

(A) FISH HABITAT CONSERVATION PROJECTS.—There is authorized to be appropriated to the Secretary $7,200,000 for each of fiscal years 2016 through 2021 to provide funds for fish habitat conservation projects approved under subsection (f)(6), of which 5 percent shall be made available for each fiscal year for projects carried out by Indian tribes.

(B) ADMINISTRATIVE AND PLANNING EXPENSES.—There is authorized to be appropriated to the Secretary $2,000,000 for each of fiscal years 2016 through 2021 to carry out this section, and do all things necessary for the purposes of this section; and

(C) POSTCONSTRUCTION ASSISTANCE.—There is authorized to be appropriated to the Secretary for use by the United States Fish and Wildlife Service $500,000, the NOAA Assistant Administrator for use by the National Oceanic and Atmospheric Administration $500,000, the EPA Assistant Administrator for use by the Environmental Protection Agency $500,000, and the Secretary for use by the United States Geological Survey.

(2) AGREEMENTS AND GRANTS.—The Secretary may—

(A) enter into an agreement on the Board, and notwithstanding sections 609 and 605 of title 31, United States Code, and the Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note; Public Law 106–107), enter into a grant agreement, cooperative agreement, or contract with a Party to carry out a fish habitat conservation project or restoration or enhancement project;

(B) apply for, accept, and use a grant from any individual or entity to carry out the purposes of this section; and

(C) make funds available to any Federal department or agency or any contractor, grantee, or subrecipient to carry out the purposes of this section; and

(3) DONATIONS.—

(A) IN GENERAL.—The Secretary may—

(i) enter into an agreement with any organiza
tion described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of the Code to use donations to carry out the purposes of this section; and

(ii) accept donations of funds, property, and services to carry out the purposes of this section.

(B) TREATMENT.—A donation accepted under this section—

(i) shall be considered to be a gift or bequest to, or subrecipient for the use of, the United States; and

(ii) may be—

(I) used directly by the Secretary; or

(II) provided to another Federal department or agency through an interagency agreement.

SEC. 10254. GULF STATES MARINE FISHERIES COMMISSION REPORT ON GULF OF MEXICO OUTER CONTINENTAL SHELF STATE BOUNDARY EXTENSION.

(a) REPORT ON RESOURCE MANAGEMENT OUTCOMES.—Not later than March 1, 2017, the Gulf States Marine Fisheries Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives a report on the economic, conservation and management, and law enforcement impacts of section 110 of division B of the Consolidated Appropriations Act, 2016 (Public Law 114–113) has affected—

(1) the economies of Alabama, Florida, Louisiana, Mississippi, and Texas;

(2) the sustained participation of fishing communities;

(3) conservation and management of living resources under all applicable Federal laws;

(4) enforcement of Federal maritime laws; and

(5) the ability of the governments of Alabama, Florida, Louisiana, Mississippi, and Texas to effectively manage activities pursuant to the fishery management plan for reef fish resources of the Gulf of Mexico.

PART VII—MISCELLANEOUS

SEC. 10261. RESPECT FOR TREATIES AND RIGHTS.

Nothing in this subtitle or the amendments made by this subtitle affects or modifies any treaty or other right of any federally recognized Indian tribe; or modifies any provision of Federal law relating to migratory birds or to endangered or threatened species.

SEC. 10262. NO PRIORITY.

Nothing in this subtitle or the amendments made by this subtitle affects, modifies, or modifies an existing priority for federal land for public use or recreational purposes.

Subtitle D—Water Infrastructure and Related Matters

PART I—FONTENELLE RESERVOIR

SEC. 10301. AUTHORITY TO MAKE ENTIRE ACTIVE CAPACITY OF FONTENELLE DAM EROVER 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 Seedskadee Project under the first section of the Act of April 11, 1956 (commonly known as the “Colorado River Storage Project Act”) (56 U.S.C. 620), to provide for the study, design, 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 the Fontenelle Dam under subsection (a).

(B) REQUIREMENTS.—The cooperative agreement under paragraph (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 study or the environmental document 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 5 of the United States Code; and

(ii) the construction of the modification of the Fontenelle Dam under subsection (a).

(c) FUNDING BY STATE OF WYOMING.—Pursuant to title 1, chapter 4, 1921 (41 U.S.C. 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 additional capacity made available under subsection (a).

(2) TERMS AND CONDITIONS.—Unless otherwise agreed to by the Secretary of the Interior and the State of Wyoming, a contract entered into under paragraph (1) shall be subject to the terms and conditions of Bureau of Reclamation Contract No. 14–06–400–2474 and Bureau of Reclamation Contract No. 14–06–400–6193.

SEC. 10302. SAVINGS PROVISIONS.

Unless expressly provided in this part, nothing in this part modifies, conflicts with, preempts, or otherwise affects—

(1) section 10301; (2) water and power contractors.

(a) IN GENERAL.—The term ‘asset’ includes 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, facilities, operations, and maintenance.

(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.

(c) ASSET MANAGEMENT REPORT.—The term ‘asset management plan’ means the annual plan prepared by the Bureau of Reclamation known as the “Asset Management Plan”; and

(d) REPORTS.—(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.

(e) MAJOR REPAIR AND REHABILITATION NEED.—The term ‘major repair and rehabilitation need’ means—

(1) a budget level cost estimate of the approximations needed to complete each item; and

(2) an assignment of a categorical rating for each item, consistent with applicable standards described in paragraph (3).

(f) REPORTING REQUIREMENTS.—(A) IN GENERAL.—The system for assigning ratings under paragraph (2)(B) shall be—

(i) subject to the guidance and instructions issued by the Secretary to existing uniform categorization systems to inform the annual budget process and agency requirements; and

(ii) subject to the guidance and instructions issued by the Secretary to—

(A) fund public available information, 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 the unredacted version of the report containing the sensitive or classified information.

(g) UPDATES.—Not later than 2 years after the date on which the Act is enacted, the Secretary shall submit to the Committee on the Budget and the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives the report containing the sensitive or classified information.

(h) REPORTS.—The report submitted under subsection (a) shall—

(1) be prepared in accordance with subsection (b).

(2) INCLUSIONS.—(B) to standardize and streamline data reporting and processes across regions and areas for the purpose of maintaining reviewed works at Reclamation facilities; and

(3) includes in the report other legal agreement with the Bureau of Reclamation.

SEC. 10313. ASSET MANAGEMENT REPORT ENHANCEMENTS FOR TRANSFERRED WORKS.

(a) IN GENERAL.—The Secretary shall coordinate with the non-Federal entities reponsible for the operation or maintenance of transferred works in developing reporting requirements for Asset Management Reports with respect to major repair and rehabilitation needs for transferred works that are similar to the reporting requirements described in section 6312(b).

(b) GUIDANCE.—(1) IN GENERAL.—After considering input from water and power contractors of the Bureau of Reclamation, the Secretary shall develop and implement a rating system for transferred works that incorporates, to the maximum extent practicable, the rating system for major repair and rehabilitation needs for reserved works developed under section 6312(b)(3).

(2) UPDATES.—The Secretary shall update the rating system developed under paragraph (1) shall be included in the updated Asset Management Reports under section 6312(c).

SEC. 10314. OFFSET.

Notwithstanding any other provision of law, in the case of the project authorized by section 1617 of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h–12c), the maximum amount of the Federal share of the cost of the project under section 1631(d)(1) of that Act (43 U.S.C. 390h–12c) otherwise available as of the date of enactment of this Act shall be reduced by $2,000,000.
PART III—BASIN WATER MANAGEMENT
Subpart A—Yakima River Basin Water Enhancement

SEC. 10321. SHORT TITLE.
This subpart may be cited as the “Yakima River Basin Water Enhancement Project Phase III Act of 2016”.

SEC. 10322. MODIFICATION OF TERMS, PURPOSES, AND DEFINITIONS.
(a) MODIFICATION OF TERMS.—Title XII of Public Law 105–343 (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 SUBPART 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) a sound water management and the constructions of fish passage at storage and diversion dams, as authorized under the Hoo-fer Power Plant Act of 1964 (43 U.S.C. 619 et seq.); and
(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 proratable irrigation entities” before the semicolon at the end;
(3) by striking paragraph (4); and
(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 striking 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 1204(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) by inserting after paragraph (6) (as so redesignated)—
(A) an “increase in” before “voluntary”; and
(B) by striking “and” at the end;
(9) by redesignating paragraph (6) (as so redesignated) the following:
“(7) to encourage an increase in the use of, and reduce the barriers to, water transfers, leasing, and other voluntary transactions among public and private entities to enhance water management in the Yakima River basin;”;
(10) by 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 eco-systems, 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 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), (9), (10), (11), (12), (13), (14), (15), (16), (18), and (19), respectively;
(2) by inserting after paragraph (5) the following:
“(18) 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.
(19) INTEGRATED PLAN.—The terms ‘Integrated Plan’ and ‘Yakima River Basin Integrated Water Resource Plan’ mean the plan and activities authorized by the Yakima River Basin Water Enhancement Project, Phase III Act of 2016 and the amendments made by that subpart, to be carried out in cooperation with and in addition to activities of the State of Washington and Yakama Nation.”;
(3) by inserting after paragraph (8) (as redesignated by paragraph (1)) the following:
“(19) 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:
“(20) PAYMENT OF LOCAL SHARE BY STATE OR FEDERAL GOVERNMENT.—
(A) IN GENERAL.—The State or the Federal Government may fund not more than the 75 percent local share of the costs of the 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 subpart.
(B) USE OF CONSERVED WATER.—The Yakima Project Manager may use water resulting from conservation measures taken under this subpart 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 the following:
(1) by striking “purchase or lease” each place it appears and inserting “purchase, lease, or management”; and
SEC. 10323. YAKIMA RIVER BASIN WATER CONSERVATION PROGRAM.
Section 1203 of Public Law 103–434 (108 Stat. 4551) is amended—
(1) in subsection (a)—
(A) in paragraph (1)—
(i) in the second sentence, by striking “title” and inserting “the benefit of both the people and the fish and wildlife of the region;”;
(ii) in the third sentence, by striking “within 5 years of the date of enactment of this Act” and inserting “the benefit of both the people and the fish and wildlife of the region;”;
(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”;
(3) in paragraph (F), by striking “Department of Fish and Wildlife of the State of Washington” and inserting “Department of Fish and Wildlife of the State of Washington”;
(4) by striking paragraph (G);
(5) 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 “, and”;
(3) by 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 an member of the Conservation Advisory Group.”;
(3) in subsection (d), by adding at the end the following:
“(5) PAYMENT OF LOCAL SHARE BY STATE OR FEDERAL GOVERNMENT.—
(A) IN GENERAL.—The State or the Federal Government may fund not more than the 75 percent local share of the costs of the 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 subpart.
(B) USE OF CONSERVED WATER.—The Yakima Project Manager may use water resulting from conservation measures taken under this subpart 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 the following:
(1) 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 of or by private investment to provide improved instream flows for anadromous and resident fish and other aquatic life, including pulse flow to facilitate outward migration of anadromous fish”.

SEC. 10324. YAKIMA BASIN WATER PROJECTS, OPERATIONS, AND AUTHORIZATIONS.

(a) YAKAMA NATION PROJECTS.—Section 1204 of Public Law 103–434 (108 Stat. 4555) is amended—

(1) in subsection (a)(2), in the first sentence, by striking “not more than $23,000,000” and inserting “not more than $100,000,000”; and

(2) in subsection (g)—

(A) by striking the subsection heading and inserting “REDESIGNATION OF YAKAMA INDIAN NATION TO YAKAMA NATION.”;

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

“(1) REDESIGNATION.—The Confederated Tribes and Bands of the Yakama Nation and the Yakama Nation (as designated as the "Confederated Tribes and Bands of the Yakama Nation."); and

(C) in paragraph (2), by striking “‘In stream flows for use by the Yakima Project Manager as flushing flows or as other wise’” and inserting “‘instream flows for use by the Yakima Project Manager as flushing flows or as other wise’”.

(B) OPRATION OF YAKIMA BASIN TRIBUTARIES.—Section 1205 of Public Law 103–434 (108 Stat. 4559) is amended—

(1) in subsection (a)(2), in the first sentence, by striking “$5,000,000” and inserting “$200,000”.

(2) in subsection (g)—

(A) in paragraph (1)—

(i) by striking the paragraph designation and all that follows through “(but not limited to)” and inserting “(1) A

(ii) in subparagraph (A), by striking “‘goals’” and inserting “‘goals’”;

(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 “(1) A

(ii) in subparagraph (C), by inserting “‘nonparticipating’ before ‘tributary water users’”;

(4) in subsection (c) by striking the second sentence.

(C) in paragraph (2) through (F) as subparagraphs (E) through (H), respectively;

(D) by inserting after subparagraph (B) the following:

“(ii) by redesignating subparagraphs (C) and (D) as subparagraphs (E) and (F), respectively;

(E) by inserting “be the Kittitas Reclamation District or the Kittitas Tieton Irrigation District, subject to the availability of appropriations, shall implement the Integrated Plan as Phase III of the Yakima River Basin Water Enhancement Project.”

SEC. 10325. AUTHORIZATION OF PHASE III OF YAKIMA RIVER BASIN WATER ENHANCEMENT PROJECT.

Title XII of Public Law 103–434 (108 Stat. 4550) is amended by adding at the end the following:

“SEC. 1213. AUTHORIZATION OF THE INTEGRATED PLAN AS PHASE III OF YAKIMA RIVER BASIN WATER ENHANCEMENT PROJECT.

“(a) IN GENERAL.—The Secretary, in coordination with the State of Washington and the Yakama Nation and subject to feasibility studies, environmental reviews, and the availability of appropriations, shall implement the Integrated Plan as Phase III of the Yakima River Basin Water Enhancement Project in accordance with this section and applicable laws.

“(b) INITIAL DEVELOPMENT PHASE OF THE INTEGRATED PLAN.—

“(1) 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) 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 1983 (43 U.S.C. 619 et seq.) at Cle Elum Dam and the 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 coordinate 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, coordinate between Bureaus of the Department of the Interior and with the heads of other Federal agencies to negotiate agreements concerning leases, easements-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 Kacheles Reservoir to Kachess Reservoir for purposes of improving operations for the benefit of 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 conservation 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 ground water and surface water storage), conservation, and other voluntary transactions among public and private entities in the Yakima River basin;

(v) provide water technical assistance, including scientific data and market information; and

(iii) negotiating agreements that would facilitate water transfers between entities, including as appropriate, the use of federally managed infrastructure; and

(vi) enter into cooperative agreements with entities to achieve the minimum non-Federal cost-sharing requirement of 50 percent, make grants to, the Yakama Nation, the State of Washington, Yakima River basin irrigation districts, conservation districts, other local governmental entities, nonprofit organizations, and land owners to carry out this title under such terms and conditions that the Secretary may require, including the following purposes:

(I) Land and water transfers, leases, and acquisitions from willing participants, so long as the entity shall be responsible for any and all required operations, maintenance, and management of that land and water.

(ii) develop criteria to 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 identified 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.

(G) 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 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 plan 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.

(D) CONTINUITY.—The implementation by the Secretary of projects and activities identified for implementation under the Integrated Plan shall be—

(I) subject to authorization and appropriation;

(ii) contingent on the completion of applicable feasibility studies, environmental reviews, and cost-benefit analyses that include favorable recommendations for further project development; and

(C) implemented on public review and a determination that, consistent with a project design, construction, and operation of a proposed project or activity is in the best interest of the public; and


(G) PROGRESS REPORT.—

(A) IN GENERAL.—Not later than 5 years after the date of enactment of this section, 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 progress report on the implementation of the Integrated Plan; and

(B) REQUIREMENTS.—The progress report shall—

(i) provide a preliminary discussion of the major water management programs identified under this paragraph shall include—

(ii) the additional stored water made available by the construction of the Yakima Project; and

(iii) the additional stored water made available by the Integrated Plan.

(2) USE OF KACHESS RESERVOIR STORED WATER.—

(A) IN GENERAL.—The additional stored water made available by the construction of the Integrated Plan shall be available for nonreimbursable to the participating proratable irrigation entities and the Yakima Project; and

(B) property titles and responsibilities of the participating proratable irrigation entities and the Yakima Project; and

(C) financial, construction, operation, and maintenance of Kachess Drought Relief Pumping Plant and K to K Pipeline.

(A) 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; and

(D) costs associated with the design, financial, construction, operation, maintenance, and mitigation of projects, with the costs of Federal oversight and review to be nonreimbursable to the participating proratable irrigation entities for the maintenance of and liability for all infrastructure constructed under this title; 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.

(A) USE OF KACHESS RESERVOIR STORED WATER.—

(A) IN GENERAL.—The additional stored water made available by the construction of the Integrated Plan to access and deliver inactive storage in Kachess Reservoir under subsection (a) of this section shall 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

(ii) the specifications 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

(iii) for water supply projects—

(a) water and costs associated with each recommended project would be allocated among authorized uses; and

(b) the allocations would be consistent with the objectives of the Integrated Plan; and

(II) provide a preliminary discussion of the major water management programs identified under this paragraph 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 of the facilities under this title under such terms and conditions to which the districts may agree, subject to the conditions that—

(B) the Bureau of Indian Affairs, the Wapato Irrigation Project, and the Yakama Nation, on an election to participate, may also obtain water from Kachess Reclamation into 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 in active storage in Kachess Reservoir is needed for the operation of the Kachess Pumping Plant constructed under this title if in

(C) Period of Availability.—Power under subparagraph (A) shall be provided until the date on 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 the 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 Power System to the Yakima River Enhancement Project 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 and shall contribute in-kind services to mitigate the impacts, as appropriate;

(H) Design and Use of Groundwater Recharge Projects.—

(I) 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—

(1) the water for the aquifer storage and recovery project is available for use, but instead for the development of the project;

(2) the aquifer storage and recovery project will not impact fish or other aquatic life in any localized stream reach.

(J) 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):—

(1) Aquifer recharge projects designed to reestablish 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.

(2) Aquifer storage and recovery projects that are designed, within a given water year or over multiple water years, to—

(a) supplement or mitigate for municipal uses;

(b) to facilitate reservoir operations in the reach of the Yakima River between Keechelus Dam and Easton Dam for the propagation of anadromous fish.

(C) DUTIES OF COMMISSIONER.—The Secretary shall not commence entering into agreements pursuant to subsection (a) or (b) or implementing any activities pursuant to the agreements before the date on which—

(1) all applicable and required feasibility studies, environmental reviews, and cost-benefit analyses are 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) or (b) 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;

(2) the Secretary has made the agreements and agreements for projects described in paragraphs (1) and (2) above, and 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.

(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.

(5) PROJECTIONS AND CONTINGENCIES.—Nothing in this section shall—

(1) be a new or supplemental benefit for purposes of the Reclamation Reform Act of 1992 (43 U.S.C. 390aa et seq.); or

(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 Roza Irrigation District, or other proratable irrigation entity participating in the construction, operation, and maintenance of the facilities under this title under such terms and conditions to which the Bureau of Indian Affairs and the Yakama Nation may agree, and

(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 Act of 1914 (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 requirements, and obligations, including those contained in this Act. That authority and discretion includes...
the ability of the United States to store, de-

er, conserve, and reuse water supplies de-

riving from projects authorized under this
title.'

Subpart B—Klamath Project Water and

Power

SEC. 10328. KLAMATH PROJECT.

(a) ADDRESSING WATER MANAGEMENT AND POWER COSTS FOR IRRIGATION.—The Klamath Basin Water Supply Enhancement Act of 2000 (Public Law 106–498; 114 Stat. 2221) is amend-
ed—

(1) by redesignating sections 4 through 6 as sections 5 through 7, respectively; and

(2) by inserting after section 3 the fol-

lowing:

''SEC. 4. POWER AND WATER MANAGEMENT.

'(a) DEFINITIONS.—In this section:

'(1) COVERED POWER USE.—The term 'cov-
ered power use' means a use of power to de-
velop or manage water for irrigation, wild-
life purposes, or drainage on land that is—

'(A) associated with the Klamath Project, in-
cluding land within a unit of the National
Wildlife Refuge System that receives water
due to the operation of Klamath Project fa-
cilities; or

'(B) irrigated by the class of users covered
by the agreement dated April 30, 1956, be-
tween the California Oregon Power Company
and Klamath Basin Water Users Protective
Association with respect to the Off Project
(as defined in the Upper Basin Comprehen-
sive Agreement entered into on April 18, 2014), only if each applicable owner and hold-
er of a possessory interest of the land is a
party to that agreement (or a successor
agreement that the Secretary determines
provide 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 Or-

gon.

'(B) INCLUSIONS.—The term 'Klamath
Project' includes any dams, canals, and
other works and interests for water diver-

sion, 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;

'(B) receive project-use power;

'(C) Water, ENVIRONMENTAL, AND POWER
ACTIVITIES.

'(1) IN GENERAL.—Pursuant to the reclama-
tion laws and subject to appropriations and
required environmental reviews, the Sec-

retary may carry out activities, including
entering into an agreement or contract or
otherwise making financial assistance available—

'(A) to plan, implement, and administer pro-
grams to align water supplies and demand
for irrigation water users associated with the
Klamath Project, with a primary empha-

sis on programs developed or endorsed by
local entities or a group of representatives of
those water users;

'(B) to plan and implement activities and
projects that—

'(i) for mitigate environmental effects of
irrigation activities; or

'(ii) restore habitats in the Klamath Basin
watershed, including restoring tribal fishery
resources and

'(C) to limit the net delivered cost of power for covered power uses.

'(2) EFFECT.—Nothing in subparagraph (A)
or (B) of paragraph (1) authorizes the Sec-

retary—

'(A) to develop or construct new facilities for
the Klamath Project with tribal River tributaries, par-

icularly through collaboratively developed
agreements;

'(B) 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 oper-

ation and maintenance of Pumping Plant D,
on the condition that the cost benefits the
United States.

'(b) CONVEYANCE OF NON-PROJECT WATER;

REPLACEMENT OF C CANAL.—

''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 Or-

gon.

'(B) INCLUSIONS.—The term ''Klamath
Project' includes any dams, canals, and
other works and interests for water diver-
sion, storage, delivery, and drainage, flood
control, and similar functions that are part
of the project described in subparagraph (A).

'(C) PERMITS.—An addition, conveyance, and use of water pursuant to
subparagraph (A) shall be subject to the re-

quirements that—

'(i) the applicable entity shall secure all
permits required under State or local laws;

'(ii) all water delivered into, or taken out
of, a Klamath Project facility pursuant to

that subparagraph shall be measured

'(C) EFFECT.—A use of non-Klamath
Project water under this paragraph shall not
result in any additional cost to the United
States.

'(D) 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 Fed-

eral (the Act of June 17, 1902 (32 Stat. 358, chapter 1093), and Acts supple-
mental to and amendatory of that Act (43 U.S.C. 71 et seq.)).

'(E) PERMITS; MEASUREMENT.—An addition,
conveyance, and use of water pursuant to
subsection (A) shall be subject to the re-

quirements that—

'(i) the applicable entity shall secure all
permits required under State or local laws;

'(ii) all water delivered into, or taken out
of, a Klamath Project facility pursuant to

that subparagraph shall be measured

'(F) EFFECT.—A use of non-Klamath
Project water under this paragraph shall not
result in any additional cost to the United
States.

''SEC. 10329. KLAMATH PROJECT.

''(1) IN GENERAL.—Pursuant to the reclama-
tion Act (16 U.S.C. 839c(b)(3)).

''(A) modifies the authorities or obligations
of the United States to convey non-Klamath
Project water for any au-

thorized purpose of the Klamath Project, subject to subparagraphs (B) and (C).

''(B) recommends actions that, in the judg-
ment of the Secretary, will 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 that 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 de-

velopment or acquisition of power genera-

tion are included, renewable energy tech-

nologies (including hydropower);

''(iii) the potential costs and timeline for the actions recommended under this sub-

paragraph;

''(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 submittal of the re-
port under paragraph (1), the Secretary shall
implement those recommendations described in the report that the Secretary determines will ensure that the net delivered power cost for covered power use is equal to or less than the power cost benchmark, subject to avail-

ability of appropriations, on the fastest prac-
ticable timeline.

''(3) ANNUAL REPORTS.—The Secretary shall
submit to each Committee described in para-
graph (1) annual reports describing progress achieved in meeting the requirements of this
subsection.

''(D) TREATMENT OF POWER PURCHASES.

''(1) IN GENERAL.—Any purchase of power by the Secretary under this section shall be
treated as an authorized sale for pur-

poses of section 5(b)(3) of the Pacific North-
west Electric Power Planning and Conserva-
tion Act (16 U.S.C. 839c(b)(3)).

''(2) EFFECT.—Nothing in this section au-

thorizes the Bonneville Power Administra-
tion to make a sale of power from the Fed-

eral Columbia Power System for rates or

terms, or conditions better than those af-

forded preference customers of the Bonne-

ville Power Administration.

''(E) GOALS.—The goals of activities under
subsections (b) and (c) shall include, as appli-

cable—

''(i) the short-term and long-term reduc-

tion and resolution of conflicts relating to

water in the Klamath Basin watershed; and

''(2) compatibility and utility for pro-

tecting natural resources throughout the
Klamath Basin watershed, including the pro-

tection, preservation, and restoration of
Klamath River tributaries, par-

icularly through collaboratively developed

agreements.
PART IV—RESERVOIR OPERATION IMPROVEMENT

SEC. 10331. RESERVOIR OPERATION IMPROVEMENT.

(a) DEFINITIONS.—In this section:

(1) RESERVED WORKS.—The term “reserved works” means any Bureau of Reclamation project facility at which the Secretary of the Interior carries out the operation and maintenance of the project facility.

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

(3) TRANSFERRED WORKS.—The term “transferred works” means a Bureau of Reclamation project facility, the operation and maintenance of which is carried out by a non-Federal entity, under the provisions of a Federal operation and maintenance transfer contract.

(4) TRANSFERRED WORKS OPERATING ENTITIES.—The term “transferred works operating entity” means the organization that is contractually responsible for operation and maintenance of transferred works.

(b) DURATION.—In this section:

(1) OPERATION AND MAINTENANCE TRANSFER CONTRACTS.—The Secretary shall enter into a Federal operation and maintenance transfer contract for transferred works regulated for flood control by the Secretary.

(2) PARTICIPATION.—The Secretary shall enter into agreements with non-Federal projects and project sponsors, as applicable, for operation and maintenance of transferred works regulated for flood control by the Secretary.

(c) FUNDING.—The Secretary shall consult with all affected interest—

(1) manual; and

(2) operation; and

(3) maintenance.

(d) PILOT PROJECTS.—(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall carry out a pilot project for each of 15 Federal projects that carried out not fewer than 15 pilot projects, if any, by the date of identification of projects described in subsection (c), if any, the Secretary shall—

(2) TRANSFERRED WORKS EXCLUDED.—This section—

(3) A revision of a water control plan and manual of the Secretary, shall—

(4) the Secretary, shall—

(5) a list of projects for which permanent changes to storage allocations have been requested.

(6) the Federal projects, to implement revisions of water operations manuals, including flood control rule curves, based on the best available science, which may include—

(i) forecast-informed operations; and

(ii) water supply benefits.

(e) COORDINATION WITH NON-FEDERAL PROJECT ENTITIES.—In a revision of a water control plan and manual, the Secretary, shall—

(f) FUNDING.—The Secretary may accept and expend amounts from non-Federal entities.

(g) REPORT.—The Secretary shall consult with the appropriate Federal and non-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—

(i) a Corps of Engineers project; and

(ii) a non-Federal project regulated for flood control by the Secretary.

PART V—HYDROELECTRIC PROJECTS

SEC. 10341. TERROR LAKE HYDROELECTRIC PROJECT UPPER HIDDEN BASIN DIVERSION AUTHORIZATION.

(a) DEFINITIONS.—In this section:

(1) TERROR LAKE HYDROELECTRIC PROJECT.—The term “Terror Lake Hydroelectric Project” means the project identified in section 1325 of the Alaska National Interest Lands Conservation Act of 2001 (16 U.S.C. 2311), and which is Federal Energy Regulatory Commission project number 2745.
SEC. 10342. STAY AND REINSTATEMENT OF FERC LICENSE NO. 11393 FOR THE MAHOGANY 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.

(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, 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).

(c) NOTICE.—On the request of the licensee or any affected party, the Commission shall issue an order containing the stay of the license.

(d) APPEAL.—An appeal of the stay issued under subsection (b) shall be made in accordance with 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 applicable project's licensee, 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.

SEC. 10344. EXTENSION OF DEADLINE FOR CERTAIN OTHER HYDROELECTRIC PROJECTS.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission (referred to in this section as the "Commission") 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, 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 a project described in subsection (a) has expired prior to the date of enactment of this Act—

(1) the Commission shall reinstate the license effective as of the date of the expiration of the extension; and

(2) the first extension authorized under subsection (a) shall take effect on that expiration date.

SEC. 10345. EQUUS BEDS DIVISION EXTENSION.

(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 12737 and 12740, the Commission, at the request of the licensee for the applicable project, may, after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section, extend the time period during which the licensee is required to commence the construction of the 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 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. 10346. EXTENSION OF TIME FOR A FEDERAL ENERGY REGULATORY COMMISSION PROJECT INVOLVING CANNONSVILLE DAM.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission (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, extend the time period during which the licensee is required to commence the 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.—If the period required for 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.

SEC. 10351. PUMPED STORAGE HYDROPOWER COMPENSATION.

Not later than 180 days after the date of enactment of this Act, the Federal Energy Regulatory Commission shall initiate a proceeding to identify and determine the market, procurement, and cost recovery mechanisms that would—

(A) encourage development of pumped storage hydropower assets; and

(B) properly compensate those for the full range of services provided to the power grid, including—

(1) balancing electricity supply and demand;

(2) ensuring grid reliability; and

(3) cost-effectively integrating intermittent power sources into the grid.

The PRESIDING OFFICER. The Senator from Alaska.

MORNING BUSINESS

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

The Senator from Alaska.

ENERGY POLICY MODERNIZATION BILL

Ms. MURKOWSKI. Mr. President. I thank my colleagues for their support of the Energy Policy Modernization Act. I think the vote we have just concluded is indicative of what I have been saying for years now, and that we have a relatively lengthy policy manual or handbook, if you will, of how I view the energy space and how we can work to advance our energy policies, but, as with so much nowadays, if you put down a 150-page book or if you have a multipage white paper, it kind of goes by the way. So I have framed my energy policy into three simple words, I don’t have it on a chart this afternoon, but it is basically pretty simple: “Energy is good.” I think that is what we have concluded with passage of the Energy Policy Modernization Act of 2016, with 85 Members supporting us in this effort.

I thank my ranking member, Senator CANTWELL, for working with me throughout this very collaborative process. The way we built this bill was not just the two of us as colleagues on the Energy Committee but working with Members on the committee across the aisle, working with other Members of this body in a very open and transparent manner. And it was the outreach we did with numerous listening sessions and the administration.